



In the Matter of the Waitby Village Green,  
Waitby, Eden District, Cumbria

DECISION

This dispute relates to the registrations at Entry Nos. 1, 2 and 3 in the Land Section of Register Unit No VG 38 in the Register of Town or Village Greens maintained by the Cumbria (formerly Westmorland) County Council and is occasioned by Objection No. 2/203 made by Mr Thomas Bland and Mrs Jean Bland and noted in the Register on 19 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 25 April 1979. The hearing was attended by Mr T D Robinson who made objection No. 2/40 and noted in the Register on 1 February 1971.

The Entries in the Land Section of this Register Unit are as follows:- No. 1 dated 4 December 1969 of two parcels of land registered pursuant to an application by the Clerk of Waitby Parish Meeting; Nos. 2 and 3 dated 8 October 1971 of registration amendments removing from the register land coloured violet or hatched violet pursuant to a letter dated 1 October 1971 from the said clerk; and No. 4 dated 22 February 1973 of a registration amendment removing from the register "the part of the land comprised in this register unit shown coloured violet on the southern border of the Green on sheet 79 of the register map" pursuant to a letter dated 21 February 1973 from the said clerk.

Mr Robinson produced a copy of his objection and a form (No. 15) dated 8 October 1971 and apparently signed on behalf of the County Council notifying him in effect that the land mentioned in his objection had been removed from the register. In the Land Section there is a note dated 15 June 1972 that such objection has been withdrawn. It is I think likely that one of the registration amendments mentioned above as being entry Nos 2 and 3 have given to Mr Robinson all that he could reasonably expect as a result of his objection. ~~Because~~ however this may be I am on this reference <sup>only</sup> concerned with the objection made by Mr and Mrs Bland and accordingly nothing in this decision will (as far as I know) ~~have~~ either advantage or disadvantage Mr Robinson.

The grounds of objection No. 2/203 made by Mr and Mrs Bland are: "That the strip of land or grass verge crossed red on the attached plan was not part of the Village Green at the time of registration by the said Waitby Parish Meeting but belong to the property Waitby Farm, Waitby, Westmorland which we own". I have a letter dated 15 February 1979 from Pearson & Pearson, Solicitors of Kirkby, Lonsdale enclosing a copy of a letter dated 23 February 1973 from Westmorland County Council saying that the Waitby Parish Meeting have agreed to the amendment of their registration and confirming the strip of land, grass verge, as shown in the objection had been removed from the register; Pearson & Pearson say that it would appear that confirmation of our clients' withdrawal of the objection was never received by the Council and the strip of land on the southern border of the green has never been removed. I also have a letter dated 14 March 1979 from Cumbria County Council explaining that Entry No 4 gives effect to the objection, but the  $\longrightarrow$  objection was not withdrawn before this reference was made.

There is no note on my copy of the register of the objection having been withdrawn. Although it seems to ~~me~~ that Entry No 4 satisfies the objection, I consider I <sup>should</sup> in accordance with the apparent agreement of the <sup>parties</sup> regularised <sup>posi</sup> so far as need be. Accordingly I confirm the registrations at Entries Nos. 1, 2 and 3 of the Land Section of this register Unit with the modification that there be removed



from the register (so far as it has not already been effectively removed at Entry No 4) the strip of land or grass verge crossed red on the plan attached to Objection No 2/203 made by Mr and Mrs Bland.

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 21st — day of May 1979

A. A. Bate *A. A. Bate*

Commons Commissioner