



Reference No. 262/U/590

In the Matter of land part of  
Adgarley Green, Urswick,  
South Lakeland District,  
Cumbria

DECISION

This reference relates to the question of the ownership of land part of Adgarley Green, Urswick, South Lakeland District being the land comprised in the Land Section of Register Unit No. CL178 in the Register of Common Land maintained by the Cumbria (formerly Lancashire) 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 no 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 Keswick on 12 May 1987. There was no appearance at the hearing.

The land ("the Unit Land") in this Register Unit is according to the Register map, a strip about 75 yards long and 3 yards wide. Mrs F Harrison who attended the hearing as representing Cumbria County Council as registration authority, said it was part of the road crossing Adgarley Green.

About Adgarley Green, meaning the land in Register Unit No. VG27, I held a hearing at Kendal on 27 April 1978 and by my decision dated 4 May 1978 I confirmed the registration without any modification, except the removal of some land edged red on the Register map not now relevant. The west end of the Unit Land adjoins the north-east corner of the part of the VG27 land south of the road and the north boundary of the Unit Land adjoins the south boundary of the part of the VG27 land north of the road.

Since the hearing, I have a letter dated 16 November from the Clerk of Urswick Parish Council saying (in effect) that they have no claim to ownership of the Unit Land and "understand that any rights of common attached will not be affected in any way by this".

The CL178 Rights Section contains only one registration, being of a right to graze the Unit Land with other land; nothing in this decision can affect such registration, or any other right of common. In the absence of any evidence I am not satisfied that any person is the owner of the Unit Land and it will therefore remain subject to protection under section 9 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 4<sup>th</sup> — day of December — 1987.

*a. a. Baden Fuller*