



Reference Nos 40/U/12
40/U/13

COMMONS REGISTRATION ACT 1965

In the Matter of (1) The Green,
Bleatarn and (2) Platts Green,
Sandford, both in Warcop, Eden
District, Cumbria

DECISION

These references relate to the question of the ownership of lands known as (1) The Green, Bleatarn, and (2) Platts Green, Sandford, both in Warcop, Eden District being the lands comprised in the Land Section of Register Unit (1) No. CL 69 and (2) No. CL 70 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) 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 no person claimed to be the freehold owner of the lands in question and no person claimed to have information as to their ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the lands at Penrith on 24 April 1979. At the hearing Warcop Parish Council were represented by Mr G Hodgson one of their members.

Mr Hodgson said that he understood that Platts Green (CL 70) was granted under an Inclosure Act of 1773 as a common watering place, but that the Green at Bleatarn (a small three cornered piece of grassland) had no history.

Although it may be that under the Act, being I suppose the Warcop (Manor of Sandford) Inclosure Act 1772 (13 Geo. 3. c. 26), provision was made for the ownership of watering places allotted pursuant to it, in the absence of the Act and of the Award made under it, I cannot base any conclusion on them. In the absence of any evidence I am not satisfied that any person is the owner of the lands, and they 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 26th — day of June — 1979

C. Baden Fuller

Commons Commissioner