



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/721

In the Matter of Joan's Green, Zennor,
Penwith District, Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG.684 in the Register of Town or Village Greens maintained by the Cornwall County Council and is occasioned by Objection No. X.169 made by Mr Conor Hubert Fallon and noted in the Register on 4 February 1971.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 14 May 1980. At the hearing Mr Fallon (the Objector) and Mr Peter Cattram of Trevaylor, Gulval (as successor of Mr Fallon) were represented by Mr E L Cloete solicitor of Hancock & Laurence Solicitors of Truro.

Mr Cloete produced a statutory declaration made on 25 May 1979 by Mr Fallon saying (among other things) that he had contracted to sell Treveglos Farm to Mr Cattram as shown on the exhibited plan which property had been conveyed to him by three conveyances dated 30 November 1967 and made respectively by J R Aston, W E Aston and H Dudley. According to the said plan the land ("Unit Land") in this Register Unit was part of the farm (OS No. 831 containing 0.138 acres).

Mr W R Craze of Tremedda Farm who is the father-in-law of Mr Cattram, who lived in Zennor, going (1925-33) to school in the village, and who in 1944 lived in the next parish fairly close to the village and who had a tenancy of the farm from October 1967, in the course of his oral evidence said (in effect):- The Unit Land is a small piece of wettish land open to the road; there is a wire fence (not very good) between the road and the land. He had never known the Unit Land being used for any purpose; and never known it used for any recreational purposes.

On this evidence, there being no contrary evidence in support of the registration, I conclude that the Unit Land is not within the definition of the 1965 Act of a town or village. Accordingly I refuse to confirm the registration (with the following modifications:-)

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 6th day of June 1980

a. a. Baden Fuller

Commons Commissioner