



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/299

In the Matter of Sockbridge Green,
Sockbridge & Tirril, Eden District,
Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Sockbridge Green, Sockbridge & Tirril, Eden District being the land comprised in the Land Section of Register Unit No. VG 49 in the Register of Town or Village Greens maintained by the Cumbria (formerly Westmorland) 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 the Earl of Lonsdale (his Solicitors' letter of 10 October 1979) claimed to be the freehold owner of the land in question; and Sockbridge & Tirril Parish Council said (letter of 27 September 1979) that this Green had been maintained for as long as the present councillors could remember, that there were minutes and accounts from 1962/63 for mowing and other costs carried out by the Parish Council and a minute in 1967 confirming an agreement with adjoining land owners about the boundary. 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 3 July 1980. At the hearing the Rt Hon James Hugh William 7th Earl of Lonsdale was represented by Mr K Wise, surveyor of Lowther Estate Management Services, being Land, Estate and Forestry Agents, Surveyors and Valuers of Lowther, Penrith; and Sockbridge & Tirril Parish Council were represented by Mr W C Barnes their clerk. After some discussion, on the application of Mr Wise, I adjourned the proceedings.

I held the adjourned hearing at Penrith on 17 June 1981. At this hearing the Earl of Lonsdale was represented by Mr C Vane of counsel instructed by Dickinson Dees, Solicitors of Newcastle upon Tyne; and Sockbridge & Tirril Parish Council were represented by Mr Barnes as before.

Oral evidence was given by Mr Barnes who has lived in the Village of Tirril for the past 18 years, in the course of which he produced the documents listed in the Schedule hereto. He said (summarising his evidence):- The land is roughly triangular being about 40 yards long and about 30 yards across its base; it is bounded by Sockbridge Road on its north and by Lady Beck stream on its east side. The minutes of the Parish Meeting and after 1946 of the Parish Council (then formed) showed their concern directly or indirectly with this land, particularly (1895) the pump at Lady Beck and the well, (1901) the footpath alongside Lady Beck and the stones near the Public Pump, (1948) the clearing of the land by Lady Beck, (1949) complaints about car parking, (1955-56) the purchase of weed killer and payments for mowing, (1962-65) discussion as to car park and planting bushes, and (1967-68) discussions and agreement with Lowther Builders Ltd about the boundary. The letters produced were consistent with the minutes.



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After a short adjournment, Mr Vane said that in the light of the evidence which had been given, the ownership claim of the Earl of Lonsdale is withdrawn.

On the evidence summarised above, I conclude that for a period of more than 85 years the Parish Meeting and the Parish Council accepted responsibility for this land as being the reputed owners, and are now in possession of it. Possession in such circumstances ~~would~~ be equivalent to ownership, I am satisfied that the Parish Council are the owners of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register Sockbridge & Tirril 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.

SCHEDULE
(documents produced)

--	Statement by Mr W C Barnes.
4 December 1984 to 26 February 1962	Minute Book of Parish Meeting and of Parish Council.
18 May 1962 to 28 May 1978	Minute Book of Parish Council.
--	Extract prepared by Mr Barnes from the said Minute Books.
1915	OS map 1/2,500.
9 July 1962	Letter from Westmorland County Council County Surveyor to Parish Council.
21 September 1962	Letter from North Westmorland Rural District Council to Parish Council.
2 April 1968	Letter from County of Westmorland North Western Divisional Surveyor to Parish Council.

Dated the 10th — day of July — 1981

a. a. Baden Fuller

Commons Commissioner