



COMMONS REGISTRATION ACT 1965

Reference No.20/U/53

In the Matter of Hollin Triangle,
Billington, Blackburn R.D. Lancashire

DECISION

This reference relates to the question of the ownership of land known as Hollin Triangle, Billington, Blackburn Rural District being the land comprised in the Land Section of Register Unit No.CL.197 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 no person claimed to be the freehold owner of the land in question and no 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 Preston on 20 February 1974. The hearing was attended by Mrs. C.L. Middleton.

The land comprised in this Register Unit contains (according to the Register) .04 of a hectare: about 1/10th of an acre. It is a narrow triangular strip, bounded on the southeast by the Whalley Old Road (between Whalley and Blackburn) and on the north west by a track leading to Hollin Hall Farm and to a gate providing access to Smalleys Farm. In the Rights Section, there is a final registration of a right to graze 2 head of cattle over the land attached to Hollin Hall Farm; this registration was made on the application of Mr. J. Middleton as owner of Hollin Hall Farm and the registration in the Land Section was in consequence of it.

Mrs. Middleton said (in effect):- She represented her husband Mr. J. Middleton. He is and has been for about 20 years the owner of Hollin Hall Farm. There is a spring (almost dry) on the south west part of the land, with a stone outflow; the rest is and for many years has been covered with hemlock and old fashioned herbs which they have cultivated; from time to time their cattle ate whatever had grown. The access to Smalleys Farm ~~was~~ made 3 or 4 years ago.

From the use of the land as above described, I am unable to conclude that Mr. Middleton is the owner; such use was I think no more than could be ascribed to the grazing right which on his application has been registered. Further his application would have been irregular, if he was, when he made it, the owner; because a person cannot (save in exceptional circumstances which do not here exist) have a right of grazing over his own land (any grazing by an owner is as owner and not in exercise of a right of grazing) if Mr. Middleton had not made his application, the land would not have been registered under the Act of 1965, and I would have no jurisdiction to determine the ownership.

For the above reasons I am not satisfied that any person is the owner of the land and it will therefore be subject to protection under section 9 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 26th day of February 1974.

a. a. Baden Fuller

Commons Commissioner