

COMMONS REGISTRATION ACT 1965



Reference No. 262/U/562

In the Matter of Mungrisdale Common (part),
Mungrisdale, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Mungrisdale Common (part), Mungrisdale, being the part of the land comprised in the Land Section of Register Unit No. CL.293 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 Mr M B N Howard 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 26 March 1984. At the hearing Mr D Mellor, Solicitor, appeared on behalf of Mr Howard.

The land the subject of the reference consists of two small areas on the north-west side of the River Calder, the greater part of the land comprised in the Register Unit having been registered as being in the ownership of Mr S V S Howard without any dispute.

On the evidence which was adduced in In the Matter of Wellhouse Spring, Mungrisdale (No.2) (1982) Ref. No. 262/U/372 I was satisfied that Mr M B N Howard was the lord of the manor of Grisdale, and Mr Mellor presented the case on the basis that the land the subject of the reference is in the ownership of Mr Howard as waste land of that manor. Mr Mellor produced a map which showed the north-western boundary of the manor as being the River Calder. However, the western and north-western boundary of the Register Unit consists of straight lines in the general direction of the river, but not coinciding with it. The result is that the two areas the subject of the reference are outside the manor, while a third area forming part of the manor has been included in an adjoining Register Unit (CL.400)

On this evidence I am not satisfied that any person is the owner of the land the subject of the reference, 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

6th

day of

June

1984


 Chief Commons Commissioner