



COMMONS REGISTRATION ACT 1965

Reference No. 20/U/59

In the Matter of Goose Green,
Bacup, Rossendale Borough,
Lancashire

DECISION

This reference relates to the question of the ownership of land known as Goose Green, Bacup, Rossendale Borough being the land comprised in the Land Section of Register Unit No. CL 281 in the Register of Common Land maintained by the Lancashire 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 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 Preston on 9 May 1978. At the hearing Mr Walter Francis Lloyd on whose application the registration was made, attended in person. He said that he attended also as representing Mr G W S Lloyd and Mrs C P Hyslop who were trustees with him of his father's Mr William Alexander Charles Lloyd, (he died in 1951).

The land ("the Unit Land") contains (according to the Register) about 0.291 hectares (0.719 acres), and is situated on the high ground south of Rake Head (the 1075 feet contour passes across it) on the west side of Rooley Moor Road.

Mr W F Lloyd in the course of his evidence said (in effect):- The Unit Land came into his family in about 1715, being part of an Estate comprising several farms, and being common to those farms and possibly others. In about 1922 the Estate (or most of it) was sold but the Unit Land (among other land) was not included in the sale. Being a small isolated piece of land, open on one side, it was felt that it would be for the advantage of the surrounding farms if it remained common to all of them. He produced an OS map of 1893 part of which was coloured green, which he said was one of a set which showed the Estate as it was.

Mr Lloyd who was born in 1924, explained that he could give this information, because when he first came to live in Lancashire, the solicitor (since deceased) to the Estate (in about 1948) showed him over the lands and told him that the Unit Land had this history. He believed that it was generally accepted by the adjoining farmers who graze Rooley Moor that the Unit Land was in the ownership of the Lloyd family.

Mr E Chadwick of Cock Hall Farm, Whitworth said he was born in 1920 and had known Goose Green all his life, and that he had always known that Mr T W Lloyd was the owner; he understood from his father that when "they sold these farms they retained this land".



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By section 8 of the 1965 Act, I am required on this reference to say whether I am "satisfied" as to ownership. At the hearing, I said that in the absence of documents I consider that evidence given was too imprecise to establish the ownership of Mr W F Lloyd, Mr G W S Lloyd and Mrs C P Hyslop (the persons who Mr W F Lloyd claimed were entitled), and accordingly I gave him liberty to send within 3 weeks to the office of the Commons Commissioners such further documents as he might think would establish the ownership claimed. No such documents have been sent. Accordingly I am unable to conclude that Mr W F Lloyd, Mr G W S Lloyd and Mrs C P Hyslop or any of them are the owners, and the absence of any evidence that anyone else is the owner I am therefore 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 21st — day of July — 1978
a a. Baden Fuller.
Commons Commissioner