

Commons Act 2006 - Schedule 3

Application to amend the register to record an historic event – historic severance of a right of common.

NOTICE OF DETERMINATION

Application Number: CA14/46

Notice is hereby given that Cumbria County Council, as the Commons Registration Authority (“the CRA”), has at a meeting of its Development Control and Regulation Committee (“the Committee”) on the 23rd August 2018 considered an application submitted by Paul Ewbank Dixon (“the Applicant”) to amend the register to record an historic severance of part of the right of common relating to the right to graze 100 ewes, 40 hogs or 14 head of cattle, 1 horse and 3 pigs on register units CL93 and CL94, originally attached to 9 O.S field numbers.

Decision

The Committee resolved to accept the application to amend the register by registering the severance of the proportion of the right which was sold as a result of six separate transfers which took place between (pre) 1978 and 2001. The proportion of the rights which were attached to these fields will now be shown as held in gross in the register, with the grazing rights effectively being severed from the land to which they were once attached.

Reasons

The Committee took into account a report written by the Commons Officer (“the Officer”). The Officer’s report made a recommendation to the Committee to accept the application on the grounds that, on the balance of probabilities, there is sufficient evidence that severance of the proportion of the right attached to the land conveyed within the six separate transfer documents has occurred.

The registers for CL93 North and East Mallerstang and CL94 Western Mallerstang Common have been amended to show the proportion of the right which was previously attached to the conveyed land as severed from the land and held in gross, and the remainder of the right as attached to the rest of the dominant tenement.

Documentation

Minutes of the meeting providing the Committee’s decision and the Officer’s report are available at:

<http://councilportal.cumbria.gov.uk/ieListMeetings.aspx?CommitteeId=124>

Signed



Angela Jones – Assistant Director Economy and Environment
Dated: 24th August 2018