



COMMONS REGISTRATION ACT 1965

Reference No.20/0/30

In the Matter of Urswick Tarn and
verges at Great Urswick, Parish of
Urswick, North Lonsdale R.D.,
Lancashire

DECISION

This reference relates to the question of the ownership of land known as Urswick Tarn and verges at Great Urswick, parish of Urswick, North Lonsdale Rural District, being the land comprised in the Land Section of Register Unit No.C.L.38 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 Urswick Parish Council ("the Council") claimed to be the freehold owner of the land in question and Mr.J.Melville wrote a letter to the Commissioner saying that he is interested in local history and that Urswick Tarn in the Tithe Map of the Parish is No.417 and is listed under the ownership of the Earl of Burlington and that it would appear that Holker Estates, the successors of the Cavendish are the owners of the Tarn and its verges.

I held a hearing for the purpose of inquiring into the question of the ownership of this land at Preston on 20th June 1972.

At the hearing the Council was represented by Dr. A.Ronald, their Chairman. He is 69 years of age and has lived in Little Urswick since 1952.

For convenience of exposition it is convenient to divide the land into 9 parts as follows: - A part ("the Water Area") described in Part One of the Appendix hereto; another part ("the north east piece") shown on the Register map as isolated from (as I scale the map it has an area less than one acre) and being either to the north or to the east of the rest of the land in this Register Unit and the remaining 7 parts (plots 1 to 7, so called in a letter dated 25th March 1965 and mentioned below) which all (except of plot 2) adjoin the Water Area.

Dr. Ronald in his evidence produced two conveyances, one dated the 1st September 1948 and the other dated the 7th May 1964 and both hold by the Council.



The 1948 conveyance was made between (1) Holker Estate Company (2) R.E.O. Cavendish (3) Chatsworth Estates Company and (4) The Council, and by it in consideration of £250 there was conveyed to the Council in fee simple the piece of land covered with water known as Urswick Tarn, containing 13.907 acres and coloured pink on the annexed plan. I was on the evidence of Dr.Ronald able to identify the land so conveyed as being the Water Area.

The 1964 conveyance was made between (1) The Queen's Most Excellent Majesty (2) Crown Estates Commissioners and (3) the Council and by it in consideration of £1 there was conveyed to the Council in fee simple pieces of land containing 4.705 acres as delineated on the plan annexed, comprising the verges of Urswick Tarn and part of the waste land of the Crown Manor of Muchland. On the evidence of Dr.Ronald I was able to identify the land so expressed to be conveyed with Plots 1 to 7 inclusive.

As appears from a letter dated 25th March 1965 from the solicitors to the Council to their Clerk and was confirmed by the evidence of Dr.Ronald the Council never under the 1964 conveyance obtained possession of the pieces of land (Plot 1) shown on the Register Map as adjoining the Water Area and as situated almost due north of the point where the Gleaston Beck flows out of the Water Area or of four other pieces of land (plots 2,3,4 and 5) shown on the Register Map as adjoining the Water Area and as situated east of the line joining plot 1 and such last mentioned point.

The Council has let the Tarn to the Tarn Association who have undertaken to preserve the Tarn as an amenity for the Village to protect its bird life and to regularise the fishing and boating by issuing permits. Some time ago the Council granted a right of boating to a Boys' School.

The present edge of the water in the Water Area is not as delineated on the Register Map because the Drainage Board to get rid of the marshy fields lowered the floor of the Beck thus lowering the level of the Tarn and slightly diminishing its area.

A piece of land (Plot 6) described Part Two of the Appendix hereto has on it a garage for which the Council receive rent and also a building (formerly a hen house and at one time used as a boat house) which is now derelict; in effect it is Tarn side waste land; the boat house has not been used as such for 20 years, and could not now be so used by reason of the level of the water having been lowered. A piece of land (Plot 7) described in Part Three of the Appendix hereto is very wet being in effect a course for water entering the Tarn and not usable for any purpose.



On the evidence of Dr. Ronald as outlined above, I conclude that the Council is the owner of the Water Area under the 1948 conveyance and of Plots 6 and 7 under the 1964 conveyance

For these reasons I am satisfied that the Council is the owner of so much of the land comprised in this Register Unit as is described in the Appendix hereto and I shall accordingly direct the Lancashire County Council as registration authority to register Urswick Parish Council as the owner of this part of the land. There being no evidence as to the ownership of the remaining part of the land comprised in this Register Unit I am not satisfied that any person is the owner of such part and accordingly it 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 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.

APPENDIX

Part One - Water Area.

A piece of land which is delineated on the Register Map (except where it abuts on Plot 7 below described) by a line which is in part coloured green and is in part uncoloured, which is thereon called "Urswick Tarn", numbered 515 and stated to have an area of 8.540 plus 5.540 acres, which appears on the Register Map to be entirely covered by Water and which is now for the most part covered by water.

Part Two - Plot 6

A piece of land which is delineated on the Register Map by a line partly coloured green and partly uncoloured, which thereon includes the figures "213" and "516" and which is situated east of the Water Area.

Part Three - Plot 7

A piece of land which is delineated on the Register Map (except where it abuts on the Water Area ~~was described~~ by a line coloured green, on which rushes and willows now grow and across which water flows from the north under the road into the Water Area.

a. a. Baden Fuller

Dated this 4th day of August 1972

Commons Commissioner