



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/34

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at Tregoss Mill, part of Tregoss Moor, Roche

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 Nos 1 and 2 in the Land Section of Register Unit No. CL.141 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. OB23 made by Stephen Paul Nash and referred to a Commons Commissioner on 27 January 1993.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 11 May 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 Objector's case was that since a date prior to 5 August 1945 the land has formed the site of a dwellinghouse and outbuilding and garden used and enjoyed therewith.

The case is supported by a statutory declaration made by Nicholas Kevin Jeans on 31 March 1993. Mr Jeans says that he is the District Agent to Viscount Falmouth with responsibility for Goss Moor and that according to the Estate records relating to Tregoss Mill otherwise Goss Mill the property was in 1919 entered in the records as being "Millhouse and garden leased to Mr Nicholas Grose but occupied by a Sub-tenant". The description in the records is of a "house...substantially built of stone with slate roof and contains 4 bedrooms, kitchen, sitting room, back kitchen and dairy. The Millhouse is a three storey one...". In the Estate records for 1938 it is stated that the Mill was "let to Fredrick Bennett on a quarterly cottage agreement". In 1954 the Mill was conveyed by Viscount Falmouth to Russell Edyvean and Thetta May Edyvean by the description "all those hereditments situated at Tregoss Mill in the Parish of Roche in the County of Cornwall comprising Mill building and Mill House outbuilding and garden being the enclosure numbered 1480 on the Ordnance Survey map for the said Parish..."

In a statutory declaration dated 27 April 1993 the objector, Mr Stephen Paul Nash says that he purchased the Mill in October 1977. He says that the 1907 edition of the Ordnance Survey map shows that the mill house and mill building were parts of and together formed one building and that between 1964 and 1966, with the approval of the planning authorities, the house was extended so as (inter alia) to include the mill building. Mr Nash further says that since his acquisition of the property he has used it as a dwelling and curtilage.

On this evidence, which is nowhere contradicted or put in doubt, 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

18

day of

June

1993

*Alan Rance*

Commons Commissioner