



In the Matter of A Public Watering Place and  
Public Clay Pit near Lakerigg, Dalston, Cumbria (No. 2)

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DECISION

This dispute relates to the registration at Entry No. 2 in the Ownership section of Register Unit No. CL 205 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by the conflicting registration at Entry No. 1 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Carlisle on 8 April 1981. The hearing was attended by Mr A F Cope, Clerk of the Dalston Parish Council, the applicant for the registration. There was no appearance on behalf of the Church Commissioners for England, the applicants for the conflicting registration, but Mr Cope informed me that he had received a telephone message that they wished to "withdraw" their application.

In January 1961 the land was levelled on the instructions of the Parish Council, which has since maintained it as an open space. In 1964 the Parish Council granted a lease of part of the land comprised in the Register Unit to the North Western Electricity Board and permitted the Board to lay cables under the land, and has since received a rent of £2.84 a year from the Board.

On this evidence I am satisfied that the Parish Council has acquired a possessory title to the land.

I therefore confirm the registration.

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

28th

day of

April

1981

Chief Commons Commissioner