



COMMONS REGISTRATION ACT 1965

Reference No.20/U/14

In the Matter of the Village Green
at Baycliff, Aldingham, North Lonsdale
R.D., Lancashire

DECISION

This reference relates to the question of the ownership of land known as the Village Green at Baycliff, Aldingham, North Lonsdale Rural District, being the land comprised in the Land Section of Register Unit No.V.G.19 in the Register of Town or Village Greens 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 Mr.J.Melville 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 20th June 1972.

At the hearing Mr.John Marsden of Crabtree Farm, Baycliff was represented by Mr.M.S.Graham, a member of Iain Mael Livingston & Co., Solicitors of Ulverston. The Aldingham Parish Council ("the Council") were not represented although Mr.Graham had arranged to report to them what happened; before the hearing the Clerk to the Council had written to the Clerk of the Commons Commissioners calling attention to a possible claim by Mr.J.Marsden. No other person attended or was represented at the hearing.

The land comprised in this Register Unit consists of two pieces of land (shown distinctively on the Register Map) separated by a road running east and west.

Mr.J.Marsden claimed to be the owner of the northern piece as being part of his property known as Crabtree Farm. Mr.Graham in his evidence described the northern piece as a sort of roadside waste, unfenced from the road, providing convenient access to the adjoining parts of Crabtree Farm and a convenient place for leaving vehicles and machinery while not in use. He produced documents of title relating to Crabtree Farm, commencing with a conveyance on sale dated the 11th November 1939. Mr.Graham who had known Crabtree Farm and its neighbourhood for at least 10 years, identified the northern piece of the land in the Register Unit as part of Crabtree Farm described in this conveyance.

On this evidence I am satisfied that Mr.J.Marsden is the owner of the northern piece.

Mr.Melville in a letter to the Clerk said he was writing simply because he was interested in local history; but the information in his letter about the land in this Register Unit did not, I think, qualify the evidence of Mr.Graham about the northern piece, or help me to determine the ownership of the southern piece in this Register Unit.



There being no evidence as to the ownership of the southern piece, I am not satisfied that any person is the owner of it.

In the result, I shall direct the Lancashire County Council, as registration authority, to register Mr. J. Marsden as owner of the northern piece under section 8 (2) of the Act and to register the Aldingham Parish Council as owner of the southern part under section 8(3) of the Act.

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.

A. A. Baden Fuller

Dated this 7th day of July 1972

Commons Commissioner