



In the Matter of Cranberry Moor and Grimehills
Moor, Blackburn Lancashire

DECISION

This reference relates to the question of the ownership of land known as Cranberry Moor and Grimehills Moor, Blackburn, being the land comprised in the Land Section of Register Unit No. CL.158 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 this reference Metrolands Investments Ltd claimed to be the freehold owners of the land in question and no other person claimed to have information as to its ownership.

Mr Commissioner Baden Fuller held a hearing for the purpose of inquiring into the question of the ownership of the land at Preston on 25 November 1981.

The learned Commissioner was satisfied that Metroland Investments Ltd was the owner of the whole of the land the subject of the reference with the exception of a strip of land, called in his decision "the tunnel strip", and he gave the British Railways Board liberty to apply to have the hearing re-opened.

On the application of the Board I re-opened the hearing at Blackburn on 19 June 1984, when the Board was represented by Mr D Stabbing, Chartered Surveyor, one of its officers.

The tunnel strip was conveyed by an indenture made 23 January 1875 between (1) William Duckworth (2) Ralph Entwistle (3) The Lancashire and Yorkshire Railway Company, and has passed to the Board by means of a series of statutory transfers.

On this evidence I am satisfied that the Board is the owner of the tunnel strip, and I shall accordingly direct the Lancashire County Council, as registration authority, to register the British Railways Board as the owner of that part 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

29th

day of

June

1984

G. G. G. G.
Chief Commons Commissioner