

NORTH YORKSHIRE COUNCIL

COMMONS ACT 2006 — SECTION 12

Notice of an application to transfer a registered right of common in gross and application for the registration of the transfer in the Commons Register

Application Reference Number: CA6 059

Clapham Common (CL209), Burn Moor (Clapham Portion) (CL270) and Clapham Common and Clapham Moor (part) (CL304)

Application has been made to the North Yorkshire Council by James Edward Garth and Jenifer Garth under Section 12 of the Commons Act 2006 and in accordance with Schedule 4(6) 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 , telephone: 01609 536932

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. CA6 059
- 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 23 April 2026

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 to show that the rights at entry number 43 for CL209, right entry 27 for CL270 and right entry 23 for CL304 have been transferred from James Edward Garth and Jenifer Garth to Simon Thomas Garth.

Dated: 27 February 2026

Karl Battersby

Corporate Director – Environment
North Yorkshire Council

Commons Act 2006: section 12**Transfer of a registered right of common in gross
and application for registration of the transfer in the
commons register****This section is for office use only**

Official stamp

COMMONS ACT 2006	
NORTH YORKSHIRE COUNCIL	
COMMONS REGISTRATION AUTHORITY	
DATE:	19 FEB 2026

Application number

CA6 059

Register unit number

W	CL209
	CL270
	CL304

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

- **This form provides (in Part A) for the transfer of a registered right of common in gross by way of deed and (in Part B) for the application to register such transfer in the register of common land, under section 12 of the Commons Act 2006.** Although there is no requirement that you use a solicitor or other professional adviser to complete the form, please be aware that the commons registration authority can only assist in completion of the clerical aspects of the form. Persons with legal queries should seek advice from a solicitor or other professional adviser before completing the form.
- The transfer of a registered right of common in gross will usually need to be made by deed in order to be effective in law (see section 52(1) of the Law of Property Act 1925). You may use Part A of this form to effect the transfer, but if you do not, you will instead need to attach to your application your own transfer deed, or if a deed is not required, explain why this is the case. For example, if one of the exceptions in section 52(2) of the Law of Property Act 1925 applies e.g. the transfer is effected in an assent by a personal representative. Where the transfer deed in Part A is not being used, you need complete only Part B of this form. The transfer of a right of common in gross does not operate in law until it has been registered in the register of common land by way of an application made using Part B of this form.
- Only the following persons can apply to register a transfer of a right of common in gross for the purposes of section 12: the registered owner of the right of common (the Transferor) or the person into whose possession that right of common will be transferred (the Transferee). Where the application is made by the Transferee, the Transferor must consent to the application.
- 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.

PART A: TRANSFER DEED

Note 1

The Transferor is the registered owner of the right of common in gross described in box 3.

If there is more than one Transferor, list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Transferor is a body corporate or an unincorporated association, and the company registration number if applicable.

Note 2

The Transferee is the person to whom the right of common will be transferred.

If there is more than one Transferee (e.g. if the right is to be owned jointly), list all their names and addresses in full. Use a separate sheet if necessary. State the full title of the organisation if the Transferee is a body corporate or an unincorporated association, and the company registration number if applicable.

1. Transferor

Name:

JAMES EDWARD GARTH AND JENIFER GARTH

Postal address:

FELL GARTH
KEASDEN
CLAPHAM
NORTH YORKSHIRE

Postcode LA2 8EZ

2. Transferee

Name:

SIMON THOMAS GARTH

Postal address:

BIRK KNOTT
KEASDEN
CLAPHAM
LANCASTER

Postcode LA2 8NR

Note 3

Enter the description of the right of common in gross as shown in the register of common land or of town or village greens. Insert the relevant register unit number(s) and the rights section entry number for the right in the register. If the right is exercisable over more than one register unit, enter the details of the right in each register unit (use a separate sheet if necessary).

3. Right of Common in gross

Description of the right of common:

TO GRAZE:
(A) 800 SHEEP WITH FOLLOWERS
(B) 1,000 GELD SHEEP TO THE EXTENT OF 200 SHEEP GAITS,
(C) 120 SHEEP

Register unit number(s):

CL 209 + CL 270 + CL 304

Rights section entry number(s):

43 27 23

Note 4

This is the operative section of the transfer. Please seek legal advice before completing this form if you are unsure about its effect.

In particular, the title guarantees referred to in this box impose obligations on the Transferor. There are two types of title guarantee, though either may be modified. In providing such guarantees the Transferor gives certain binding promises relating to the transfer. If you have any concerns or queries about the effect of these title guarantees please seek legal advice before completing this form. Insert any modifications to the title guarantees in this box.

In Defra's view it will not be possible to transfer part of a right if that right has not been quantified in the deed of right or the register.

4. Transfer of Right of Common in gross

The Transferor transfers the Right of Common in gross described in box 3 of this Deed of Transfer to the Transferee, with full/limited title guarantee (delete as necessary).

[Empty box for transfer details]

Note 5

Insert here any consideration payable and any agreed covenants. Please seek legal advice if you are unsure of the effect of provisions included in this box.

5. Additional provisions relating to the Transfer

THIS TRANSFER IS BY WAY OF GIFT OF ALL THE SHEEP RIGHTS HELD UNDER ~~XXXX~~ CL209, ENTRY NUMBER 43.

Note 6

The Transferor must execute this form as a deed. The Land Registry has issued guidance on the execution of deeds. However, please seek legal advice if you are unsure how to execute.

If there is more than one Transferor all of them must execute. If the Transfer contains covenants or declarations by the Transferee (i.e. which are included in box 5), it must also be executed as a deed by every Transferee.

6. Execution of deed

SIGNED AS A DEED BY
 JAMES EDWARD GAR
 IN THE PRESENCE OF

WITNESS SIGNATURE: [Redacted]
 FULL NAME: DEB
 ADDRESS: SOUTH PARK, SKITHAM LANE, OUT RAWcliffe PRESTON PR2 6SE
 OCCUPATION: Managing Director
 BROWN & BROWN

SIGNED AS A DEED BY
 JENIFER GAR
 IN THE PRESENCE OF

WITNESS SIGNATURE: [Redacted]
 FULL NAME: DEBRA JANE THORP
 ADDRESS: SOUTH PARK, SKITHAM LANE, OUT RAWcliffe PRESTON PR2 6SE
 OCCUPATION: Managing Director
 BROWN & BROWN

SIGNED AS A DEED BY
 SIMON THOMAS
 IN THE PRESENCE OF

WITNESS SIGNATURE: [Redacted]
 FULL NAME: [Redacted]
 ADDRESS: SOUTH PARK, SKITHAM LANE, OUT RAWcliffe PRESTON PR2 6SE
 OCCUPATION: Managing Director
 BROWN & BROWN

7. Date of Transfer

20.11.2025

Note 7

Insert the date of completion of the transfer.

PART B: REGISTRATION

Note 8

Insert name of commons registration authority.

8. Commons Registration Authority

To the:

NORTH YORKSHIRE COMMONS
REGISTRATION AUTHORITY.

Tick the box to confirm that you have enclosed the appropriate fee for this application:



Note 9

If there is more than one applicant, list all their names and addresses in full. (An application may be made by the registered owner of the right of common in gross (the Transferor) or the person to whom the right is transferred (the Transferee), or both; if there is more than one Transferor or Transferee all the Transferors or the Transferees must apply.) Use a separate sheet if necessary. State the full title of the organisation if the applicant is a body corporate or an unincorporated association, and the company registration number if applicable. 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 10 is not completed all correspondence and notices will be sent to the first named applicant.

9. Name and address of the applicant

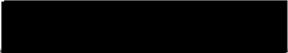
Name:

JAMES EDWARD GARTH AND JENIFER GARTH

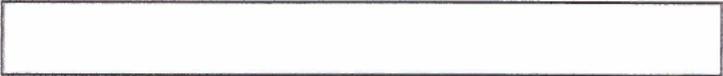
Postal address:

FELL GARTH,
KEASDEN,
CLAPHAM,
LANCASTER

Telephone number:

 Postcode LA2 8EZ

Fax number:



E-mail address:



Note 10

This box should be completed if a representative, for example 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.

Note 11

For further details of the requirements of an application, including evidence, refer to paragraph 6 of Schedule 4 to the Commons Registration (England) Regulations 2014.

Note 12

Please tick the relevant box to confirm whether the transfer relates to the full right or only part of it. In Defra's view it will not be possible to transfer part of a right if that right has not been quantified in the deed of right or in the register.

10. Name and address of representative, if any

Name:

MEUSSA HAIGH

Firm:

NAPTHENS LLP.

Postal address:

BRIDGE MILLS,
STRAMONOGATE,
LENOXAL

Postcode UPI 4RD.

Telephone number:

Fax number

E-mail address:

11. Basis of application for registration and qualifying criteria

Tick one of the following boxes to indicate the capacity in which you are applying. Are you the:

Transferor (the registered owner of the right of common in gross to be transferred):

Transferee (the person to whom the right has been transferred):

12. Full or part of the Right of Common in gross

Tick one of the following boxes to indicate whether the transfer relates to the full right or only part of it:

the full right:

part of the right (and if so, please give details below):

Describe below the part of the right that is the subject of this application:

Note 13

Where the Transferee is the applicant, the consent of the Transferor is required (and if more than one, of each of them). List or enter here (all) declaration(s) of consent from the Transferor(s).

Either list the declaration(s) attached to the application, or include in the box any declaration(s) made and signed. Include the full name and address of (the/every) Transferor.

Note 14

Box 14 requires completion only if Part A of the Form is not used.

A transfer of a registered right of common in gross will usually need to be made by deed. If the transfer deed in Part A of this form has not been used, you will need to attach your own transfer deed. In certain circumstances a deed is not required (see section 52(2) of the Law of Property Act 1925 for further details). Please insert details if one of the exceptions in section 52(2) applies, attaching the relevant supporting documentation.

13. Declarations of consent from every Transferor (where the Transferee is the applicant)

[Empty box for declarations of consent from every Transferor]

14. Details of the transfer

Description of the Right of Common in gross transferred, as shown in the common land register:

[Empty box for description of the Right of Common in gross transferred]

Date of Transfer

[Empty box for date of transfer]

Name and postal address of (every) Transferee:

[Empty box for name and postal address of (every) Transferee]

Note 15

List all supporting documents which accompany the application. This will include evidence of your capacity to apply and the deed of transfer (if Part A of this form is not used). Use a separate sheet if necessary.

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.

15. Supporting documentation

Handwritten: Commons

COMMONS REGISTER CL209, ENTRY NUMBER 43.

+ CL270 Right entry 27

+ CL304 Right Entry 23

Note 16

List any other matters which should be brought to the attention of the registration authority. Full details should be given here or on a separate sheet if necessary.

16. Any other information relating to the application

[Empty box for additional information]

Note 17

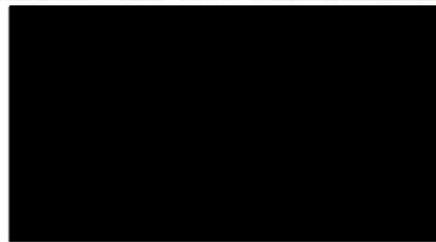
The application must be signed and dated by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association. Please add the date next to the signature.

17. Signature of Applicant(s)

Name(s):

JAMES E. GARTH & JENIFER GARTH

Signature(s):



10.12.25

10.12.25.

REMINDER TO PERSONS COMPLETING THIS FORM

You are responsible for telling the truth in this form 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 form and all associated documentation.

Data Protection Act 1998

This form, any supporting information, 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 including this form and accompanying documents to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

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.

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 N° CL 209
Edition N°

RIGHTS SECTION – Sheet N° 20

1. N° and date of entry	2. N° 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
Registration Amendment: Entry N° ^s 27, 28 and 30 above are replaced by Entry N° 43				
43 24 May 2011	CNS 315, CNS 316 and CNS 317 6 January 2011	James Edward Garth and Jenifer Garth Fell Garth Keasden Clapham North Yorkshire LA2 8EZ	To graze:- (a) 800 sheep with followers or (b) 1,000 geld sheep to the extent of 200 sheep gaits, 4 sheep = 1 cow, 6 sheep = 1 horse, the moor to be closed from 15 November to 15 December in each year over the whole of the land comprised in this register unit and register unit N° C.L. 270 and over that part of C.L. 304 lying on either side of the railway line at Lawsings Gate. (c) To graze 120 sheep from 20 April to 15 August in each year to the extent of 120 sheep gaits, the moor shall be closed from 15 November to 15 December in each year over the whole of the land comprised in this register unit and C.L. 270 and that part of C.L. 304 situated on both sides of the railway line south of Clapham Moor Bridge.	The rights are held in gross.

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 N° CL 270
Edition N° 2

RIGHTS SECTION – Sheet N° 13

1. N° and date of entry	2. N° 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
26 1 March 1971	1571 5 July 1968	John Wearing Shaw 2 Docker Hall Cottages Arkholme Carnforth (Owner)	1. Right of turbary 2. Right of estovers 3. To graze 50 sheep or 12 cows over the whole of the land comprised in this register unit and over the whole of the land comprised in register unit N° CL 209 and over that part of the land comprised in register unit N° CL 304 lying at either side of the railway line at Lawsings Gate.	Lower Moss House Clapham as shown edged red on the supplemental map bearing the number of this registration.
Registration Amendment: Entry N°s 20, 21 and 22 above are replaced by Entry N° 27 below.				
27 24 May 2011	CNS 315, CNS 316 and CNS 317 6 January 2011	James Edward Garth and Jenifer Garth Fell Garth Keasden Clapham North Yorkshire LA2 8EZ	To graze: (a) 800 sheep with followers or (b) 1,000 geld sheep to the extent of 200 sheep gaits, 4 sheep = 1 cow, 6 sheep = 1 horse, the moor to be closed from 15 November to 15 December in each year over the whole of the land comprised in this register unit and register unit N° CL 209 and over that part of CL 304 lying on either side of the railway line at Lawsings Gate. (c) To graze 120 sheep from 20 April to 15 August in each year to the extent of 120 sheep gaits, the moor shall be closed from 15 November to 15 December in each year over the whole of the land comprised in this register unit and CL 209 and that part of CL 304 situated on both sides of the railway line south of Clapham Moor Bridge.	The rights are held in gross.

(Register Amendment: See entry nos. 28, 29 and 30 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 N° CL 304
Edition N° 2

RIGHTS SECTION – Sheet N° 11

1. N° and date of entry	2. N° 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
20 1 March 1971 (See entry N° 22 below)	1571 5 July 1968	John Wearing Shaw 2 Docker Hall Cottages Arkholme Carnforth (Owner)	1. Right of turbary 2. Right of estovers 3. To graze 50 sheep or 12 cows over that part of the land comprised in this register unit lying at either side of the railway line at Lawsings Gate and over the whole of the land comprised in register unit N°s CL 209 and CL 270.	Lower Moss House Clapham as shown edged red on the supplemental map bearing the number of this registration.
		<i>(Register Amendment: See entry nos. 24, 25 and 26 below)</i>		
21		The registrations at Entry N°s 1-16 above, being undisputed, became final on 1 October 1970		
22		The registrations at Entry N°s 17-20 above, being undisputed, became final on 1 August 1972		
Registration Amendment: Entry N°s 15, 16 and 17 above are replaced by Entry N° 23				
23 24 May 2011	CNS 315, CNS 316 and CNS 317 6 January 2011	James Edward Garth and Jenifer Garth Fell Garth Keasden Clapham North Yorkshire LA2 8EZ	To graze: (a) 800 sheep with followers or (b) 1,000 geld sheep to the extent of 200 sheep gaits, 4 sheep = 1 cow, 6 sheep = 1 horse, the moor to be closed from 15 November to 15 December in each year over that part of this register unit lying on either side of the railway line at Lawsings Gate and over the whole of the land comprised in register unit N°s CL 209 and CL 270. (c) To graze 120 sheep from 20 April to 15 August in each year to the extent of 120 sheep gaits, the moor shall be closed from 15 November to 15 December in each year over that part of this register unit lying on either side of the railway line at Lawsings Gate and over the whole of the land comprised in register unit N°s CL 209 and CL 270.	The rights are held in gross.