

COMMONS REGISTRATION ACT 1965



Reference No. 262/U/565

In the Matter of Village Green, Hutton Roof,  
Mungrisdale, Cumbria

DECISION

This reference relates to the question of the ownership of land known as Village Green, Hutton Roof, Mungrisdale, being the land comprised in the Land Section of Register Unit No. CL.319 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 no person claimed to be the freehold owner 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 26 March 1984. At the hearing Mr E J Hawks, Solicitor, appeared for Mrs Mary Barnes.

The land the subject of the reference lies to the south-east of a property consisting of part of O S No. 395 on the old edition of the Ordnance Survey Map. This property was conveyed by an indenture made 3 July 1919 between (1) William Fallowfield Longrigg (2) Kate Parker. Mrs Parker died on 13 March 1963, and her will was proved by Mrs Isabel Boyes. By an assent made 30 July 1963 Mrs Boyes assented to the vesting of the property in herself. Mrs Boyes died on 16 or 17 April 1983, and on 6 July 1983 her will was proved by Mr Maurice Boyes and Mrs Barnes.

The above mentioned property was formerly bounded on the south-east by a wall. This wall was removed in 1962 or 1963, when a byre was built parallel to and 6 feet to the north-west of the site of the old wall.

The line of the old wall is not shown on the modern Ordnance Survey Map, and it is not clear from the Register Map whether the strip of land between the byre and the site of the old wall is included in the land the subject of the reference.

In these circumstances all that I can say is that on the evidence I am satisfied that Mr Boyes and Mrs Barnes are the owners of the land between the byre and the site of the old wall, and I shall accordingly direct the Cumbria County Council as registration authority, to register them as the owners of that land under section 8 (2) of the Act of 1965 in so far as that land is comprised in Register Unit No. CL.319.

In the absence of any further evidence I am not satisfied that any person is the owner of the land the subject of the reference (with the possible exception of the strip of land 6 feet wide on the south-east side of the byre), which 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

9th

day of

June

1984

*[Signature]*  
Chief Commons Commissioner

Scale:- 1/2500

G.D.S.1

