



COMMONS REGISTRATION ACT 1965

Reference No 5/U/13

In the Matter of Castle Hill,
Halton, Halton D

DECISION

This reference relates to the question of the ownership of land known as Castle Hill, Halton, Halton D being the part of the land comprised in the Land Section of Register Unit No VG. 8 in the Register of Town or Village Greens maintained by the Cheshire 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 Duchy of Lancaster and Greenall Whitley & Co Ltd each claimed to be the freehold owner of part of the land in question and 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 Chester on 27 January 1977.

Miss S Cameron counsel instructed by Messrs Frere Cholmeley & Co appeared for the Duchy of Lancaster and she also represented Greenall Whitley & Co Ltd. Mr H C Woodward who had put forward a claim to ownership of part of the land was present in person and confirmed that he had withdrawn that claim prior to the hearing.

Miss Cameron produced two leases dated respectively 19 February 1923 and 17 December 1957 each made between the Duchy of Lancaster and Greenall Whitley whereby the whole of the land in question other than those parts hereinafter mentioned was leased to Greenall Whitley and she told me that throughout the terms of the said leases the Duchy had been in receipt of the rents payable thereunder. On this evidence I am satisfied that the Duchy is the owner of the land in question other than the parts thereof hereinafter mentioned.

A small parcel of the land in question was conveyed by the Duchy to Greenall Whitley together with other land and I am satisfied that Greenall Whitley together with other land and I am satisfied that Greenall Whitley is the owner of this small parcel.

The irregular parcel of land below the escarpment at the northwest extremity of the land in question is not claimed by the Duchy not having been included in the Duchy waste identified on a map of 1828 produced by Miss Cameron. In the absence of any evidence as to the ownership of this irregular parcel of land I am not satisfied that any person is the owner thereof and it will therefore be subject to protection under section 9 of the Act of 1965. For the reasons given above I shall direct the Cheshire County Council as the Registration Authority to register Her Majesty in right of Her Duchy of Lancaster and Greenall Whitley & Co Ltd as the respective owners of the parts of the land in question respectively owned by them such parts to be identified on a plan to be annexed to the Direction to be given by me, which Miss Cameron has agreed on behalf of her clients to provide.



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 3rd day of February 1977

C. A. Lettle

Commons Commissioner