

Commons Act 2006 - Section 15

Application to register land at California Lane, Carlisle as a town or village green

NOTICE OF DETERMINATION

Application Number: CA9/1

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority, has at a meeting of its Development Control and Regulation Committee ("the Committee") on 5th October 2016, considered an application to register land at California Lane, Carlisle as a new town or village green, shown edged red on the attached plan and referred to herein after as "the Application Land".

Decision

The Committee resolved to reject the application, and not to register the Application Land as a new town or village green.

Reasons

The Committee took into account a report by Commons Registration and Legal Services Officers ("the Officers"). The Officers' report recommended that the Committee reject the application, on the basis that the evidence produced by the applicant does not prove, on the balance of probabilities, that there has been user of the Application Land as a whole, given its topography, and that there has been sufficient discrete user of the Application Land for lawful sports and pastimes rather than as user incidental of the highway, given its proximity to the footpath and thus the statutory criteria to register the Application Land as a town or village green, in accordance with section 15 (2) of the Commons Act 2006 has not been satisfied.

The Committee on considering the Officer's report, resolved to approve the Officers' recommendation, the Application Land will not be registered as a Town or Village Green.

Officer's report available at:

<http://councilportal.cumbria.gov.uk/documents/s55427/160927%20California%20Lane%20DCR%20Report.pdf>

Plan of Application Land:

<http://councilportal.cumbria.gov.uk/documents/s55428/Appendix%201%20Application%20Plan.pdf>

Changes to the Register

No changes will be made to the Register.

9th November 2016



Angela Jones
Assistant Director – Environment and Regulatory Services