



In the Matter of Greenbarrow Downs (part)
Blisland

DECISION

This reference relates to the question of the ownership of part of the land described above being the part of the land comprised in the Land Section of Register Unit No. CL.144 in the Register of Common land maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Truro on 8 April 1986.

At the hearing Mr W A Church appeared in person, claiming ownership of behalf of himself and his wife. No other claimant appeared or was represented at the hearing.

CL.144 has an area of some 110 acres; the part lying to the north-west of the red line A-B -C-D on the register map has a registered owner, and the remaining smaller part lying to the south-west of the line C-D is the part ("the relevant part") whose ownership is the subject of this inquiry.

By a Conveyance on sale dated 16 October 1944 there was conveyed to Charles Cawrse farm property known as Little Trehudreth and lands known as Trehudreth Common containing some 300 acres. Mr Cawrse died in 1981 and by an Assent dated 4 November 1981 his Executors assented to the vesting of this property in themselves on trust for sale; and subsequently by a Conveyance on sale dated 5 March 1982 conveyed the property to Mr and Mrs Church. Greenbarrow Downs (CL.144) and Trehudreth Common are adjoining tracts of land, not, I understand, physically separated though there are marker stones along the western boundary of CL.144 from letter D northwards.

There are no plans attached to any of the title documents to show whether or not the relevant part was included in the property conveyed. Trehudreth Downs is registered common land CL.142, and in my opinion is included in the title documents; the area of CL.142 is some 215 acres, and as the land comprised in the title documents is almost 300 acres it seems clear that some land adjoining CL.142 was also included. Mr Church has produced a plan of Trehudreth Downs which does include the relevant part, and he states that this plan is a copy of the original map of Trehudreth Farms.



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In the circumstances and on the evidence I am satisfied that Mr and Mrs Church are the owners of the relevant part and I shall accordingly direct the Cornwall County Council, as registration authority, to register them as owners under section 8 (2) of the Act of 1965.

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 16th day of October 1986

L. J. Morris Smith

Commons Commissioner