



In the Matter of Land known as Brackenthwaite
Fell, Crummock Water, Above Derwent and
Buttermere

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section and Entries Nos. 1-46 in the Rights Section of Register Unit No. CL 11 in the Register of Common Land maintained by the former Cumberland County Council and is occasioned by several Objections all duly noted in the Register and the conflicting registrations in the Ownership Section of the same Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Keswick on 6 October 1981. The hearing was attended by Mr H F Devlin for the National Trust, Mr G Mendus of Messrs Waugh and Musgrave, Solicitors of Cockermouth for Buttermere and Brackenthwaite Community Council and Melbeak Hounds, Mr Richard Taylor of Messrs Curwen and Co, Solicitors of Cockermouth for Mr W Loat, Mr Lilt in person; Mr F G Lamble of Messrs Brockbank Tyson and Co, Solicitors for Messrs F and R F Bell, Mr G Barnes for Mrs A Barnes and Mr A Farrant of Messrs Watson Lewis and Co, Land Agents for Viscount Rochdale, Mr Nobbs of Oglethorpe and Hough, Solicitors of Keswick for Mr Alston, Mr J W Bell, Mr Mockereth, Mr Layland and Mr J W Bennett.

It was agreed that Entry No. 1 in the Land Section should be confirmed subject to the exclusion of the following (i) Colghyll House and garden owned by Mr and Mrs Lilt (ii) High Coledale Farm owned by Mr J W Bennett and (iii) The House and garden known as Kinn, The Green, Braithwaite.

The land in respect of which the Forestry Commissioner had lodged an objection had already been deleted from the Register and that objection was withdrawn.

It was further agreed that all Entries in the Rights Section should be confirmed subject in the case of Entry No. 17 to the deletion of pigs and horses.

Mr Devlin informed me that the National Trust had acquired the interests of the other applicants in the Ownership Section in the Register Unit and produced documents of title which satisfied me that this was so.

For these reasons, I confirm (i) the registration at Entry No. 1 in the Land Section subject to the exclusions mentioned (ii) all the registrations in the Rights Section subject to the exclusion mentioned relating to Entry No. 17 and (iii) the registration at Entry No. 1 in the Ownership Section with the substitution for the particulars appearing in column 4 of the words 'the whole of this register unit'. I refuse to confirm the registrations at Entry Nos. 2-6 in the Ownership register.

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

30th

day of

November

1981

George Hesketh

Commons Commissioner