

DEVELOPMENT CONTROL AND REGULATION COMMITTEE
Meeting date: 15th July 2022
From: Executive Director – Economy and Infrastructure

CA13/36 – APPLICATION TO CORRECT MISTAKEN REGISTRATION; CL155, LAND EITHER SIDE OF THE A591, SOUTH OF WATERHEAD.

1.0 EXECUTIVE SUMMARY

- 1.1 *Cumbria County Council is the registration authority for common land and town and village greens under the Commons Act 2006.*
- 1.2 *An application has been received from Windermere Aquatic Limited to correct a mistaken registration in common land register unit CL155, Land either side of the A591.*
- 1.3 *The purpose of this report is to request Members to make a decision as to whether the application should be granted and a correction made to the Council's register of common land.*

2.0 POLICY POSITION, BUDGETARY AND EQUALITY IMPLICATIONS, AND LINKS TO COUNCIL PLAN

- 2.1 *The relevant outcome in the Council Plan 2018 - 2022 is that people in Cumbria are healthy and safe.*
- 2.2 *This matter is a decision-making process of a quasi-judicial nature. There should be no policy or political consideration given and any potential financial implication should be ignored.*

3.0 RECOMMENDATION

- 3.1 *It is recommended that the Committee accepts the application in part and amends the register of common land by deregistering the section of common land lying to the west of the A591, on the grounds that the land, on the date of provisional registration, and at all times since that date, has been covered by a building or has been within the curtilage of*

a building. It follows that the recommendation is for the land lying to the east of the A591 to remain registered as common land.

4.0 BACKGROUND

The Application:

- 4.1 On 17th January 2022 Cumbria County Council, as registration authority for common land and town and village greens (“the Registration Authority”), received an application on Form CA13 (“the Application”) under Paragraph 6 of Schedule 2 to the Commons Act 2006 (“the 2006 Act”) from Windermere Aquatic Limited (“the Applicant”). The Application seeks to deregister the entirety of common land register unit CL155 (“the Application Land”) on the grounds that it was wrongly registered as common land.
- 4.2 A copy of the Application is attached to this report at **Appendix 1**, and a plan showing the Application Land hatched green is included as **Appendix 2**.
- 4.3 The Application Land comprises of two distinct sections of registered common land bisected by the A591, one of Cumbria’s main arterial roads. For ease of reference, I will refer to the section of land to the west of the road as “the West Land” and the section to the east of the road as “the East Land”.
- 4.4 The Application Land was provisionally registered as common land on 16th March 1970 under Section 4 of the Commons Registration Act 1965, pursuant to application number 1238 made on 5th December 1969 by the National Trust. The provisional registration, being undisputed, became final on 1st August 1972, and the Application Land was officially registered as commons register unit CL155.
- 4.5 The Applicant claims that at the date of its provisional registration the Application Land was either covered by a building(s) or was within the curtilage of a building(s).
- 4.6 The Applicant further claims that, at all times since its provisional registration on 16th March 1970, the Application Land has been covered by a building(s) or has been within the curtilage of a building(s).
- 4.7 The Applicant requests the removal of the Application Land from the register of common land.
- 4.8 The Application was deemed to have been duly made and on 29th January 2022 the notice of the Application was advertised on Cumbria County Council’s website and on the site of the Application Land. The notice was also sent to all relevant parties in accordance with Schedule 7 of the Commons Registration (England) Regulations 2014 (“the 2014 Regulations”). All references to Regulations pertain to the 2014 Regulations.
- 4.9 Anyone wishing to submit representations in relation to the Application had until 14th March 2022 to do so.

4.10 Five duly made representations were received in relation to the application, along with some general comments received from Lakes Parish Council. All representations are included as **Appendix 3** and are numbered as follows:

- 1) Mr C. Lasper's representations
- 2) Mr S. Byrne's representations
- 3) The Open Spaces Society's representations
- 4) The Friends of the Lake District's representations
- 5) Councillor W. Clark's representations
- 6) The Lakes Parish Council's comments

4.11 Under Regulation 25 the Applicant was given an opportunity to respond to those representations. A copy of the Applicant's response is enclosed as **Appendix 4** (please note that due to their size the Land Registry titles listed as supporting item 4 in the Applicant's reply haven not been included. These do however encompass the whole of the Application Land split between various titles and can be provided on request should they be required).

4.12 A copy of the Applicant's response was sent to all of those who made representations, and following a request, the Registration Authority exercised its powers under Regulation 27(4)(c) to allow for further representations to be made in relation to the Applicant's response. Three further representations were submitted, included as **Appendix 5** and numbered as follows:

- 1) Mr C. Lasper's further representations
- 2) Mr S. Byrne's further representations
- 3) The Open Spaces Society's further representations

(Please note that, due to their size, the attachments relating to the Open Spaces Society's further representations have not been included as part of this report, although they can be provided on request if required.)

4.13 Following an initial review of all material received, Officers wrote to the Applicant on the 20th May 2022, outlining their views and giving an initial recommendation. The initial recommendation was that the Application should be accepted in part, and that only the West Land should be deregistered. Given the Officers' views the Applicant was given an opportunity to make oral representations in relation to that initial recommendation and the reasons given for it. The Applicant confirmed via their representatives on the 26th May that they were happy to accept the Officers' recommendations and did not wish to submit any further representations.

4.14 The Officers' initial recommendation, to accept the application in part, and deregister only the West Land, therefore remains unaltered, and the reasoning behind that recommendation will be outlined in the remainder of this report.

The Law:

- 4.15 Part 1 of the 2006 Act was implemented in Cumbria on 15th December 2014 and allows applications to be made to amend the Commons and Town and Village Green Register.
- 4.16 The Application is made under Paragraph 6 of Schedule 2 to the 2006 Act which states:

“Buildings registered as common land

6 (1) If a commons registration authority is satisfied that any land registered as common land is land to which this paragraph applies, the authority shall, subject to this paragraph, remove that land from its register of common land.

(2) This paragraph applies to land where-

- (a) the land was provisionally registered as common land under section 4 of the 1965 Act;*
- (b) on the date of the provisional registration the land was covered by a building or was within the curtilage of a building;*
- (c) the provisional registration became final; and*
- (d) since the date of the provisional registration the land has at all times been, and still is, covered by a building or within the curtilage of a building.”*

The word “curtilage” is not defined by the 2006 Act, but has been considered by the Courts in the context of planning. A Planning Inspectorate decision provides that for land to be defined as curtilage it must be immediately surrounding the building, clearly defined as garden, driveway, lawn and garage and intimately associated with the building.

Application of the law to the facts and evidence of the Application:

- 4.17 The Application complies with the formal requirements as to form and content contained in the 2014 Regulations.
- 4.18 For the application to be successful, all the criteria set out at Paragraph 6(2) of Schedule 2 to the 2006 Act (listed at 4.16 of this report) must be satisfied. Each element is evaluated below.
- 4.19 Firstly, the entirety of the Application Land was provisionally registered as common land register unit CL155 on 16th March 1970 under section 4 of the Commons Registration Act 1965 pursuant to Application No. 1238.
- 4.20 Secondly, according to entry 2 of the land section of register unit CL155 the provisional registration, being undisputed, became final on 1st August 1972.
- 4.21 Officers therefore consider sections (a) and (c) of subparagraph (2) to have been satisfied for the entirety of the Application Land.
- 4.22 The more controversial elements relate to sections (b) and (d) of subparagraph (2), and whether or not they have also been satisfied. Officers must therefore determine whether, on 16th March 1970, the Application Land

was covered by a building or was within the curtilage of a building, and whether since that date, the land has at all times been, and still is, covered by a building or within the curtilage of a building.

- 4.23 As stated at 4.3 of this report, and as evidenced at Appendix 2, the Application Land comprises of two distinct sections of common land bisected by a road. It seems reasonable to deal with each section in turn.

The West Land

- 4.24 The West Land comprises of an area roughly 75m in length and 20m in width, bordered to its west by the shores of Windermere, and to its east by the A591, one of Cumbria's main arterial roads.
- 4.25 A site visit conducted on 29th January 2022 found several small buildings to be in situ (photographs taken from this visit are included as **Appendix 6**). The remainder of the West Land, the land not within the footprint of the buildings themselves, is covered by hardstanding and there are several parking bays marked out. A date stone on the southernmost building suggests that it was built in 1954. Whilst there doesn't appear to be any date stones on the other buildings, the O.S. map provided by the Applicant (included within Appendix 1) clearly shows that the buildings were in place by 1969. Attached at **Appendix 7** is an extract of the 1969 O.S. map provided by the Applicant on which the buildings that still remain in place on the site are outlined in red.
- 4.26 It is generally accepted by those who have made representations in relation to the Application that the West Land is covered by buildings or is within the curtilage of those buildings. Officers agree with this general sentiment. Officers are satisfied that the buildings have been in place since provisional registration and that the land around them, encompassing the remainder of the West Land, can be defined as being the curtilage to those buildings. The exact breakdown of exactly which areas of hardstanding relate to which buildings outlined at Appendix 7 is open to some slight interpretation, but there is little doubt in Officers' minds that the total curtilage of each of those buildings encompasses the entirety of the West Land. Officers therefore find that sections (b) and (d) have also been satisfied in relation to the West Land and recommend that the entirety of the West Land should be deregistered.

The East Land

- 4.27 The East Land has been the focus of many of the representations received in relation to the Application. The land itself is of a similar length to the West Land, although less uniform in shape, extending to over 30m wide in places before tapering down to less than 10m in width. The land is bordered by the A591 to the west with a mix of vegetation, mature trees, stone walls and fencing generally delineating the boundaries. The main access point also appears to be from the west via a loosely surfaced track leading to a metal gate, which was found to be locked at the time of the site visit on 29th January 2022. The gate itself would be wide enough for vehicles to pass through should it have been open. There is also a registered right of way running through the East Land, starting adjacent to the gate and main entrance point and then crossing about 40m of the East Land before

continuing south east. Photographs of the East Land taken on the site visit are included as **Appendix 8**.

- 4.28 The site visit found the East Land to largely comprise of grassed land which was overgrown to various extents. There were no obvious signs of wear on the land to indicate recent use, besides that on the registered right of way. There were certainly no buildings on the East Land, and looking at historical maps, no buildings appear to have been in situ since the land was provisionally registered as common land. The question is therefore whether the East Land can be classed as the curtilage to the building(s) on the West Land, as the Applicant claims. Officers must therefore look at the definition of curtilage in more detail.
- 4.29 The word curtilage is not defined in statute, nor is it defined within the 2006 Act itself. For the purposes of the Common Land (Rectification of Registers) Act 1989 it was defined as “*a garden, private garage or outbuildings used and enjoyed with the dwellinghouse*”. Of course, the current application is not concerned with domestic premises. Curtilage is a matter of fact and degree and Officers must therefore consider wider definitions given within English Law and apply them to this Application. The representations received to-date cover many of the authoritative cases concerning the definition of curtilage.
- 4.30 The analysis found in the Court of Appeal judgement in *Blackbushe Airport Ltd v Hampshire County Council (2021)* (“Blackbushe”) reviewed much of the case-law, with Andrews LJ concluding that Buckley LJ’s earlier definition of curtilage given in *Methuen-Campbell v Walters (1979)* (“Methuen-Campbell”) was “*as good an expression of curtilage as one is likely to find*”. An extract of that definition is provided below for ease of reference:

"What then is meant by the curtilage of the property? In my judgment it is not sufficient to constitute two pieces of land parts of one and the same curtilage that they should have been conveyed or demised together, for a single conveyance or lease can comprise more than one parcel of land, neither of which need be in any sense an appurtenance of the other or within the curtilage of the other. Nor is it sufficient that they have been occupied together. Nor is the test whether the enjoyment of one is advantageous or convenient or necessary for the full enjoyment of the other. A piece of land may fall clearly within the curtilage of a parcel conveyed without its contributing in any significant way to the convenience or value of the rest of the parcel. On the other hand it may be very advantageous or convenient to the owner of one parcel of land also to own an adjoining parcel, although it may be clear from the facts that the two parcels are entirely distinct pieces of property. In my judgment, for one corporeal hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter.

There can be very few houses indeed that do not have associated with them at least some few square yards of land, constituting a yard or a basement area or passageway or something of the kind, owned and enjoyed with the house, which on a reasonable view could only be regarded as part of the messuage, and such small pieces of land would be held to fall within the

curtilage of the messuage. This may extend to ancillary buildings, structures or areas such as outhouses, garage, driveway, garden and so forth. How far it is appropriate to regard this identity as parts of one messuage or parcel of land as extending must depend on the character and the circumstances of the items under consideration. To the extent that it is reasonable to regard them as constituting one messuage or parcel of land, they will be properly regarded as all falling within one curtilage; they constitute an integral whole."

4.31 Three criteria for identifying curtilage were also laid down by the Court of Appeal in *Sutcliffe v Calderdale BC (1982)*, where Stephenson LJ identified three factors which must be taken into account:

1. The physical layout
2. The past and present ownership, and
3. The past and present use of the land.

4.32 Officers consider these three factors as a useful starting point when assessing whether the East Land can be classed as curtilage, particularly when considered in relation to Buckley LJ's earlier definition given in *Methuen-Campbell* and quoted at 4.30 above. Each factor is covered in turn below.

The physical layout

4.33 A general description of the layout of the East Land has been provided at 4.27-4.28 above, and images of the East Land can be found at Appendix 8. Earlier cases such as *Methuen-Campbell and Dyer v Dorset CC (1989)* ("Dyer") emphasised that "curtilage" was essentially a small area intimately associated with the building(s) with which it was associated. In *Skerritts of Nottingham Ltd v Secretary of State (2000)* ("Skerritts"), Robert Walker LJ moved away from the notion of "smallness", although physical layout and the relative size of the building and the land were found to still be relevant in *Challenge Fencing Ltd v Secretary of State for Housing Communities and Local Government (2019)* ("Challenge Fencing"). Given that the East Land is around 0.4 acres in area, Officers find that an area of that size could, in theory, be capable of being classed as the curtilage to a non-residential building of the size of those found on the West Land, as it would not be comparatively extensive.

4.34 However, the obvious question here with regards to the physical layout is whether the East Land could be classed as the curtilage of a building on the other side of one of Cumbria's main arterial roads, the A591. Buckley LJ's widely praised definition of curtilage given in *Methuen-Campbell* refers to "adjoining" parcels of land (see 4.30), whilst Blackbushe specifically refers to common land being deregistered "under or adjacent" to a building being deregistered. Officers clearly don't consider the East Land to be adjoined to the West Land, although the concept of being adjacent is slightly less clear.

4.35 Perhaps some of the most pertinent cases here are that of *Methuen-Campbell* and *Barwick v Kent County Council (1992)* ("Barwick"), summarised at paragraphs 57-59 and 76-78 of Blackbushe respectively. In *Methuen-Campbell* it was concluded that a paddock could not be considered to be curtilage, particularly as it was clearly divided off physically from the

house and garden at all times. In Barwick, fire houses were considered to not be within the curtilage of the fire station building, despite their use, purpose, and convenience, partly as they were divided from the main fire station building by a high brick wall with a gate, which led to a path from which the gardens of the houses could in turn be accessed. Parker LJ expanded upon that by saying that the fireman's houses "*could have been built on the other side of the road and would have been equally convenient*", seemingly dismissing the possibility of land across the road as being classed as curtilage.

- 4.36 Officers find that, despite the general proximity and perhaps convenience of the land, the physical divide between the East Land and West Land mainly caused by the busy A591 road, and added to by the physical boundaries of the site, mean that, on balance, the East Land is not capable of being defined as the curtilage to any building on the West Land.

Ownership

- 4.37 The ownership of the Application Land was queried by Mr Byrne in his initial representation, and also highlighted within the representations made by the Friends of the Lake District and the Lakes Parish Council. In response the Applicant states that the Application Land "*is understood to have been in a single ownership at the time it was registered as common land and has at all times since*" and has provided evidence to that effect. Mr Lasper, in his additional representations states that "*Nor is it encouraging of any case for the easterly parcel that it was wholly acquired under the independent title CU262225*". Whilst the East Land clearly falls within a separate Land Registry title to the remainder of the Application Land, Officers do not see this as a reason to not fulfil this element of the criteria. The entirety of the Application Land has been in the same ownership since provisional registration and so the ownership aspect is, on balance, satisfied.

Past and present use

- 4.38 It is generally accepted that the East Land has long been used in connection with the business operations of those buildings located on the West Land. The Applicant states in his further representations that the East Land "*has been used for the storage of boats and to provide parking in connection with the operations in the buildings*". Officers conducted a search of Google maps street view and found evidence which supports these claims for at least some of the relevant period. A boat trailer is visible on the East Land in October 2008, whilst the May 2017 and August 2018 images show some boat storage on the land. Additionally, a July 2011 image shows parking taking place on the East Land, with signs present in the September 2016 and May 2017 images indicating that parking was available on the land for a fee of £5 per day.
- 4.39 The Applicant also asserts that "*One of the buildings on the western parcel is a workshop, which is used in connection with the adjacent marina and the land and on the east side of the road is part and parcel of the operations which take place within the building*".

- 4.40 Markedly, it was given in Skerritts that *“no piece of land can ever be within the curtilage of more than one building”*. At present Officers do not feel that the Applicant has sufficiently and clearly explained which building the East Land is claimed to be the curtilage of. Several uses are mentioned, presumably relating to different buildings, and there doesn't appear to be any claim that different sections of the East Land are attributed to different buildings on the West Land. Indeed, Officers see no evidence of any clear differentiations on the East Land to indicate that this would be the case.
- 4.41 Assuming the claim is that the East Land is the curtilage of one single building, then the general tests given in Methuen-Campbell must still be met, that is to say that *“for one corporeal hereditament to fall within the curtilage of another, the former must be so intimately associated with the latter as to lead to the conclusion that the former in truth forms part and parcel of the latter.”* The Applicant recognises the ‘part and parcel approach’ and claims that the East Land is part and parcel of the operations which take place within the workshop building on the West Land.
- 4.42 To take the workshop building as an example, the Applicant has failed to describe the operations which take place on the East Land to any level of detail that would allow Officers to form the opinion that workshop activities taking place on the East Land were part and parcel of the overall workshop operations. The observed use of the land for parking (and perhaps boat storage too) does not seem to directly relate to workshop operations.
- 4.43 On the basis of the current evidence of past and present use available, Officers agree with the Open Spaces Society's summary that the East Land *“is merely a slightly inconveniently-located extension of the overall premises of the applicant business, used on an ad hoc basis for whatever purpose happens to be convenient”* (included as part of Appendix 5).
- 4.44 Officers conclude that the Applicant has not made it sufficiently clear as to which building the East Land is claimed to be the curtilage of and, furthermore, the level of evidence received regarding the use is not enough for Officers to deem that the East Land is so intimately associated with any particular building as to lead to the conclusion that it forms part and parcel of that building.

5.0 LEGAL IMPLICATIONS

- 5.1 The Council has a statutory duty to keep a register of Common Land and since the implementation of Part 1 of the 2006 Act, has the power to amend the register. The Council's Constitution at Part 2G 2.1) f) i) delegates this responsibility to the Development Control and Regulation Committee.
- 5.2 In considering the Application, Members must consider all of the evidence available to them and must be satisfied that the evidence shows that each aspect of the statutory conditions set out at Schedule 2 Paragraph 6 of the 2006 Act have been met. The burden of proof in this regard is firmly upon the Applicant to provide the required evidence. The standard of proof to be applied is the usual civil standard “on the balance of probabilities” i.e. it must be more likely than not.

- 5.3 The role of this Committee is to reach its own determination on the matters of fact and law arising as a result of the Application. It is for members to determine the Application fairly, putting aside any considerations of the desirability of the land being registered as Common Land or being put to other use.
- 5.4 Although the findings of the Officer recommendations are for the Committee to proceed with determination and accept the Application in part, the Committee is not bound to follow the recommendation; providing that in reaching its decision it applies the correct legal principles and duly considers the evidence. Therefore, Members are free to accept or reject any of the recommendations in the report. If Members reject the Officer's findings and decide to either not to determine the Application, accept or reject the Application in full, or approve in part not in accordance with the Officer's recommendation, the Committee should set out their reasons at the meeting.
- 5.5 It should be noted that the Council may not refuse an application without first offering the Applicant an opportunity to make oral representations. Accordingly, if Members reject the recommendation by choosing to not approve the deregistration of any part of the West Land, such an offer will be made before a further report to Committee is made.
- 5.6 There is no right of appeal against a Committee decision. The route for any challenges would be via judicial review in the High Court, where the issue would be whether the Committee had misdirected itself in law. Should a judicial review application be successful, the Council would be obliged to re-determine the Application, a successful judicial review application would not of itself determine that the Application Land was or was not Common Land.
- 5.7 All other legal considerations, issues and implications have been addressed within the detail of the report.

6.0 OPTIONS

- 6.1 The Committee may accept or reject the Recommendation in whole or in part.
- 6.2 If the recommendation is accepted the Registration Authority will give effect to the determination by deregistering the part of the Application Land located to the west of the A591, referred to in this report as the West Land. This will entail the addition of a registration amendment in register unit CL155 confirming deregistration of the part, and the amendment or preparation of a fresh edition of the register map showing the West Land marked as deregistered. The East Land will remain registered as common land.
- 6.3 If Members choose to reject the recommendation and deregister the entirety of the Application Land, then the register and register map will be updated to show both the East Land and West Land, encompassing the entirety of CL155, as having been deregistered.
- 6.4 If Members choose to reject the recommendation and not deregister any of the Application Land, then all of the Application Land will remain registered

as common land for the time being and the Applicant will be offered the opportunity to make oral representations to address the reasons given for the rejection before a further report is made to Committee. As the Applicant has already been given an opportunity to address the reasons for rejection in relation to the East Land, any further oral representations would specifically relate to the West Land.

- 6.5 Members should note that the decision of the Committee in relation to an application to correct the register of common land is a legal decision and is not a matter of policy or discretion.

7.0 CONCLUSION

- 7.1 I am of the opinion that the Application has been validly made and that the evidence provided by the Applicant, coupled with my own research and observations, support the claim that part of the Application Land, namely all that part of common register unit CL155 located to the west of the A591 and referred to in this report as the West Land, was wrongly registered as common land, and should be removed from the register of common land under paragraph 6 of Schedule 2 to the Commons Act 2006.
- 7.2 It follows that, on balance, I cannot support the claim that the remainder of the Application Land, namely all that part of common register unit CL155 located to the east of the A591 and referred to in this report as the East Land, has satisfied all of the relevant criteria to show that it had been wrongly registered. In my opinion the East Land should therefore remain registered as common land. In summary, I am not satisfied that the Applicant has sufficiently described which building on the West Land the claimed curtilage relates to, and even if they had, there is a lack of sufficient evidence to show that the East Land has been part and parcel of the operations to any building on the West Land since provisional registration. Additionally, I find that the physical divide caused by the A591 and added to by the physical boundaries marking the boundaries of the West Land and East Land, do not support the claim that one can be curtilage to the other.
- 7.3 The Application received 6 representations and 3 further representations, which largely focused upon opposing the deregistration of the East Land. All representations have been taken into account when assessing the Application.
- 7.4 I consider it reasonable that this Committee resolves that common land register unit CL155 be amended and the part of the Application Land lying to the west of the A591 (“the West Land”) be deregistered, on the grounds that the West Land, since its time of provisional registration as common land on 16th March 1970, has at all times been and still is covered by a building or within the curtilage of a building.

APPENDICES

Appendix 1 – Copy of Application CA13/36 and supporting documents

Appendix 2 – Map of Application Land

Appendix 3 – Representations received (numbered 1-6)

Appendix 4 – Applicant’s response to representations

Appendix 5 – Further representations received (numbered 1-3)

Appendix 6 – Site visit photographs of the West Land

Appendix 7 – 1969 OS map extract showing buildings still in situ

Appendix 8 – Site visit photographs of the East Land

IMPLICATIONS

Staffing:	None
Financial:	There would be cost implications in the event of an application for judicial review, however the Council is the registration authority and therefore has a statutory duty to decide applications.
Property:	None
Electoral Division(s):	Lakes
Human Rights:	The Council as registration authority has to make a decision in accordance with the law and in particular with the provisions of the 2006 Act, given these legal criteria a decision must reflect the legislation despite any other rights of individuals.

PREVIOUS RELEVANT COUNCIL OR EXECUTIVE DECISIONS

No previous relevant decisions

CONSIDERATION BY OVERVIEW AND SCRUTINY

Not considered by Overview and Scrutiny

BACKGROUND PAPERS

- Commons Act 2006.
- Commons Registration (England) Regulations 2014.
- Defra Part 1 of the Commons Act 2006: Guidance to Commons Registration Authorities and the Planning Inspectorate 2015.
- Commons Registration Act 1965.
- Common Land (Rectification of Registers) Act 1989.
- *Blackbushe Airport Ltd v Hampshire County Council (2021)*.

- *Methuen-Campbell v Walters (1979)*.
- *Sutcliffe v Calderdale BC (1982)*.
- *Dyer v Dorset CC (1989)*.
- *Skerritts of Nottingham Ltd v Secretary of State (2000)*.
- *Challenge Fencing Ltd v Secretary of State for Housing Communities and Local Government (2019)*.
- *Barwick v Kent County Council (1992)*.

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