



COMMONS REGISTRATION ACT 1965

Reference No 20/U/86

In the Matter of The Green, Netherhouses,
South Lakeland District, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Green, Netherhouses, South Lakeland District being the land comprised in the Land Section of Register Unit No CL. 131 in the Register of Common Land maintained by the Cumbria (formerly 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 Mr Frank Edmondson claimed (a letter dated 5 October 1973 from his solicitors) that certain parts of the land belonged to him being included in the conveyance of Netherhouses Farm to him dated 18 May 1943, and Mr Holmes-Higgin claimed (a letter dated 12 October 1973 from his solicitors) ownership of part of the land. No other person claimed to be the freehold owner of the land in question or 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 Kendal on 25 April 1978. At the hearing (1) Mr John Bruce Edmondson of Netherhouses Farm was represented by Mr E W Huck solicitor of Thomas Butler & Sons, Solicitors of Broughton-in-Furness, and (2) Miss D E K Holmes-Higgin, on whose application the registration was made, attended in person.

Mr Huck in the course of his evidence produced various documents relating to Netherhouses Farm under which Mr J B Edmondson claimed ownership under an assent dated 1 September 1977 made in his favour by the personal representatives of Frank Edmondson deceased. He said he had no personal knowledge of the land.

Miss Holmes-Higgin who as a child (she is now 73 years of age) saw the land when she visited her father who then owned Netherhouses, in the course of her evidence described the land as she had known it all her life.

After some discussion, Mr Huck indicated that the land owned by his client was not included in the registration. So in the result I have no evidence of ownership.

In the absence of any evidence I am not satisfied that any person is the owner of the land, and it will therefore remain 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 5th day of May 1978

a.a. Barden Fuller

Commons Commissioner