



In the Matter of the Village Green Crosby,  
Crossscanonby

DECISION

This reference relates to the question of the ownership of the land above mentioned being the land comprised in the Land Section of Register Unit No. VG 3 in the Register of Town or Village Greens maintained by the former Cumberland 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 Crossscanonby Parish Council claimed to be the freehold owner of the land in question and Mr Maurice Fearon claims to be owner of a part thereof, 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 ~~Keswick on 30 June 1982.~~

Mr G C Whitehead (Clerk) appeared for Crossscanonby Parish Council and Mr L C Gardiner of Messrs Milburn and Co, Solicitors of Maryport appeared for Mr Fearon.

Mr Whitehead produced a copy of an Inclosure Award made in March 1853 which allotted to the Churchwardens and Overseers of the Poor of the Parish of Crossscanonby the piece of land known as Crosby Village Green numbered on the Map 35c containing 5 acres 2 roods and 22 perches.

Mr Fearon recently purchased a property known as Lowside parts of which were in existence before 1853 as evidenced by a lease made in 1834 the original of which was produced to me. Lowside itself is outside the boundary of the award but what is now the entrance to Lowside from the highway is clearly part of the land comprised in the award. Mr Gardiner wished to challenge the validity of the registration of this entrance as part of the Village Green. The registration has been confirmed after a hearing in 1981 and the time for appealing had expired so I refused to allow the attack on the registration to continue.

Mr Gardiner's difficulty was that no document relating to Lowside contained a plan except a Conveyance in 1969. The OS. map shows that the entrance to the property from the highway is open and ungated and I was not satisfied on the evidence that Mr Fearon or his predecessors in Title had even had or acquired a title to what had been undoubtedly part of the award.

On this evidence I am satisfied that Crossscanonby Parish Council is the owner of the land, and I shall accordingly direct the Cumbria County Council as registration authority, to register the said Parish Council as the owner of the land under section 2(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

516

day of

August

1982

George Herkett

Commons Commissioner