



In the Matter of The Kirkhaugh.  
Bewcastle, Cumbria

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DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 57 in the Register of Town or Village Greens maintained by the Cumbria County Council and is occasioned by Objection Nos. 123 and 139 made by Mr F A Noble and Mr C G Noble and noted in the Register on 18 May and 30 September 1970, respectively .

I held a hearing for the purpose of inquiring into the dispute at Carlisle on 3 July 1979. The hearing was attended by Mr A D Millar, a member of the Bewcastle Parish Council, and Mr P W Pickles, Solicitor, on behalf of the Objectors.

It appeared that the matters which were really troubling the Parish Council was the means of access to the Parish Church over the land comprised in the Register Unit and the turning and parking of cars on the land. These, of course, are not matters within my jurisdiction. The only evidence regarding the use of the land in question for sports and pastimes was given by Mr W J Johnson, who used to attend Sunday School at the Rectory adjoining the land in question and remembers rolling pace eggs and oranges down slopes on the land. Mr Johnson also remembers that in 1925 when he was 17, sports were held on the land, but there was no evidence that the land has ever been used for that purpose since 1925.

This evidence does not even begin to bring the land in question within the definition of "town or village green" in Section 22(1) of the Commons Registration Act 1965.

For these reasons I refuse to confirm the registration.

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

18<sup>th</sup>

day of

July

1979

Chief Commons Commissioner