



In the Matter of The Pond in Thurstonfield,
Burgh-by-Sands, Cumbria

DECISION

This reference relates to the question of the ownership of land known as The Pond in Thurstonfield, Burgh-by-Sands, being the land comprised in the Land Section of Register Unit No. CL 42 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 the Burgh-by-Sands Parish Council and Mr. H Stordy 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 Carlisle on 5 February 1980.

At the hearing the Parish Council was represented by Mrs J M Johnson, its Chairman. There was no appearance by or on behalf of Mr Stordy.

In 1969 the Parish Council filled in the pond on the land the subject of the reference and re-seeded the surface. This was a taking of possession of the land by the Council, but it has not yet continued long enough for the Council to have acquired a possessory title to the land.

On this evidence I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 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

22nd

day of

February

1980

Chief Commons Commissioner