



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/643-644

In the Matter of Land known as Ravenglass Green and Saltings,
Muncaster, Copeland B

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 110 in the Register of Town or Village Greens maintained by the Cumbria County Council and is occasioned by (1) an Objection made by British Rail and noted in the Register on 4 August 1972 and (2) the conflicting registration at Entry No. 1 in the Land Section of Register Unit No. CL 437 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Whitehaven on 22 July 1981. The hearing was attended by Mrs Susan Johnson, the applicant for registration, by Mr H Longley, Clerk to Muncaster Parish Council, by Mr D Stubbington, Surveyor, of British Rail and by Mr T Greer of the Registration Authority.

The Objection by British Rail relates to a strip of land stated in the Objection to be in the ownership of British Rail, which it had been agreed should be excluded from the registration. As regards the conflict with the CL registration, which was made on the application of the Parish Council, it was agreed that the VG registration should be confirmed and the CL registration cancelled. Accordingly I confirm the VG registration subject to the modification that the land shown on the plan accompanying the Objection be excluded from the registration.

Mr and Mrs John Siddons, the owners of property known as The Old Reading Room, Main Street, Ravenglass, also appeared at the hearing. They were not persons entitled to be heard, but I agreed to hear Mr Siddons's evidence. In 1979 they purchased the Reading Room and by the Conveyance from the Vendors dated 11 June 1979 there was conveyed to them as well as the Reading Room "such right title and interest as the Vendors may have" in a piece of land at the rear of the Reading Room adjoining that property and lying between it and the sea wall. Mr Siddons claims that this piece of land in the rear yard of the Reading Room property and is in his ownership: he has recently constructed a fence around it, which does not prevent access by the public to the foreshore beyond the sea wall. In these circumstances he seeks to have the piece of land excluded from the registration. No Objection relating to the piece of land was made to the registration; and although in the circumstances it seems hardly appropriate for it to be treated as Village Green, I cannot, I think, in the absence of consent by the applicant properly exclude it from the registration. I should add that I am not required at this stage to make, nor am I making any decision in regard to Mr Siddons's claim to ownership of the piece of land, which will be determined when the question of ownership of all the land comprised in the registration is referred to a future hearing.

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 23 September 1981

L. J. Mans Smith

Commons Commissioner