



Reference No. 262/U/495

In the Matter of Bank Moor,
Crosby Ravensworth, Eden
District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Bank Moor of about 334 acres, Crosby Ravensworth, Eden District being the land comprised in the Land Section of Register Unit No. CL7 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) 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 Mr C H Bagot claimed (his Agents letter of 18 December 1981) ownership. No other person claimed to be the freehold owner of the land in question or 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 Penrith on March 1982. At the hearing Mr Charles Henry Bagot of Levens Hall Kendal was represented by Mr J P Merrett, FRICS of Hoggarth & Sons, Chartered Valuation Surveyors and Land Agents of Kendal; present also was Mr James Theodore Relph of Holly Cottage who is the secretary of Crosby Ravensworth Commoners Committee and chairman of Crosby Ravensworth Parish Council.

At the hearing I had letters from Waterhouse & Co, Solicitor of London on behalf of Mr Bagot requesting an adjournment and enclosing written consents by various persons (including Mr Relph) saying they were agreeable or did not object. Mr Relph gave oral evidence about the land in the course of which he said he saw no objection to the adjourned hearing being in London. Accordingly I adjourned the hearing to London with liberty for any person present or represented or any other person interested in the proceeding to apply to me that the hearing should be in Cumbria.

No such application having been made, I held the adjourned hearing in London on 21 July 1982. There was no attendance at this hearing, but before it I had a letter from Waterhouse & Co saying that they after much consideration of the available documentary and other evidence had advised their client that whilst all the indications are that he is the owner of Bank Moor, they did not think that the evidence was sufficient to persuade the Commissioner to find in his favour; so their client had instructed them not to proceed with the hearing.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.

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 2nd —

day of August —

1982.

a a. Baden Fuller