



COMMONS REGISTRATION ACT 1965

Reference No 20/U/128

In the Matter of the Village Green,
Sparkbridge, Egton-with-Newland,
South Lakeland District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as the Village Green, Sparkbridge, Egton-with-Newland, South Lakeland District being the land comprised in the Land Section of Register Unit No VG. 62 in the Register of Town or Village Greens maintained by the Cumbria (formerly Lancashire) 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 Mr C Middleton of Pomona, Lowick Green said (letter dated 20 December 1973) that the Village Green belonged to the Middleton Trust. 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 Kendal on 26 April 1978. At the hearing Egton-with-Newland Parish Council were represented by Mrs J Briggs their clerk. Mr Middleton left the place of hearing before I started enquiring into this matter, leaving a paper signed by himself and Mrs Briggs recording "conflict resolved", meaning so Mrs Briggs understood, that he did not now wish to make any claim to any part of the land.

Mrs Briggs produced the Sparkbridge Inclosure Award dated 11 March 1823 (the contemporary copy now held by the Parish Council), which included an allotment: "And next as to the allotment and parcels of ground necessary to be set out for the purpose of public watering places for cattle upon the said Commons Wastes Grounds and Mosses We...do hereby allot and set apart...(then follows a description of a number of plots, including)...certain other parcel of ground situate at Sparkbridge...containing a like measure of thirty perches bounded on the north and west by the Sparkbridge road...and on the east by the River Crake". Mrs Briggs identified the land (the Unit Land) as that allotted (on the Award plan No 443) by the words above quoted.

Mrs Briggs also produced the Minute Book of the Parish Council from 1894 to 1954 which recorded that at a meeting on 30 September 1901 it was resolved: "That this meeting is of opinion that it is advisable that the watering places and quarries allotted under the Award 42 Geo 3 cap 42 (meaning I suppose the Ulverston (township of Egton-with-Newland) Inclosure Act) for the use of the landowners to be transferred to the Parish Council".

Mrs Briggs who has been clerk of the Parish Council since April 1974, said that she had always understood that since the passing of the above-quoted resolution the Parish Council has administered the Unit Land as appeared from the numerous references to it in the Minute Books. The Unit Land is in the centre of the Village of Sparkbridge, is locally known as "the Green" and provides the only



public access to the River Crake (eg for paddling by children). It is rough grass with two public seats and some planted trees commemorating various events (eg the Jubilee tree). Ever year on it there is the Village bonfire. On it there is a bus shelter built by the Parish Council. A low wall is being built on it by the Parish Council under the job creation scheme.

It is or may be doubtful whether under the 1802 Act and the 1823 Award the legal ownership of this land vested in the churchwardens and overseers (the predecessors of the Parish Council). It may be that it ~~is not~~ does not matter much whether the information supplied by Mrs Briggs shows that the Parish Council have at least a possessory title to the land, because under subsection (3) of section 8 of the 1965 Act, if I am not satisfied that any person is the owner (and there was at the hearing no evidence that anyone other than the Parish Council could be the owner) I am required to direct their registration as owner. However this may be, I consider that on the evidence summarised above I can properly conclude that the Parish Council have at least such a title and I am therefore satisfied that they are the owners of the Unit Land, and I shall accordingly direct the Cumbria County Council as registration authority to register Sparkbridge 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 18th day of May -

1978

a. a. Baker Fuller

Commons Commissioner