



In the Matter of The Green,
Helton, Askham, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Green, Helton, Askham, being the land comprised in the Land Section of Register Unit No. VG 18 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 Mrs J Berry and the Earl of Lonsdale and his Settled Land Act Trustees claimed to be the freehold owners 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 24 April 1980.

At the hearing Lord Lonsdale was represented by Mr Fryer Spedding, of Counsel, the Askham Parish Council was represented by Mr F W Stordy, its Clerk, and I gave leave to Mr R M Berry, the husband of Mrs Berry, to appear on her behalf.

Mr Stordy stated that no claim to ownership was being made by the Parish Council.

The land the subject of the reference is waste land in the technical sense of the terms and is situate within the manor of Askham, the Lordship of which was vested in Lord Lonsdale by a primary vesting deed made 27 January 1961 between (1) John Lamplugh Wickham and Adam Granville Gordon (commonly called Lord Adam Gordon) (2) James Hugh William, Earl of Lonsdale (3) Hon. Arthur James Benesford Lowther.

By a Conveyance made 16 February 1968 between (1) J H W, Earl of Lonsdale (2) Matthew White, Viscount Ridley and Ian Joicey Dickinson (3) Juanita Berry there were conveyed to Mrs Berry such rights and interest as Lord Lonsdale could convey in a part of the land coloured round with red on the plan annexed to the conveyance.

On this evidence I am satisfied that Mrs Berry is the owner of the part of the land conveyed to her in 1968 and Lord Lonsdale is the owner of the remainder of the land and I shall accordingly direct the Cumbria County Council, as registration authority, to register them as the owners of their respective parts 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 5th day of June 1980


Chief Commons Commissioner