

Ainstable Parish Council

Serving the villages of Ainstable, Croglin, Newbiggin, and Ruckcroft,
the communities of Dale and Longdales, and the surrounding farms and houses

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Report on the ownership of the Dry-Stone Walls at Ainstable Millennium Green

For some time, Ainstable Parish Council, acting in its capacity as sole Trustee of the Ainstable Millennium Green Trust, has been unsure about whether or not the dry-stone walls surrounding the Green are the property of the Trust, or of neighbouring landowners.

The map contained with the Trust Deed is inconclusive:

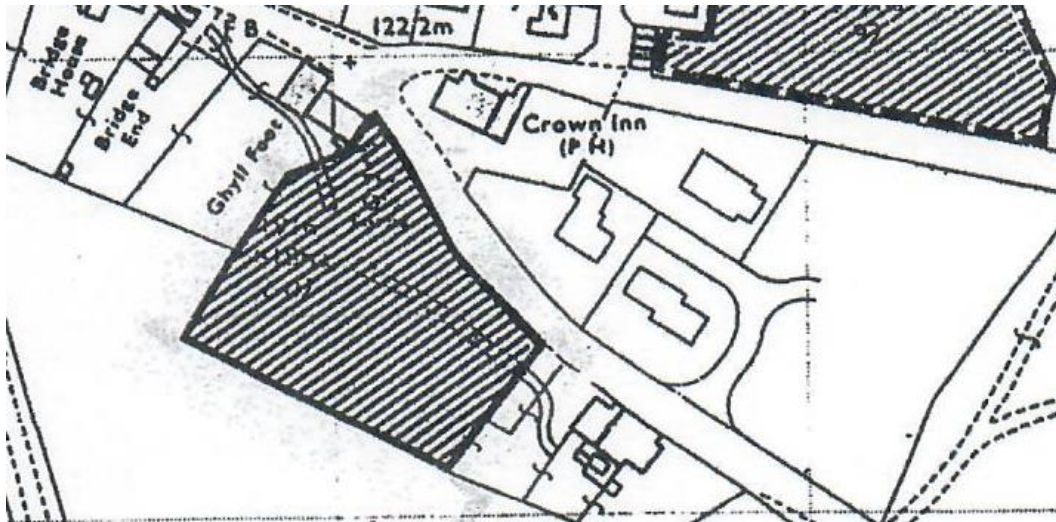


Figure 1 Trust Deed

The title deed map (overleaf) is also inconclusive but the Land Registry advises:

“If you live in England or Wales, there’s usually no record of:

- the exact boundary between two properties
- who owns the hedge, wall, tree or fence between 2 properties”

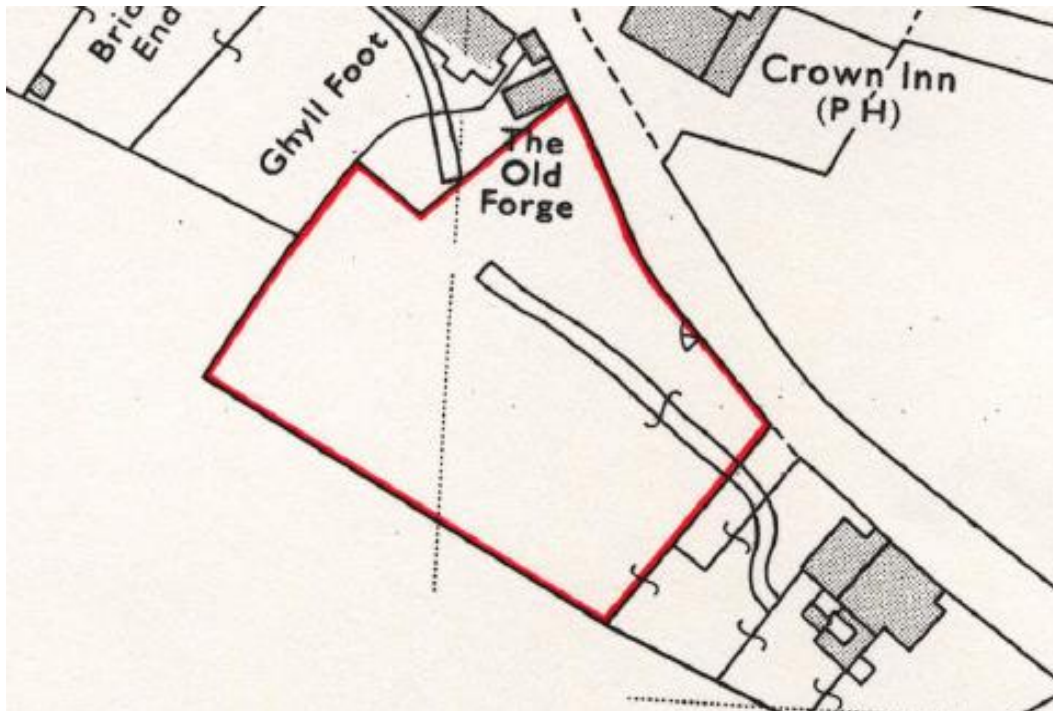


Figure 2 Land Registry Title Deed

A search was conducted at Carlisle Archive Centre for information that might prove the ownership one way or the other. Although no definitive evidence either way was found, from looking at old maps, including the 1821 tithe map, the archivist's opinion is that the wall is almost certainly part of ancient enclosure and would therefore belong to the Green. The land that is now the Green belonged to the pub as far back 1821 and would at that time have been used for grazing the horses of pub customers/cart parking, etc.

In the project completion report for the Ainstable Millennium Green Trust (Nov 2000), Donald Rich & Malcolm Kendall were thanked for their work repairing the damaged walls; clearly the walls had fallen into disrepair and neighbours had not considered it their responsibility.

In 2019, Ainstable Parish Council, acting in its capacity as Trustee to the Trust, commissioned Robert Proud to repair a section of the wall.

Therefore, it seems most likely that the walls are the property of Ainstable Millennium Green Trust.

In order to recognise this, the Trustee can apply to the Land Registry for a Determined Boundary. A determined boundary would put the ownership of the wall beyond doubt in perpetuity. Applying for a determined boundary will involve a fee to a chartered surveyor to draw up a plan of the boundary, a solicitor to act on behalf of the Trust, and a £90 fee to the Land Registry.

The advantages of taking formal ownership are that the Trust can take control of the maintenance of the walls and act appropriately in the case of any damage.