




## RE: Commons Application 20 - 001 CA

 Hugh Craddock <hughcraddock@oss.org.uk>  
To  Claire Lewis  
Retention Policy Default Email Policy - 7 Year Delete (7 years)  
Follow up. Completed on 26 March 2020.  
You replied to this message on 04/03/2020 15:02.

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Wed 04/03/2020 12:34

Expires 03/03/2027

Hi Claire

Thank you for the data in respect of application 20-001CA. The society has no legal interest in the application land.

It does appear that there is a discrepancy between the land specified in the original application as comprising the dominant tenement, and the claimed area of the farm at that time. If so, and it can be shown that the omitted fields bring the total area of land comprising the dominant tenement up to the claimed 157 acres, then that appears to satisfy the requirements of an application for the purposes of s.19(2)(b).

It is noted that some of the omitted land has already been sold subject to the rights of common said to be attached to that land (but which were not attached at the time of the conveyance). Presumably, the purchaser of that land intends to apply to apportion the rights of common if, and only if, the application under s.19 is granted?

regards

Hugh

*Hugh Craddock*  
Case Officer  
Open Spaces Society  
25a Bell Street  
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RG9 2BA

## RE: Commons Application 20 - 001 CA

 Claire Lewis  
To  Hugh Craddock  
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Wed 04/03/2020 15:03

Expires 03/03/2027



Dear Hugh

Thank you for your email. Yes, the applicant sold part of his farm in the honest belief that it formed part of the dominant tenement and had the benefit of grazing rights. He was surprised that the issue hadn't been picked up by his solicitor during the property search process, but as you'll be aware the CON29 Q 22 would not do this. The applicant is now trying to do the honourable thing at his expense to rectify the situation so that the purchaser of the land can apply for an apportionment of the right of common.

*Cofion Cynnes/ Kind Regards*

Claire Lewis  
Swyddog Cynorthwyol Cofrestru Tir Comin a Mapiau Diffiniol  
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 Hugh Craddock <hughcraddock@oss.org.uk>  
To  Claire Lewis  
Retention Policy Default Email Policy - 7 Year Delete (7 years)  
Follow up. Completed on 26 March 2020.  
You replied to this message on 05/03/2020 16:42.

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Thu 05/03/2020 07:10

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Hi Claire

Thanks for the confirmation. I did wonder whether it really were possible to do things that way around, but concluded that — notwithstanding the apportionment must be done under the 1965 Act — the answer is probably yes, even if there feels to be something slightly cart-before-horse about it.

regards

Hugh

*Hugh Craddock*  
Case Officer  
Open Spaces Society