



COMMONS REGISTRATION ACT 1965

Reference No 45/U/122

In the Matter of The Green at
Whitewell, Forest of Bowland,
Ribbles Valley District, Lancashire

DECISION

This reference relates to the question of the ownership of land known as The Green, at Whitewell, Forest of Bowland, Ribbles Valley District being the land comprised in the Land Section of Register Unit No VG. 32 in the Register of Town or Village Greens 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 the Solicitor for the Duchy of Lancaster said (letter dated 6 March 1973) that the land is vested in Her Majesty the Queen in Right of Her Duchy of Lancaster. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

The Chief Commons Commissioner (Mr G D Squibb, C) held a hearing for the purpose of inquiring into the ownership of the land at Skipton on 21 June 1973. There was no appearance at the hearing. After some correspondence with solicitors of London acting for the Duchy, the Chief Commissioner directed that this case be relisted.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Preston on 24 January 1978. At the hearing the Attorney General for the Duchy of Lancaster was represented by Mr M Gillibrand solicitor of Oglethorpe Sturton & Gillibrand, Solicitors of Lancaster.

Mr C M Purvis who is the Surveyor of Land to the Duchy and who has been concerned with the affairs of the Duchy (their Preston Office) since 1949, in the course of his evidence produced a conveyance dated 29 November 1938 by which Sir E E H Bircham and Others conveyed unto to His Majesty in Right of His Duchy of Lancaster lands known as the Bowland Estate as described in the Second Schedule thereto and containing about 5998.018 acres as delineated on the plan. Mr Purvis said (in effect):- The land, which contains (according to the Register) 0.45 acres, is at Whitewell. It is by the road (from Longridge to the Trough of Bowland) being opposite the Church (St Michaels by the River Hodder) and opposite the nearby Hotel. The land is open to the road. For the last 5 or 6 years except in 1977, his office arranged for the land to be grazed with a bull tethered by a Duchy tenant of nearby land. Last year (being the Jubilee year) the Duchy instead of allowing the land to be grazed, planted daffodils on it and arranged for the grass to be cut during the summer. The Duchy were reputed to be the owners, because in 1970 they were approached by the local Council with a view to part of it being used for a septic tank for the convenience of adjoining land, but for reasons not connected with the Duchy ownership the scheme was not proceeded with.



Mr Purvis identified the land with that comprised in the 1938 conveyance (the land so comprised included all the land of and surrounding Whitewell except the Church and the nearby School).

Mr Strong, who was attending the proceedings as representing the Lancashire County Council as registration authority drew attention to the notice of the hearing having been sent to Bowland Forest Low Parish Meeting instead of to the Forest of Bowland Parish Council; Mr Purvis ~~and~~ he had discussed this matter with Mr Spence who is chairman of the Parish Council and understood from him that the Council did not wish to take any part in these proceedings.

On the evidence summarised above, I am satisfied that the Duchy is the owner of the land, and I shall accordingly direct the Lancashire County Council as registration authority to register Her Majesty in Right of Her Duchy of Lancaster 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 31st — day of January — 1978

a. a. Bodin Fuller

Commons Commissioner