

## **NORTH YORKSHIRE COUNCIL**

### **COMMONS ACT 2006 — SCHEDULE 2, PARAGRAPH 7**

#### **Notice of an application to deregister land wrongly registered as common land**

**Application Reference Number: CA13 025**

**Spensley's Ratts, Linton Moor, Skipton (CL196)**

Application has been made to the North Yorkshire Council by James Butcher and Simon Butcher under Schedule 2(7) of the Commons Act 2006 and in accordance with Schedule 4(14) of the Commons Registration (England) Regulations 2014.

The application, which includes documentary evidence, can be viewed at:

<https://www.northyorks.gov.uk/environment-and-neighbourhoods/land-and-waterways/common-land-and-village-greens/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 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 025
- 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](mailto:commons.registration@northyorks.gov.uk) on or before 16 September 2024

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 deregister the application land and remove it from the common land register unit CL196.

Dated: 26 July 2024

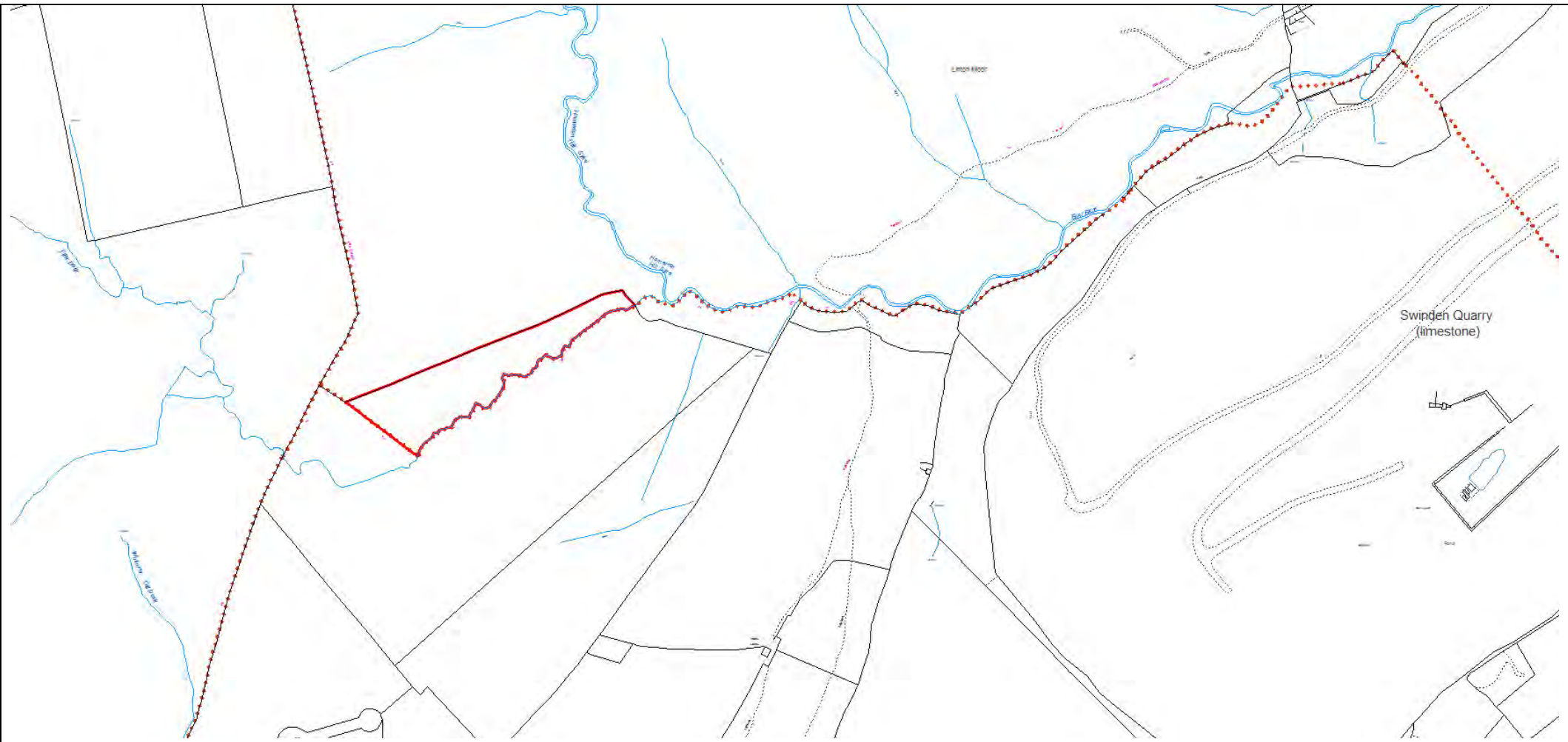
Karl Battersby

Corporate Director – Environment  
North Yorkshire Council

#### **Schedule**

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

**Part of Linton Moor, Skipton, as edged red on the notice plan.**



## COMMONS ACT 2006

**CA13 APPLICATION (Ref. No. CA13 025)  
SEEKING TO DEREGISTER COMMON LAND  
KNOWN AS SPENSLEY'S RATTS, SKIPTON**

## LOCATION PLAN

## NOTICE PLAN



Application  
site

## Commons Act 2006: Schedule 2

# Application to correct non-registration or mistaken registration

## This section is for office use only

Official stamp

COMMONS ACT 2006	
NORTH YORKSHIRE COUNTY COUNCIL	
REGISTRATION AUTHORITY	
DATE	17 MAR 2022

Application number

CA13 025
----------

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.

### Note 1

*Insert name  
of commons  
registration  
authority.*

### 1. Commons Registration Authority

To the:

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:

James Butcher and Simon Butcher

Postal address:

The Fleets  
Rylstone  
Skipton  
BD23 6NA

Postcode

Telephone number:

Fax number:

E-mail address:

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

Name:

Firm:

Postal address:

Postcode

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:

Part of CL0196 Registered Common Linton Moor

**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:**

A 1.4 ha portion of a field that we own, known as Spensleys Ratts, that borders Linton Moor was incorrectly included within Linton Moor Common (CL0196) at the time of the commons registration. We have title deeds showing that the land in question was purchased by our father as enclosed grassland. There is a clear physical boundary (drystone wall) between Linton Moor and our field but unfortunately the commons boundary was drawn in the wrong place - incorrectly showing it following the parish boundary (which runs through our field) rather than along the wall line where it should be shown. The common holders accept that the area is incorrectly mapped as common.

**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:

SPENSLEYS RATTS

Location:

The centre of the area we wish to de-register is grid reference: SD 9680 6145  
It is adjacent to the South west boundary of Linton Moor, near Skipton.

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

**7. Declarations of consent**

I enclose scanned copies of letters of agreement from the four Linton common holders, These letters and attached plans state that they agree that the highlighted area (proposed de-registration area) does not form part of Linton moor (CL0196) registered Common for purposes of RDPE Schemes.

When Mr S. Smith (of WBW surveyors) wrote to each of the Common holders seeking their confirmation that the shaded area on the map does not lie within the common he also made them aware that we intended to pursue the correction of the commons register.

**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****Plan 1**

1:2500 Map showing the area (hatched blue) that we wish to have de-registered.

**Plan 2**

1:2500 Map showing the physical boundary (drystone wall) that separates our field (Spensleys ratts) from Linton moor.

The same boundary wall is also marked on the Title deeds plan from when this field was bought by our Father (Stephen Butcher) from Mr Spensley (Town End Farm Cracoe).

The Commons boundary was in-correctly drawn down the parish boundary line that runs through the North side of Spensleys Ratts field, this follows the stream for part of the way. There is no fence or wall line on this section of the parish boundary where the commons boundary is incorrectly drawn.

**Plan 3**

Copy of Title Deeds plan showing ownership of the parcel of land Known as Spensleys Ratts, with northern boundary shown running along the line of the drystone wall that separates Linton moor from Spensleys ratts. It clearly shows that the whole of Spensleys ratts is enclosed farmland and not common land.

**Plan 4**

Copy of Commons Map provided by Commons Registration dep't Nothallerton.

**Plan 5**

RLR Map showing area claimed by Common holders for RDPE Schemes - Shows that the Common holders do not claim the area that we wish to have de-registered for RDPE schemes.

Copy of a letter sent by Mr S Smith (WBW surveyors) to the Common Holders seeking their support for this process. Includes attached plans.

Agreement letters from the four Linton common holders - Mr J Metcalfe, Mr T Boothman, Mr M Hancock and Mr D Wade. These letters and attached plans state that they agree that the highlighted area (proposed de-registration area) does not form part of Linton moor (CL0196) registered Common for purposes of RDPE Schemes.

**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**

We believe that this is a genuine error made by the common holders when they originally drew the boundary of the common at the time of the commons registration.

The Overlap of the common area onto our field has caused significant issues for us for a number of years with the RPA and we wish to clear the matter up by submitting this application for de-registration.

With the assistance of Mr S Smith of WBW surveyors we have made the common holders aware of the issues and the fact that we intended to make this application for de-registration. The common holders provided their letters of agreement addressed to the RPA and we trust that they will be supportive of the de-registration of this section of field from the Commons 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:

14/03/2022

Signatures:

James Butcher

Simon Butcher

**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.

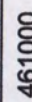
You are advised to keep a copy of the application and all associated documentation.

**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.

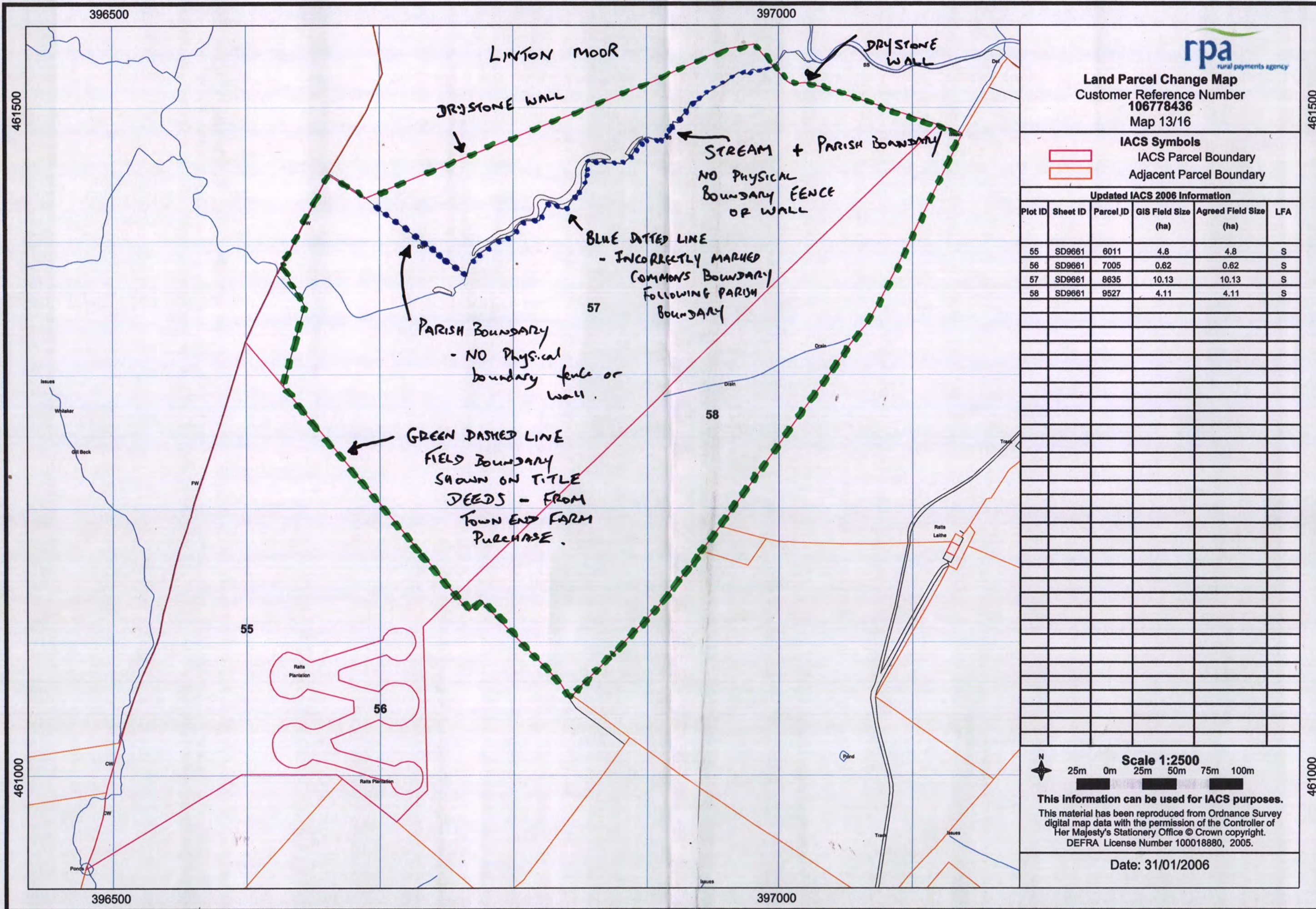
A copy of this form and any accompanying documents may be disclosed upon receipt of a request for information under the Environmental Information Regulations 2004 or the Freedom of Information Act 2000.







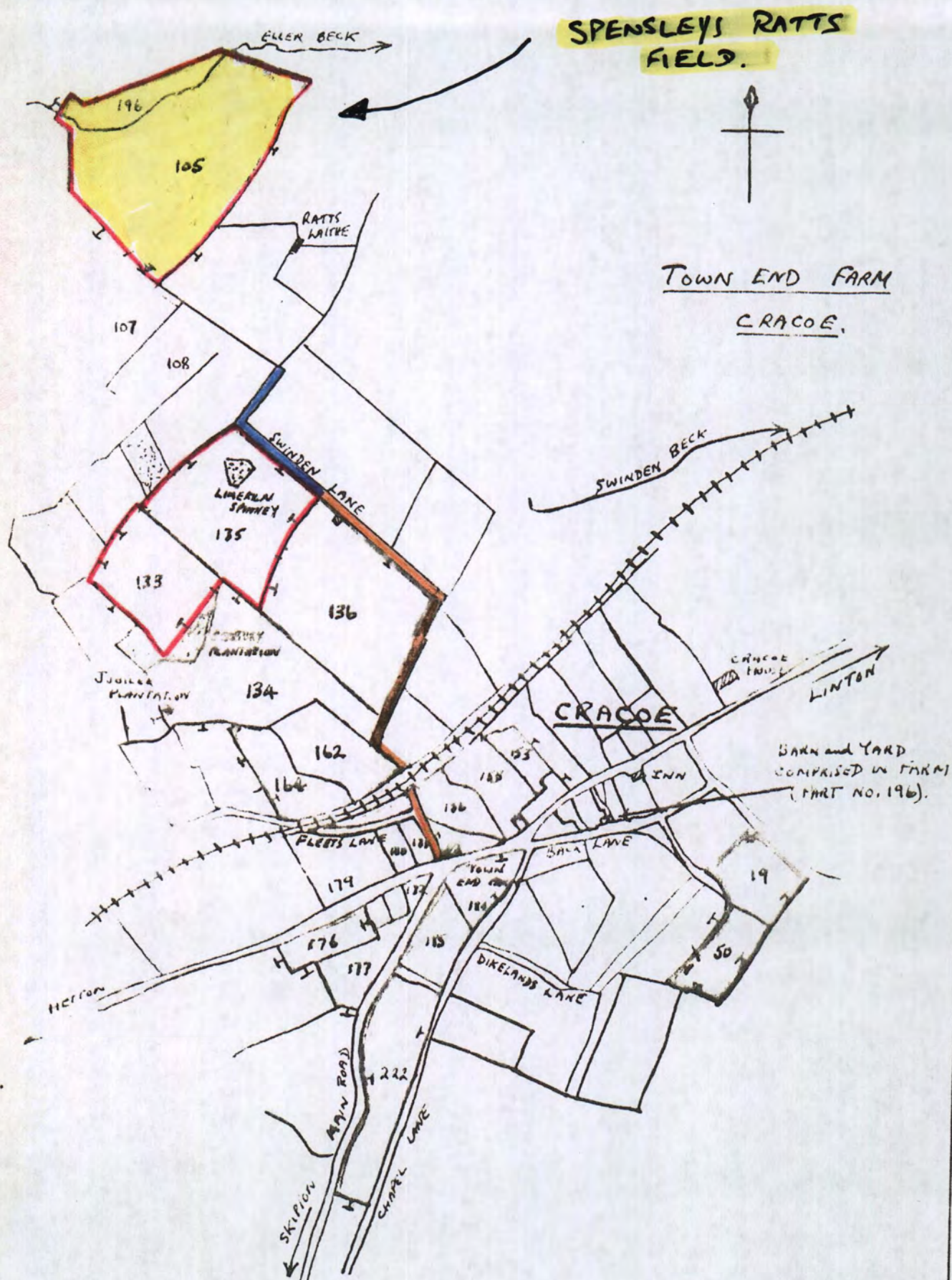
## PLAN 2.





PLAN 3. COPY

# TITLE DEEDS PLAN



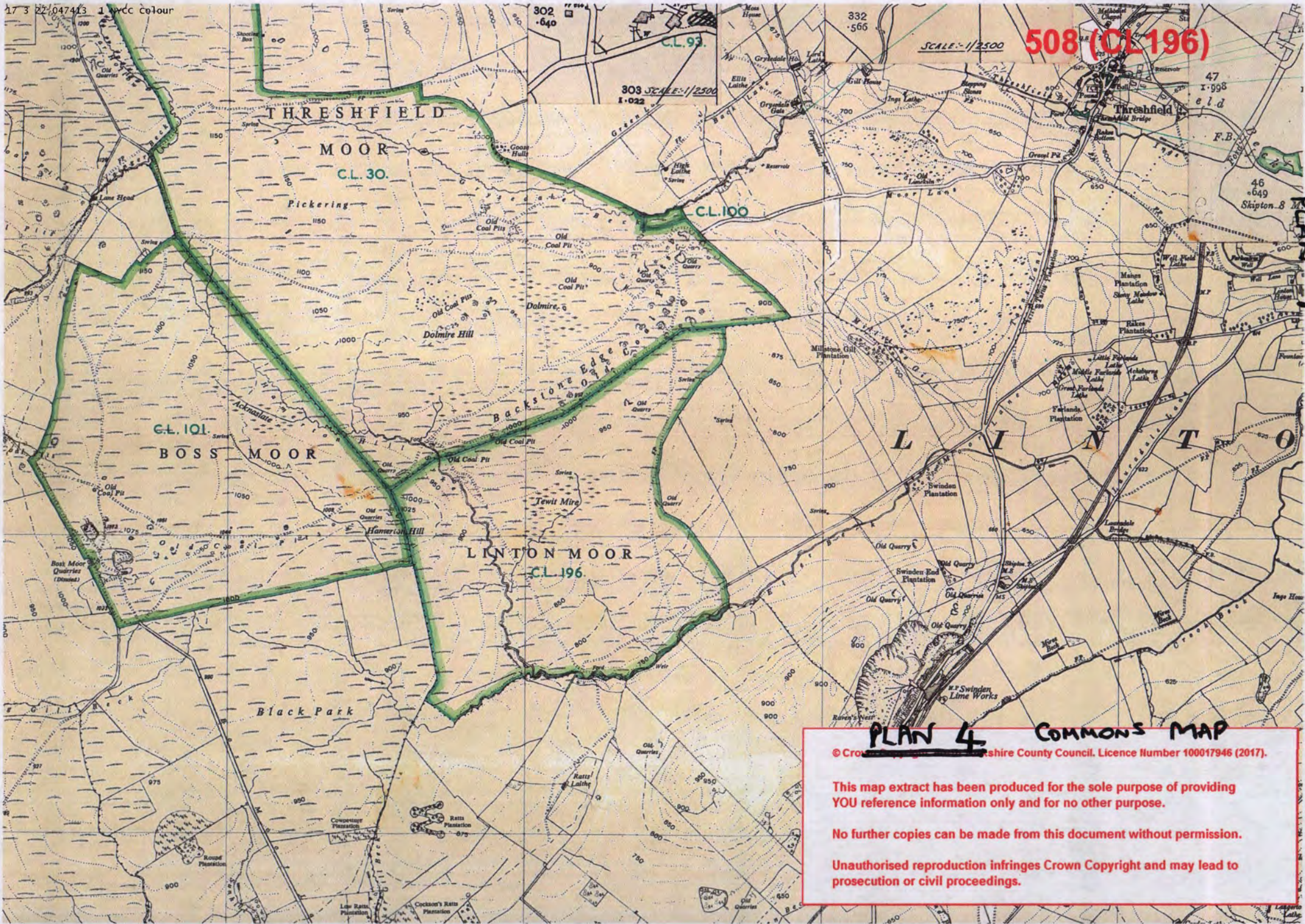
TOWN END FARM  
CRACOE.

CRACOE

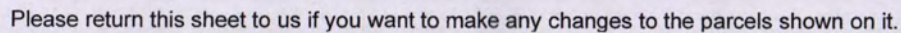
BARN and YARD  
COMPRISED IN FARM  
(PART NO. 196).

LINTON









COPY LETTER FROM WRW  
TO COMMON HOLDERS.

JR Wade  
Catchall Farm  
Swinden  
Linton in Craven  
SKIPTON  
BD23 6BE

Our Ref: SRS/JW  
Date: 7 April 2021

Dear Jack

### **Common Register Map of Linton Moor**

We have been asked to contact you and all the common right holders in relation to the mapped boundary of Linton Moor as recorded on the official Commons Register, specifically the section of boundary highlighted yellow on the enclosed copy Register map.

The boundary of the Moor, as shown on the Register map, extends beyond the dry-stone wall enclosing the Moor and down to a small tributary of Eller Beck following Linton Parish Boundary.

You may be aware that James and Simon Butcher own the land adjoining the Moor at this location. They hold Deeds showing their ownership up to the dry-stone wall enclosing the Moor (see enclosed Butcher Deeds map). The result is that there is an overlap of land mapped as part of the Commons Register and land registered by the Butcher's with the Rural Payments Agency (as annotated on the enclosed map).

The RPA will not pay the Butchers BPS or Stewardship on any area of land that is mapped as Common irrespective of ownership.

James Butcher has asked that we approach you to request your confirmation that the area shaded red on the enclosed map does not lie within the Common, and for the purposes of the Rural Payments Agency (RPA) RDPE Schemes (including the Basic Payment Scheme (BPS) and Environmental and Countryside Stewardship) should be available to the Butchers

The area is 5.4 acres (2.2 hectares) and, according to the RPA's RLR mapping of the Common (see enclosed copy RLR map dated 16/04/2015), it is already excluded from the mapped area of the Common. With this in mind, there would be no effect on payments that you achieve under BPS or Stewardship, deriving from your rights on the Common.

If you are happy to formally notify the Rural Payments Agency of your agreement to this, then please sign the letter overleaf and return it to our office. James and Simon Butcher also intend to

pursue the correction of the Common Register as held by the Commons Registration Authority, to prevent this problem reoccurring.

Yours sincerely

**Simon R Smith**

for WBW Surveyors Ltd



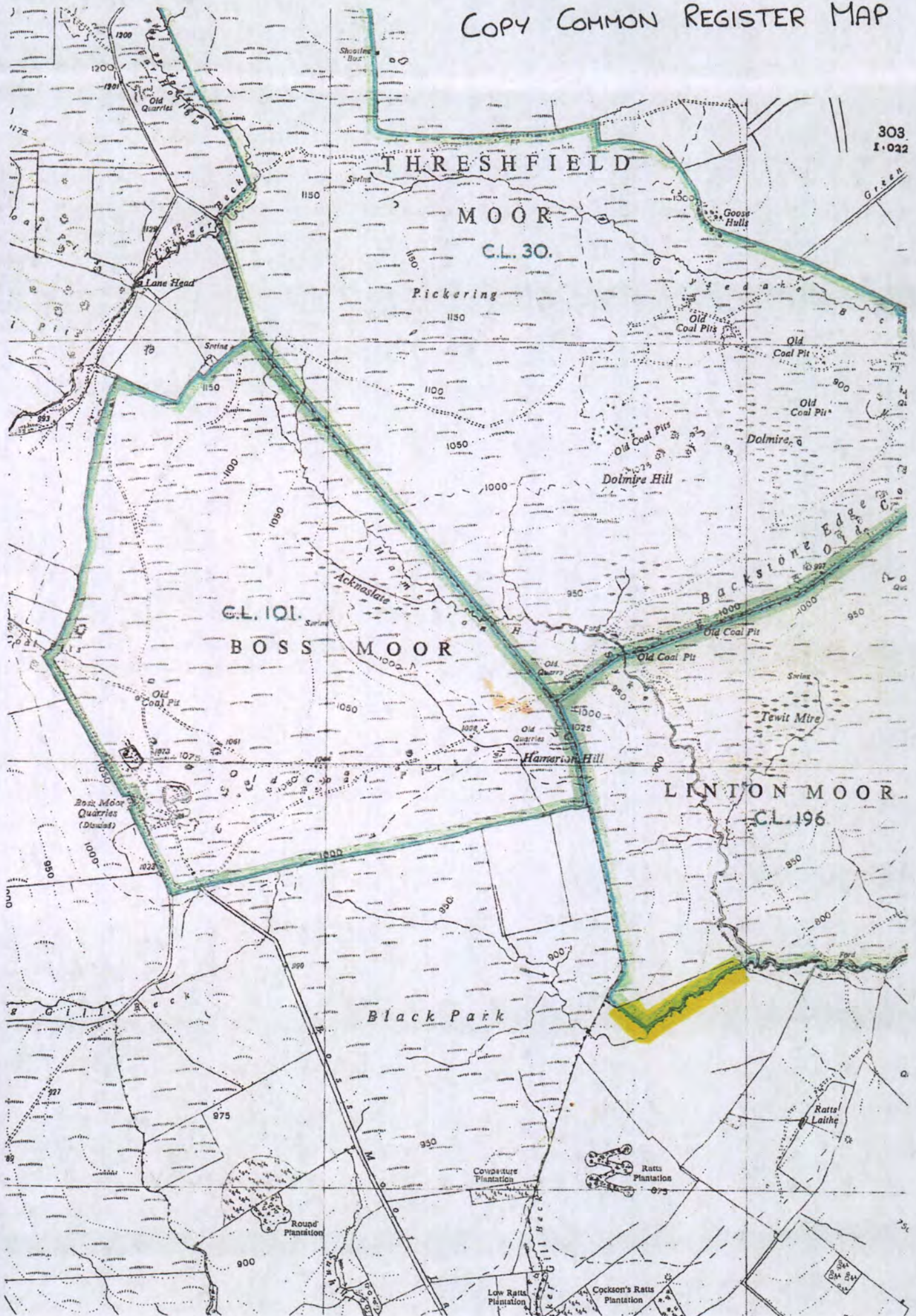
Enc: Commons Register map; Butcher Deeds map; annotated map of Linton Moor; copy RLR map dated 16/04/2015

Cc: J Metcalfe, The Grange, Linton in Craven, Skipton BD23 5HH  
TG Boothman, Linton Hall Farm, Linton in Craven, Skipton BD23 5HQ  
M Hancock, The Old Vicarage, Arncliffe, Skipton BD23 5QD

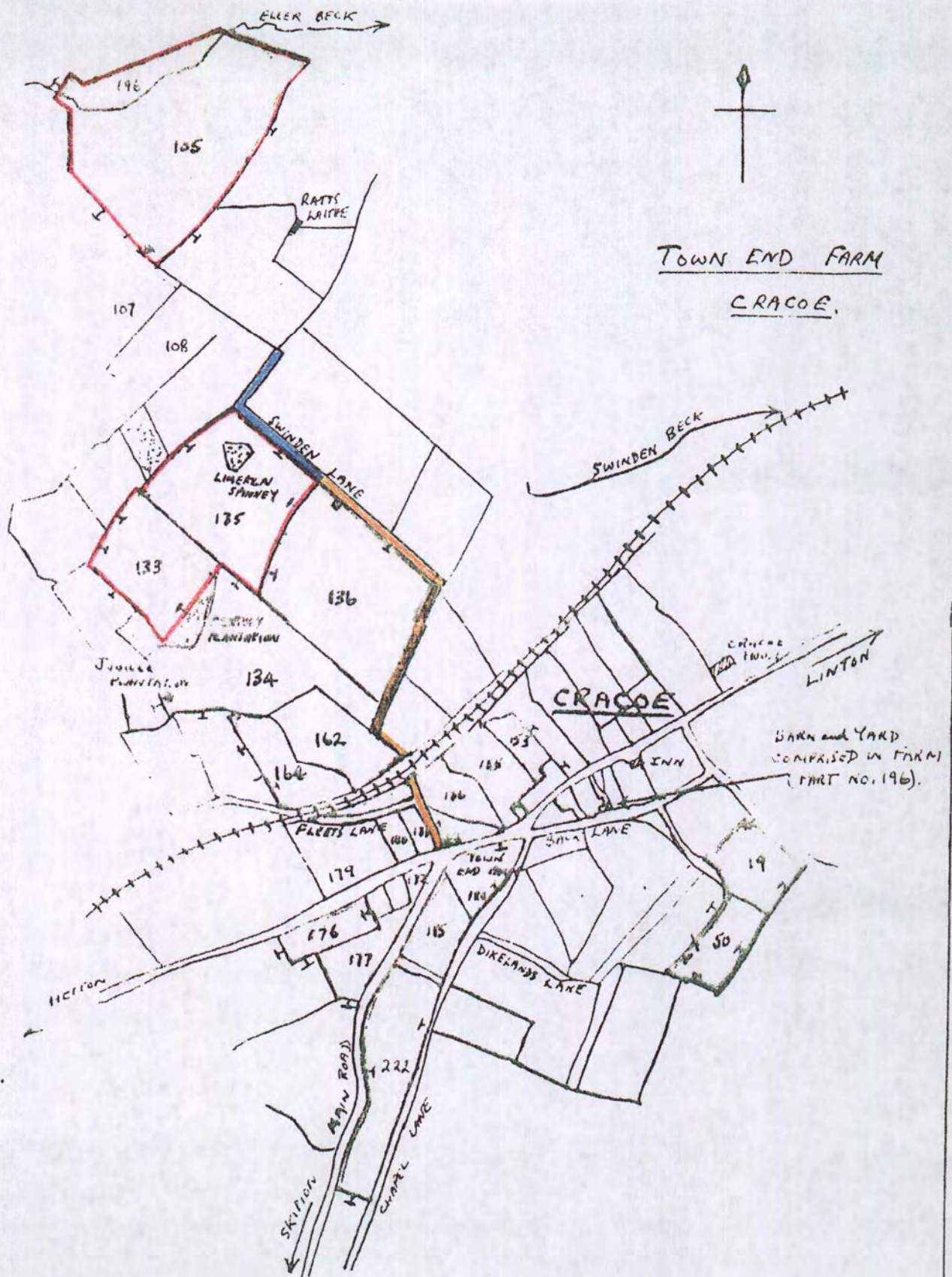
P:\\_CLIENTS\Linton Moor\Common Boundary\Letter to Commoners 07.04.21.docx



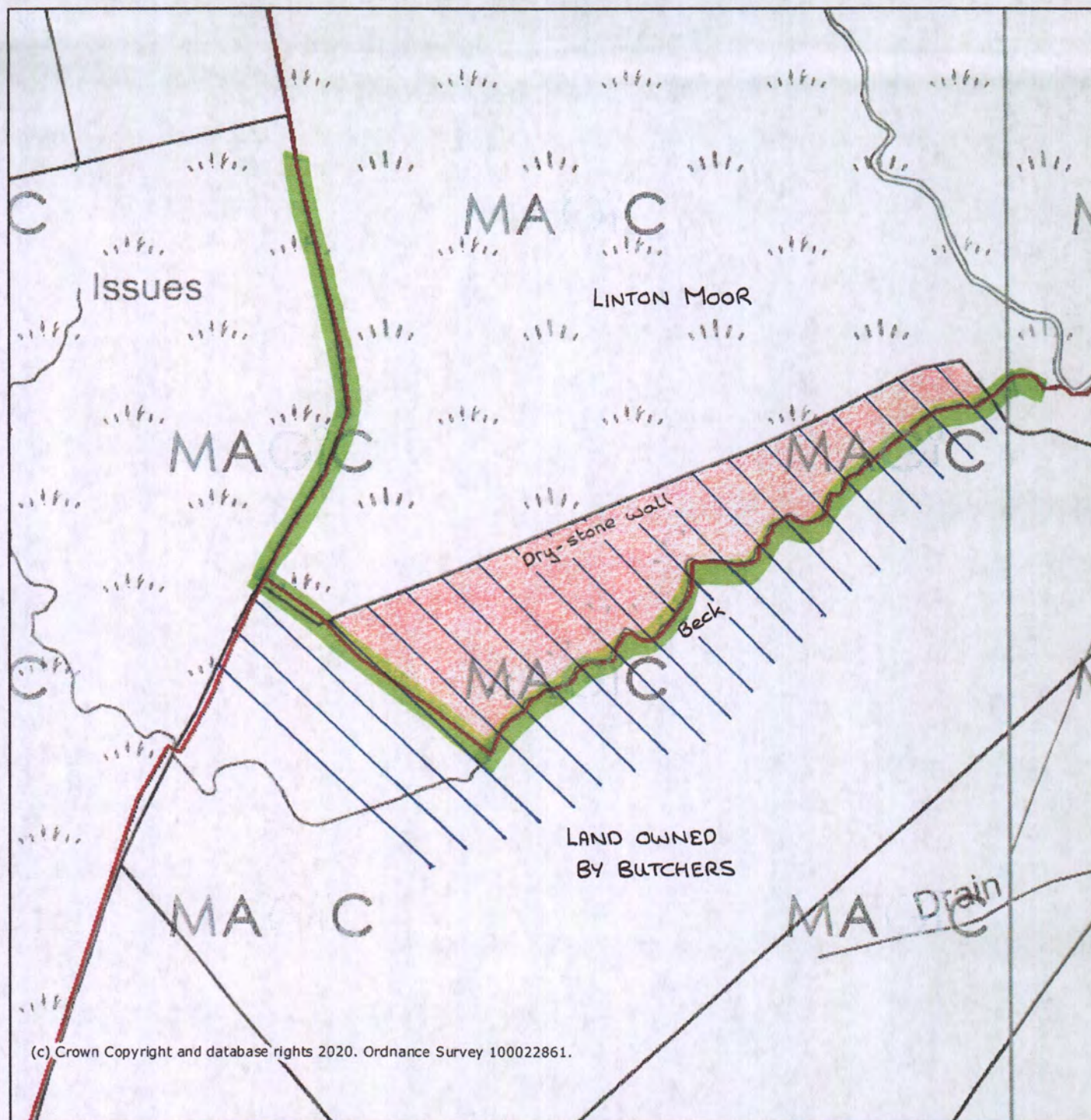
# COPY COMMON REGISTER MAP











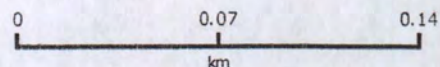
### Legend

Parishes (GB)

Boundary of Common according to Commons Register

Land owned by Butchers, according to Title Deeds

Overlap of land



Projection = OSGB36

xmin = 396200

ymin = 461200

xmax = 397400

ymax = 461800

Map produced by MAGIC on 15 January, 2020.

Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.



Please return this sheet to us if you want to make any changes to the parcels shown on it.

Rural Payments Agency  
PO Box 352  
WORKSOP  
S80 9FG

Dear Sirs

**Mapping of Linton Moor (CL0196) for RDPE Schemes**

I/We hereby agree that the area highlighted red on the enclosed plan does not form part of Linton Moor (CL0196) Registered Common for the purposes of RDPE Schemes (including the Basic Payment Scheme and Environmental/Countryside Stewardship).

I trust that you will find this in order.

Yours faithfully

Signed: 

Name: T. BOOTHMAN

Dated: 15.4.21

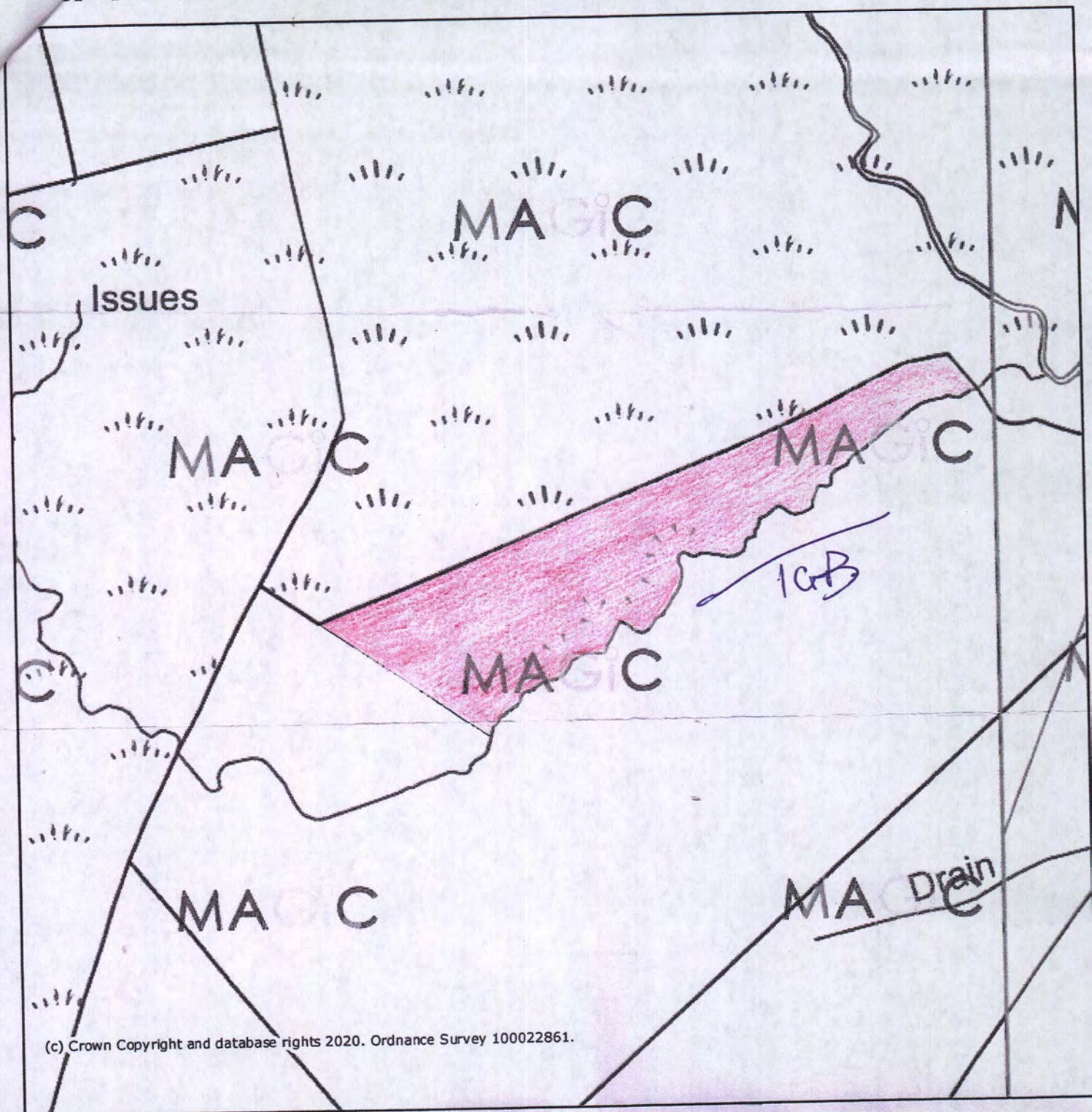
For: TG Boothman  
Linton Hall Farm  
Linton in Craven  
SKIPTON  
BD23 5HQ

SBI: 106772383

Enc: Plan

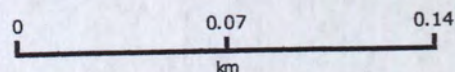


# Linton Moor (CL0196)



(c) Crown Copyright and database rights 2020. Ordnance Survey 100022861.

## Legend



Projection = OSGB36

xmin = 396200

ymin = 461200

xmax = 397400

ymax = 461800

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Rural Payments Agency  
PO Box 352  
WORKSOP  
S80 9FG

Dear Sirs

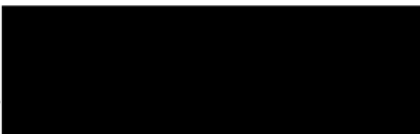
**Mapping of Linton Moor (CL0196) for RDPE Schemes**

I/We hereby agree that the area highlighted red on the enclosed plan does not form part of Linton Moor (CL0196) Registered Common for the purposes of RDPE Schemes (including the Basic Payment Scheme and Environmental/Countryside Stewardship).

I trust that you will find this in order.

Yours faithfully

Signed: \_\_\_\_\_



Name: \_\_\_\_\_

M. Hancock.

Dated: \_\_\_\_\_

20<sup>th</sup> April 2021.

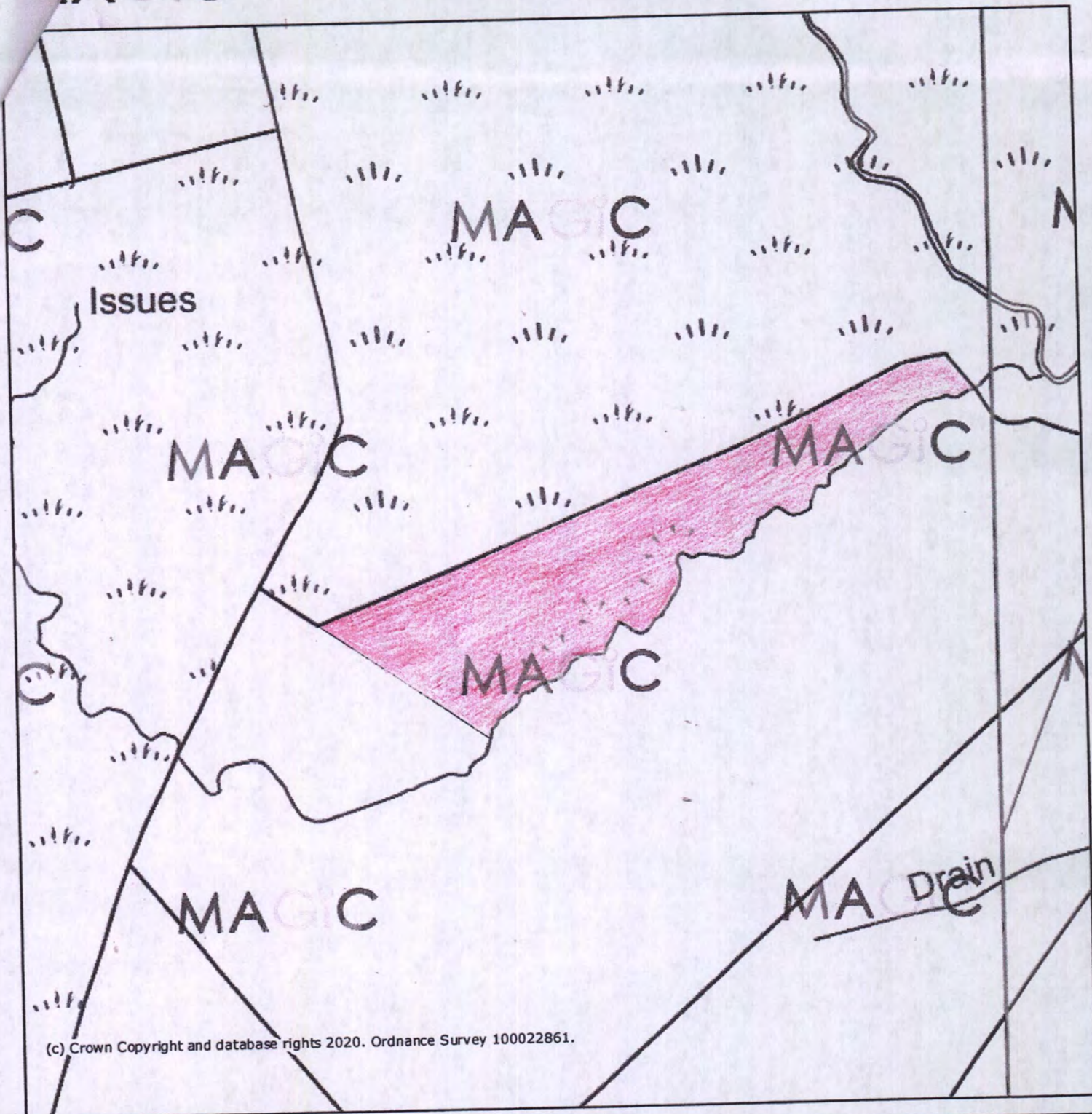
For: M Hancock  
The Old Vicarage  
Arncliffe  
SKIPTON  
BD23 5QD

SBI: 115474882

Enc: Plan

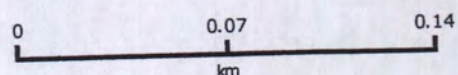


# Linton Moor (CL0196)



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## Legend



Projection = OSGB36

xmin = 396200

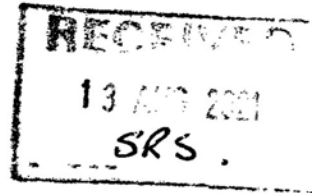
ymin = 461200

xmax = 397400

ymax = 461800

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Rural Payments Agency  
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WORKSOP  
S80 9FG

Dear Sirs

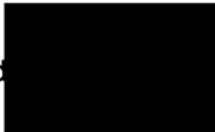
**Mapping of Linton Moor (CL0196) for RDPE Schemes**

I/We hereby agree that the area highlighted red on the enclosed plan does not form part of Linton Moor (CL0196) Registered Common for the purposes of RDPE Schemes (including the Basic Payment Scheme and Environmental/Countryside Stewardship).

I trust that you will find this in order.

Yours faithfully

Signed



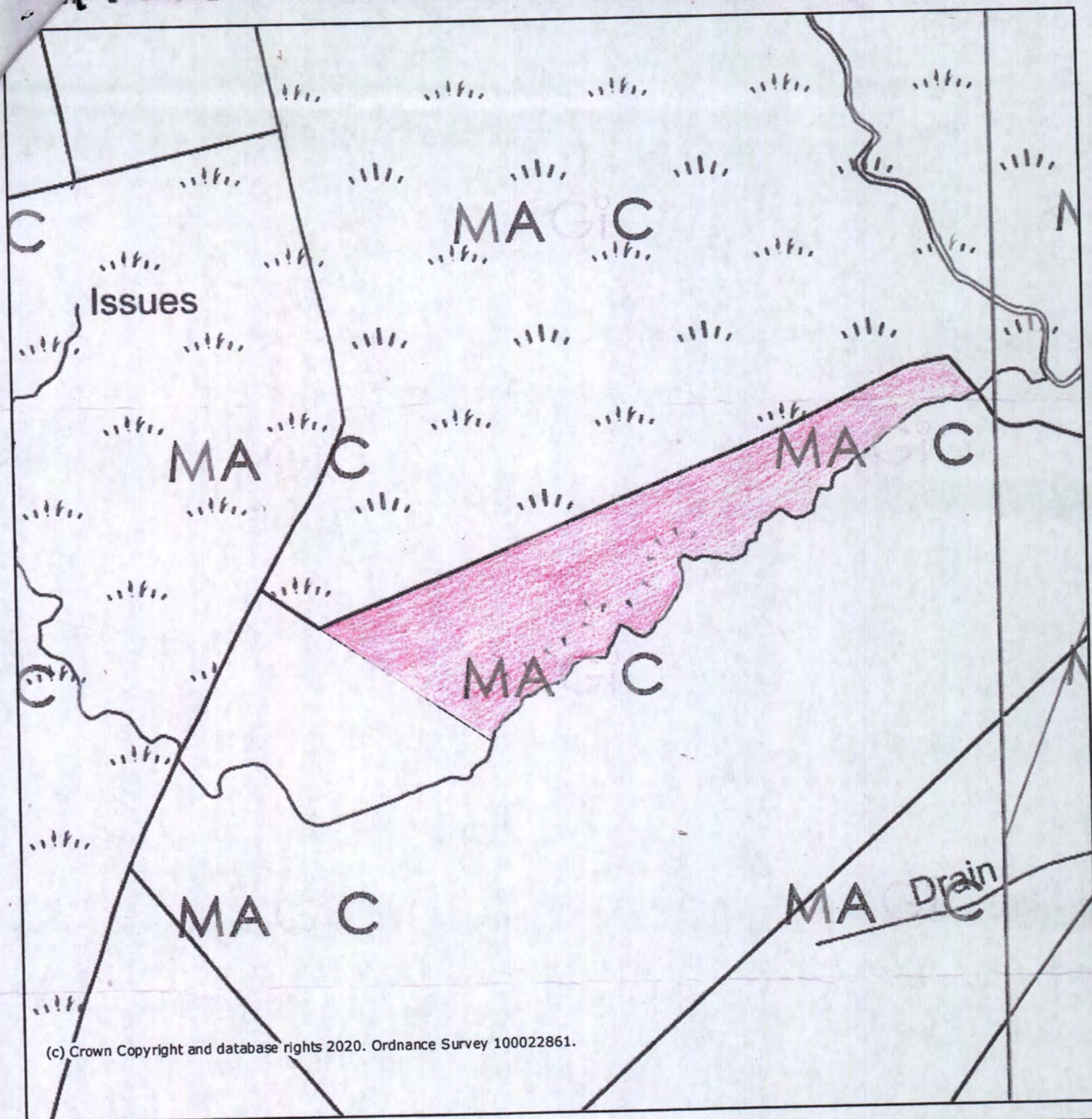
Name: DAVID JOHN WADE

Dated: 14/07/21

For: David Wade  
Catchall Farm  
Swinden  
Linton in Craven  
SKIPTON BD23 6BE  
SBI:

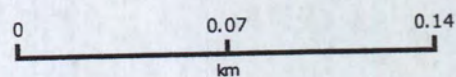
Enc: Plan





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## Legend



Projection = OSGB36

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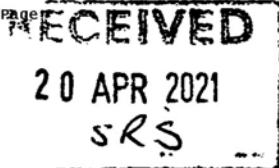
ymin = 461200

xmax = 397400

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Rural Payments Agency  
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Dear Sirs

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I trust that you will find this in order.

Yours faithfully

Signed: \_\_\_\_\_



Name: \_\_\_\_\_

*W. J. R. METCALFE*

Dated: \_\_\_\_\_

*14-4-2021*

For:

J Metcalfe  
The Grange  
Linton in Craven  
SKIPTON  
BD23 5HH

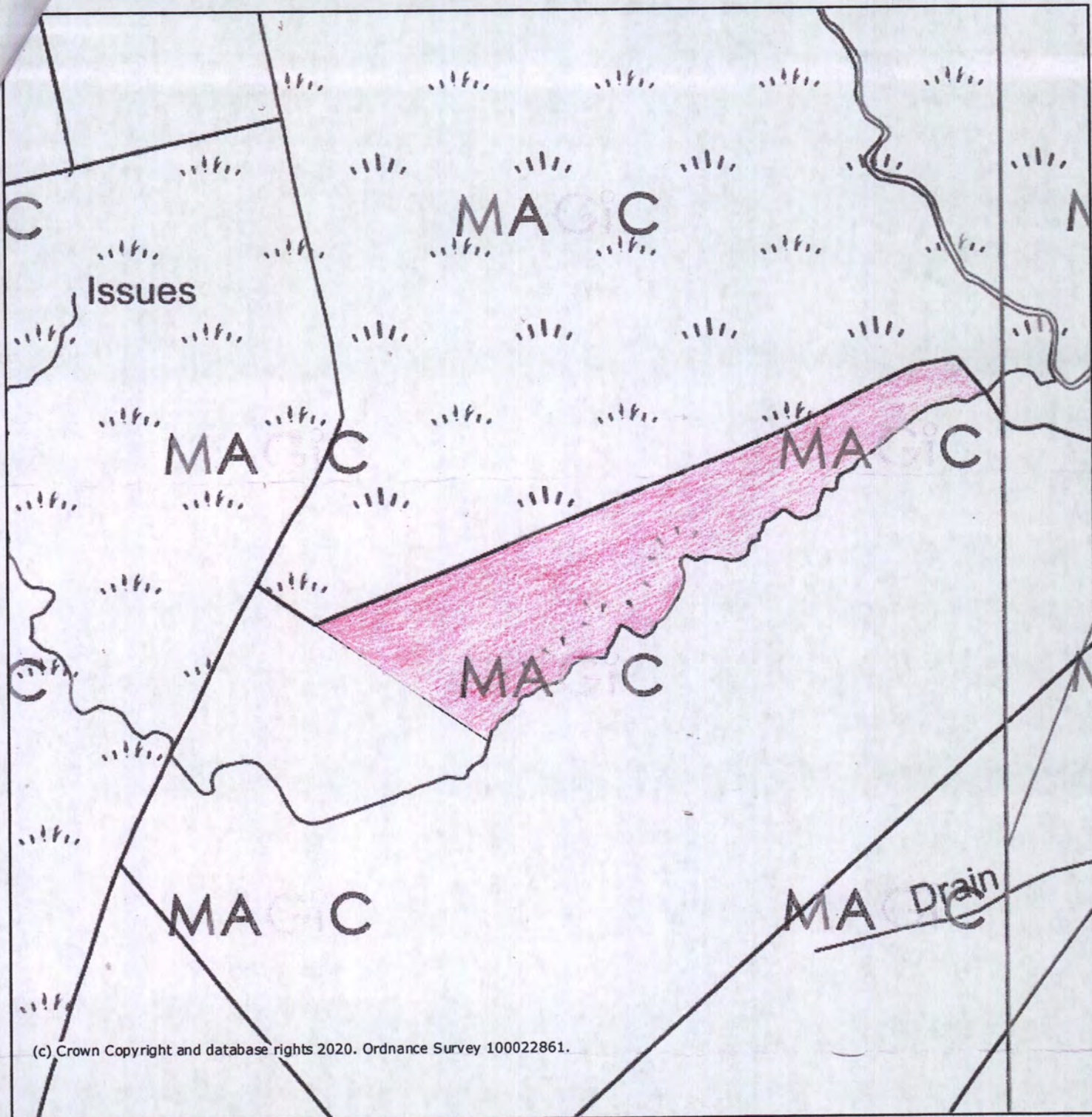
SBI: \_\_\_\_\_

Enc:

Plan

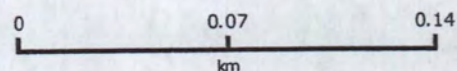


## Linton Moor (CL0196)



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## Legend



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xmin = 396200

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# Register of

COMMON LAND.

Register unit No. C.L.196.

Edition No. 1.

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. 28th June, 1968 (See entry No. 2 below)	<p>The piece of land containing 213.212 acres or thereabouts known as Linton Moor, in the Parish of Linton, in the Rural District of Skipton, in the West Riding of the County of York, as marked with a green verge line inside the boundary on sheet 23 of the register map and distinguished by the number of this register unit. Registered in consequence of Application No.508 (rights) made 17th April, 1968 by James Edward and Annie Metcalfe, The Grange, Linton, Nr. Skipton.</p> <p><del>(Registration provisional)</del></p> <p>86-286a</p>
2 25th February 1971	<p>The registration at entry No. 1 above, being undisputed, became final on 1st October, 1970.</p>