



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/311

In the Matter of the Pinfold and adjoining land by Lady Beck, Sockbridge and Tirril, Eden District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as the Pinfold and adjoining land by Lady Beck, Sockbridge and Tirril, Eden District being the land comprised in the Land Section of Register Unit No. CL 133 in the Register of Common Land 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 Sockbridge and Tirril Parish Council claimed (their clerk's letter of 27 September 1979) ownership; as also did the Earl of Lonsdale (his Solicitors' letter of 10 October 1979). No other person claimed to be the freehold owner of the land in question or 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 October 1980. At the hearing the Rt Hon James Hugh William Earl of Lonsdale was represented by Mr Fryer Spedding of counsel instructed by Dickenson Dees, Solicitors of Newcastle upon Tyne; and Sockbridge and Tirril Parish Council on whose application the registration was made, were represented by Mr W C Barnes their clerk.

Mr Fryer Spedding said that the Earl of Lonsdale did not now make any claim to the land.

Mr Barnes who has lived in the Parish for the last 17 years and has been a clerk of the Parish Council for the last 9 years, in the course of his evidence produced (1) the Sockbridge and Tirril Parish Meeting book from 1894 to 1962, (2) the Sockbridge and Tirril Parish Council Minute Book from 1962 to 1965, and (3) a photo copy of the letter dated 29 January 1968 from Little & Shepherd as solicitors for Lakeland Investments Limited and Lowther Builders Limited to Arnison & Co as solicitors for the Parish Council. He said (in effect):- The land ("the Unit Land") in this Register Unit is by the Lady Beck. It was formerly a pinfold and a pond. The adjoining land on the west was in and after 1967 developed as a housing estate; the house now nearest the Unit Land is No. 10 Sockbridge Drive, the back garden of which adjoins the Unit Land. During this development, the Pinfold (or what was left of it) was demolished; the Parish Council as owners protested and claimed compensation; after some correspondence compensation was paid and the title of the Parish Council to the Pinfold land and some land nearby was acknowledged (as appears from the said 1968 letter). In the first Book produced, it is recorded that in 1903 the Pinfold "must belong to the Parish", and the Books show that subsequently until 1966 it was let annually by the Parish Meeting or the Parish Council; until 1918 at no charge, and from then at a rent until 1925 of 6d and thereafter of one shilling. The Unit Land is now useless for any public purpose, because it is land locked, only approachable by walking along the bed of (or the wet land near) the Beck.



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On the evidence summarised above I conclude that the Parish Council have for many years been in possession and are the reputed owners; a state of affairs for all practical purposes equivalent to ownership. Accordingly I am satisfied that they are the owners of the land and I shall accordingly direct the Cumbria County Council, as registration authority, to register Sockbridge and Tirril Parish Council 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 8th — day of January 1980

a. a. Basten Fuller

Commons Commissioner