



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/25

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at The New Inn Traboe, part of Goonhilly Downs

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. 2 in the Land Section of Register Unit No. CL.442 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 37 made by Mr C Oates and referred to a Commons Commissioner on 23 October 1992.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 12 January 1993 I caused notice to be given under regulation 8(1) of the Common Land (Rectification of Registers) Regulations 1990 that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

The evidence in this case consists primarily of a statutory declaration made by Edgar Trewin on 14 December 1992. Mr Trewin says that he is 75 years of age and has lived in or near Traboe St Martin all his life and knows the dwellinghouse known as "The New Inn" well. A plan is attached to his declaration on which the land subject to the Objection is coloured green. Mr Trewin says that this land was fenced by a tenant of the property prior to 1941 and has ever since been "used as a garden to" The New Inn.

This evidence is corroborated by a Tenancy Agreement dated 31 December 1943 (Oates to Hughes) the text of which includes land on Traboe Green "with the house erected and built thereon and known as The New Inn" and the plan on which shows the house and garden as included in the tenancy.

There is nothing to contradict or cast doubt on this evidence.

On the above basis I consider that it is not necessary to hold a public hearing and that the land objected to satisfies the requirements of section 1(2) of the 1989 Act.

I am required by regulation 22(1) of the Regulations 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

17<sup>th</sup>

day of

February

1993

Commons Commissioner