



In the Matter of Pieces of land beside the Roads
between Church Hill and Gill Cottage, Crosby Garrett,
Cumbria

DECISION

This reference relates to the question of the ownership of several pieces of land beside the roads between Church Hill and Gill Cottage, Crosby Garrett, being the land comprised in the Land Section of Register Unit No. CL.140 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 no person claimed to be the freehold owner of the land in question and no one 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, the Crosby Garrett Parish Meeting was represented by Mr P C Wright, its Clerk.

On 24 September 1947 in reply to an enquiry by the County Planning Officer it was stated that the Parish Meeting owned 1 ac. of land in the village. Mr Wright invited me to draw the inference that this land consisted of the several pieces the subject of the reference, which have a total area of 0.8 ac.

On one of the pieces of land there is a septic tank which takes the drainage of several properties in the village. This septic tank is emptied from time to time by the Allerdale District Council.

Another of the pieces of land is bounded on the south by a building, to the north wall of which there is affixed a parish notice board. Persons wishing to read the notices have to walk across the land in question in order to do so.

On this evidence I am not satisfied that any person is the owner of the 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

25

day of

April

1984


Chief Commons Commissioner