



COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at The Haven, part of land called Chycoose Point, Feock

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.103 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 28 made by J H and E Worthington and referred to a Commons Commissioner on 7 August 1992.

I held a hearing to inquire into this objection at Truro on 19 May 1993 and viewed the land shortly afterwards.

At the hearing the objectors, Mr and Mrs Worthington were represented by Mr Murdoch, Solicitor, of Messrs. Murdoch-Tromans, Solicitors: Mr M Wright represented the Cornwall County Council the Registration Authority and Miss E R Frost represented the Feock Parish Council. Evidence at the hearing was given by Mr R J Crocker.

"The Haven", according to the title deeds was once three, and then two, cottages, but was converted by Sir Rowland Smith, who purchased in 1941, into one house. It lies between a narrow lane (formerly a narrow-gauge railway line) and the creek. The objection land consists of two parcels: the first, from the western end of the dwellinghouse to the rear of the garage, consists of a continuation of the patio garden which lies on the creek side of "The Haven", and a substantial shed. The second parcel includes a garage erected in the 1960s on the site of a former wooden store, opening onto an area of land which contains, along the road frontage, a strip of grass, a paved "run-in" to the garage and, on the creek side, some undergrowth and trees. Posts and a chain lie along part of the road frontage. This area extends as far as a flower pot which is 51'6" from the north west corner of the garage. Mr Crocker's evidence, which I accept, was that the objection land now is (apart from the garage) not materially different from what it was in the 1940s when his brother was employed as gardener and house keeper by Sir Rowland Smith. In my opinion both the above parcels may properly be described as "garden, private garage or outbuildings used and enjoyed with "The Haven", and I therefore consider that the requirements of section 1(2) of the 1989 Act are satisfied in the case of the whole of the land to which this objection relates.

I am required by regulation 22(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

24th

day of

May

1993

Commons Commissioner