



In the Matter of White Fell, Tebay, Cumbria

DECISION

This reference relates to the question of the ownership of land known as White Fell, Tebay, being the land comprised in the Land Section of Register Unit No. CL 147 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 no person claimed to be the freehold owner of the land in question and no one 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 29 October 1980.

At the hearing Mr T A Hodges, Solicitor, appeared on behalf of the Tebay Parish Council and Mr J Fryer Sepdding, of Counsel, on behalf of the Earl of Lonsdale and his Settled Land Act Trustees.

The only evidence adduced by Mr Hodges was that the Parish Council had shown an interest in the land in question by passing onto the County Council complaints concerning a footpath across the land. This evidence fell far short of proving that the Parish Council had acquired a possessory title to the land.

There are no entries in the Rights section of Register Unit, so that the registration in the Land Section is evidence that the land is waste land of a manor. Evidence was given by Mr D A Pattinson, who has been concerned with Lord Lonsdale's estates for the last 44 years, that there is no manor other than the manor of Tebay in the parish of Tebay. Of this manor Lord Lonsdale is the lord by virtue of a principal vesting deed made 27 January 1961 between (1) John Lamplugh Wickham and Adam Granville Gordon (commonly called Lord Adam Gordon) (2) James Hugh William, Earl of Lonsdale (3) Hon. Arthur James Beresford Lowther.

On this evidence I am satisfied that Lord Lonsdale is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him 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

17th

day of

November

1980

Chief Commons Commissioner