



COMMONS REGISTRATION ACT 1965

Reference No 5/1/34

In the Matter of Part of Castle Hill,
Halton, Halton D

DECISION

This reference relates to the question of the ownership of land known as part of Castle Hill, Halton, Halton D being the land comprised in the Land Section of Register Unit No CL. 35 in the Register of Common Land maintained by the Cheshire County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference The Duchy of Lancaster and Greenall Whitley & Co Ltd each claimed to be the freehold owner of part of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Chester on 27 January 1977.

Miss S Cameron counsel instructed by Messrs Frere Chomeley & Co appeared on behalf of the Duchy of Lancaster and she also represented Greenall Whitley & Co Ltd. Mr H C Woodward who had put forward a claim to ownership of part of the land was present in person and confirmed that he had withdrawn his claim prior to the hearing.

The land in question with the exception of two parcels - viz (1) a section of the triangular piece of land at the southeast and (2) the wholly detached triangle at the southwest, was all part of the wastes in the ownership of the Duchy in 1828 as appears from a map of that date produced by Miss Cameron.

The Duchy subsequently conveyed certain portions of the land in question to Greenall Whitley & Co Ltd (hereinafter called the Greenall Land). On this evidence I am satisfied that the Duchy is the owner of the whole of the land in question which is at this point of time still waste, other than the two parcels first above mentioned and the Greenall Land and I shall direct the Cheshire County Council as the Registration Authority to register Her Majesty in right of her Duchy of Lancaster as the owner thereof. I am further satisfied that Greenall Whitley & Co Ltd is the owner of the Greenall Land and I shall direct the Cheshire County Council to register Greenall Whitley & Co Ltd as the owner of that land.

In the absence of any evidence I am not satisfied that any person is the owner of the two parcels of land first above mentioned and they will therefore be subject to protection under section 9 of the Act of 1965.

Miss Cameron on behalf of her clients agreed to provide me with a plan to be attached to my Direction accurately defining the boundaries of the Greenall Land and the land which will remain subject to protection.



I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 3rd day of February 1977

Y A Little

Commons Commissioner