



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/30
262/D/31

In the Matter of Little Birkrigg,
Urswick, South Lakeland District,
Cumbria

DECISION

These disputes relate to the registration at Entry No 1 in the Land Section of Register Unit No CL. 63 in the Register of Common Land maintained by the Cumbria (formerly Lancashire) County Council and to the registration at Entry No 1 in the Land Section of Register Unit No VG. 25 in the Register of Town or Village Green maintained by the said Council and are occasioned by the said registrations being in conflict.

X I held a hearing for the purpose of inquiring into the disputes at Kendal on 26 April 1978. At the hearing (1) the Crown Estate Commissioners on whose application the CL. registration was made, were represented by Miss J Phillips of their Legal Advisers Department, and (2) Urswick Parish Council on whose application the VG registration was made, were represented by Mr R F Hart-Jackson solicitor of Hart-Jackson & Sons, Solicitors of Ulverston.

According to the Register map the land in these Register Units is OS No 179 containing .903 of an acre being a strip about 200 yards long on the south side of and adjoining White Gill Lane. The land comprised in these two units is the same except that the CL registration includes a comparatively very small strip outside the northwest corner of the VG land. The Commissioners in their application describe it as "Waste of the Manor of Muchland". The Parish Council in their application describe it as Little Birkrigg. In the CL Ownership Section, the Commissioners are registered as the owners of all the land. In a letter dated 28 March 1978 their solicitors said they had no objection to the land being registered as a village green.

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Mr Hart-Jackson said (at the hearing):- The Parish Council have no evidence to support the VG registration, and he having seen some of the Commissioners' documents was satisfied that the land was waste of the Manor of Muchland. Accordingly notwithstanding the Commissioners' said letter, on behalf of the Parish Council he suggested that the CL registration should stand.

Accordingly (Mr Hart-Jackson and Miss Phillips both agreeing), I refuse to confirm the VG registration and I confirm the CL registration without any modification.

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 the 16th day of May

1978

a a. Bode Jullie