



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/367

In the Matter of Berrymore Field,
Kirkoswald, Eden District, Cumbria

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 137 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) County Council and is occasioned by Objection No. 112 made by Mr J C Deakin and noted in the Register on 2 October 1970.

I held a hearing for the purpose of inquiring into the dispute at Penrith on 24 October 1980. At the hearing Kirkoswald Parish Council on whose application the registration was made, were represented by Mr J O Fenwick their clerk.

The land ("the Unit Land") in this Register Unit, according to the Register map is approximately rectangular being a little over 200 yards long from northeast to southwest and about 160 yards wide; it is southeast of and adjoins the road. The grounds of the Objection are: "Please see plan attached. That my clients are the freeholders of the Field OS 439 in the Parish to (sic) Lazonby and all minerals contained therein are the right of the Lord of the Manor". The land ("the Objection Land") referred to in the attached plan is therein coloured pink and numbered 439 and is about half the Unit Land being all that southeast of a middle line. In the Onwership Section the Parish Council are registered as owners of all the land.

Mr Fenwick confirming his letter dated 8 October 1980, said (in effect):- The Objection was raised by the Agent of the owner of the adjoining land. There was inadvertently an error in registering the parish land as consisting of two fields; the Council have never considered field OS 429 as being in their ownership. He had inspected the Inclosure Award dated 3 October 1876 at the County Archives, and this confirms that one field only vests it in the Parish, both by reference to the associated map and from the stated acreage in the document.

In the above circumstances, Mr Fenwick conceding the Objection, I confirm the registration that the modification that there be removed from the Register the land coloured pink and numbered 439 on the plan drawn on the said Objection.

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 24th — day of November — 1980

A. A. Baker Fuller

Commons Commissioner