

## **NORTH YORKSHIRE COUNTY COUNCIL**

### **COMMONS ACT 2006 — SCHEDULE 2, PARAGRAPH 2**

#### **Notice of an application to register new land as an addition to common land at Courby Hill, West Tanfield.**

**Application Reference Number: CA13 023**

#### **Courby and The Green (CL30)**

Application has been made to the North Yorkshire County Council by The Open Spaces Society under Schedule 2(2) of the Commons Act 2006 and in accordance with the Commons Registration (England) Regulations 2014 for the amendment of the Register of Common Land.

The application, which includes documentary evidence, can be viewed at:  
<https://www.northyorks.gov.uk/common-land-applications-and-decision-notice>

or you can request a copy by contacting the Commons Registration Officer: -

email: [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk) ,

telephone: 01609 534753

or write to: North Yorkshire County Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

Any person wishing to make a representation regarding this amendment:

- should quote the Application No. CA13 023
- must state the name and postal address of the person making the representation and the nature of that person's interest (if any) in any land affected by the application.
- may include an e-mail address of the person making the representation
- must be signed by the person making the representation
- must state the grounds on which the representation is made
- should send the representation to: Commons Registration Officer, Commons Registration North Yorkshire County Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to [commons.registration@northyorks.gov.uk](mailto:commons.registration@northyorks.gov.uk) on or before 3 June 2021.

Representations cannot be treated as confidential, and a copy will be sent to the applicant in accordance with Regulation 25 of the 2014 Regulations. Should the application be referred to the Planning Inspectorate for determination, in accordance with Regulation 26 of the 2014 Regulations, any representations will be forwarded to the Planning Inspectorate.

A summary of the effect of the application (if granted) is as follows: the Registration Authority will register the application land as common land.

Dated: 14 April 2021

Karl Battersby

Corporate Director – Business and Environmental Services  
North Yorkshire County Council

#### **Schedule**

#### **Description of the land seeking to be registered as common land**

**Courby Hill, West Tanfield, as edged red on the notice plan.**



**COMMONS ACT 2006**

**CA13 APPLICATION (Ref. No. CA13 023) SEEKING TO REGISTER LAND AS COMMON LAND AT COURBY HILL, WEST TANFIELD LOCATION PLAN**

**NOTICE PLAN**



Existing common land

## Commons Act 2006: Schedule 2

# Application to correct non-registration or mistaken registration

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**This section is for office use only**

Official stamp

<p>COMMONS ACT 2006 NORTH YORKSHIRE COUNTY COUNCIL REGISTRATION AUTHORITY DATE: 30 March 2021</p>
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Application number

CA13 023
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Register unit number  
allocated at registration  
(for missed commons  
only)

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Applicants are advised to read 'Part 1 of the Commons Act 2006: Guidance to applicants' and to note:

- Any person can apply under Schedule 2 to the Commons Act 2006.
- All applicants should complete boxes 1-10.
- Applications must be submitted by a prescribed deadline. From that date onwards no further applications can be submitted. Ask the registration authority for details.
- You will be required to pay a fee unless your application is submitted under paragraph 2, 3, 4 or 5 of Schedule 2. Ask the registration authority for details. You would have to pay a separate fee should your application relate to any of paragraphs 6 to 9 of Schedule 2 and be referred to the Planning Inspectorate.

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**Note 1**

*Insert name  
of commons  
registration  
authority.*

**1. Commons Registration Authority**

To the: North Yorkshire County Council

Tick the box to confirm that you have:

enclosed the appropriate fee for this application:

or

have applied under paragraph 2, 3, 4 or 5, so no fee has been enclosed:

**Note 2**

*If there is more than one applicant, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association. If you supply an email address in the box provided, you may receive communications from the registration authority or other persons (e.g. objectors) via email. If box 3 is not completed all correspondence and notices will be sent to the first named applicant.*

**Note 3**

*This box should be completed if a representative, e.g. a solicitor, is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here. If you supply an email address in the box provided, the representative may receive communications from the registration authority or other persons (e.g. objectors) via email.*

**2. Name and address of the applicant**

Name:

The Open Spaces Society

Postal address:

25a Bell Street  
Henley-on-Thames  
Oxfordshire

Postcode RG9 2BA

Telephone number:

Fax number:

E-mail address:

**3. Name and address of representative, if any**

Name:

Tom Hannis

Firm:

Landman LLP

Postal address:

1b Oaklands Court  
Tiverton Way  
Tiverton Business Park  
Tiverton  
Devon

Postcode EX16 6TG

Telephone number:

Fax number:

E-mail address:

**Note 4**

For further details of the requirements of an application refer to Schedule 4, paragraph 14 to the Commons Registration (England) Regulations 2014.

**4. Basis of application for correction and qualifying criteria**

Tick one of the following boxes to indicate the purpose for which you are applying under Schedule 2 of the Commons Act 2006.

- To register land as common land (paragraph 2):
- To register land as a town or village green (paragraph 3):
- To register waste land of a manor as common land (paragraph 4):
- To deregister common land as a town or village green (paragraph 5):
- To deregister a building wrongly registered as common land (paragraph 6):
- To deregister any other land wrongly registered as common land (paragraph 7):
- To deregister a building wrongly registered as town or village green (paragraph 8):
- To deregister any other land wrongly registered as town or village green (paragraph 9):

For waste land of a manor (paragraph 4), tick one of the following boxes to indicate why the provisional registration was cancelled.

- The Commons Commissioner refused to confirm the registration having determined that the land was no longer part of a manor (paragraph 4(3)):
- The Commons Commissioner had determined that the land was not subject to rights of common but did not consider whether it was waste land of a manor (paragraph 4(4)):
- The applicant requested or agreed to cancel the application (whether before or after its referral to a Commons Commissioner) (paragraph 4(5)):

Please specify the register unit number(s) (if any) to which this application relates:

CL 30

**Note 5**

Explain why the land should be registered or, as the case may be, deregistered.

**5. Description of the reason for applying to correct the register:**

The application land is subject to a Deed of Declaration made by the lord of the manor of West Tanfield under section 193(2) of the Law of Property Act 1925 made on 5 July 1929. Within the Deed, the land was referred to as "the Common Lands known as Courby Hill". The extent of the common was defined by a plan adopted by the Deed. Copies of the Deed and plan are filed in the National Archives under reference MAF 3/141. The area of application land was included within the plan adopted by the 1929 Deed and, therefore, was identified as common land and so qualifies for registration under paragraph 2 of Schedule 2 to the Commons Act 2006. The application land qualifies for registration under paragraph 2 being land which meets the criteria in sub-paragraph (2)(a), (2)(b)(iv) and (2)(c), and which, further to sub-paragraph (2)(d), does not trigger the requirement specified in paragraph 14(3) of the Commons Registration (England) Regulations 2014, in that none of the application land is covered by a building or is within the curtilage of a building. The land satisfies the criterion in sub-paragraph (2)(b)(iv), being 'otherwise recognised or designated as common land by or under an enactment', by virtue of being recognised as common land in the Deed of Declaration.

**Note 6**

*You must provide an Ordnance map of the land relevant to your application. The relevant area must be hatched in blue. The map must be at a scale of at least 1:2,500, or 1:10,560 if the land is wholly or predominantly moorland. Give a grid reference or other identifying detail.*

**Note 7**

*This can include any written declarations sent to the applicant (i.e. a letter), and any such declaration made on the form itself.*

*If your application is to register common land or a town or village green and part of the land is covered by a building or is within the curtilage of a building, you will need to obtain the consent of the landowner.*

**6. Description of land**

Name by which the land is usually known:

Courby Hill

Location:

The application land is located west of the village of West Tanfield. The application land is located approximately on grid reference SE262789.

Tick the box to confirm that you have attached an Ordnance map of the land:

**7. Declarations of consent**

No consent is required. See paragraph 2 of Section 5 above. None of the application land is covered by a building or within the curtilage of a building. The requirement for consent specified in paragraph 14(3) of Schedule 4 to the Commons Registration (England) Regulations 2014 does not apply for this reason.

**Note 8**

*List all supporting documents and maps accompanying the application, including if relevant any written consents. This will include a copy of any relevant enactment referred to in paragraphs 2(2)(b) or 3(2) (a) of Schedule 2 to the Commons Act 2006 or, in relation to paragraph 4 (waste land of a manor) evidence which shows why the provisional registration was cancelled. There is no need to submit copies of documents issued by the registration authority or to which it was a party but they should still be listed. Use a separate sheet if necessary.*

**8. Supporting documentation**

1. Copy of the 'Deed of Declaration' made by the Lord of the Manor on 5 July 1929.
2. Copy of the plan that accompanied the deed of declaration, referred to in the deed.
3. An Ordnance Survey application plan for the land: the land already registered as common land is shown shaded green; the land omitted from registration, subject of this application and mentioned in section 5 above is shown shaded in blue.

**Note 9**

List any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

**9. Any other information relating to the application**

The applicant requests, and intends, that if the application is granted, rights of common currently exercisable over the adjoining registered common land shall become exercisable over the application land, and that the appropriate amendment accordingly should be made to the register.

**Note 10**

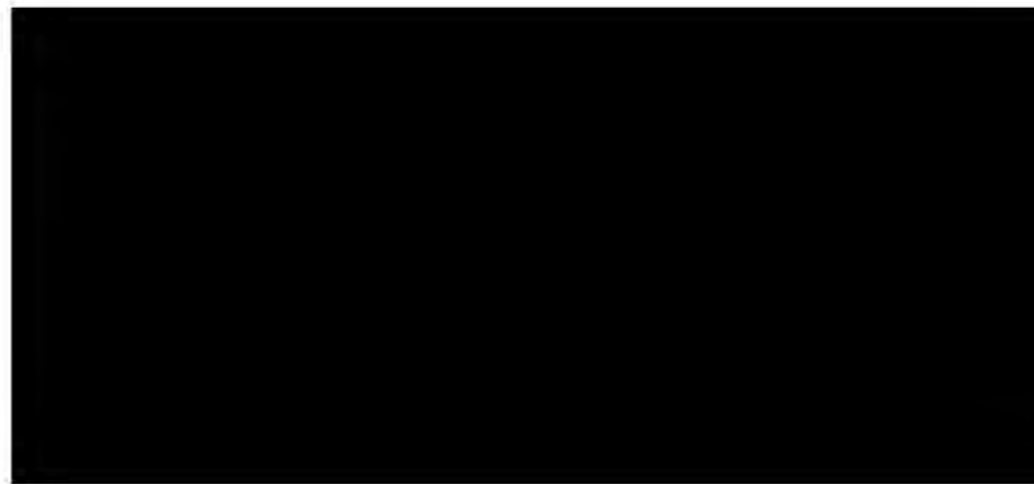
The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.

**10. Signature**

Date:

30 March 2021

Signatures:

**REMINDER TO APPLICANT**

**You are responsible for telling the truth in presenting the application and accompanying evidence. You may commit a criminal offence if you deliberately provide misleading or untrue evidence and if you do so you may be prosecuted.**

**You are advised to keep a copy of the application and all associated documentation.**

**Data Protection Act 1998**

*The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the commons registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.*

*A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.*





Land currently registered as common land.



The land shaded blue is the land referred to in the application. This land is subject to a Deed of Declaration made under section 193 of the Law of Property Act 1925.



**Landman LLP**

ON BEHALF OF



1b Oaklands Court, Tiverton Business Park,  
Tiverton, Devon, EX16 6TG  
T: 01884 212380

Client  
Open Spaces Society

Site: Grid Ref. SE 262 789

Courby Hill  
West Tanfield  
Ripon  
HG4 5JH

Project  
Commons Act 2006,  
Schedule 2, Paragraph 2

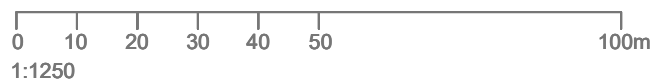
Title  
Application Plan: Courby Hill

Drawing No. 1 Issue:

Scale 1:1250 when printed at A3

Date 30 March 2021

Copyright Landman LLP  
Ordnance Survey Crown Copyright 2021  
OS Licence No. 100022432  
E&O.E  
For submission with CA13 registration application.



Dated 5<sup>th</sup> July 1929.

Re The Manor of West Tanfield.

## Deed of Declaration


— by —

William Denby Aston Esquire  
Lord of the said Manor applying  
Section 193(2) of the Law of  
Property Act 1925 to the Common  
Lands known as Courby Hill  
until revoked by Deed.

I do hereby certify that this deed has been deposited with  
the Minister of Agriculture and Fisheries under sub-section (2)  
of section 195 of the Law of Property Act 1925 this  
17<sup>th</sup> day of September 1929.

IN WITNESS whereof the Official Seal of the said  
Minister is hereunto affixed.

  
Ripon.

  
Authorised by the Minister.

SHAW & SONS LTD.  
Law Stationers &c.  
FETTER LANE,  
LONDON, E.C.4.

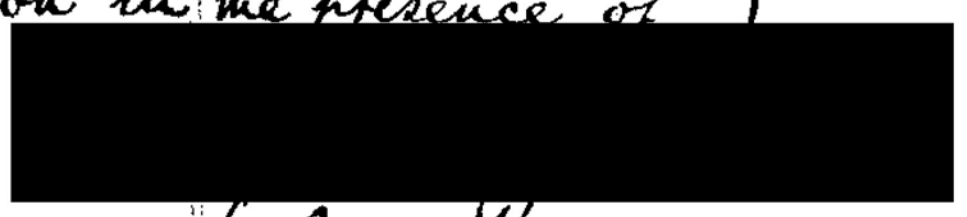


**This** Deed of Declaration made the Fifth day of July one thousand nine hundred and twenty nine by William Denby Atton of Steningford Park Ripon in the County of York Esquire (hereinafter called "the Declarant") **Whereas** by an Indenture dated the eighteenth day of October one thousand nine hundred and nine the Manor of West Tanfield in the said County of York and the Dignity or Title of Feodary or Lord of Manor of West Tanfield became vested in the Declarant and his assigns during his life with divers remainders over **And whereas** certain Common Lands known as Courby Hill situate in the Parish of West Tanfield in the said County of York are parcel of the said Manor which Common Lands are more particularly described in the Schedule hereto and delineated upon the Plan annexed hereto and coloured pink **And whereas** the Declarant as Lord of the said Manor is empowered by section 193(2) of the Law of Property Act 1925 to declare by deed revocable or irrevocable that the Section 193 of the said Act shall apply to the said Common Lands **Now this Deed witnesses** and the Declarant hereby declares that section 193 of the said Act shall apply to the said Common Lands from the date hereof and until this Deed shall by Deed be revoked by the Declarant or his Successors to the title of Feodary or Lord of the said Manor or entitled to the soil of the said Common Lands **In witness** whereof the said Declarant has hereunto set his hand and seal the day and year first herein written.

**The Schedule** above referred to.

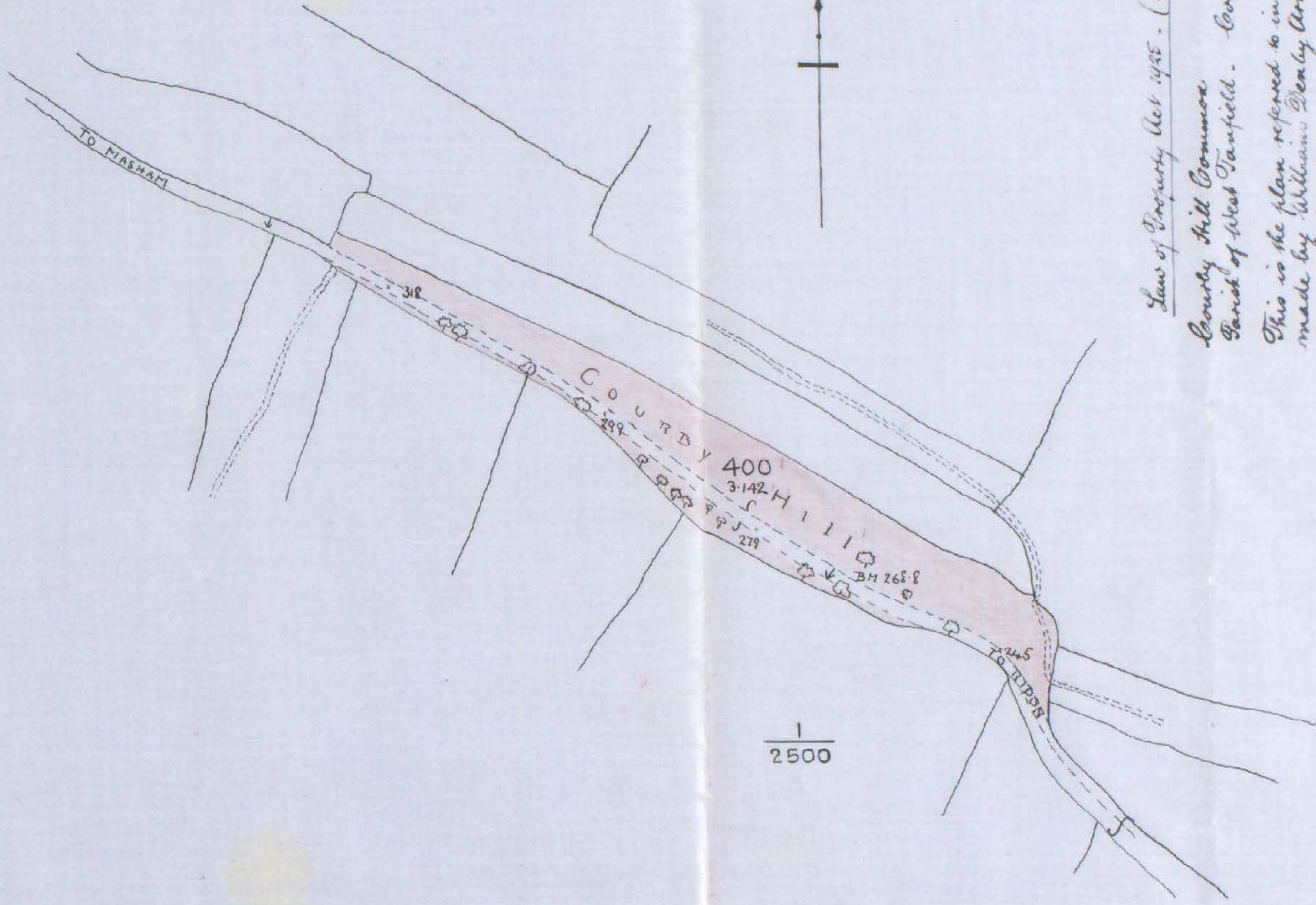
Number on Ordnance Map	Name	Description	Acreage acres
400.	Courby Hill	Common Land	3.142

Signed sealed and delivered  
by the said William Denby  
Atton in the presence of



Solv. Ripon





Law of Property Act 1925. (Section 193.(2))

*Courdy Hill Common  
Parish of West Tanfield. County of York.*

*This is the plan referred to in the deed of declaration made by William Denby Arton dated the fifth day of July 1929.*

*The pink colour [redacted] includes the whole of the limits, ponds, paths and streams forming part of the common, but is not intended to include any boundary ditches forming parts of adjoining properties.*



# Register of COMMON LAND

COMMONS REGISTRATION ACT 1965  
NORTH RIDING COUNTY COUNCIL  
REGISTRATION AUTHORITY  
12 DEC 1967  
Date.....

Register unit No. C.L. 30  
Edition No.

See Overleaf  
for Notes

LAND SECTION—Sheet No. 1

No. and date of entry	Description of the land, reference to the register map, registration particulars etc.
<p>1 12th Dec., 1967</p> <p>(See entry No. <u>2</u> below)</p>	<p>Pieces of land known as "Courby" and "The Green", West Tanfield, in the Parish of West Tanfield and marked with a green verge line inside the boundary on Sheet 65B of the Register Map. (6" Ordnance Survey Sheet SE 27 NE) and distinguished by the number of this register unit. Registered pursuant to Application No. 69 made 25th May, 1967 by the West Tanfield Parish Council through their Clerk, Mrs. E.M. Stothard, West Tanfield, Ripon. (Registration Provisional)</p>
<p>(See entry 2 16th Feb. 1971)</p>	<p>The registration at Entry No. 1 above being undisputed, became final on the 1st October, 1970.</p>

NOTE: This section contains the registration of every person registered under the Act as owner of any of the land described in the land section of this register unit. It does not contain any registration in respect of land of which the freehold is registered under the Land Registration Acts 1925 and 1936, but the absence from this section of a registration in respect of any land described in the land section does not necessarily indicate that the freehold of that land is registered under those Acts.

Registration authority  
North Riding County Council

Register unit No. CL.30  
Edition No. 1

# Register of Common Land

See Overleaf  
for Notes

OWNERSHIP SECTION—Sheet No. 1

1 <i>No. and date of entry</i>	2 <i>No. and date of application</i>	3 <i>Name and Address of person registered as owner</i>	4 <i>Particulars of the land to which the registration applies</i>
1 11th October 1977		Margaret Elaine Bourne-Arton, Tanfield Lodge, West Tanfield.	The whole of the land comprised in this register unit.
The above registration was made in pursuance of Section 8(2) of the Commons Registration Act 1965, in accordance with a Direction dated 4th October 1977, made by G.D. Squibb, Chief Commons Commissioner (Ref: 268/U/178)			



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