

## **NORTH YORKSHIRE COUNCIL**

### **COMMONS ACT 2006 — SCHEDULE 2, PARAGRAPH 4**

#### **Notice of an application to register waste land of the manor as common land**

**Application Reference Number: CA13 034**

**Roomer Common, Swinton (CL336)**

Application has been made to the North Yorkshire Council by The Open Spaces Society under Schedule 2(4) 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 034
- 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 5 August 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 register the application land as common land.

Dated: 14 June 2024

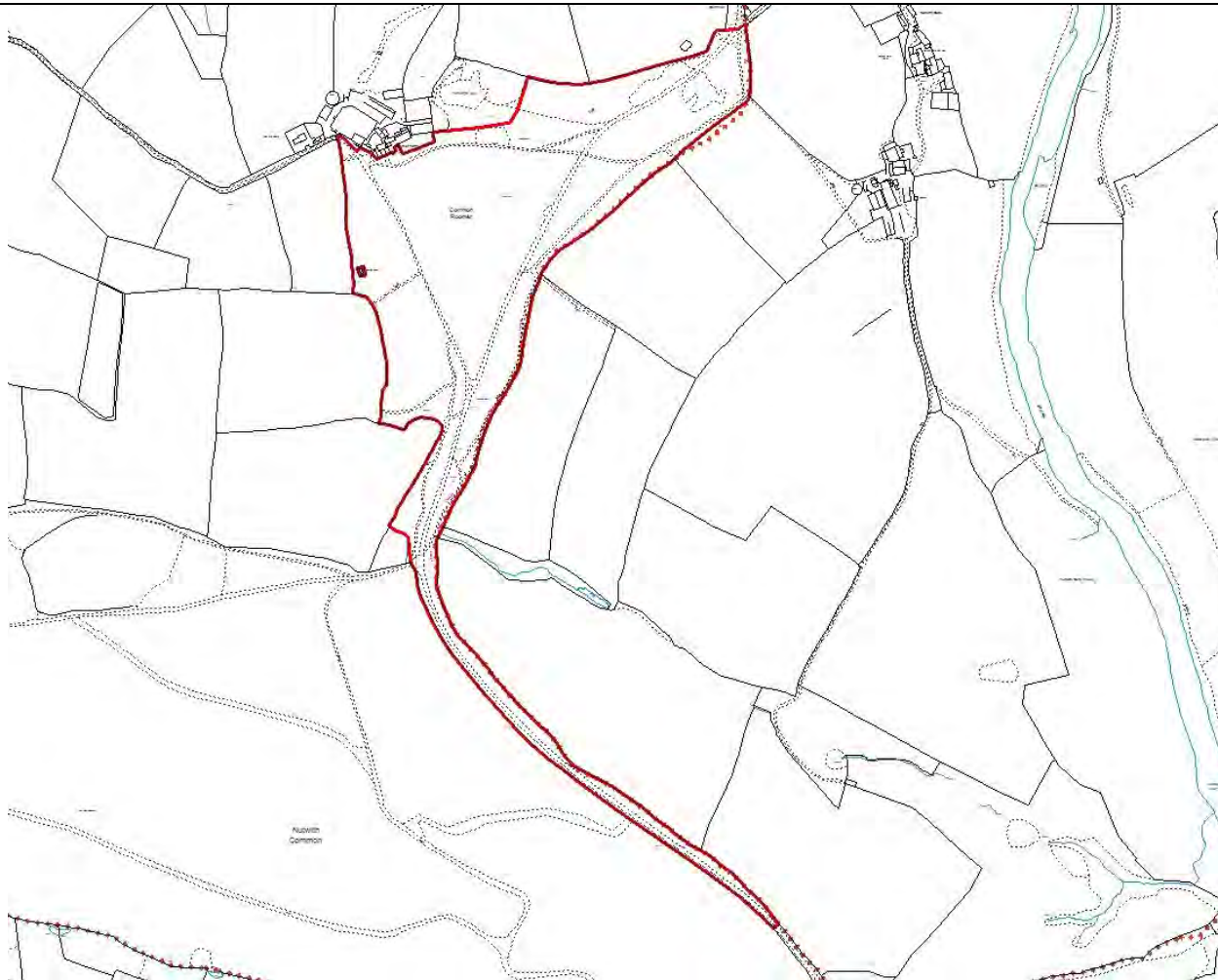
Karl Battersby

Corporate Director – Environment  
North Yorkshire Council

#### **Schedule**

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

**Roomer Common, Swinton, as edged red on the notice plan.**



**COMMONS ACT 2006**

**CA13 APPLICATION (Ref. No. CA13 034) SEEKING TO REGISTER LAND AS COMMON LAND KNOWN AS ROOMER COMMON, SWINTON 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

Application number

COMMONS ACT 2006  
 NORTH YORKSHIRE COUNCIL  
 COMMONS REGISTRATION AUTHORITY  
 DATE: 23 May 2024

CA13 034  
 Register unit number  
 allocated at registration  
 (for missed commons  
 only)

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: North Yorkshire 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:

c/o Frances Kerner  
25a Bell Street,  
Henley-on-Thames,  
Oxfordshire

Postcode RG9 2BA

Telephone number:

[Redacted]

Fax number:

[Empty]

E-mail address:

[Redacted]

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

Name:

[Empty]

Firm:

[Empty]

Postal address:

[Empty]

Postcode

Telephone number:

[Empty]

Fax number:

[Empty]

E-mail address:

[Empty]

**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 336 (part of)

**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 was provisionally registered in consequence of Application No.1886. Following objections (Nos.089, 0462, 0473 & 0529), the applicant withdrew the application and the provisional registration was cancelled. Part of the application land is eligible for registration under para.4(5) of Schedule 2 to the Commons Act 2006.

Continuation Sheet to Q5 describes the registration history and provides evidence that the application land is waste land of a manor.

**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:

Roomer Common

Location:

Just south of Masham, North Yorkshire.

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



**7. Declarations of consent**

**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. Site Visit Photographs

2. Documents relating to the Commons Registration Act 1965 on which we rely are not included pursuant to r.16(3):

- a) Register of Common Land (CL336)
- b) Register Map (North Yorkshire SE27NW BX)
- c) Application No. 1886
- d) Objection Nos. 089, 0462, 0473, 0529.

**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****Note 10**

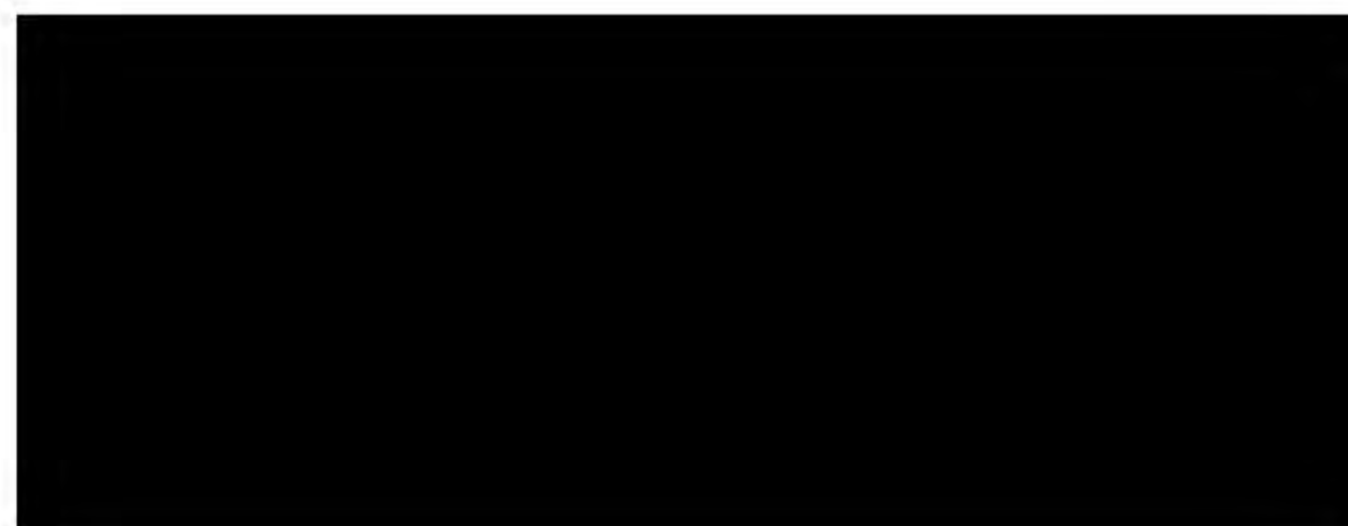
The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or an unincorporated association.

**10. Signature**

Date:

23 May 2024

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.*



## Continuation Sheet to Q5

### Registration History

On 28 December 1969, the Ramblers Association made an application (No.1886) under the Commons Registration Act 1965 to provisionally register Roomer Common as common land. The application was entered in the register of common land (North Riding) on 31 March 1970 but the application form has not survived.<sup>1</sup>

An objection (No.089) was made on 20 May 1970 by Lady Swinton and entered in the register of common land on 28 May 1970. The objection stated that, 'I am the owner. The grazing is let. There are no common rights'.

An objection (No. 0462) was made on 28 July 1972 by the Ministry of Agriculture Fisheries and Food c/o Forestry Commission and entered in the register of common land on 1 August 1972. The plan (A) showing the land to which the objection referred to (coloured red) has not survived. The objection stated that,

The land shown coloured red on the attached land marked 'A' was not common land at the date of registration.

An objection (No. 0473) was made on 27 July 1972 by the County Surveyor, North Riding Yorkshire County Council and entered in the register of common land on 3 August 1972. The Objection stated:

That the highway extends to a width of 15' on each side of the centre line of the carriageway and land within highway limits should be excluded from the Registration.

A further objection (No. 0529) was made on 27 July 1972 by the County Surveyor, North Riding Yorkshire County Council and entered in the register of common land on 24 August 1972. The objection stated:

Objection to registration on the grounds that a highway or highways are enclosed in the area being registered.  
A highway being that area of land extending 15' on each side of the centre line of the carriageway

<sup>1</sup> Application No.1886 also served as the application form for the provisional registration of CL308, and this register unit was transferred to Cleveland on 1 April 1974. The Local Land Charges Officer for Redcar and Cleveland has been unable to locate the form (email of 21 February 2024 refers).

Following objections, the application for provisional registration was withdrawn and the provisional registration was cancelled. The application land is therefore eligible for registration as common land under paragraph 4(5) of Schedule 2 to the Commons Act 2006

### **Description of the Application Land**

First, the application land is of manorial origin as demonstrated by the historical evidence (see below). Second, most of the application land fulfills the descriptive character of waste land of a manor as defined in the case of *Attorney General v Hammer*, i.e., the application land is, ‘the open, uncultivated and unoccupied lands parcel of the manor other than the demesne lands of the manor’.<sup>2</sup> The following description of the land is supplemented by photographs which are in the Appendix.

#### **Open**

The application land comprises grassland and is traversed by two unfenced public roads as well as a few bridleways. Most of the boundaries surrounding the application land comprise wire fencing or stone walls, several sections of which also distinguished by scrub and brambles. It is not unusual for a hedge, wall or fence to mark the boundary of waste where it meets an adjacent field or property. No land lacks physical boundaries; even on commons, there is generally a custom on adjoining owners to fence against a common.

At the time of the Society’s visit to the application land, a section to the north-west of the common was enclosed by a three-sided electric fence held up by various wooden posts for the purposes of temporary grazing. An enclosure of part of the common to facilitate grazing is no more than a practical recognition that the land is indeed open and unenclosed, and that grazing must either be done on a whole common basis or temporary enclosures set up. In this case presumably the temporary enclosures were to ensure that the grazing horses were kept out of trouble and close to the farm, rather than ranging freely over the common and perhaps beyond down the minor roads leading to it.

We have excluded part of the northern section of the common because it is not open. This is because there is a wire fence running from the stone building to the corner of one of the barns. We refer to our application plan which shows the excluded land.

#### **Uncultivated**

The land is uncultivated. There is no engagement with farming or activity with the soil which causes it to be broken for productive purposes and therefore the land can be described as uncultivated. As stated above, there is scrub and brambles near the boundaries.

<sup>2</sup> (1858) 27 LJ Ch 837.

## Unoccupied

While it is recognised that the application land is subject to a lease, there is no profitable use of most of the land to the exclusion of others. The Department for Environment Food and Rural Affairs provides the following [guidance](#) relating to occupation, an extract from which is reproduced here:

7.3.14 ...In terms of 'unoccupied', land does not cease to be unoccupied (and therefore cease to be waste) merely because it is subject to a tenancy, lease or licence whose sole or principal purpose is to enable the land to be extensively grazed. Occupation requires some physical use of the land to the exclusion of others: such might occur if the land were occupied by a quarry, or were improved by a tenant (e.g. by cultivating and reseeded moorland) for his own exclusive use and benefit. Nor does Defra consider that shared upland grazing of manorial origin will have ceased to be waste land merely because there is provision for grazing the land contained in several tenancy agreements. In *R v Doncaster Metropolitan Borough Council, ex parte Braim*, the High Court thought (obiter) that mowing land did not constitute cultivation, and that a golf club which enjoyed certain rights over part of the (unregistered) common, but did not have exclusive possession, could not be said to occupy the land

We observe that the northern part of the application land is occupied by machinery and manure. We have excluded this section of the land because it does not meet the criterion of being unoccupied. We refer to our application plan which shows the excluded land. NOTE: the pink line on the far east of the plan represents the boundary of Roomer Common with the former township of Burton upon Ure (now parish of Burton upon Ure).

## Historical Evidence

Historically, the application land formed part of a larger area of common land known as Nutwith and Roomer Common, hence a history of Roomer common is inextricably linked with Nutwith Common. The latter was provisionally registered as common land and given the unit number of CL335, but this unit does not form part of the Society's application.

Roomer Common was situated in the township of Swinton in the parish of Masham (see Figure 1).<sup>3</sup>

<sup>3</sup> North Yorkshire County Record Office (NYCRO): A further map (MIC 2023, ZS)-A Plan of the Township of Swinton in Mashamshire, 1801, shows the land situated in the township of Swinton.

Figure 1: Extract from A Plan of Mashamshire, 1770. Roomer Common identified by a red dot.



Source: North Yorkshire County Record Office (NYCRO)-ZS, A Plan of Mashamshire, 1770.

The manor in which Roomer Common (and other land) was situated was the subject of a dispute in the early seventeenth century. In 1620, an action in Chancery was brought by Christopher Danbye relating to the bounds of the manor of Masham. Nutwith and Roomer (Rowmoore) Common were among the lands subject of the dispute. When Sir William Ingilbie, one of the defendants, responded to the action he stated that:

.....had & time oute of minde used to have com[m]on of pasture in and vpon the Moores and wastes adioyneinge, called Nutw[i]th and Rowmoore by over rake<sup>4</sup>, or vscinage or as app[ur]tenante to the sayd Mannor of Swinton<sup>5</sup>

<sup>4</sup> Rake- [meaning of rake](#)

<sup>5</sup> The National Archives: C2/Jasl/D1/20. I am grateful to Emeritus Professor Angus Winchester who in his book *Harvest of the Hills* highlights the disputes relating to commons in Masham.

In 1797 part of the moors and wastes of the manor of Masham and Mashamshire were inclosed by an act of parliament that was passed in 1793 (the Act of 1793). The boundaries of the moors and waste were set out in the act (see Figure 2):<sup>6</sup>

Figure 2: Extract from the Act of 1793.

**And whereas** Part of the Moors and Commons within the said Manor of *Masham* and *Mashamshire* is bounded as follows (that is to say); Towards the South by the Boundaries of the Manor of *Grewelthorpe*, as established in pursuance of an Act of Parliament for dividing and inclosing the Wastes and Commons of the said Manor of *Grewelthorpe*; towards the North by the Bounds of the Manor of *East Witton*, the Bounds whereof on the said Moors are ascertained by Boundary Stones set up thereon; towards the East by inclosed Lands, within the said Manor of *Masham* and *Mashamshire*, and by another Parcel of Waste Ground within the same Manor, called *Nutwith*, to which it adjoins, within a Neck of Land bounded by inclosed Grounds on each Side thereof, where the same is One hundred and Thirty Yards in Width or thereabouts, and on the West or Westerly Parts, beginning at the North West Corner of the Westernmost Inclosure taken from

Source: NYCRO-MIC 1540.

However, the Act of 1793 excluded the inclosure of Nutwith and Roomer Common (see Figures 3 and 4).

Figure 3: Extract from Act of 1793.

bounded, as hereinbefore is described (and within which Bounds are meant to be comprehended all the Wastes and Commons of the Manor of *Masham* and *Mashamshire*, except only the Tract of Waste or Common called by the Name or Names of *Nutwith* and *Roomer*, lying on the East Part of the said Manor, and the

Source: NYCRO-MIC 1540.

<sup>6</sup> NYCRO: MIC 1540- An Act for Dividing and Inclosing Part of the Moors and Wastes within the Manor of Masham and Mashamshire, in the North Riding of the County of York, 33 Geo III., 1793.

Figure 4: Extract from Act of 1793.

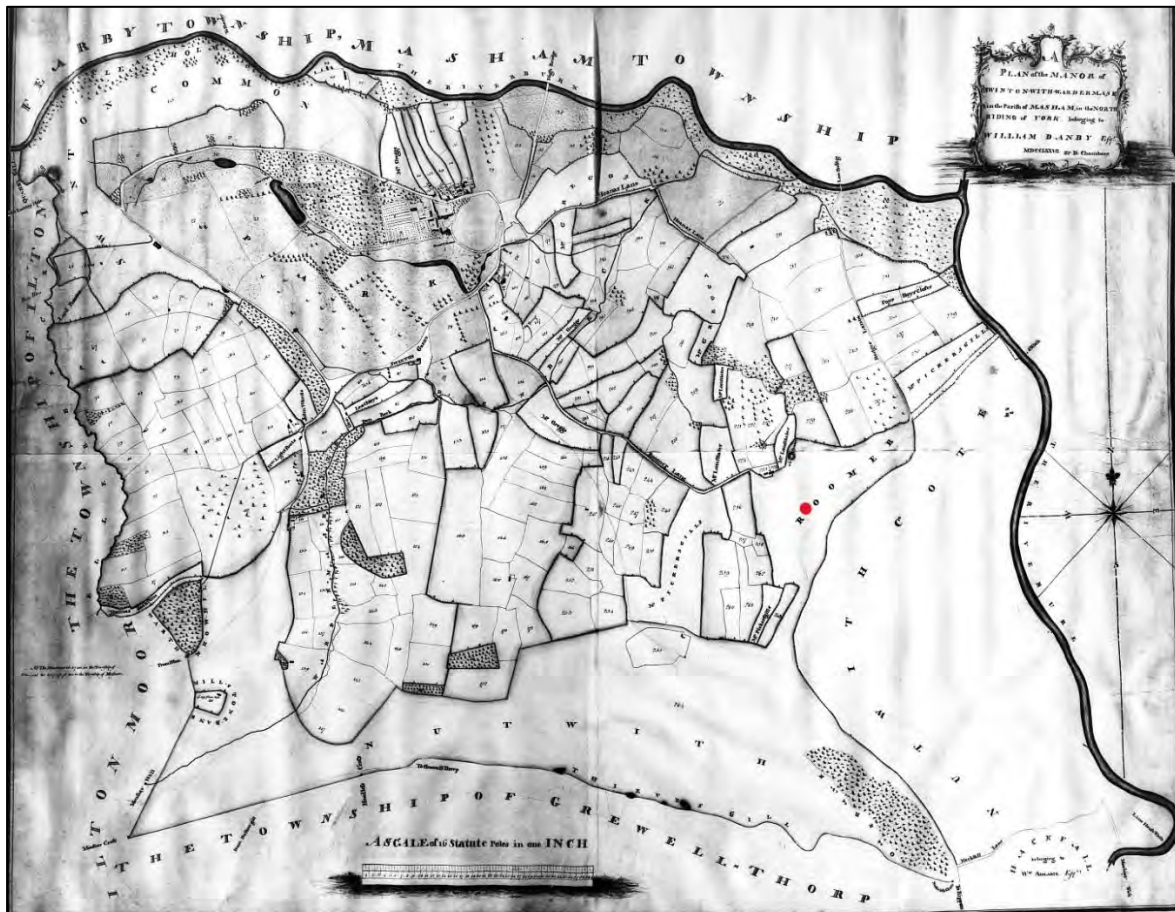
Provided always, and be it further Enacted, That nothing in this Act contained shall authorize or empower the said Commissioners to divide, allot, or inclose any Part of the said Tract of Waste or Common called by the Name or Names of *Nutwith* and *Roomer*, or of the Wastes and Moors of the said Manor of *Masham* and *Mashamshire*, lying without the Boundary of the said Moors and Commons hereby intended to be divided and inclosed, towards the West or Westerly Sides thereof.

Certain Lands not to be inclosed.

Source: NYCRO-MIC 1540.

While the Act of 1793 demonstrates that the application land was in the manor of Masham and Mashamshire, a plan of the manor of Swinton with Wardermask dated 1801 indicates that Roomer Common was situated in this manor. It appears that the manor of Swinton with Wardermask was subordinate to the manor of Masham and Mashamshire (see Figure 5).

Figure 5: Map of the manor of Swinton with Wardermask showing Roomer Common (see red dot) 1801.



Source: NYCRO-MIC 2018.

Further evidence that the management of Roomer Common was the responsibility of the manor of Masham and Mashamshire is found in 1804 when John Lightfoot was given permission for a road over part of Roomer Common (see Figure 6).

Figure 6: Payment for use and privilege of a road over Roomer Common

Manor of Masham }  
 and Mashamshire- } The 5<sup>th</sup> April 1804 I do hereby acknowledge  
 to have this day paid into William Dauby  
 Esquire, the Lord of the said Manor, the Sum of Sixpence as a  
 Satisfaction for the Use and Privilege of a Road over a certain Part of  
 the Common within the said Manor called Nutwith and Roomer to  
 and into certain Closes which I now occupy belonging to William  
 Lightfoot my Father in the Township of Grewelthorpe and adjoining to  
 the said Part of the said Common and I do hereby agree to pay  
 the like Sum of Sixpence yearly and every Year upon the 5<sup>th</sup> day of  
 April into the said William Dauby, or to the Lord of the said  
 Manor for the time being, for the Use and Privilege of the said  
 Road so long as I shall continue to occupy the said Closes and  
 use the said Road Witness my Hand the Day and Year above.

Witness  
 Geo: Morland

John Lightfoot

*(Note: A circular stamp is visible in the center of the document, partially overlapping the text. The text in the stamp includes 'PUBLIC LIBRARY' and '1804'.)*

Source: NYCRO-MIC 3130 (Frame 3015).

The commons of Nutwith and Roomer (being waste land of the manor subject to rights of common), served the townships of Burton upon Yore, Ellington High and Low, Ellingstring, Fearby, Healy, Ilton cum Pot, Masham, Swinton and West Tanfield but unauthorised use of and overstocking on the common caused tensions between commoners. A means to address the problem was found in 1836 when Thomas Bradley was commissioned to survey, measure, value and apportion Nutwith and Roomer Common into cattle gaits or sheep gaits amongst those who claim 'a right of common, stray or pasturage'. The agreement made by Thomas Bradley set out the reason for changing the governance of the common:

that great abuses had been and continued to be practiced by persons who had no right of Stray or pasturage on the said Common as also by Individuals who oppressed and surcharged the same to the great Injury of the rights of their fellow commoners and that it had been agreed that the said Common should be brought to a regular plan of Stinting or Stocking the same in future<sup>7</sup>

The common comprised 251 acres 2 roods 16 perches which Thomas Bradley calculated would support 534¾ sheepgaits. The gaits were awarded to commoners ‘in lieu of their several shares, rights and interests of common stray or pasturage on the said common’. Instead of commoners exercising their rights according to the number they could overwinter on the produce of their holding (i.e. according to levancy and couchancy), the plan of stinting set out by Thomas Bradley limited the number according to the carrying capacity of the common. Importantly, the revised form of governance did not cause the common to cease to be waste land of a manor. This is because those who had held common rights continued to graze animals there, but the number was adjusted equitably to avoid degradation of the land’s natural resources. The number of gaits (animals) allocated to each commoner related to the extent of the land held by the commoner and was recorded in the agreement. For example:

To Christopher Nicholson Clarke, half a Sheepgaite in over and upon the said Nutwith and Roomer Common in lieu of his right of Common Stray or pasturage in respect of his ancient inclosed Land situate in the Township of Burton upon Yore in the said parish of Masham

Thomas Bradely stipulated that the common should not be grazed from January until May. This was presumably to rest the land.

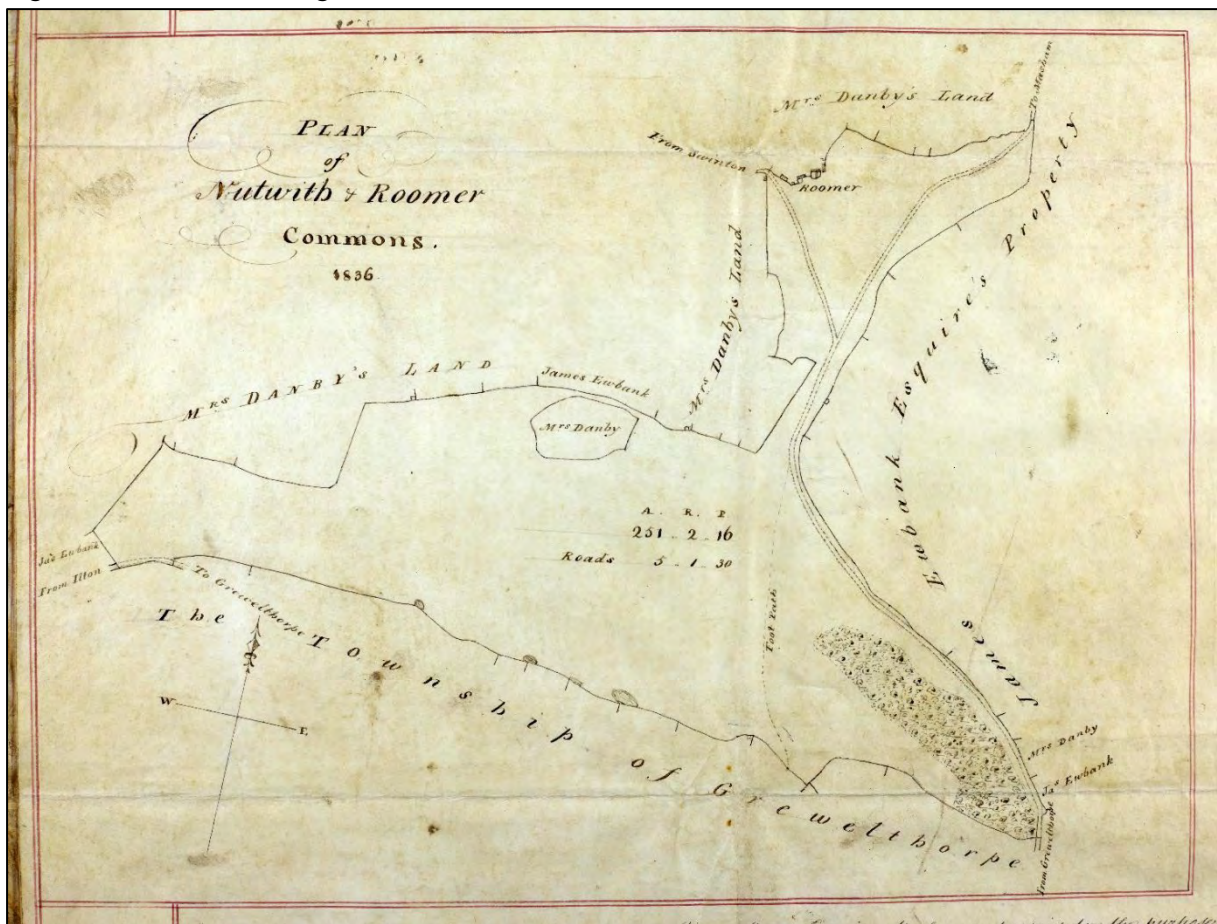
.....I award that the said Common shall be freed from Stint from the first Day of January to the Thirteenth Day of May in every year

<sup>7</sup> NYCRO: MIC-1540 and PR-MAS 13-1 Agreement of 21 May 1836.



A plan formed part of the agreement (see Figure 7).

Figure 7: Extract from Agreement of 1836.



Source: NYCRO-PR-MAS 13.

While the new arrangements for access to and use of Nutwith and Roomer common did not alter the fabric of the land itself, stints could be bought and sold. The agreement of 1836 recorded 534<sup>3</sup>/<sub>4</sub> gaits but by 1899, 470 were in the hands of Lord Masham.<sup>8</sup> When the common was valued under the Finance Act 1910, Lord Masham was recorded as owner of Nutwith (and Roomer) Common, holding 494<sup>3</sup>/<sub>4</sub> freehold gaits.<sup>9</sup>

In summary, Roomer Common was part of a larger area of waste land of a manor subject to rights of common. Following depredations on the common, the commoners agreed to revise arrangements for access to and use of the common by the implementation of stints. This was simply an alternative form of governance.<sup>10</sup> Significantly, when common rights were converted to stints, the soil did not form part of the agreement and remained in the

<sup>8</sup> NYCRO: ZDY 100/53.

<sup>9</sup> *Liverpool Echo*, 25 January 1917. Lord Masham of Swinton Park died in 1917 and was succeeded by the Hon. John Cunliffe Lister; TNA: IR58/58635.

<sup>10</sup> A. J. L. Winchester and E. A. Straughton, Stints and sustainability: managing stock levels on common land in England, c.1600–2006 in *Agricultural History Review*, Vol 58, Part I (2010). This article explores the history of stinting.

ownership of the lord of the manor. Over time, grazing continued on Roomer Common which, save for land near farm buildings, remains open, uncultivated and unoccupied and meets the criteria for registration as common land.

## Appendix Photographs

This appendix comprises photographs taken of the application land. The aerial view shows the approximate location of the numbered photographs.



Source: Image capture: 2023 © 2024 Google

Photograph No.1: Land on the north excluded from the application land.



Photograph No.2: Land beyond wire fence on the north excluded from the application land.



Photograph No.3: Looking towards the south.



Photograph No.4: Looking towards western boundary of the application land. Note horse grazing in temporary enclosure.



Photograph No.5: Looking north, temporary fencing in view. Note horse grazing in the enclosure.



Photograph No.6: Looking west at boundary.



Photograph No.7: Looking west, bracken and scrub in view.



Photograph No.8: Looking west.



Photograph No.9: Looking east. Boundary fence of application land beyond scrub.



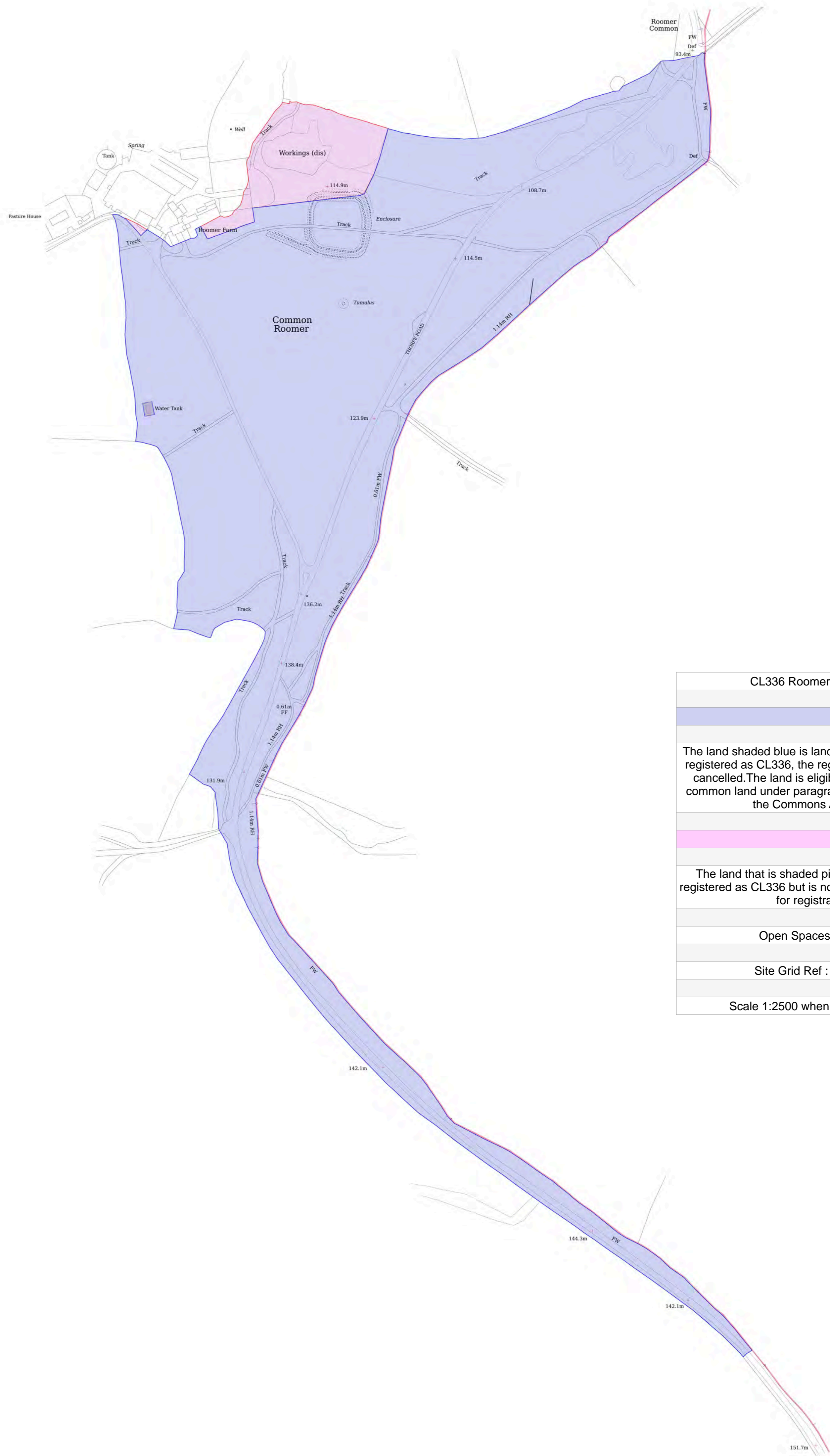


Photograph No.10: Looking south as application land narrows beside highway.



Photograph No.11: Looking north, application land on the left and right.



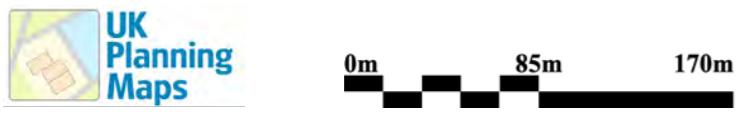


CL336 Roomer Common
<p>The land shaded blue is land that was provisionally registered as CL336, the registration of which was cancelled. The land is eligible for registration as common land under paragraph 4 of Schedule 2 to the Commons Act 2006.</p>
<p>The land that is shaded pink was provisionally registered as CL336 but is now considered ineligible for registration.</p>
Open Spaces Society
Site Grid Ref : SE22 78
Scale 1:2500 when printed on A1

1:2500 @ A1

The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a boundary.  
 Produced on 15 May 2024 from the Ordnance Survey National Geographic Database and incorporating surveyed revision available at this date. Reproduction in whole or part is prohibited without the prior permission of Ordnance Survey.  
 © Crown copyright 2024. Supplied by UKPlanningMaps.com a licensed Ordnance Survey partner (100054135).  
 Unique plan reference: b5200/3414/b Map centred on 421999 477363

Ordnance Survey and the OS Symbol are registered trademarks of Ordnance Survey, the national mapping agency of Great Britain. UKPlanningMaps logo and other designs are Copyright © copla ltd 2024.



# Register of COMMON LAND

COMMONS REGISTRATION ACT 1965  
 NORTH RIDING COUNTY COUNCIL  
 REGISTRATION AUTHORITY  
 Date... ~~16 SEP 1969~~ - 9 APR 1970

Register unit No. C.L.336  
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.
<del>1</del> 31st Mar. 1970	<del>The tract of land known as Roemer Common in the Parish of Swinton with Warthermarske as shown with a green verge line inside the boundary on Sheet 65A of the register map and distinguished by the number of this register unit. Registered by the Ramblers Association, 124 Finchley Road, London N.W. 3 through an application dated 28th December, 1969 no. 1886 by Richard Harland, its solicitor. (Registration Provisional)</del>
<del>2</del> 12th July, 1973	<del>The tract of land known as Roemer Common in the Parish of Swinton with Warthermarske as shown with a green verge line inside the boundary, excluding the pieces marked with a violet line (15' on each side of the centre line of the carriage way) on Sheet 65A of the register map and distinguished by the number of this register unit. (Registration Provisional)</del>

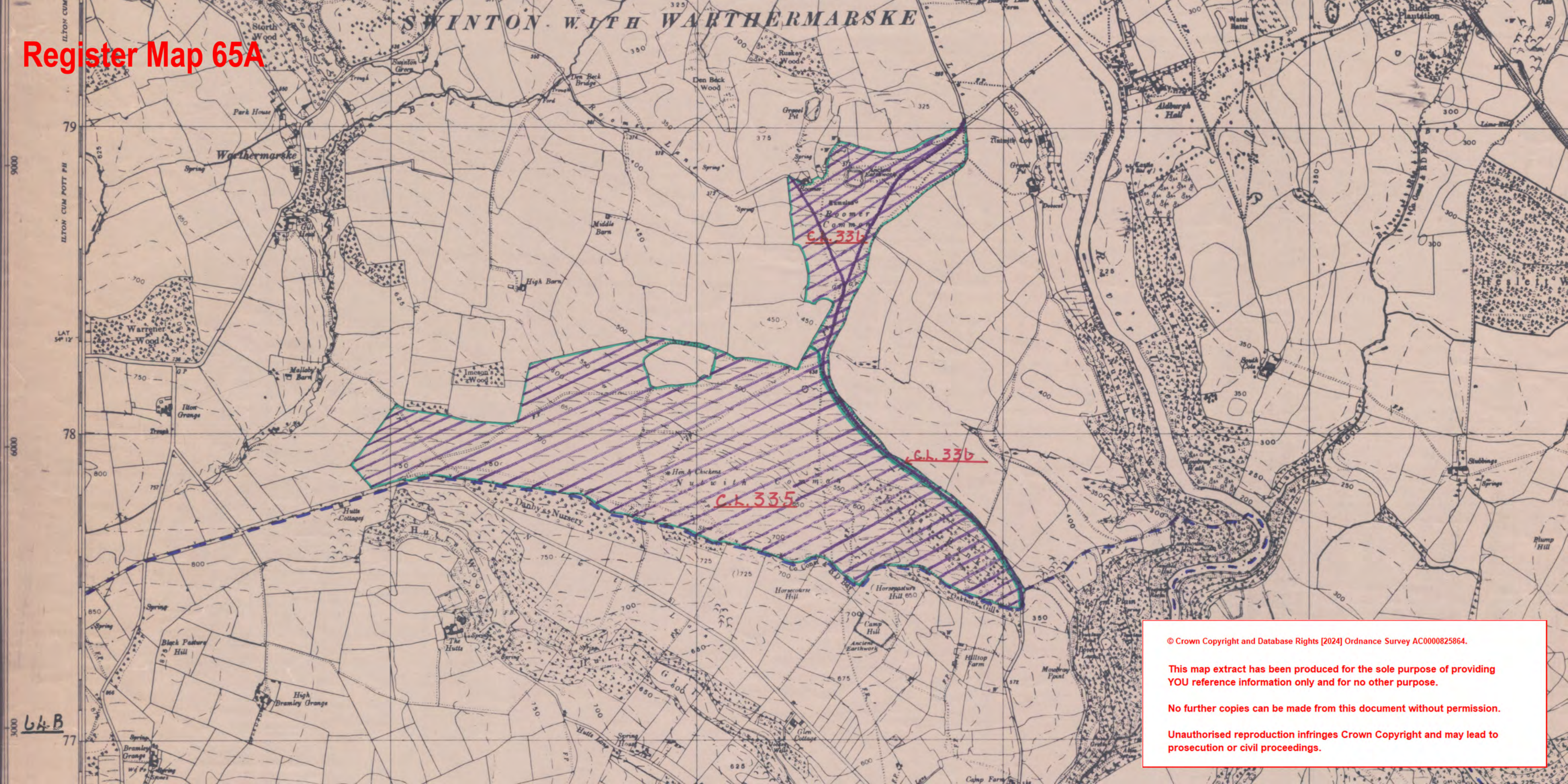
(See entry  
No. 2 below)

REGISTRATION WITHDRAWN, 31st JULY, 1973.

No. and date of note	Notes	No. and date of note	Notes
<p><del>1</del> 28th May, 70</p>	<p>The objection No. 089 made 20th May 1970 by Lady Swinton, Swinton, Masham is noted in respect of registration entry no. 1 in this section.</p> <p>Objection Upheld, Registration Withdrawn, 31st July, 1973.</p>		
<p><del>2</del> 1st Aug. 72</p>	<p>The objection no. 0462 of The Minister of Agriculture, Fisheries and Food, C/o. Forestry Commission, Briar House, Fulford Road, York YO1 4DB made 28th July 1972 is noted in respect of the registration at Entry No. 1 in this section.</p> <p>Objection Upheld, Registration Withdrawn, 31st July, 1973.</p>		
<p><del>3</del> 3rd Aug. 72</p>	<p>The objection No. 0473 of The County Surveyor, North Riding of Yorkshire County Council, County Hall, Northallerton made 27th July, 1972 is noted in respect of the registration at Entry No. 1 in this section.</p> <p>Objection Upheld, Registration Modified, 12th July, 1973</p>		
<p><del>4</del> 24th Aug. 72</p>	<p>The objection no. 0529 of The County Surveyor, North Riding of Yorkshire County Council, County Hall, Northallerton made 27th July, 1972 is noted in respect of the registration at Entry No. 1 in this section.</p> <p>Objection Upheld, Registration Modified, 12th July, 1973</p>		

# Register Map 65A

## SWINTON WITH WARTHERMARSK



© Crown Copyright and Database Rights [2024] Ordnance Survey AC0000825864.

This map extract has been produced for the sole purpose of providing YOU reference information only and for no other purpose.

No further copies can be made from this document without permission.

Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings.

64-B

This portion to be detached and sent to the registration authority.

C.R. Form 26 (OBJECTION FORM)

For official use only

Official stamp of registration authority indicating date of receipt.

OBJECTION to registration(s) under the Commons Registration Act 1965.

To the (name of registration authority) N. R. Y. C. Council.

Objection No. 089

I hereby object to the under-noted registration(s) on the grounds stated.

1. Name and address of person making the objection.

Lady Swinton, Secretary Mapham NR

2. Name and address of solicitor if any. (Fill this space only if a solicitor has been instructed for the purposes of the objection. If it is filled, all correspondence and notices will be sent to the solicitor.)

Edith Hill Young Mapham

3. Reference (if any) of the objector or his solicitor.

NLL

4. Register in which the registration(s) objected to appear(s).

\*Common Land/Town or Village Greens

5. Register unit number.

336

6. Section of register in which registration appears.

\*Land/Rights/Ownership

7. Registration entry number(s).

1

8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The plan must be signed by the person who signs the form.)

I am the owner. The grazing is let. There are no common rights.

Dated 20. May 1976.

Signature [Redacted]

(In the case of an objection by a body corporate or unincorporate, or charity trustees, this form must be signed by the secretary or some other duly authorised officer.)

\*Strike out whichever does not apply.

This portion to be detached and sent to the registration authority.

**C.R. Form 26 (OBJECTION FORM)**

**For official use only**

Official stamp of registration authority indicating date of receipt.

**OBJECTION** to registration(s) under the Commons Registration Act 1965.

To the (name of registration authority) .....

North Riding of Yorkshire County Council.

Objection No. 0462.

I hereby object to the under-noted registration(s) on the grounds stated.

The Minister of Agriculture Fisheries & Food

to Forestry Commission

1. Name and address of person making the objection.

Briar House

Fulford Road York YO1 4DB

2. Name and address of solicitor if any. (Fill this space only if a solicitor has been instructed for the purposes of the objection. If it is filled, all correspondence and notices will be sent to the solicitor.)

-

3. Reference (if any) of the objector or his solicitor.

L22/L/NRCC/DALES 2

4. Register in which the registration(s) objected to appear(s).

\*Common Land/~~Town or Village Greens~~

5. Register unit number.

CL 336

6. Section of register in which registration appears.

\*Land/~~Rights/Ownership~~

7. Registration entry number(s).

Number 1

8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The plan must be signed by the person who signs the form.)

The land shown coloured red on the attached plan marked 'A' was not common land at the date of registration.

Dated 28 July

19 72

Signature 

Conservator Forestry Commission

(In the case of an objection by a body corporate or unincorporate, or charity trustees, this form must be signed by the secretary or some other duly authorised officer.)

authorised by the Minister.

\*Strike out whichever does not apply.

This portion to be detached and sent to the registration authority.

**C.R. Form 26 (OBJECTION FORM)**

**For official use only**

Official stamp of registration authority indicating date of receipt.

**OBJECTION** to registration(s) under the Commons Registration Act 1965.

To the (name of registration authority) North Riding of  
Yorkshire County Council.

Objection No. 0473

I hereby object to the under-noted registration(s) on the grounds stated.

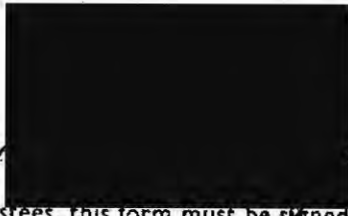
- 1. Name and address of person making the objection. County Surveyor,  
North Riding of Yorkshire County Council,  
County Hall, Northallerton.
- 2. Name and address of solicitor if any. (Fill this space only if a solicitor has been instructed for the purposes of the objection. If it is filled, all correspondence and notices will be sent to the solicitor.)
- 3. Reference (if any) of the objector or his solicitor.
- 4. Register in which the registration(s) objected to appear(s). \*Common Land/Town or Village Green
- 5. Register unit number. C.L. 336
- 6. Section of register in which registration appears. \*Land/Rights/Ownership
- 7. Registration entry number(s). 1
- 8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The plan must be signed by the person who signs the form.)

That the highway extends to a width of 15' on each side of the centre line of the carriageway and land within highway limits should be excluded from the Registration.

Dated

27<sup>th</sup> July 1972

Signature



(In the case of an objection by a body corporate or unincorporate, or charity trustees, this form must be signed by the secretary or some other duly authorised officer.)

\*Strike out whichever does not apply.



This portion to be detached and sent to the registration authority.

**C.R. Form 26 (OBJECTION FORM)**

**For official use only**

Official stamp of registration authority indicating date of receipt.

**OBJECTION** to registration(s) under the Commonso Registration Act 1965.o

To the (name of registration authority) North Riding of  
Yorkshire County Council.o

Objection No. 0324 o


I hereby object to the under-noted registration(s)o on the grounds stated.

- 1.o Name and address of person making the objection. County Surveyor,  
North Riding of Yorkshire County Council,  
County Hall, Northallerton. o
- 2.o Name and address of solicitor if any. (Fill this space o only if a solicitor has been instructed for the purposes of the objection. If it is filled, all correspondence and notices will be sent to the solicitor.)
- 3.o Reference (if any) of the objector or his solicitor.o
- 4.o Register in which the registration(s) objected too appear(s). \*Common Land/~~Town or Village Green~~ o
- 5. Register unit number.o C.L.336
- 6.o Section of register in which registration appears.o \*Land/~~Right of Ownership~~ o.o.o
- 7.o Registration entry number(s).o 1
- 8. Grounds of objection. (If a plan is sent, the fact should be mentioned here. The plan must be signed by the person who signs the form.)

Objection to registration on the grounds that a highway or highways are enclosed in the area being registered.

A highway being that area of land extending 15' on each side of the centre line of the carriageway.

Dated 27<sup>th</sup> July 19 72

Signature 

(In the case of an objection by a body corporate or unincorporate, or charity trustees, this form must be signed by the secretary or some other duly authorised officer.)

\*Strike out whichever does not apply.o