



COMMONS REGISTRATION ACT 1965

Reference No: 205/1/31

In the Matter of Flatts Lane Well,  
Kettlehulme, Macclesfield District,  
Cheshire

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 94 in the Register of Common Land maintained by the Cheshire County Council and is occasioned by Objection No. 80 made by Mrs Clara Lomas and noted in the Register on 21 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Stockport on 31 October 1979. At the hearing (1) Mrs Lomas was represented by Mr E Scott solicitor of Barclay May & Co., Solicitors of Macclesfield; and (2) Kettlehulme Parish Council on whose application the registration was made were represented by Mr K Goalen solicitor of Wain Langstaff Paine & Goalen, Solicitors of Macclesfield.

The land ("the Unit Land") is south of an adjoins Flatts Lane and contains (according to the Register) about 0.004 hectares (less than 1/100th of an acre). Mr Scott said that Mrs Lomas owned land to the south and southwest of the Unit Land on which there is a dwelling house "Meadowville", and that for this land it was important that there should be access from it to Flatts Lane, because there is none other.

After a short adjournment Mr Goalen and Mr Scott handed me an agreement made by them on behalf of the Parish Council and Mrs Lomas by which it was agreed that there is an easement for the benefit of Mrs Lomas property Meadowville over the Unit Land in the following terms: "Full right and liberty for CLARA LOMAS and her successors in title, owners or occupiers for the time being of the messuage or dwelling house known as "Meadowville", Flatts Lane, Kettlehulme, or any part thereof and their respective servants and licencees at all times by day or by night and for all purposes to pass and repass with or without vehicles of any description laden or unladen along, over and upon the driveway constructed by the said CLARA LOMAS leading from the said dwelling house to the public highway across the common land together with the right to enter on such land from time to time for the purpose of maintaining repairing and renewing the said driveway"; and that Mrs Lomas' Objections to the registration was withdrawn on these terms.

Although I am not concerned with the first part of the agreement relating to the agreed easement, I can act on the second part relating to the Land Section registration; accordingly I confirm the registration without any modification.

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 16<sup>th</sup> — day of November — 1979.

*C. A. Baden Fuller*