



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/722  
206/D/723In the Matter of Chyenal Moor, Paul,  
Penwith District, CornwallDECISION

These disputes relate to the registrations at Entry No. 1 in the Land Section and at Entry Nos. 1 and 2 in the Rights Section of Register Unit No. CL.368 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X.175A made by the said Council and noted in the Register on 15 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 13 May 1980. At the hearing Cornwall County Council were represented by Mr D M Gill their commons registration officer.

The land ("the Unit Land") in this Register Unit is a strip a little less than 150 yards long from north to south and nowhere (except a very small length at the north end) more than about 6 yards wide. The south end of the Unit Land adjoins a much larger area ("the Principal Area") known as Chyenal Moor and containing a little more than 22 acres. The Rights Section registrations are: (1) of rights attached to Chyenhal Farm over the Unit Land and part of the (said) Register Unit CL.161 (made on the application of Mr Alfred Barnes); and (2) of rights attached to Trevadoc Farm, Kerris Farm and Tresvennack Farm over the Unit Land and the whole of the CL.161 land (made on the application of Major S E Bolitho and Barclays Bank Limited as Trustees for the Bolitho Trust). The Land Section registration was made in consequence of the application for the first Rights Section registration. The grounds of the Objection are: "That the land was not common land at the date of registration."

Mr Gill said that the Principle Area of Chyenal Moor above mentioned is the land comprised in Register Unit No. CL.161, and that this registration was final. He referred me to a letter dated 8 October 1975 written by Mr J E Scobie, Chartered Surveyor of Penzance as Managing Agent of the Bolitho Trust saying that the Trust were quite content to withdraw their application so far as it concerned the Unit Land. I have a letter dated 25 April from Borlase & Venning, Solicitors of Penzance written on behalf of Mr F R Reynolds saying that he had purchased some of the land to which the rights attached from Mr A Barnes who registered them, that Mr and Mrs E J R Bishop purchased the remainder and that neither they nor Thrall Pearse & Ryder who acted for Mr and Mrs Bishop would be attending the hearing because the Unit Land is only a very small piece of land.

Mr W P Eddy of Chyenhal Farm said that his farm so called is south of the Principal Area (the land so called by Mr Barnes is northeast of the Principal Area).

Mr R Tonkin of Ennis Farm, Chyenhal, said (in effect):- To the east side of the Unit Land is a field which is part of his farm and to the west side is a field which is part of one of the farms of the Bolitho Estates. Originally the Unit Land was a track; up to about 60 years ago; but now it is a thick hedge with undergrowth, as a result of 2 hedges falling in together; there are some old trees growing in the middle. The Unit Land is nothing!



- 2 -

Mr Gill said that the old maps show the Unit Land as a track.

Having regard to the indifference of the successors in Title of Mr Barnes, the withdrawal of the Bolitho Trust and the information given to me by Mr Tonkin, I conclude that the rights registered do not extend over the Unit Land and that accordingly none of the now disputed CL.368 registrations should have been made. Accordingly I refuse to confirm the registrations.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 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 6<sup>th</sup> — day of June — 1980.

*a. a. Bates Fuller*

Commons Commissioner