

COMMONS REGISTRATION ACT 1965



Reference No. 262/U/373

In the Matter of Land fenced off at Knott's  
Fell at Coombe Beck, Mungrisdale,  
Cumbria

DECISION

This reference relates to the question of the ownership of land fenced off at Knott's Fell at Coombe Beck, Mungrisdale being the land comprised in the Land Section of Register Unit No. CL 292 in the Register of Common Land 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 the Mungrisdale Parish Council claimed 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 Penrith on 15 October 1981.

At the hearing Mr D Mellor, Solicitor, appeared for Mr M B N Howard, and there was no appearance on behalf of the Parish Council.

Mr Howard claimed to be the owner of the land in question as waste land of the manor of Mungrisdale (or Gridale) of which he claimed to be the lord. On the evidence then before me I was not satisfied that any person was the owner of the land in question, and I gave a decision accordingly.

After my decision was issued Mr Howard's Solicitors applied for the hearing to be reopened so that further evidence as to the lordship of the manor of Gridale could be adduced. Since there was no other effective claimant to the ownership of the land in question, I decided to reopen the hearing at Penrith on 21 July 1982. At this hearing Mr Howard was again represented by Mr Mellor.

For the reasons given in my decision in In the Matter of Wellhouse Spring, Mungrisdale (No. 2) (1982), Ref. No. 262/U/372, I am now satisfied that Mr Howard is the lord of the manor of Gridale and the owner of the land, and I shall accordingly direct the Cumbria County Council to register him 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.

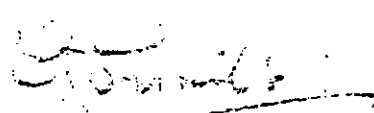
Dated this

24<sup>th</sup>

day of

July

1982

  
Chief Commons Commissioner