



In the Matter of Dacre Village Green
and Land near Low Bridge, Dacre, Eden
District, Cumbria

DECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section of Register Unit No. CL 240 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) County Council, at Entry No. 1 in the Land Section of Register Unit No. VG 95 in the Register of Town or Village Greens maintained by the said Council, and at Entry No. 1 in the Land Section and at Entry Nos 1 and 2 in the Ownership Section of Register Unit No. CL 243 in the said Register of Common Land, and are occasioned by some or all of these registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Penrith on 19 June 1981. At the hearing Dacre Parish Council on whose application all the Land Section registrations and the CL 243 Ownership Section Entry No. 1 registration were made, were represented by Mr W M R Baty their chairman and Mr C Wilding their clerk; and Mrs Sylvia Mary McCosh on whose application the CL 243 Ownership Section Entry No. 2 registration was made, and an application by whom is noted in the CL 243 Land Section, was represented by Mr D Mellor, solicitor of Little & Shepherd, Solicitors of Penrith.

The land ("the Village Green land") in Register Unit No. CL 240 is in the Register described as "Dacre Village Green", being an area a little to the north of the T road junction near the middle of the Village and a little further to the north of Dacre Beck. The land ("the Low Bridge land") in Register Unit No. CL 243 is in the Register described as "the land near Low Bridge") being an area adjoining the south side of Dacre Beck and between it and the road which crosses over Low Bridge. The land in Register Unit No. VG 95 although in the Register also described as "Dacre Village Green" comprises both the Village Green land and the Low Bridge land as above defined.

Mr Wilding produced a document dated 6 March 1981, signed on behalf of Cumbria County Council, of Eden District Council and of Dacre Parish Council and headed (among other headings) "The Village Green Dacre Register Unit No. VG 95 and CL 240", requesting the Commons Commissioner to confirm the registration as village green. Mr Mellor on behalf of Mrs McCosh agreed to effect being given to this document as regards the Village Green land; but said as regards the Low Bridge Land that investigation had shown that he was entitled to the herbage but not to the ownership. He said and Mr Baty and Mr Wilding agreed that pursuant to a discussion as to the future use of the Low Bridge Land it had been agreed between the Parish Council and Mrs McCosh that she would not challenge the Parish Council Ownership Section registration in return for their agreement to the land being excluded from the VG 95 registration.

In the March 1981 document no mention is made of Register Unit No. CL 283 and I infer that neither the County Council nor the District Council were concerned particularly with the Low Bridge land. Accordingly in the absence of any evidence in support of it being within the 1965 Act definition of a town or village green, I conclude that it should not have been registered as such, and that I ought to give full effect to the agreement made at the hearing between the Parish Council and Mrs McCosh.



Upon the above considerations, I confirm the VG 95 Land Section registration with the modification that there be removed from the Register all the land registered in the Land Section of Register Unit No. CL 243. I refuse to confirm the CL 240 Land Section registration. I confirm the CL 243 Land Section registration without any modification. I refuse to confirm the CL 243 Ownership Section Entry No. 2 (Mrs McCosh) registration. I confirm the CL 243 Ownership Section Entry No. 1 (Chairman to Dacre Parish Council ...) registration with the modification that for all the words in column 3 there be substituted "Dacre Parish Council".

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 7th - day of July - 1981.

a. a. Bada Fuller

Commons Commissioner