

In the Matter of Paradise, Ravenstonedale, CumbriaDECISION

This reference relates to the question of the ownership of land known as Paradise, Ravenstonedale, being the land comprised in the Land Section of Register Unit No. CL. 99 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 R T W Hewetson 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 23 April 1980. At the hearing Mr Hewetson was represented by Mr T A Hodges, Solicitor.

It appears from a perambulation of the manor of Ravenstonedale that the land the subject of the reference, which is waste land in the technical sense of that expression, was parcel of the manor on 17 June 1887, and there is no evidence that it has since been severed from the lordship of the manor.

The manor was conveyed to Mr G E Thompson by a Conveyance made 12 February 1920 between (1) James William Lowther, Christopher William Lowther and William George Frederick Cavendish Bentinck (2) Hugh Cecil, Earl of Lonsdale (3) Gerard Elyetson Thompson. Mr Thompson died on 4 May 1940 and the manor was conveyed by an assent made by Robert Burra and Arthur Edward Metcalfe Gibson, his personal representatives, to Richard Perceval Hewetson. The manor has since been conveyed by a conveyance made 31 July 1954 between (1) R P Hewetson (2) Richard Tatton Wedderburn Hewetson and a conveyance made 29 September 1978 between (1) R T W Hewetson (2) Derek Roche Penrose and John Peter Merrett.

On this evidence I am satisfied that Mr Penrose and Mr Merrett are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority to register them as the owners 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

5th

day of

June

1980

Chief Commons Commissioner