



In the Matter of Ground for getting Gravel,
Chalkfoot, Dalston, Cumbria (No. 1)

DECISION

This dispute relates to the registration at Entry No. 1 in the Ownership section of Register Unit No. CL 212 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by the conflicting registration at Entry No. 2 in the same section of the Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Carlisle on 9 April 1981. The hearing was attended by Mr P Rigby, solicitor, on behalf of the Church Commissioners for England, the applicants for the registration at Entry No. 1, and by Mr A F Cope, the Clerk of the Dalston Parish Council, the applicant for the registration at Entry No. 2.

Mr Rigby informed me that he was instructed not to support the registration at Entry No. 1.

The land in question was formerly a rubbish tip and was restored to agricultural use after it had been filled. Since November 1963 the land has been let to a farmer and the Parish Council has received the rent. Whatever the position may have been when the land was a rubbish tip, I am satisfied that the Parish Council has now acquired a possessory title to it.

For these reasons I refuse to 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

30th

day of

April

1981

[Handwritten signature]

Chief Commons Commissioner