



In the Matter of land at High Row, Matterdale,
Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land at High Row, Matterdale, Eden District being the land comprised in the Land Section of Register Unit No VG 108 in the Register of Town or Village Greens 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 E Titterington as Hon Sec of Matterdale Common Conservators said (letter of 12 February 1979) that this land belongs to the Conservators and was missed off when he registered the Common as a whole. 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 26 April 1979. At the hearing Matterdale Parish Council were represented by Mr B Spurrett their clerk (present also was Mr J Wilkinson their chairman).

Mr Wilkinson said (in effect):- The land is an open piece of grass land which is or was part of Matterdale Common. (a large area to the west). There is on it a gravel pit which has not been used for years; it is outside the Fell boundary, and he understood it was allotted to the Surveyors of the Highways for repair of roads. He had on the night before the hearing spoken on the telephone to Mr Titterington, and understood from him that he now made no claim on behalf of the Conservators.

On Mr Wilkinson's statement, I cannot I think find any Council is now the owner as successor of the Surveyors of Highways. He said that in his view it would be sensible and practical if land came into the ownership of the Parish Council.

In the absence of any evidence I am not satisfied that any person is the owner of the land and I shall accordingly direct the Cumbria County Council, as registration authority, to register Matterdale Parish Council as the owner of the land under section 8(3) 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 21st — day of May — 1979.

a. c. Bader Fuller