



COMMONS REGISTRATION ACT 1965

Reference Nos 262/D/267
262/D/268In the Matter of Mill Moss, Patterdale,
Lakes Parish, Eden District, CumbriaDECISION

These disputes relate to the registrations at Entry Nos 1 and 2 in the Rights Section of Register Unit No. CL 151 in the Register of Common Land maintained by the Cumbria (formerly Westmorland) County Council and are occasioned by Objection Nos 2/201 and 2/202 made by Mrs Sylvia Mary McCosh and noted in the Register on 18 July 1972.

I held a hearing for the purpose of inquiring into the disputes at Penrith on 1 July 1980. At the hearing (1) Mrs McCosh was represented by Mr M. C. Dutchman-Smith solicitor of Little & Shepherd, Solicitors of Penrith; and (2) the Trustees of Tynemouth YMCA on whose application the registration at Entry No. 2 was made, were represented by Mr T. M. Arnison solicitor associate of Arnison & Co, Solicitors of Penrith.

The registration at Entry No. 1 was made on the application of Mrs E. A. Little and is of a right to graze (a) 40 sheep and (b) 5 head of cattle. The grounds of Objection No. 2/201 are: "1. That the right does not exist; 2. If it is held that the right claimed does exist then it should be limited to the grazing of 6 sheep". Mr Dutchman-Smith produced a letter dated 10 June 1980 from Miss M. Longsdon in which she said she would reduce her claim to grazing rights on Mill Moss to six sheep only. He said that Miss Longsdon is the present owner of the land to which the Entry No. 1 right is attached in succession to Miss Little. Having regard to the letter, and in the absence of any evidence in support of the registration from Miss Little or anyone else, I conclude that it should be as agreed by Miss Longsdon; I accordingly confirm the registration at Entry No. 1 with the modification (in column 4) that for the words: "graze:- (a) 40 sheep and (b) 5 head of cattle" be substituted the words: "graze 6 sheep".

The registration at Entry No. 2 is of a right attached to Patterdale Hall Farm to graze (a) 515 ewes (b) 200 mixed shearlings (c) 280 mixed hoggs and (d) 2 tups on the whole of the land comprised in this register unit together with the whole of the land comprised in register units numbered CL 57 and CL 160. Mr Dutchman-Smith and Mr Arnison said that Mrs McCosh and the YMCA Trustees were agreed that the registration for the CL 151 land (Mill Moss) should be for 8 sheep only. Mr Arnison said that by so agreeing he was making no admission as to the rights of the YMCA Trustees ~~and~~ over the CL 57 and CL 160 lands being any less than they were stated to be in the Rights Section of Register Units Nos CL 57 and CL 160. After some discussion it was agreed that the CL 57 and the CL 160 rights would not be prejudiced and the CL 151 rights would be more sensible if the reference to CL 57 and CL 160 were omitted altogether from the CL 151 register. Accordingly I confirm the registration with the modification (in column 4) for the words: "graze:- (a) 515 ewes (b) 200 mixed shearlings (c) 280 mixed hoggs and (d) 2 tups"



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be substituted the words: "graze 8 sheep" and that the words "and together with the whole of the land comprised in register units numbered CL 57 and CL 160" be deleted.

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 21st — day of July — 1980

a. a. Baden Fuller

Commons Commissioner