



COMMONS REGISTRATION ACT 1965

Reference No. 262/U/274

In the Matter of The Public Quarry, Holme Park
Fell, Holme, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Public Quarry, Holme Park Fell, being the land comprised in the Land Section of Register Unit No. CL 121 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 the South Lakeland District Council claimed to be the freehold owner of the land in question and 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 Kendal on 23 July 1980.

At the hearing the District Council was represented by Mr A Crossley, its legal executive, and the Holme Parish Council by Mr E Prill, its Clerk.

The land the subject of the reference was awarded, assigned, allotted, set out and appointed by the Burton-in-Kendal Inclosure Award, dated 3 September 1818, for the purpose of working, getting and taking in stone, gravel, and sand for the use of the owners and occupiers of messuages and lands within the manor, township or division of Holme for making any new or repairing old houses and other buildings and for making or repairing roads or ways within the manor, township or division.

Since the land was not allotted to anyone, but only for a purpose, it must be presumed that the soil remained vested in whoever owned it before the award, probably the lord of the manor. There was no evidence of the identity of the present successor in title of the former owner.

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

25th

day of

August

1980

Chief Commons Commissioner

