



COMMONS REGISTRATION ACT 1965
DECISION (UNCLIMBED LAND)

Reference No 45/U/335

In the Matter of Land in Marsh
Oxenhope Bradford City Council

DECISION

This reference relates to the question of the ownership of land known as land in Marsh Oxenhope Bradford City Council being the land comprised in the Land Section of Register Unit No CL 601 in the Register of Common Land maintained by the former West Riding County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mrs Feather claimed to be the owner of part and Mr F R Scholefield claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bradford on 26 January 1978. Mr W D Hamilton of Messrs Last Peters appeared for Mrs Feather. Mr F R Scholefield appeared in person and Mr M Field appeared for Bradford City Council.

Mr Hamilton produced the necessary planning permission for Mrs Feather's garage given in 1957 and he said it was built in that year, and has been there ever since and he produced an extract from an OS map annexed to this decision. On this evidence I am satisfied that Mrs Feather has acquired a possessory title to her said garage, and a right of way for access to it.

As regards the remainder of the land the title thereto is then undistinguishable from that to the land Unit No CL 578 the subject of my decision on Reference No 45/U/328.

It appears from the said plan and I was told it is the fact that there are other garages on the land, but in the absence of any claims for ownership thereof I must accept Mr Scholefield title to the whole of the remainder of the land.

On this evidence I am satisfied that Mrs Feather is the owner of the said garage and Mr Scholefield is the owner of the remainder of the land, and I shall accordingly direct the West Yorkshire County Council, as registration authority, to register Mrs Feather as the owner of the said garage and Mr Scholefield as the owner of the remainder of the land under section 3(2) of the Act of 1965.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

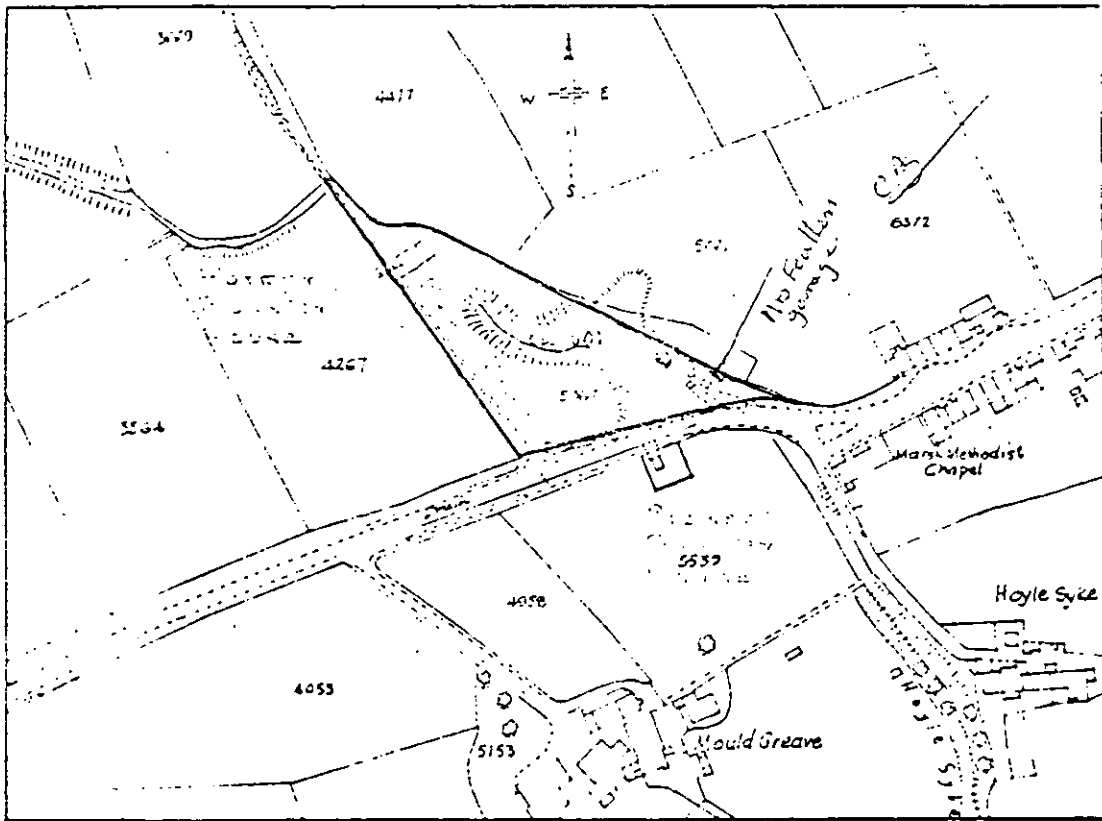
Dated this

17th

day of February 1978

C. A. Seftle

~~Chairman~~ Commons Commissioner



KEY PLAN scale: 1:2500