



COMMONS REGISTRATION ACT 1965

Reference No.262/U/289

In the Matter of Butts Green, Great Asby,  
Asby, Cumbria

This reference relates to the question of the ownership of land known as Butts Green, Great Asby, Asby, being the land comprised in the Land Section of Register Unit No.VG.32 in the Register of Town or Village Greens maintained by the Cumbria 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 J T Lancaster and Mrs D M Dent, claimed to be the freehold owners 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 Penrith on 24 April 1980. At the hearing I gave leave to Mr J Dent, the husband of Mrs Dent, to represent her and Mr Lancaster, who is her brother.

The land the subject of the reference consists of two parts, between which there is at present no physical boundary. Both parts were allotted by the Asby Windervath Inclosure Award made on 9 October 1874 under the Acts for the Inclosure, Exchange and Improvement of lands. The north-eastern part was allotted to William Thwaites of Castlebank, Appleby. The South-Western part was also allotted to Mr Thwaites, but subject to his allowing it to be used for recreation by the inhabitants of the township and neighbourhood. Both parts were copyhold and were enfranchised on 1 January 1926.

Both parts passed to William Lancaster and by an assent made 10 November 1963 between (1) Mary Lancaster, widow, John Thomas Lancaster, and Doris Mary Lancaster, as executors of William Lancaster (2) J T.Lancaster and D M Lancaster. Miss Lancaster married Mr Dent on 17 September 1964.

On this evidence I am satisfied that Mr J T Lancaster and Mrs Dent are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owner of the land under section 8 (2) 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

1980

day of

June

1980

Chief Commons Commissioner