



COMMONS REGISTRATION ACT 1965

Reference No 87/U/4

In the Matter of Part of a piece of land off  
Shadwell Lane Leeds known as Dan Quarry  
Leeds City Council

DECISION

This reference relates to the question of the ownership of land known as part of a piece of land off Shadwell Lane Leeds known as Dan Quarry being the part of the land comprised in the Land Section of Register Unit No CL 3 in the Register of Common Land maintained by the former Leeds County Borough 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 Leeds City Council 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 24 March 1978. Mr Cowling appeared for Leeds City Council and Mrs P T Wild a local resident also appeared.

The Ownership Section of the Register shows a claim to ownership by Mr P A H Hartley to a part of this Unit as being provisional. There has however been no objection to Mr Hartleys registration which must therefore be final and should be so recorded in the Register and I treat this reference as relating to that part of the quarry not now owned by Mr Hartley.

The quarry was by the Shadwell Enclosure award of 1807 allotted and awarded as a proper case for getting stones, gravel and sand for the building and repairing of houses and buildings and for the repairs of the several roads within the said manor and Township of Shadwell, at all times thereafter to be used for these purposes.

The quarry has long since ceased to be used for the said purposes and the Leeds Corporation assumed that it succeeded to the ownership thereof and in 1951 appropriated it to its Parks Department which since that time has had it under its control and supervision. The extent of that control and supervision is not clear since Leeds City Council now takes the view that Mr Hartley has acquired a "squatters title" by virtue of having extended his garden fence into the quarry more than 12 years ago.

The remote history of this quarry is obscure and Leeds title to the land is open to doubt and the alternatives open to me are to place the land under protection under Section 7 or ~~or~~ to accept the City of Leeds claim to ownership. The fact is that the City of Leeds is the only authority capable of protecting the land and the convenient course is to accept its claim to ownership subject to the trusts for the inhabitants of Shadwell.

Mrs Wild resents Mr Hartleys encroachment on to the quarry. Mr Hartley's registration as the owner of the land he has fenced is not conclusive evidence of his ownership and it is open to Leeds or the inhabitants of Shadwell to challenge that ownership in the Courts, and the land he claims is common land. In the absence of any objection to Mr Hartleys claim to ownership it would be wrong for me to express any view as to the merits of that claim.



I shall accordingly direct the West Yorkshire County Council, as registration authority, to register Leeds City Council as the owner of the land under Section 8 (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 2<sup>nd</sup> day of March 1978

*G. A. Sefton*

Commons Commissioner.