



In the Matter of Land between road from
Windermere to Ambleside and Lake
Windermere, South Lakeland D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 143 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 claims to ownership of the land in question ("the Unit land") were made on behalf of Lowood Hotel 1958 Ltd and of Mrs E Stables.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Kendal on 21 April 1983.

At the hearing Mr J H F Spedding of Counsel appeared on behalf of the Earl of Lonsdale and Mr A H Whelan, Solicitor on behalf of Mrs Stables. Mr Whelan told me that his client was no longer claiming ownership. No other claimant appeared or was represented.

The Earl of Lonsdale claimed ownership as Lord of the Manor of Ambleside. By a Vesting Deed dated 27 January 1961 made between J L Wickham and Another (1) the Earl of Lonsdale (2) and the Hon. J B Lowther (3), a number of Manors were declared to be vested in the Earl. Among the Manors was that of Ambleside. Mr Paterson, a Chartered Surveyor and Chief Agent of the Lonsdale Estates for over 30 years, giving evidence told me that the Unit land, which is a strip between the roadway and the lake, has a wall along the edge of the road, and he verified that it is within the Manor of Ambleside.

On the evidence I am satisfied that the Earl of Lonsdale is the owner of the Unit land, and I shall accordingly direct the Cumbria County Council, as registration authority, to register him as the owner 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

7 July

1983

L. J. Morris Smith

Commons Commissioner