

NORTH YORKSHIRE COUNCIL

COMMONS ACT 2006 — SECTION 8

Notice of an application for apportionment of rights of common

Application Reference Number: CA3 009

Bishopdale Edge (CL41) – Right Entry 32

To every reputed owner, lessee, tenant or occupier of any part of the land described below, and to all others whom it may concern.

Application has been made to North Yorkshire Council by Andrew David Whitell and Ashleigh Moorhouse under Section 8 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: [Common land applications and decision notices | North Yorkshire Council](#) or may be inspected by appointment at the following location between the hours of 9.00am and 4.00pm :- North Yorkshire Council, Commons Registration, County Hall, Northallerton, North Yorkshire DL7 8AD

You can request a copy of the notice by contacting the Commons Registration Officer:-
email: commons.registration@northyorks.gov.uk , telephone 01609 534753

or write to: North Yorkshire 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. CA3 009
- 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 Council, County Hall, Northallerton, North Yorkshire DL7 8AD or e-mail to commons.registration@northyorks.gov.uk on or before 5 September 2023.

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 amend the Register for unit number CL41 by amending right entry 32 to show an apportionment of the rights of common.

Dated: 17 July 2023

Karl Battersby

Corporate Director Environment
North Yorkshire Council

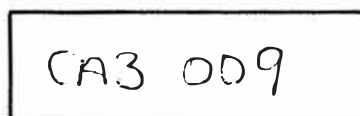
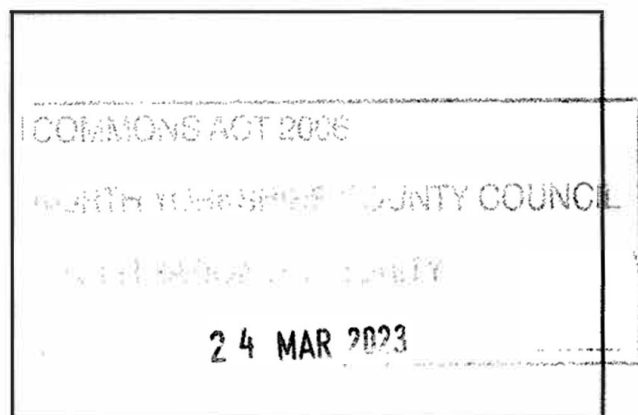
Commons Act 2006: section 8

Application for apportionment of rights of common

This section is for office use only

Official stamp

Application number



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

- All applicants should complete boxes 1-10.
- Where an application made under section 8 to the Commons Act 2006 is consequent to a "primary application" to amend the register (see Schedule 4, paragraph 3(1) to the Commons Registration (England) Regulations 2014, e.g. to vary part of a right), the primary application must be submitted together with this application to apportion the right.
- Only the following persons can apply under section 8: the person (or persons) who also makes a primary application, or the owner of any part of the land to which the right is attached: two or more owners of the land can make a joint application to apportion the right.
- You will be required to pay a fee for your application. Ask the registration authority for details. You would have to pay a separate fee should your application be referred to the Planning Inspectorate.

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:



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:

Andrew David Whitell + Ashleigh Moorhouse

Postal address:

Ribba Aall Farm
Bishopdale
Leysburn
North Yorkshire

Postcode DL8 3TG

Telephone number:

Fax number:

E-mail address:

3. Name and address of representative, if any

Name:

Joanna Townley

Firm:

HBW Surveyors Ltd.

Postal address:

Skipton Auction Mart
Carrgrave Road
Skipton
North Yorkshire

Postcode BD23 1UD

Telephone number:

Fax number:

E-mail address:

Note 4

For further details of the requirements of an application refer to Schedule 4, paragraph 3 to the Commons Registration (England) Regulations 2014.

4. Basis of application for registration and qualifying criteria

Tick one of the following boxes to indicate your capacity to apply.

I (or we) made the primary application:

☐

or

I (or we) own part or parts of the land to which the right is attached:

☒

Tick one of the following boxes to indicate the section of the Commons Act 2006 under which the primary application, if any, was made.

Section 7 (variation of a right):

☐

Section 11 (re-allocation of rights attached to a property):

☐

Section 13 (surrender or extinguishment of a right):

☐

Section 14 (statutory disposition) and paragraph 8 of Schedule 4 to the 2014 Regulations:

☐

Schedule 1, paragraph 1(6)(b) (severance by transfer to public body):

☐

Schedule 1, paragraph 3(7)(b) (severance by order):

☐**Note 5**

Specify the right to be apportioned and the rateable apportionment of the right.

5. Identification of the right and the apportionment

Specify the register unit number to which this application relates:

CL41 - Bishopdale Edge

Specify the registered rights entry number to which this application relates:

Entry number 32 (12 November 1998)

Description of the right to be apportioned:

To graze Sheep + lambs to a limit of 69 goats over the whole of the land comprised in this register unit. (1 goat = 1 sheep or 3 lambs).

Calculation of the rateable apportionment of the right:

Total area = 91.8 ha = 69 rights
Applicants purchased area = 84.4 ha = 63.43 (63) rights
Mr Gwy's remainder = 7.41 ha = 5.56 (5) rights

Note 6

The accompanying Ordnance map of the area of land to which the right will be attached must be at a scale of at least 1:10,560 and show both the area(s) of land owned by the applicant(s), and the remaining part of the land, by means of distinctive colourings within accurately identified boundaries. Give grid reference or other identifying detail.

6. Description of the land to which the right is attached

Name by which the land is usually known:

Ribba Hall Farm

Location:

Bishopdale

Describe the area of the part(s) of the land in the ownership of the applicant(s) (including details of that ownership):

Ribba Hall Farm - LR number → NYK307647

Describe the area of any remaining part of the dominant tenement and details of its ownership:

The land in the retained ownership of Mr Guy → LR number NYK475860
'Underscar, Bishopdale Leybwn' OLS3TG

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

**Note 7**

Describe the details of the primary application, if relevant.

7. Description of the primary application (if any) to which this application relates

Describe the primary application, and why the right must be apportioned:

N/A

Note 8

List all supporting documents and maps which accompany the application, including evidence of your capacity to apply. 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

LR plan - N4K307647

Official copy of the register of title - N4K307647

LR colourcoded plan - apportionment

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

N/A

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:

16/03/23

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.



Official copy of register of title

Title number NYK307647

Edition date 09.01.2015

- This official copy shows the entries in the register of title on 16 February 2023 at 13:22:39.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 16 February 2023.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title, see www.gov.uk/land-registry.
- This title is dealt with by HM Land Registry Durham Office.

A: Property register

This register describes the land and estate comprised in the title.

NORTH YORKSHIRE : RICHMONDSHIRE

- 1 (06.05.2005) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Ribba Hall Farm, Bishopdale, Leyburn (DL8 3TG).
- 2 (06.05.2005) The land has the benefit of the rights granted by but is subject to the rights reserved by a Conveyance of the land in this title and other land dated 3 June 1943 made between (1) John Metcalfe Spensley and (2) Kenneth Pyman Bell.
NOTE: Copy filed.
- 3 (06.05.2005) The land has the benefit of the rights granted by but is subject to the rights reserved by a Conveyance of the land in this title and other land dated 6 May 1960 made between (1) Kenneth Pyman Bell and (2) John Spensley Guy.
NOTE: Copy filed.
- 4 (09.01.2015) The registered proprietor claims that the land has the benefit of a right of way with or without vehicles over the land tinted brown on the title plan. The right claimed is not included in this registration. The claim is supported by statements of truth made on 12 December 2014 and 17 December 2014 by Ian Thomas Guy.

NOTE: Copies filed.



B: Proprietorship register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

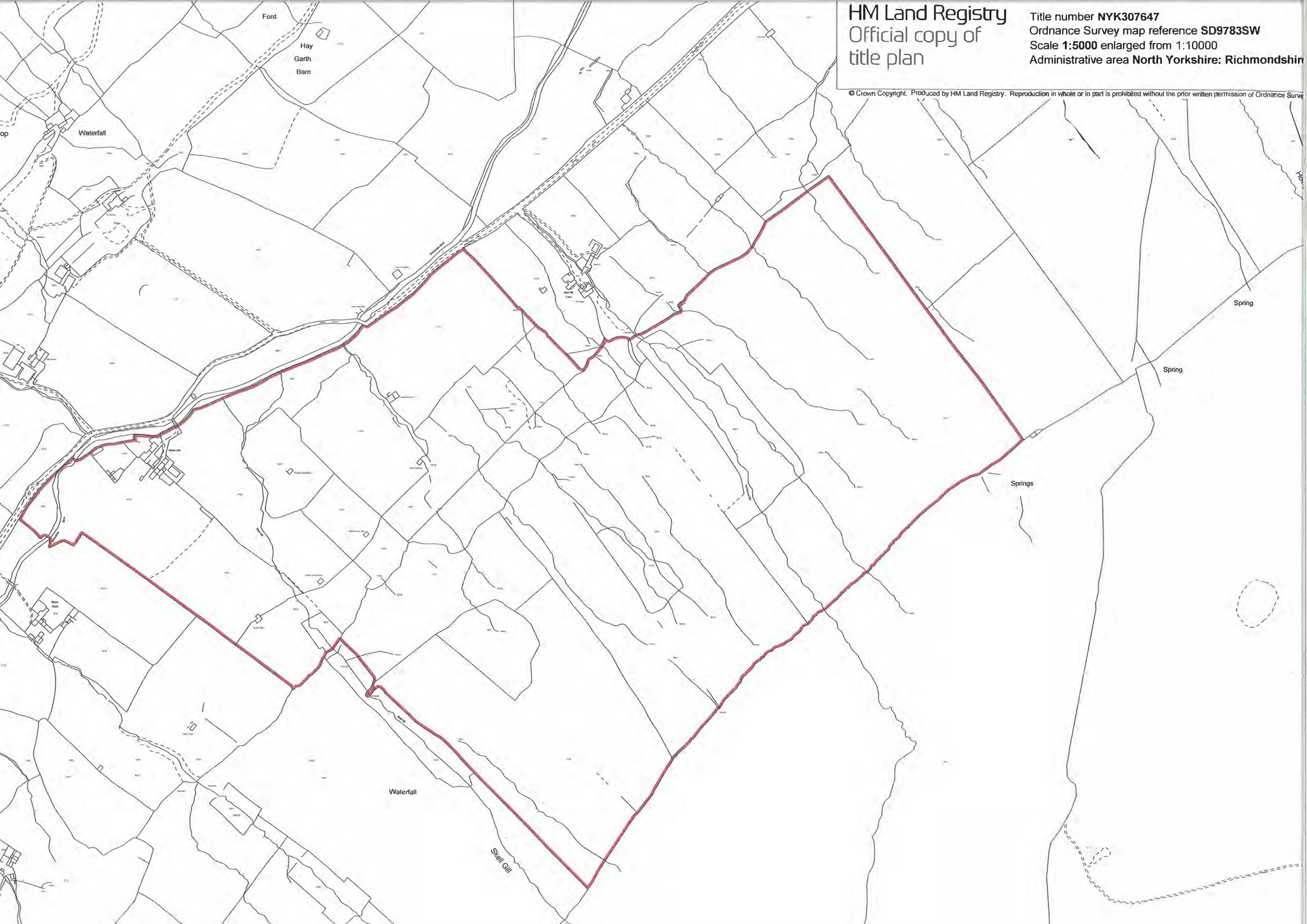
- 1 (09.01.2015) PROPRIETOR: ANDREW DAVID WHITEELL and ASHLEIGH MOORHOUSE of Ribba Hall Farm, Bishopdale, Leyburn DL8 3TG.
- 2 (09.01.2015) The price stated to have been paid on 23 December 2014 for the land in this title and in title NYK313740 was £900,000.
- 3 (09.01.2015) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

End of register

HM Land Registry
Official copy of
title plan

Title number **NYK307647**
Ordnance Survey map reference **SD9783SW**
Scale **1:5000** enlarged from 1:10000
Administrative area **North Yorkshire: Richmondshire**

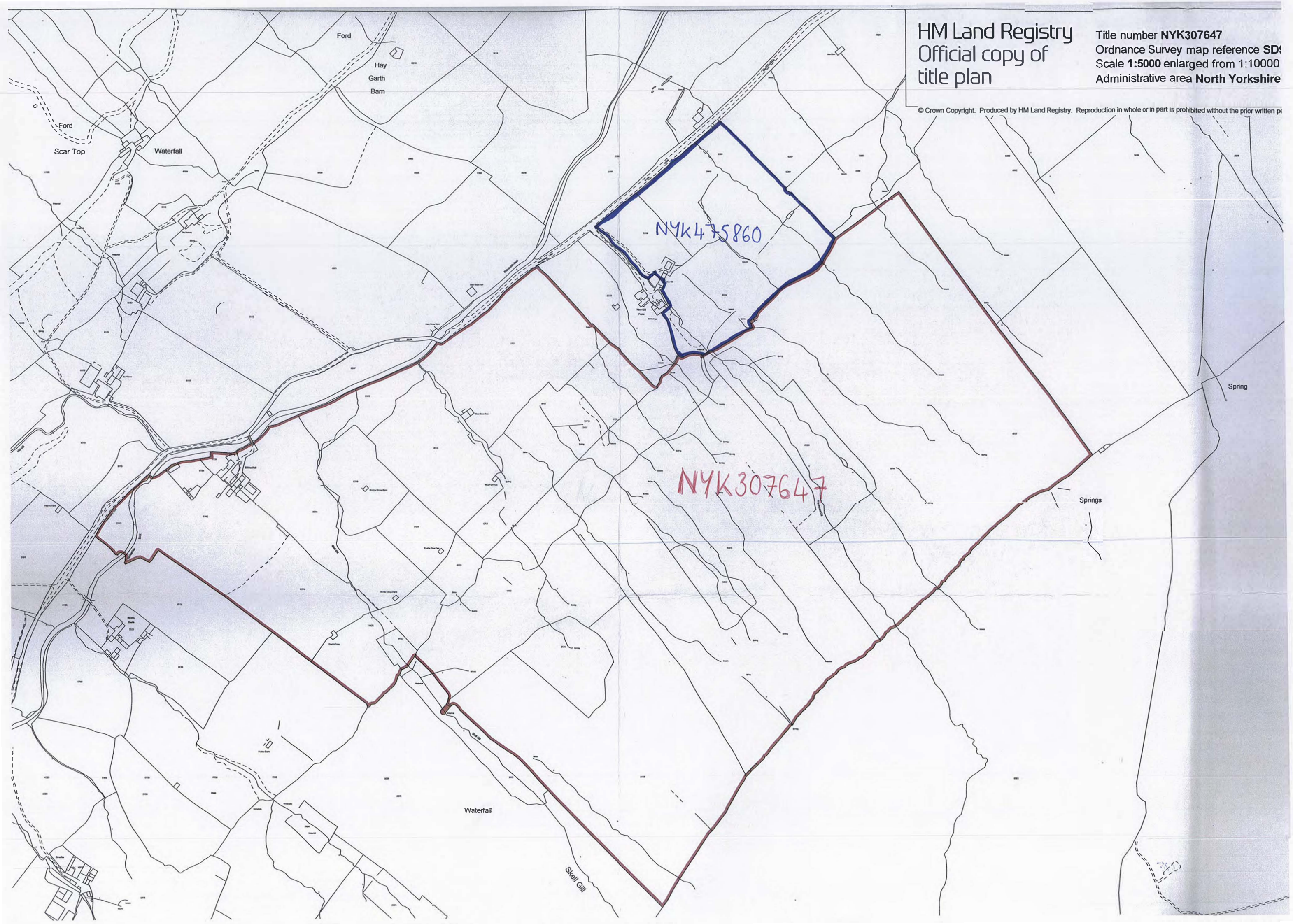
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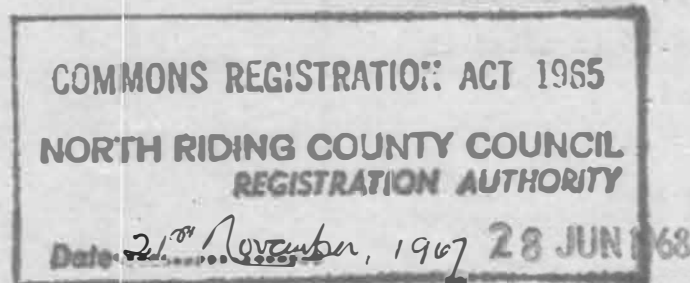
HM Land Registry
Official copy of
title plan

Title number **NYK307647**
Ordnance Survey map reference **SD9650**
Scale **1:5000** enlarged from 1:10000
Administrative area **North Yorkshire**

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Register of Common Land



Register unit No. C.L. 41

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.
1 21st Nov. 67	A portion of land known as Bishopdale Edge, Bishopdale, in the Parish of Bishopdale and marked with a green verge line inside the boundary on Sheet 49D (6" Ordnance Survey Sheet SD 98 SE) and distinguished by the number on this register unit. Registered pursuant to Application No. 95 made 14th September, 1967, by John James McGregor, Dale Foot, Bishopdale, Leyburn. (Registration Forbidden)
2 17th Feb. 1971	The registration at Entry No. 1 above being undisputed became final on the 1st October, 1970.

(See entry

No. 2 (see overleaf)

[illegible]

NOTE: This section contains the registration of every right of common registered under the Act as exercisable over the whole or any part of the land described in the land section of this register unit.

Registration authority NORTH RIDING COUNTY COUNCIL

Register of COMMON LAND

COMMONS REGISTRATION ACT 1965
NORTH RIDING COUNTY COUNCIL
REGISTRATION AUTHORITY

Date 28 JUN 1968

Register unit No. C.L.41

Edition No.

See Overleaf
for Notes

RIGHTS SECTION—Sheet No. 1

1 No. and date of entry	2 No. and date of application	3 Name and address of every applicant for registration, and the capacity in which he applied	4 Particulars of the right of common, and of the land over which it is exercisable	5 Particulars of the land (if any) to which the right is attached
1 21st Nov. 1967 (See Entry No. 15 below)	96 14th Sept. 1967	John James McGregor, Dalefoot, Bishopton, Leyburn. Owner.	To graze sheep & lambs to a limit of 61 gates over the whole of the land comprised in this register unit. (Registration Provisional) (1 gate = 1 sheep or 3 lambs)	Dalefoot Farm, Bishopton, Leyburn as shown edged & covered on the supplemental plan bearing the number of this registration.
2 21st Nov. 1967 (See Entry No. 15 below)	164 3rd Nov. 67	Edward Bertram Dawson Johnson, Lappacraft, West Burton, Leyburn. Owner.	a) To graze sheep & lambs to a limit of 1 gate (1 gate = 1 sheep or 3 lambs) b) The right to kill game, over the whole of the land comprised in this regis- ter unit. (Registration Provisional)	The rights are held in gross.
3 17th Jan. 1968 (See Entry No. 15 below)	230 12th Jan. 68	Mrs Margery Freeman, Elm House, Redmire, Leyburn. Owner. Deceased - rights held in gross sold on before death.	a) To graze sheep to a limit of 2 gates (1 gate = 1 sheep) b) The right to kill game over the whole of the land comprised in this regis- ter unit. (Registration Provisional)	The rights are held in gross.
4 31st Jan. 1968 (See Entry No. 15 below)	271 20th Dec. 1967	John James McGregor, Dalefoot, Bishopton, Leyburn. Owner.	Shooting rights over the whole of the land comprised in this register unit. (Registration Provisional)	Dalefoot Farm, Bishopton, Leyburn as shown edged & covered on the supplemental plan bearing the number of this registration.
5 14th Mar. 68 (See Entry No. 15 below)	257 2nd Feb. 68	John Spensley Cuy, Ribba Hall, Bishopton, Leyburn. Owner.	a) To graze sheep & lambs to a limit of 60 gates (1 gate = 1 sheep or 3 lambs) b) Shooting rights over the whole of the land comprised in this regis- ter unit. (Registration Provisional)	Ribba Hall & New Gill Farms, Bishopton, Leyburn as shown edged & covered on the supplemental plan bearing the number of this registration.
6 29th June, 1968 (See Entry No. 15 below)	1414 28th June, 1968	Robert Hewitt Chapman Robinson, Penny Acre, Thornton Rust, Leyburn. Owner. Deceased - no new owner of rights held in gross known	Sporting & forestal rights over the whole of the land comprised in this register unit. (Registration Provisional)	The rights are held in gross.

Registration Amendment : Entry No. 2 above is replaced by Entry No. 35 below

Registration Amendment : Entries No. 1 and 4 above is replaced by entry No. 33 below

Registration Amendment : Entry No. 5 above is replaced by entry No. 31 and 32 below

C.R.

Form 3 COMMONS REGISTRATION ACT 1965 NOTE

This section contains the Registration of every Right of Common registered under the Act as exercisable over the whole or any part of the land described in the land section of this Register Unit

Registration Authority
NORTH YORKSHIRE COUNTY COUNCIL

REGISTER OF COMMON LAND

Register Unit No CL 41
Edition No 1

RIGHTS SECTION – Sheet No 6

1. No and date of entry	2. No and date of application	3. Name and address of every applicant for registration, and the capacity in which he applied	4. Particulars of the right of common and of the land over which it is exercisable	5. Particulars of the land (if any) to which the right is attached
28 17 January 1997	17 December 1996		Entry No 14 above is replaced by entry No 29 below	
29 17 January 1997	17 December 1996	Richard Sayer Myers Garth Bishopdale Leyburn DL8 3TG	a) to graze 40 full grown sheep b) sporting rights over the whole of the land comprised in this register unit	Held in gross
Registration Amendment : Entry No. 30 below replaces entry No. 19				
30 1 July 1999	CNS3 25 February 1999	John Lawrence Nicholson Fishwick Farm Berwick-on-Tweed TD15 1XQ	a) to graze one sheep b) rights of sporting over the whole of the land comprised in this register unit	The rights are held in gross
Registration Amendment : Entries Nos. 31 and 32 below replace entry No. 5 above				
31 17 August 1999	CNS 12 12 November 1998	Insite Development Limited PO Box 71 Arnold House St Julian Avenue St Peter Port Guernsey Channel Islands	Shooting rights over the whole of the land comprised in this register unit	Ribba Hall and New Gill Farms, Bishopdale, Leyburn as shown edged red on the supplemental plan bearing the number of this registration
(Registration Amendment Entry No 31 above is replaced by Entry No 45 below).				
32 17 August 1999	CNS 12 12 November 1998	John Spensley Guy Sunnyside West Witton Leyburn North Yorkshire DL8 4LW	To graze sheep and lambs to a limit of 69 gaits (1 gait = 1 sheep or 3 lambs) over the whole of the land comprised in this register unit	Ribba Hall and New Gill Farms, Bishopdale, Leyburn as shown edged red on the supplemental plan bearing the number of this registration

NOT KNOWN AT THIS ADDRESS

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 Yorkshire County Council

Register unit No. CL. 41

Edition No. 1

Register of COMMON LAND

See Overleaf
for Notes

OWNERSHIP SECTION—Sheet No. 1

1 No. and date of entry	2 No. and date of application	3 Name and Address of person registered as owner	4 Particulars of the land to which the registration applies
1 2nd February 1978		<p>The Public Trustee</p> <p>The above registration was made in pursuance of Section 8(2) of the Commons Registration Act 1965 in accordance with a Direction dated 11th January 1978, made by G.D. Squibb, Chief Commons Commissioner - Ref: 268/U/108.</p> <div><p>THE PUBLIC TRUSTEE OFFICE STEWART HOUSE, 24 KINGSWAY, LONDON WC2B 6JX</p><p>Ms J. C. LOMAS - CHIEF EXECUTIVE (PUBLIC TRUSTEE & ACCOUNT GENERAL)</p></div> <div><p>OFFICIAL SOLICITOR THE PUBLIC TRUSTEE 81 CHANCERY LANE, LONDON WC2A 1DD</p><p>DX 0012 LONDON / CHANCERY LANE</p><p>Office of the Public Guardian - PO Box 11485 3-4 Kingsway, B2 2 4</p><p>The Public Guardianship The Official Solicitor Trust and Estates Team Victory House 30-34 Kingsway London WC2B 6EX.</p></div>	The whole of the land comprised in this register unit.