

Commons Act 2006 - Schedule 2 (Paragraph 6)

Application to correct non-registration or mistaken registration

NOTICE OF DETERMINATION

Application Number: CA13/35

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 15th September 2021, considered an application to correct mistaken registration of land at Rose Cottage, The Green, Hesket Newmarket, Cumbria CA7 8JG (herein after referred to as "the Application Land") as common land.

Decision

The Committee resolved to accept the application to correct the register and remove the Application Land from the Common Land Register Unit No. CL23 The Green, Hesket Newmarket.

The Commons Registration Authority has given effect to the determination by deregistering the Application Land which entailed the addition of a register amendment entry confirming deregistration of the part and the amendment of the register map showing the Application Land marked as deregistered.

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 there is sufficient evidence that on the balance of probabilities immediately before its provisional registration the Application Land was covered by a building or within the curtilage of a building, that since the date of its provisional registration the land has at all times been and still is covered by a building or within the curtilage of the building, and therefore the statutory criteria contained at paragraph 6 Schedule 2 to the Commons Act 2006 is satisfied.

Documentation

Minutes of the meeting providing the Committee's decision, the Officer's report and a plan of the Application Land are available at:

<https://councilportal.cumbria.gov.uk/ieListDocuments.aspx?CId=124&MId=11904&Ver=4>

Signed



Allan Harty – Assistant Director Environment and Enterprise

Dated: 15th September 2021