

## **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 055**

#### **Ickornshaw Moor (CL15)**

Application has been made to the North Yorkshire Council by Garth Edward Sellars 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](mailto:commons.registration@northyorks.gov.uk) , telephone: 01609 532364

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 055
- 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 24 April 2025

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 no. 23 have been transferred from Sam Saville to Garth Edward Sellars.

Dated: 5 March 2025

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

Application number

COMMONS ACT 2006	
NORTH YORKSHIRE COUNCIL	
COMMONS REGISTRATION AUTHORITY	
DATE:	- 9 JAN 2025

CA6 055
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Register unit number

CL 15
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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:

Joan Smith (nee Saville - Residuary Beneficiary of Sam Saville)

Postal address:

9 Park Road  
Cowling  
Keighley

Postcode BD22 0AN<sup>BP</sup>**2. Transferee**

Name:

Garth Edward Sellars

Postal address:

9 Laycock Fields  
Cowling  
Keighley

Postcode BD22 0DN

**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).

**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.

**3. Right of Common in gross**

Description of the right of common:

Rights of Turbary over the whole of the land comprised in this Register Unit.

See Note 16 below.

Register unit number(s):

CL15

Rights section entry number(s):

Entry Number 23

**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*).

The Transferor, Joan Smith (nee Saville) is the only daughter and sole residuary beneficiary of Sam Bradley Saville (DOB 25/01/1920) who died 19/12/2004 and Marjorie Saville (DOB 01//6/1921) who died 21/11/2017. The residuary estate of Sam Saville passed upon death to his spouse Marjorie Saville which in turn, upon her death, passed to their only child Joan who guarantees title of this Right of Common as part of that estate.

**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**

A consideration of £50 is being paid to the Transferor

**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 Joan Smith (nee Saville) in the presence of

Transferor Signature: [Redacted]

Signature of witness: [Redacted]

Name: MICHAEL GALLAGHER

Address: FARNHILLING HOUSE, FARLING TOP  
COWLING, KEIGHLEY BD22 0NW

Dated 07/01/25

Signed as a deed by Garth Edward Sellars in the presence of

Transferee Signature: [Redacted]

Signature of witness: [Redacted]

Name: MICHAEL GALLAGHER

Address: FARNHILLING HOUSE, FARLING TOP  
COWLING, KEIGHLEY BD22 0NW

Dated 07/01/25

**Note 7**

Insert the date of completion of the transfer.

**7. Date of Transfer**

07.01.2025

### PART B: REGISTRATION

**Note 8**

*Insert name of commons registration authority.*

**8. Commons Registration Authority**

To the:

North Yorkshire Council

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:

Garth Edward Sellars

Postal address:

9 Laycock Fields  
Cowling  
Keighley

Telephone number:

Postcode BD22 0DN

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:

Firm:

Postal address:

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)**

Consent granted by

Joan Smith (Transferor)  
9 Park Road  
Cowling  
Keighley  
BD22 0BP

Signed



Dated 07.01.2025

**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.

**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.

**15. Supporting documentation**

The Transferor, Joan Smith (nee Saville) is the only daughter and sole residuary beneficiary of the estates of Sam Bradley Saville (DOB 25/01/1920) who died 19/12/2004 formerly of 167 Keighley Road, Cowling, Keighley, BD22 0AH and Marjorie Saville (DOB 01/6/1921) who died 21/11/2017 and therefore is entitled to transfer these rights.

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

It is requested that the associated Entry Number 27 in the Notes to the Land Section which states:

Sam Saville 167 Keighley Road Cowling, claims to be entitled to rights of sporting and shooting over the land comprised in this register unit

should also be amended and transferred to the Transferee.

**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):

Michael Gallagher - Agent

Signature(s):



07/01/2025

**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.*



**WADDINGTON  
TURNER WALL**  
Solicitors

**Statutory Declaration - Ownership of Right of Common**

I **Joan Smith** of 9 Park Road, Cowling, Keighley BD22 0BP make this statement in relation to the ownership of a right of common and do solemnly and sincerely declare as follows:

1. The Right of Turbary over the land comprised in Register Unit CL15 and known as Ickornshaw Moor, Cowling ("the Land"), was owned by my father, Sam Bradley Saville, who was born on 25<sup>th</sup> January 1920 and died on 19<sup>th</sup> December 2004.
2. Upon my father's passing, his residuary estate including the Right of Turbary over the Land passed to his spouse and my mother, Marjorie Saville, who was born on 1<sup>st</sup> June 1921.
3. Marjorie Saville passed away on 21<sup>st</sup> November 2017, and the right of turbary, as part of her residuary estate, passed to me as her only child.
4. I was therefore the owner of the Right of Turbary over the Land until I transferred this right to Garth Edward Sellars in a transfer dated 7<sup>th</sup> January 2025.
5. I believe that the facts and matters contained in this statement are true.

I make this statutory declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Name: Joan Smith    Signature: ..  .....

Declared at: Roughway, West Yorkshire .. On this <sup>R<sup>m</sup></sup> day of FEBRUARY 2025

Before me:  .. Solicitor Name: REBECCA GARRITY .....

Official Stamp:    Waddington Turner Wall  
6-12 Devonshire Street  
Keighley  
BD21 2DG

# Register of COMMON LAND

See Overleaf  
for Notes

RIGHTS SECTION—Sheet No. 7.

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
23 25th January, 1968	154 2nd October, 1967	<del>Sam Saville,</del> 167 Keighley Road, Cowling (Owner) <sup>Keighley, BD22 0AH</sup> Not known at this address	Rights of Turbary over the whole of the land comprised in this register unit (Registration provisional)	The rights are held in gross
(See entry No. 77 below)				
<del>24</del>	<del>155</del>	<del>Thomas Shuttleworth,</del> <del>1 Middleton, Cowling</del> (Owner) NOT KNOWN AT THIS ADDRESS	Rights of turbary over the whole of the land comprised in this register unit (Registration provisional)	The rights are held in gross
(See entry No. 77 below)				
<del>25</del>	<del>156</del>	<del>Melville Smith,</del> 93-95 Keighley Road, Cowling (Owner) <sup>Keighley, BD22 0BX</sup> Not known at this address. (Register Amendment see entry 117 below)	Rights of turbary over the whole of the land comprised in this register unit (Registration provisional)	The rights are held in gross
(See entry No. 77 below)				
26 25th January, 1968	157 2nd October, 1967	Alec Snowden, 25 Fold Lane, Cowling (Owner)	Rights of turbary over the whole of the land comprised in this register unit (Registration provisional)	The rights are held in gross
(See entry No. 77 below)				
Registration Amendment : Entry No. 26 above is replaced by entry No. 94 below				
<del>27</del>	<del>158</del>	<del>Douglas Snowden</del> 17 Walton Street, Cowling (Owner) <sup>Keighley, BD22 0AD</sup> Not known at this address.	Rights of turbary over the whole of the land comprised in this register unit (Registration provisional)	The rights are held in gross
(See entry 77)				