



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/2

COMMONS REGISTRATION (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of 1 Newmill Cottages, Newmill, Penzance, Cornwall
part of two pieces of land known as New Mill Commons, Madron

DECISION

This reference relates to an Objection under the Common Land (Rectification of Registers) Act, 1989 to the registration of part of the land registered in Entry No. 1 in the Land Section of Register Unit No. CL 717 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. OB1 made by Derek Hunter and Valerie Jean Hunter dated 5th July 1990 and referred to a Commons Commissioner on 19th April 1991.

The land to which the Objection relates consists of the part of the Register Unit known as 1 Newmill Cottages delineated and edged in red on the plan attached to the Statutory Declaration sworn on 5th July 1990 by John Frederick Millgate in support of the Objection ("the Objection land").

The Statement of Facts endorsed on the Notice of Objection reads as follows:-

1. The cottages of which 1 Newmill Cottages now forms part are shown on the 1908 edition of the Ordnance Survey map. There has thus been dwelling houses with associated gardens on the site since prior to 1908.
2. It is obvious from an inspection of the cottages that they were constructed at least 100 years ago. They are of traditional granite construction typical of cottages at the turn of the century.
3. The cottages form part of the former Trevaylor Estate and number 1 Newmill Cottages with its adjoining cottage are mentioned in title deeds prior to 1941.
4. The registration of numbers 1 and 2 Newmill Cottages under the Commons Registration Act 1965 probably arose as a result of an application by the West Cornwall Footpaths Preservation Society using a poor quality plan and in correspondence the Society has indicated that it was not its intention to register numbers 1 and 2 Newmill Cottages under the Act.

The Objection was supported by:-

1. Statutory Declaration made on 5th July 1990 by John Frederick Millgate with four Exhibits.



2. Statutory Declaration made on 7th June 1972 by Michael Harold Newman.
3. Copy Abstract of Title dated 1972 in respect of The Three Cottages at Newmill.
4. Copy Conveyance dated 14th August 1972 between Anne Elson and Raymond Guy Vere Nicholl (1) and John Michael Harrison (2).
5. Copy Conveyance dated 27th October 1977 between John Michael Harrison (1) and Brian Conn, Eileen Margaret Arnold Conn, Cyril Stuart Willcocks and Joan Winifred Willcocks (2).
6. Copy Deed of Partition dated 2nd May 1978 between Brian Conn and Eileen Margaret Arnold Conn (1) and Cyril Stuart Willcocks and Joan Winifred Wilcocks (2).
7. Copy Convenance 20th July 1981 between Brian Conn and Eileen Margaret Arnold Conn (1) and Derek Hunter and Valerie Jean Hunter (2).
9. Letter dated 9th May 1991 from Cornish & Birtill (Solicitors acting for the Objector) to the Commons Commissioners in reply to our letter dated 26th April 1991 from the Commons Commissioners to Cornish & Birtill.

The matter was advertised in the usual way and no representations opposing the Objection were received at the Office of the Commons Commissions.

On 28th May 1991 the Clerk of the Commons Commissioners gave notice pursuant to Regulation 8(1) of the Common Land (Rectification of Registers) Regulations 1990 that I proposed to make a Decision allowing the Objection without holding a hearing. No one has since that date requested me to hold a hearing.

On this evidence, in the absence of any opposition, I am satisfied that the requirements of Section 1(2) of the 1989 Act are satisfied in respect of the Objection land. I shall accordingly direct the Cornwall County Council as Registration Authority to modify the Register so as to exclude the Objection land under Section 1(4) of the 1989 Act.

I am required by regulation 21(1) of the Common Land (Rectification of Registers) Regulations 1990 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this

10th

day of

July

1991

Commons Commissioner