In the Matter of Newtown Village Green, Irthington,
Cumbria

DECISION

This reference relates to the question of the ownership of land known as
Newtown Village Green, Irthington, being the land comprised in the Land Section
of Register Unit No. VG 56 in the Register of Town or Village Greens 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 one 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 20 July 1982.

At the hearing the Irthington Parish Council was represented by Mr J G Dalton,
its Chiarman.

At a date which Mr Dalton could not fix more precisely than the early 1970's
the land the subject of the reference was levelled, drained, and seeded.
This work was carried out by using Parish Council funds, augmented by grants from
the District Council, and the provision of infilling by the Cumbria County Council,
which also planted a number of trees. Since the work must have been done after
the Cumbria County Council came into existence on 1 April 1974, the Parish Council
cannot have been in possession of the land for a sufficient time to have acquired
a possessory title.

On this evidence I am not satisfied that any person is the owner of the land,
and I shall accordingly direct the Cumbria County Council, as registration
authority, to register the Irthington Parish Council as the owner of the land
under section 8(3) 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
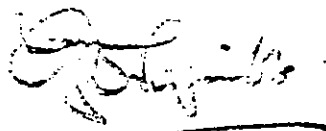decision is sent to him require me to state a case for the decision of the
High Court.

Dated this   22   day of   July   1982

Chief Commons Commissioner