



COMMONS REGISTRATION ACT 1965

Reference Nos 20/U/24
20/U/72

In the Matter of (1) Grimshaw Quarry
(disused), and (2) Town Delph,
Ribchester, Clitheroe District,
Lancashire

DECISION

These references relate to the question of the ownership of (1) land known as Grimshaw Pit or Quarry (disused), and (2) land thought to be known as Town Delph, Ribchester Parish, Clitheroe District being the land comprised in the Land Section of Register Unit (1) No CL. 16 and (2) No CL. 20 in the Register of Common Land maintained by the 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 these references (1) Lancashire County Council (letter dated 18 April 1972) claimed ownership of the CL. 16 land saying that such land was allotted as a public stone pit under an Enclosure Award dated 1803 and that it would seem that Highway Allotments of this kind are vested in Highway Authorities as successors to the Surveyors of Highways, and (2) Mr T Margerison (letter dated 23 April 1972) said he had tenanted the CL. 16 land annually for the last 10 years from Ribchester Parish Council. No other person claimed to be the freehold owner of either of the lands or to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the CL. 16 land at Preston on 21 June 1972; at the request of Mr D G Lawrenson, who was representing Lancashire County Council, I adjourned the proceedings. I held hearings for the purpose of inquiring into the ownership of both the lands at Preston on 21 February 1974, at which I read a letter dated 15 February 1974 in which the County Council said (in effect) that they did not claim ownership of the CL. 16 land, it having been brought to their attention that the Parish Council had let such land since 1961 and that rents from it had been drawn since 1911; at the request of Mr E J Melling, who was representing Ribchester Parish Council, I adjourned both proceedings. I held further hearings at Preston on 24 January 1978; at these hearings the Parish Council were represented by Mr V W Sykes their chairman (present also was Mr E J Melling their clerk) and the County Council as registration authority were represented by Mr J A Strong, their Assistant Solicitor.

The CL. 16 land has an area of a little more than one acre and fronts on the Longridge-Clitheroe road (B6243); it is about $1\frac{1}{2}$ miles north of Ribchester.

Mr Sykes who has lived in the Parish for the last 11 years, has been a member of the Parish Council since 1976 and their chairman since 1977 in the course of his evidence produced:- (1) the minute book of the meetings of the Ribchester Parochial Committee from 1902 to 1924 in which it was recorded that on 30 September 1924 such Committee recommended that the rent of Grimshaw Pits be raised from £1.0.0. to £1.10.0; (2) an agreement dated 26 March 1965 in which the Parish Council agreed to



let to Mr P Margerison 1.153 acres, being Grimshaw Quarry; and (3) a book of rents receivable by the Parish Council recording that on 28 March 1960 it was agreed that certain rents in the past collected and credited to the account of Preston Rural District Council should in the future be collected by and paid to the account of the Parish Council and also recording that an annual rent of £1.10.0 had since 1961 been received from T Margerison.

Mr Sykes said (in effect):- The CL. 16 land was rented by the Parish Council to Mr Margerison who used it for keeping poultry. It is next to the car park of the Hall's Arms (PH).

The CL. 20 land is a little larger than the CL. 16 land, and is about 3/4rds of a mile north of it and adjoins (being on the north side of) the road (the old Clitheroe road) which runs approximately parallel to the B6243.

Mr Sykes said (in effect):- The CL. 16 land appears to be a disused quarry. It is covered with much heather and is for the most part much the same as the surrounding moor, and therefore can be grazed. Currently it is let by the Parish Council to Mr Dugdale; the rent received from it since 1961 is recorded in the above mentioned Parish Council Rent Book.

Mr Adem Thomas Dugdale of Dutton Manor, Longridge volunteered to give evidence. He said (in effect):- He had been tenant of the CL. 20 land for the last 13 years having taken over from his mother who had been tenant since his father died. She had taken over from him, he having been tenant. For the land he paid rent to the Parish Council.

On the evidence summarised above I conclude that the Parish Council are in possession of both the CL. 16 land and the CL. 20 land and that it is practically certain that such possession will not be disturbed. Possession in such circumstances is equivalent to ownership, and I am therefore satisfied that the Parish Council are the owners of these lands and I shall accordingly direct the Lancashire County Council as registration authority to register Ribchester Parish Council as the owner of the lands under section 3(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 31 day of January 1978

ae. Brian Fells

Commons Commissioner