



In the Matter of Farleton Knott, Farleton,
Beetham, Cumbria, (No. 1)

DECISION

This dispute relates to the registrations at Entry Nos. 1-5 and 7-14 in the Rights Section of Register Unit No. CL 31 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 2/16 made by Brigadier C E Tryon-Wilson and noted in the Register on 2 November 1970.

I held a hearing for the purpose of inquiring into the dispute at Kendal on 9 June 1981. The hearing was attended by a number of the applicants and by Mr R W Sykes, Solicitor, on behalf of the Objector.

The grounds of the Objection are "(a) that the grazing rights should comprise fewer animals. Farleton Knott is not capable of carrying more than 130 sheep, and the number of animals in respect of which rights are claimed has never been pastured there. (b) that the rights of turbarry and estovers and to take stone should be limited so as to exclude any right of sale."

Mr Sykes informed me that he was instructed only to object to the total number of sheep to be grazed and that he was unable to adduce evidence as to the correct number to be inserted in each registration. Since Mr Sykes was not in a position to challenge the correctness of the registrations seriatim, he did not pursue the Objection under ground(a).

So far as ground (b) is concerned, a person entitled to rights of turbarry and estovers and to take stone can exercise such rights for the benefit of the dominant tenement and cannot sell the products which he has taken.

For these reasons I confirm the registrations.

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

19th

day of

June

1981

[Signature]
Chief Commons Commissioner