



In the Matter of Kendal Fell and The Heights,
Kendal, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Kendal Fell and The Heights, Kendal, being the land comprised in the Land Section of Register Unit No. VG 65 in the Register of Town or Village Greens 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 South Lakeland District 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 Kendal on 24 July 1980.

At the hearing the District Council was represented by Mr A Crossley, its legal executive.

The land in question has been let to the Kendal Golf Club since 1897. The current lease was granted on 31 October 1960 and the rent payable under it has been received since 1 April 1974 by the District Council as the successor of the former Kendal Corporation.

On this evidence I am satisfied that the South Lakeland District Council is the owner of the land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register the District Council as the owner of the land under section 8(2) 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

25th

day of

August

1980

Chief Commons Commissioner