



In the Matter of Croglin Quarry,
Ainstable, Cumbria.

DECISION

This reference relates to the question of the ownership of land known as Croglin Quarry, Ainstable being the land comprised in the Land Section of Register Unit No. CL 427 in the Register of Common Land maintained by the Cumbria 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 Ainstable Parish Council claimed to be the freehold owner 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 Penrith on 14 October 1981.

At the hearing the Parish Council was represented by Mrs M Wilson, its Clerk.

The land in question was one of the public freestone quarries upon or in the open Commons or waste grounds of the manor of Croglin which were awarded, ordered, assigned, set out and appointed by the award made 31 August 1815 under the Great Croglin Enclosure Act of 1808 (48 Geo. III, c.47 (private; not printed)) to be for ever appropriated to and for the common use and benefit of the lord of the manor for the time being and all others the landowners and tenants within the manor for the time being.

The land was fenced to keep stock from falling over more than 30 years ago, but by whom does not appear. This fence was renewed or repaired by the Parish Council three or four years ago after many years of discussion.

The award left the freehold vested in the lord of the manor. In the absence of any evidence of a conveyance by a successor in title of the lord of the manor, the land can only have become vested in the Parish Council by adverse possession. In my view, the evidence is not sufficient to support the acquisition of a possessory title by the Parish Council.

In the absence of any further 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

22nd

day of

November

1981

[Handwritten signature]