



In the Matter of Sand Hole, Bolton Fell,
Hethersgill, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Sand Hole, Bolton Fell, Hethersgill being the land comprised in the Land Section of Register Unit No. CL.230 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.

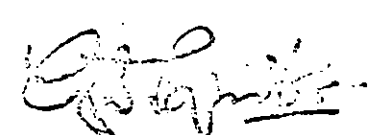
I held a hearing for the purpose of inquiring into the question of the ownership of the land at Carlisle on 7 February 1980. At the hearing the Hethersgill Parish Council was represented by Mr J Hogg, its Clerk.

It appears from the records of the Parish Council that 7/- was paid by the Council for cleaning the land on 1 March 1935. In March 1956 the then Cumberland County Council fenced the land at the request of the Parish Council, but the Parish Council did not pay for this work. Since the Parish Council has kept the land tidy, with some hesitation I have come to the conclusion that the evidence is just sufficient to enable me to say that the parish council has been in possession of the land since 1956 and has acquired a possessory title.

I am therefore satisfied that the Parish Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the Hethersgill Parish Council as the owner 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 21st day of February 1980


Chief Commons Commissioner