



In the Matter of Langstrath and Coombe Fells,
Borrowdale, Cumbria (No. 3)

DECISION

This dispute relates to the registrations at Entry Nos 1 to 4 in the Ownership section of Register Unit No. CL 423 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 195 made by the National Trust and noted in the Register on 25 July 1972.

I held a hearing for the purpose of inquiring into the dispute at Keswick on 11 November 1980. The hearing was attended by Mr P Fitzgerald, solicitor, on behalf of the Objector, which is also the applicant for the registration at Entry No. 1, and by Mr L C Gardiner, solicitor, on behalf of Mr and Mrs J H Weir, the applicants for the registration at Entry No. 4.

Each of the registrations is stated to be by virtue of the ownership of stints on the two fells comprising the Register Unit. However, the documentary evidence adduced by Mr Fitzgerald shows that the land falls to be considered in two parts. The first part is the land to the west and north of a line running due south along the Langstrath Beck and then turning west to the top of Glaramara. This part is in the joint ownership of a number of stint holders. There were more than four stint-holders immediately before 1 January 1926, so the land became vested in the Public Trustee by virtue of the transitional provisions of the Law of Property Act 1925. The remainder of the land comprised in the Register Unit is waste land of the manor of Borrowdale, the ownership of which was conveyed to the National Trust by a conveyance made 29 June 1978 between (1) John Gilbert Maxwell Wybergh and Margaret Austen-Leigh (2) The National Trust for Places of Historic Interest and Natural Beauty, with a good root of title in an assent made 18 March 1965 between (1) Thurstan Holland Hibbert, Viscount Knutsford, (2) JGM Wybergh and T H H, Viscount Knutsford.

The most appropriate way for me to give effect to this evidence is to confirm the registration at Entry No. 1 made on the application of the National Trust with the substitution of the words "The whole of the land comprised in the Register Unit with the exception of the land to the west and north of a line running due south along the Langstrath Beck and then turning west to the top of Glaramara" for the words in column 4; to confirm the registration at Entry No. 2 with the substitution of the words "The Public Trustee" for the words in column 3 and the substitution of the words "The land to the west and north of a line running due south along the Langstrath Beck and then turning west to the top of Glaramara" for the words in column 4; and to refuse to confirm the registrations at Entry Nos 3 and 4.

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

20th

day of

November

1980

CHIEF COMMONS COMMISSIONER