



In the Matter of Land containing 0.48 of an
acre, Lewannick, Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 394 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X 125A made by the County Council and noted in the Register on 15 January 1973.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 10 July 1979. The hearing was attended by Mr D M Gill of the County Council and Mr J P Wadge, Chairman of and representing Lewannick Parish Council on whose application the registration was made. The grounds of the Objection are that the land ("the Unit land") was not Common land at the date of registration.

No rights of common have been registered, and the Parish Council's submission is that the Unit land is waste land of a manor. Mr Wadge referred to extracts from records of 1816 and 1825 of the Count Baron of the manor of Polyphant, the manor house of which was close to another section of Polyphant Green, not far from the Unit land. The Tithe Map of 1849 shows an aggregate of 'common land' of some 3.1 acres, a total which indicates that this included the Unit land. From written statements put in, it appears that in years gone by, cattle have been taken to the Unit land for watering and occasionally a donkey or pony has grazed there. Until ten years ago there was a hedge on the western side of the Unit land, since when it has been derelict, though it has been tidied up by someone from time to time. On the road side there is a fence put up by the County Council, and the land was ploughed in 1978.

Mr Gill offered no evidence in support of the Objection and did not challenge what Mr Wadge had said. The County Council had received communications from two successive claimants to ownership of the Unit land, a Dr Roberts and a Mr Pierce, each of whom had intimated that he was leaving the matter to the County Council, and Mr Gill said that he understood there was now another claimant to ownership as successor. The County Council was not in a position to ~~pass~~ ^{raise} the Objection.

On the evidence I find that the Unit land is waste land of a manor not subject to rights of common, and I confirm the registration.

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

20th August

1979

L. J. Morris Smith

Commons Commissioner