

Commons Act 2006 – Section 19(2)(a)

Application to correct the register – mistake made by the registration authority.

NOTICE OF DETERMINATION

Notice is hereby given that the Planning Inspectorate has considered an application to correct a mistake in the commons register, made by the commons registration authority, when registering common land register unit CL115 Sandford Mire (“CL115”). The Applicant claims that the land shown hatched purple on the corresponding Notice of Application (“the Application Land”) was mistakenly omitted from the definitive legal plan when the registration of the common became final on 1 August 1972.

Decision

The Planning Inspectorate determined to refuse the application to correct the register. Therefore, the commons register will remain unaltered, and the Application Land will not be added to commons register unit CL115.

Reasons

The Planning Inspectorate made its decision on the grounds that, whilst on the balance of probabilities, the registration authority made a mistake when transferring the extent of CL115 from the provisional register map to the final register map (to the extent that it omitted the Application Land), it would be unfair to correct that mistake.

In the Planning Inspectorate’s view, although there is no evidence that any party has relied on the register, the Title Possessors have had exclusive use of the Application Land since 1989, with commoners not having grazed the land for over 35 years. Furthermore, it is the Planning Inspectorate’s belief that the land may not have been eligible for registration under the 1965 Act, and as such, correction would be unfair to any landowner.

The full reasons for the decision are stated in the Planning Inspectorate Application Decision Notice which will be made available at: <https://www.gov.uk/guidance/common-land-notices-and-decisions-published-in-2023-2024-and-2025#section>

Signed: 

Svetlana Bainbridge, Commons Registration Officer

Dated: 19 May 2026



Working for Cumberland Council and
Westmorland & Furness Council

Map of the Application Land and CL115

