



COMMONS REGISTRATION ACT 1965

Reference No. 40/U/4

In the Matter of the Old Pinfold or
village green, Hartley, Eden District,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as the Old Pinfold, otherwise the Hartley village green, Hartley, Eden District being the land comprised in the Land Section of Register Unit No. VG11 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 no person claimed to be the freehold owner of the land in question and no 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 24 April 1979. At the hearing Miss Mary Burrow who is the clerk of the Hartley Parish meeting, attended in person. After some discussion, at her request I adjourned the proceedings.

I held the adjourned hearing at Penrith on 3 July 1980. Miss Burrow attended as before, as also did Mr G B Harker, a solicitor with Hewitson & Harker, Solicitors of Kirby Stephen, who is the chairman of Hartley Parish Meeting.

Miss Burrow who was born in Hartley (she is now 73) and who has lived there all her life (except while away as a school mistress) in the course of her evidence produced an old manuscript book apparently the Court Rolls of the Manor of Hartley and Kirkby Stephen from 1830 to 1925; and the Parish Meeting minute books from 1932 to 1955 and from 1956 to 1977. She said (in effect):- The land is a triangular grass area with the Pinfold in the middle; dry stone walling with a gate. The Village has always maintained the Pinfold and the land; originally the chairman of the Parish Meeting (Mr William Harker) allowed a villager to keep hens on the land provided he kept the Pinfold in repair. The motor traffic through the Village (later) made it impossible to graze the land, so the present tenant of West View grows the grass and keeps it tidy on behalf of the Parish Meeting of which he is chairman, and keeps off trespassers. In March 1968 the Parish Meeting at their expense got two villagers to repair the walls and to make and mount a new gate. The Court Rolls make no mention of the land or of any Pinfold on it. At a 1932 meeting concern was expressed about the Pinfold. At 1941 and 1942 meetings complaint was made about a local builder having left building material on the land, and the meeting required him to move it; Miss Burrow remembered that he complied with this request. As a result of a 1953 meeting land was cleared in preparation for the local celebration of the Coronation of HM The Queen. At a 1968 meeting a letter was read from the Town and Country Planning Department of the County Council recording that the Pinfold on the Village Green is included in the buildings of special architectural and historic interest. No person other than the Parish Meeting or persons authorised



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by them had ever attempted to exercise ownership over the land or the Pinfold on it; although there was a plan to build a bridge across the Beck, ~~and~~ following objection by the Parish Meeting this plan was rejected.

On the evidence summarised above, I am satisfied that the Parish Meeting are the reputed owners of the land and the Pinfold on it and are in possession in circumstances which make it practically certain that their possession will not be disturbed; such reputation and possession is equivalent to ownership. The Parish Trustees being a body corporate established under section 13 of the Local Government Act 1972, in succession to other bodies corporate established under earlier acts, are the proper body ~~who~~ ^{which} hold land on behalf of a parish meeting. I am therefore satisfied that the Parish Trustees are the owners of the land, and I shall accordingly direct the Cumbria County Council as registration authority to register the Parish Trustees of Hartley 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 22nd

day of July —

1980

a. a. *Bader Feller*

Commons Commissioner