



COMMONS REGISTRATION ACT 1965

Reference No. 262/D/3

In the Matter of part of Dunnerdale
Fell, Dunnerdale-with-Seathwaite,
Duddon, South Lakeland D, Cumbria

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.241 in the Register of Common Land maintained by the Cumbria County Council and is occasioned by Objection No. 205 made by the Reverend J.S. Whineray and noted in the Register on 4 October 1971.

I held a hearing for the purpose of inquiring into the dispute at Kendal on 6 March 1975. At the hearing Mr. Christopher Heath Cheetham and Miss Elizabeth Jane Cheetham on whose application the registration was made were represented by Mr. G. Norris, solicitor of Gatey Heelis & Co., Solicitors of Windermere, and the Rev. J.S. Whineray was represented by Mr. E.G. Holliday surveyor and land agent of A. Hoggarth & Sons, Land Agents and Surveyors of Kendal.

The land comprised in this Register Unit consists of two pieces; one crossed by the road on the east side of the River Duddon between Ulpha and Duddon Bridge and containing (as I scale the Register map) about 15 acres, and the other a little to the east of the said road and containing (similarly scaled) about 1 acre, and both being part of a much larger area known as Dunnerdale Fell. The Rights Section of the Register is blank. In the Ownership Section, Mr. and Miss Cheetham are registered as owners of the whole of the land. The grounds stated in the Objection are :- "At the date of registration the land was not common land but the freehold property of the Rev. J.S. Whineray."

Mr. Norris and Mr. Holliday said that Mr. and Miss Cheetham and Mr. Whineray were agreed that the smaller piece which is known as Outmoss should not have been registered, and that I should accordingly confirm the registration with the modification below set out.

In these circumstances I confirm the registration with the following modification :- Of the two pieces which together make up the land comprised in this Register Unit, the eastern piece known as Outmoss shall be removed from the 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 11/5 —

day of April 1975

a a Baden Fuller

Commons Commissioner