



In the Matter of Caldbeck Common, Allerdale D

DECISION

These disputes relate to the registrations at Entries No. 1 in the Land Section and 1 to 126 in the Rights Section of Register Unit No. CL 20 in the Register of Common Land maintained by the Cumbria County Council. They are occasioned by Objection No. 114 made by Lawrence S Little noted in the Register on 29 September 1970 and four Objections made by Henry Ridley, two Nos. 62 and 63 noted in the Register on 2 October 1970 and two Nos. 181 and 182 noted in the Register on 18 April 1972.

I held a hearing for the purpose of inquiring into the disputes at Keswick on 23 March 1982. The hearing was attended by Mr D Mellor, Solicitor, appearing on behalf of Mr L S Little and of Mrs S M McCosh (an applicant for registration in the Land Section): Mr H Ridley (Objector) in person: a number of the applicants for rights or their successors or representatives: and Mr Green of the County Council.

Objection No. 114 is an Objection to small parts of the Unit land (and consequentially to all the rights over those parts). The Objection was now withdrawn: the remaining Objections are to a number of the rights, and Objection No. 114 being withdrawn I shall confirm the Entry in the Land Section.

Objection No. 63 is to Rights Entries Nos. 15 and 18 and Objection No. 181 to No. 76, and the Objections state that these rights do not exist. As regards Entry No. 15 (L S Little) it was agreed that the right should be confirmed, subject to modification. The details of the modification (and of the other modifications referred to below) are set out in the Appendix on p. 2. As regards Entries No. 18 (H Elliott and Sons, for whom Mr D Elliott, Solicitor, appeared) and No. 76 (F Wilson and J Benn), the Entries were withdrawn and I refuse to confirm their registration.

Objections No. 62 and No. 181 are to the numbers of animals for which grazing rights are claimed. There are thirteen Rights Entries objected to and in regard to six of them the Objection was accepted and I shall modify the grazing right in each case to the numbers put forward by the Objector, which are based on the acreage of the inbye land. The 6 Entries are No. 27 (J Wilson, successor R Jenkinson), No. 46 (S H Cole, present in person) No. 60 (R Watson) No. 61 (R Jenkinson) No. 87 (Mary Cowen: successor Mr Graham, present in person) No. 92 Cumbria County Council.

Of the other 7 Entries Objected to, in the case of five of them there was no appearance by the applicant and I shall modify the grazing right to give effect to the Objection. These five are Nos. 33, 34, 35 and 36 (W M Peel) and 77 (F Wilson). In the case of another such Entry (No. 84) the applicant, Mr R W Brown appeared in person: he said he was no longer interested in this right and in the absence of any person resisting the Objection I shall modify this Entry to give effect to the Objection.

The remaining Entry objected to is Entry No. 83. The applicant for this registration, Mr R W Brown, appeared and gave evidence in support of the numbers of animals registered. The Entry includes a right to graze 150 ewes and



followers and 60 hogs, 5 cows and calves and 1 pony or 24 cows and calves or 20 horses. Mr Brown said that the grazing from his farm, Park End, had to his knowledge been carried on since 1931, when his father bought the farm. His father regularly grazed about 100 ewes and followers and 50 to 60 hogs, and cattle occasionally. After 1953, when his father died, he himself took over the farm and had grazed more sheep - about 200 ewes and followers, some 100 hogs for one month in the year, and about 18 cattle. He had other land, about 370 acres, outside Caldbeck Village which he farmed as one unit with Park End, and had 28 cattle altogether.

The Objections to numbers of animals are based on the acreage of the inbye land and its capacity to winter animals, this being the yardstick applied by the Caldbeck Commons Committee. It is expressed as so many units per acre, one unit being equivalent to one sheep of any age, four units to one beast and eight units to one horse. In the case of Mr Brown this results in 196 units which, overall, does not in my view produce any significant impairment of the grazing rights which Mr Brown's evidence supports and accordingly I shall modify the rights claimed to give effect to the Objection.

Appendix

The Rights Entries to be confirmed with modifications are as follows:-

Entry No. — Modification

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|------------------------------------|---|
| 15 | In Column 4 for "500 sheep and 18 cattle" substitute "8 sheep and 2 cattle or 1 horse": and in column 5 delete existing particulars and substitute "Wrackenheads and Alcock Fields in the Parish of Caldbeck" |
| 27,33,34,35,
36,46,60,61,
77 | In Column 4 of these Entries delete the words down to and including the word "on" and substitute- |
| | In No. 27 "The right to graze 230 units on" |
| | In No. 33 "The right to graze 240 units on" |
| | In No. 34 "The right to graze 99 units on" |
| | In No. 35 "The right to graze 145 units on" |
| | In No. 36 "The right to graze 28 units on" |
| | In No. 46 "The right to graze 308 units on" |
| | In No. 60 "The right to graze 164 units on" |
| | In No. 61 "The right to graze 132 units on" |
| | In No. 77 "The right to graze 280 units on" |
| 83 | In Column 4 delete the existing words down to and including "horses" and substitute "The right to graze 196 units" |
| 84 | In Column 4 delete the existing words down to and including "horses" and substitute "The right to graze 160 units" |
| 87 | In Column 4 delete "50 sheep and 8 cattle" and substitute "48 units" |



92 In Column 4 delete "100 ewes 50 hogs and 100 lambs"
and substitute "196 units".

For the purpose of the above modifications one unit equals one sheep (of any age):
four units equal one beast: eight units equal one horse.

To summarise: I confirm the registrations at No. 1 in the Land Section. In the
Rights Section I refuse to confirm the registration at Entries Nos. 18 and 76, I
confirm the registrations at the Entries specified in the Appendix with the
respective modifications there stated, and I confirm all other Entries without
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

26

July

1982

L. J. Morris Smith

Commons Commissioner