



## COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/845  
to 850 inclusiveIn the Matter of Village Green,  
Hutton Roof, Mungrisdale Parish,  
Eden District, CumbriaDECISION

These 6 disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos 1 and 2 in the Rights Section of Register Unit No. CL319 in the Register of Common Land maintained by the Cumbria (formerly Cumberland) County Council and the registrations at Entry No. 1 in the Land Section of Register Unit No. VG90 in the Register of Town or Village Greens maintained by the said Council, and are occasioned by Objection No. 220 made by Cumberland County Council and noted in the CL Register on 4 August 1972 and by the registrations being in conflict.

I held a hearing for the purpose of inquiring into the disputes at Penrith on 18 March 1982. At the hearing (1) Mungrisdale Parish Council on whose application the VG registration was made, were represented by Mr A R Nobbs, solicitor with Oglethorpe & Hough, Solicitors of Keswick; (2) Mr Andrew Boyes and Mrs Isobel Boyes on whose application the registration at CL Rights Section Entry No. 1 was made, were represented by Mr D Mellor, solicitor of Little & Shepherd, Solicitors of Penrith; (3) Mr John Rose Stevenson and Mrs Jennifer Stevenson on whose application the registration at CL Rights Section Entry No. 2 was made, attended in person; (4) Cumbria County Council as successors of Cumberland County Council, and also as registration authority, were represented by Mrs F B Watson, clerk in their Estates and Valuation Department; and (5) Mr Brian Edward Lancaster of Horseshoe Inn, Hutton Roof was represented by Mr K G Walker solicitor of Arnison & Co, Solicitors of Penrith.

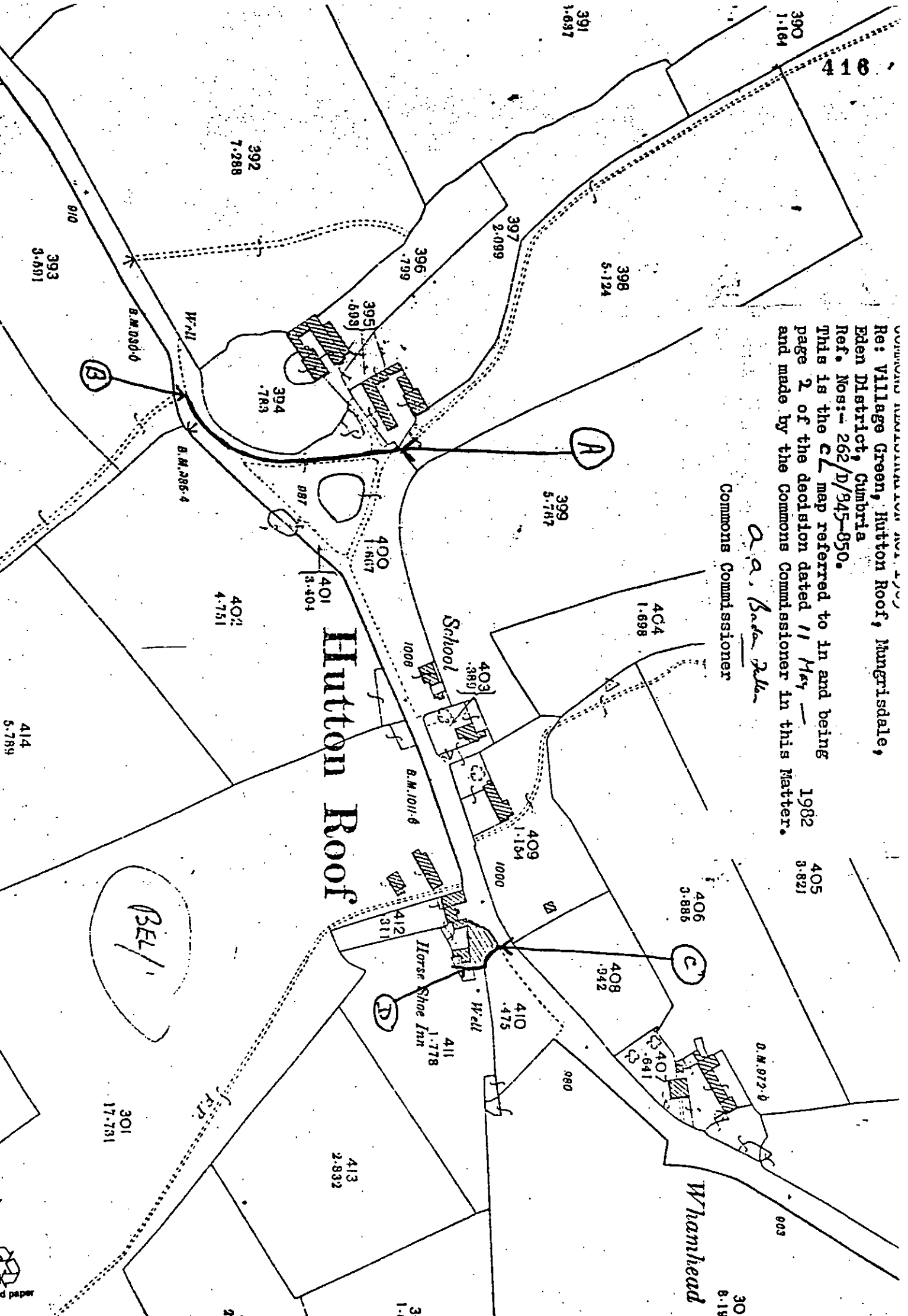
The land ("the CL Land") in Register Unit No. CL319 is in two pieces; one ("the CL West Piece") is an approximately triangular piece which is open on its south-west side to the public road running between the group of dwelling houses and farm and other buildings together known as Hutton Roof and which is crossed by two tracks running from the road to meet by, and to provide access to, Hutton Roof Farm; and the other ("CL East Piece") is also an approximately triangular open to the road and situate to the north of Horse Shoe Inn. The registrations in the CL Rights Section are of rights of grazing. The grounds of the Objection are that the land was not common land at the date of registration. The land ("the VG Land") in Register Unit No. VG90 comprises about 9/10ths of the CL West Piece.

At the beginning of the hearing Mrs Watson said that the Objection was withdrawn and Mr Nobbs handed in a plan (PC/1) on which was delineated the land which the Parish Council now claimed was properly registered as a town or village green, being thereon edged ~~xxxx~~; this land is (perhaps a little more or less) the VG land. Mr Mellor said and Mr & Mrs Stevenson agreed the VG registration should be as claimed by Mr Nobbs and themselves claimed that the part of the CL West Piece hatched red on plan PC/1 (all the CL West Piece except that edged ~~xxxx~~) should be registered as common land subject to the registered grazing rights but conceded that such rights should not extend over any land remaining registered as a town or village green.

COMMONS REGISTRATION ACT, 1978  
 Re: Village Green, Hutton Roof, Mungersdale,  
 Eden District, Cumbria  
 Ref. Nos:— 262/D/845-850.  
 This is the C map referred to in and being  
 page 2 of the decision dated 11 May, 1982  
 and made by the Commons Commissioner in this Matter.

*A.A. Bates Allen*

Commons Commissioner



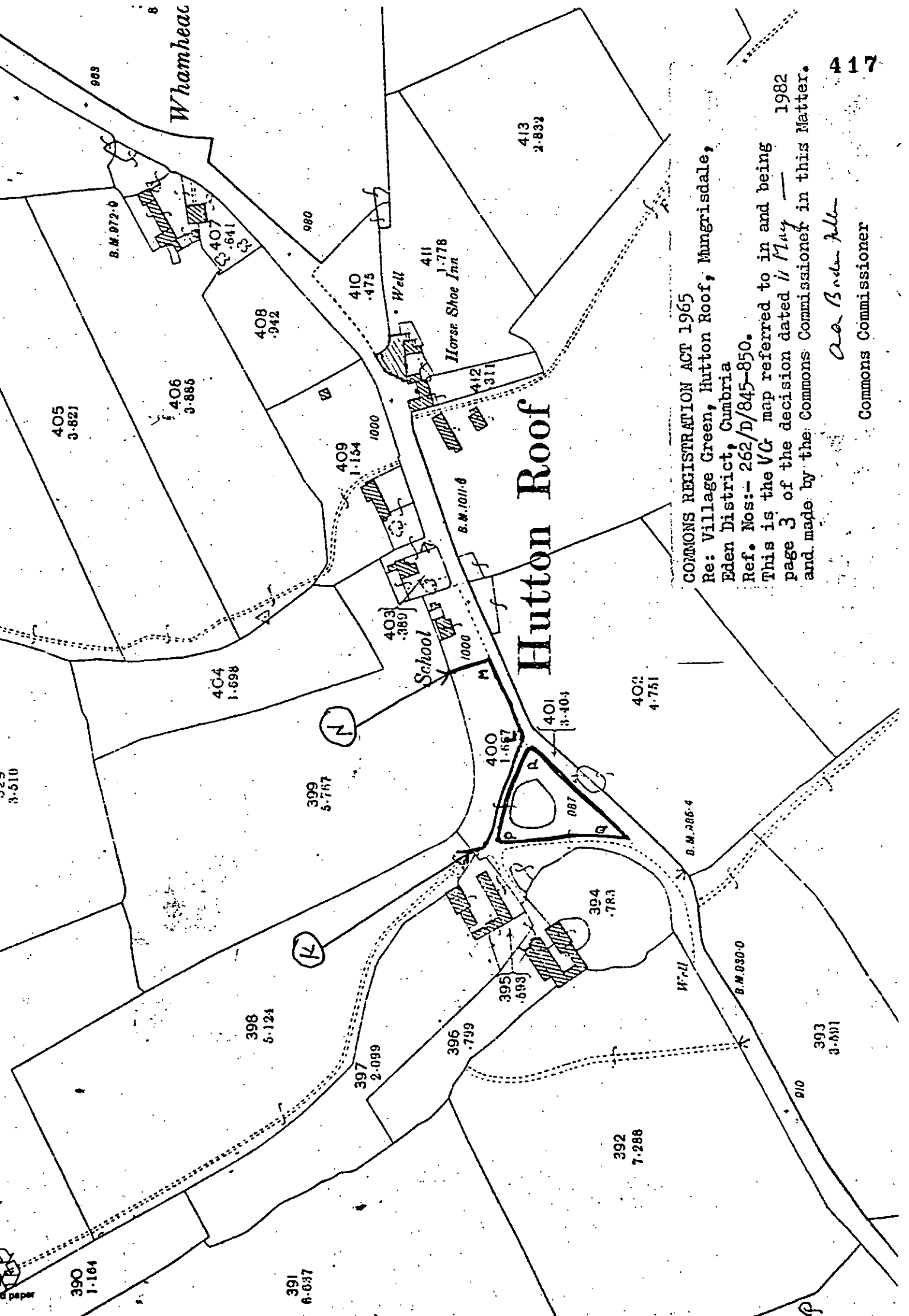
**Hutton Roof**

**Whamhead**

School

Horse Shoe Inn

BEL



# Hutton Roof

## COMMONS REGISTRATION ACT 1965

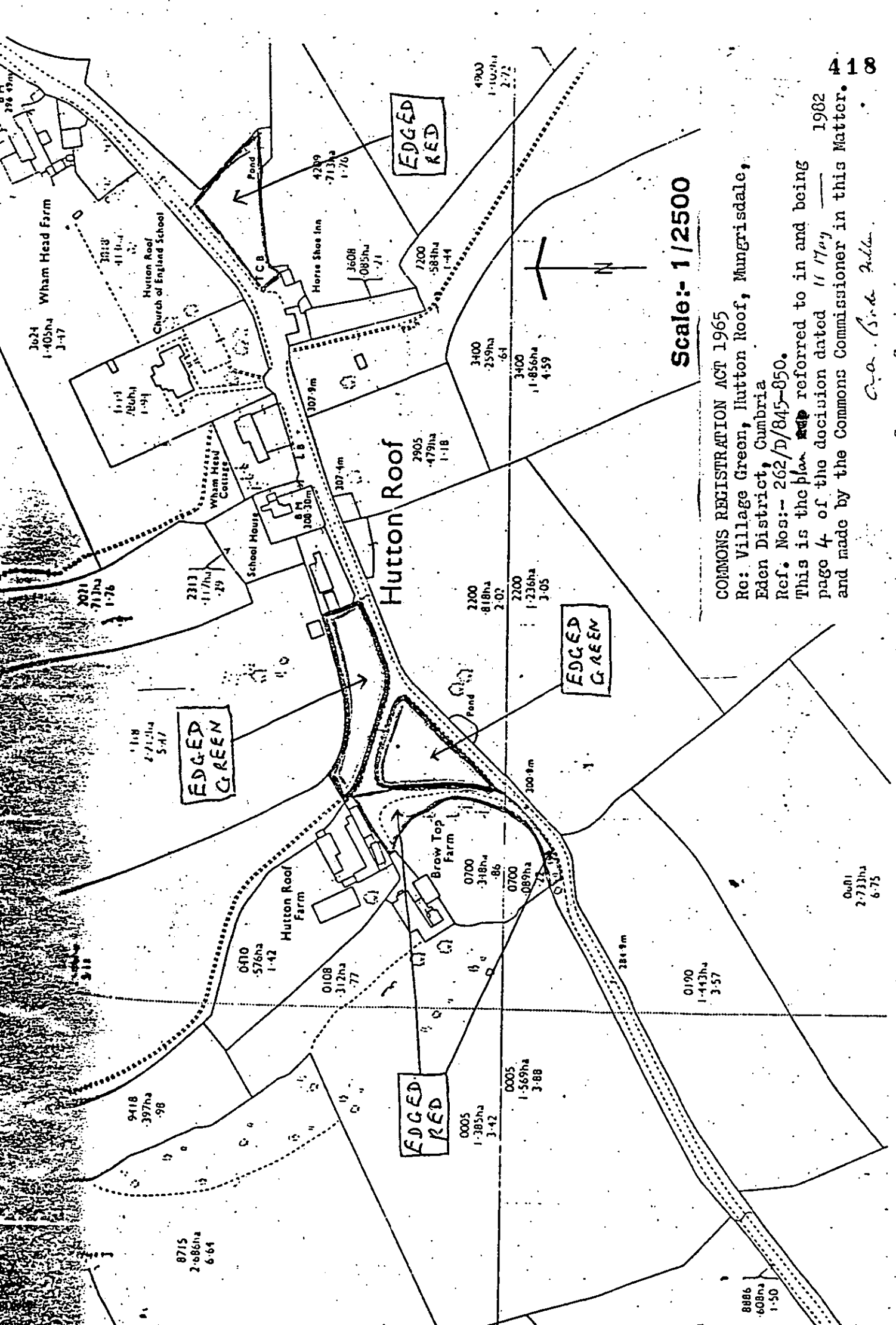
Re: Village Green, Hutton Roof, Mungrisdale,  
Eden District, Cumbria

Ref. Nos:- 262/D/845-850.

This is the VC map referred to in and being  
page 3 of the decision dated 11 May 1982  
and made by the Commons Commissioner in this Matter.

*De Bode M*

Commons Commissioner



Scale:- 1/2500

COMMONS REGISTRATION ACT 1965

Re: Village Green, Hutton Roof, Mungrisdale,

Eden District, Cumbria

Ref. Nos:- 262/D/845-850.

This is the plan referred to in and being  
page 4 of the decision dated 11 May 1982  
and made by the Commons Commissioner in this Matter.

*C.O. Birdwell*

Commons Commissioner



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Mr Walker said that Mr Lancaster wished to exclude from the registration a small part hatched blue on a plan (BEL/1), being the south-west corner of the CL East Piece; to this Mr Mellor, Mr and Mrs Stevenson and Mr Nobbs were agreeable.

To explain the agreements and concession made as above summarised evidence was given orally or in writing: (1) Mrs E D Pyman who has resided in the parish since 1962 and who is now and has been since 1966 clerk of the Parish Council, (2) Miss M E Metcalfe who was headmistress of the Old School at Hutton Roof; (3) Mr J R Stevens who had for many years grazed geese and the odd cow on these lands from Brow Top Farm; (4) Mr B E Lancaster who purchased the Horse Shoe Inn in 1975; and (5) Mr E J Wilson who in 1937 became tenant and publican at the Inn and who explained how before he came there part of the Inn had been used as a smithy for the operation of which the said hatched blue land was essential.

Having regard to this evidence I consider I can properly give effect to the agreement reached. The map ("the CL map") being page 2 of this decision is an uncoloured copy of the plan BEL/1 with the east and south-east boundaries of the said hatched red land marked with a black line AB and with the east boundary of the said hatched blue land marked with a black line CD. The map ("the VG map") being page 3 of this decision is another copy of the plan BEL/1 marked with black lines KLMN and PQR being the lines marked ~~xxxx~~ on the plan PC/1.

Having regard to the evidence above referred to and with the agreement of all present or represented at the hearing my decision is as follows:- I confirm the registration at CL319 Land Section Entry No. 1 with the modification that there be removed from the Register (1) that part of the CL West Piece which is east and south-east of the line AE on the CL map, and (2) that part of the CL East Piece which is west or south-west of the line CD on the said map. I confirm the registrations at CL319 Rights Section Entry Nos. 1 and 2 without any modification except such as is necessarily consequential on the removal of the said parts from the Register. I confirm the registration at VG90 Land Section Entry No. 1 with the modification that there be removed from the Register all the land comprised in it except (1) the part north of the line marked KLMN on the VG map and (2) the part marked within the line PQR on the VG map. I refuse to confirm the registrations in the VG Rights Section which by the operation of regulation 14 of The Commons Registration (General) Regulations 1966 are deemed to have been made therein by reason of the registrations in the CL319 Rights Section.

Since the greater part of this decision had been prepared, I have received from Little & Shepherd a plan showing the area of agreed Village Green edged green and the area of agreed Common Land edged red. An uncoloured copy of this plan, having marked on it the green and red edging from the original is at page 4 of this decision and I record that it may be read as a clarification and explanation of my intention as set out in the preceding paragraph.

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 *11<sup>th</sup>* day of *May* 1982

*A. A. Baines Fuller*

Commons Commissioner