



COMMONS REGISTRATION ACT 1965

Reference No 20/U/27

In the Matter of Lecce Tarn,
Aldingham, North Lonsdale R.D., Lancashire

DECISION

This reference relates to the question of the ownership of land known as Lecce Tarn, Aldingham, North Lonsdale Rural District, being the land comprised in the Land Section of Register Unit No.C.L.28 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 Aldingham Parish Council ("the Council") claimed to be the freehold owner of the land in question and Mr.J.Melville wrote a letter to the Commissioners saying that he is interested in local history, that Lecce Tarn is marked on the Tithe Map of the Parish of Aldingham as No.1341 - 1 acres - 24p, and is listed along with Churches Burial Grounds Commons Wastes, Beaches, Sands, etc. without stating any ownership but all without due payment of any tithes. 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 Preston on 20th June 1972.

The hearing was attended by the Council who were represented by Mr.M.S.Graham, a member of Iain Mac I Livingston & Co., solicitors of Ulverston. Neither Mr. J.Melville nor any other person attended.

Evidence was given on behalf of the Council by Mr. Graham who had known the land since 1951 and by Dr. A.Ronald who is the Chairman of the Council and who has known the land for about 18 years, (having motored through the Village during these years very frequently).

A conveyance dated the 24th June 1966 held by the Council was produced; it was made between the Queen's Most Excellent Majesty of the first part and the Council of the fifth part; it was thereby witnessed that the Crown Estate Commissioners did grant unto the Council the piece of land and land covered with water containing 2.9 acres and known as "Lecce Tarn" being waste of the Manor of Muchland subject to the drain and valve chamber laid by virtue of the licence therein referred to and to the encroachment agreements also therein referred to.



It appears from the conveyance that the licence was dated 1898 and the encroachments agreements dated 1949 and 1962, and I infer from these that the Crown was in possession before the conveyance was made. It is well known that the Crown is Lord of the Manor of Muchland. I conclude that the Council had shown a good title as at the date of the conveyance to the land thereby conveyed.

On the evidence, I was able to identify this land with that comprised in this Register Unit except the land which is described in Part One of the Appendix hereto and which is now used for storage or agricultural implements and as a loading bay by persons who carry on the adjoining land the business of agricultural engineers.

After the hearing the Council's solicitors wrote a letter dated the 23rd June 1972 to the Clerk to the Commons Commissioners enclosing a copy of a conveyance dated 1st March 1967 by the Council to Mr. A. Armer of a piece of land therein described. This piece of land is delineated on a plan also enclosed with the letter and is described in Part Two of the Appendix hereto. I understand from the letter that the Council did not at the hearing before me intend to claim that this last mentioned piece of land is now owned by them.

For these reasons I am satisfied that the Council is the owner of the land comprised in this Register Unit except for the two pieces of land described in the Appendix hereto and I shall accordingly direct the Lancashire County Council as registration authority to register the Aldingham Parish Council as the owner of the land except as aforesaid; and I shall annex to such direction the plan specified in Part Two of the Appendix. I am not satisfied that any person is the owner of the land described in the Appendix hereto and such land accordingly falls into protection under section 9 of the Act.

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 of 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.

APPENDIX

Part One

A piece of land being the part of the land comprised in this Register Unit which is situate on the west side of the road or carriage way which runs approximately north and south on a line which would if drawn on the Register map pass to the west of the figures "266" thereon and to the west of the figures "173" thereon (such "173" being part of the figures "1.173") and to the east of the figure "1" (such "1" being the first "1" appearing in the said figures "1.173").



Part Two

A piece of land being another part of the land comprised in this Register Unit which is delineated on the plan hereinafter specified and thereon surrounded (except where its boundary coincides with that of the Register Unit Land) with a blue verge line and thereon hatched blue. The said plan is marked on the back: "This plan was enclosed with a letter dated 23rd June 1972 sent by Iain Mac I Livingston & Co. to the Clerk of the Commons Commissioners" and is also on the back signed by myself.

a. a. Baden Fuller,

Dated this 4th day of August 1972

Commons Commissioner