



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/339

In the Matter of Hundith Hill,
Embleton and District Parish,
Allerdale District, Cumbria

DECISION

This reference relates to the question of the ownership of land containing less than $\frac{1}{2}$ an acre on the northeast side of and adjoining the road from High Lorton to Cockermouth (A5292) situated at Hundith Hill, Embleton and District Parish, Allerdale District being the land comprised in the Land Section of Register Unit No. CL377 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) 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 Thomas R Taylor claimed (letter dated 1 December 1980) to be the freehold owner 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 Keswick on 27 April 1981. At the hearing (1) Embleton and District Parish Council, as successors of Embleton Parish Council on whose application the registrations in the Land and Rights Section were made, were represented by Mr O W Todhunter their clerk; and (2) Mr T R Taylor attended in person.

Mr Taylor in the course of his evidence produced a conveyance dated 5 December 1938 by which about $93\frac{1}{2}$ acres of land were conveyed to him by reference to a description in the Schedule and a plan attached. He identified the land in question with OS No. 536 on the plan and in the Schedule said to be 0.334 acres. He said (in effect):- The $93\frac{1}{2}$ acres had been farmed by himself from 1938 up to 1963 when his son became his tenant of it. The land in question had always been coppice: 2 or 3 oaks and 3 or more beech. There is a hole on it about 6 or 8 yards in diameter and about 4 or 5 feet deep from which some sort of clay may at one time have been quarried. It now appears to have become filled up, and there is a tree there. It had always been treated as part of the $93\frac{1}{2}$ acres farmed by himself and his son, all of which is now part and parcel of Byresteads Farm.

Mr Todhunter said that the Parish Council did not claim ownership and accepted the claim of Mr Taylor.

On this evidence I am satisfied that Mr Taylor is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Mr Thomas Robinson Taylor of The Bungalow, Byresteads, Embleton as the owner of the land under section 8(2) of the Act of 1965.

TOWN OVER



- 2 -

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 19th - day of May 1981

a. a. Baden Fuller

Commons Commissioner