



COMMONS REGISTRATION ACT 1965

Reference No.
206/D/1055-1059

In the Matter of several parcels of land comprising 86 acres or thereabouts additional to the tract of land known as St. Breward Common and Rough Tor Downs and also part of an area known as Hamatethy Common in the Parish of St. Breward

The piece of land called Church Hay Down containing 10.817 acres or thereabouts in the Parish of St. Breward

The tract of land of about 2500 acres known as St. Breward Common and Rough Tor Downs in the Parish of St. Breward

A number of small parcels of land additional to the tract of land known as St. Breward Common and Rough Tor Downs and also part of an area known as Hamatethy Common in the Parish of St. Breward

DECISION

This dispute relates to the registration at Entries Nos 1 and 2 in the Land Section of Register Unit No. CL.195 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by the conflicting registrations at Entries No. 112, 109, 179, 120 & 102 in the Rights Sections of Register Unit Nos. CL.195, CL.113, CL.124, CL.197 and CL.198 in the Register of Common Land maintained by the Council.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 12 June 1996. The hearing was attended by Mr P Wilson, Commons Registration Assistant and Mr J J E Piper the owner of a cottage forming part of O.S. 674. The remainder of O.S. 674 has already been removed from the Register under the Common Land (Rectification of Registers) Act 1989 by a decision of Mr I Romer, Commons Commissioner dated 3 March 1994.

The conflict arises because a) the part of O.S.674 now owned by Mr Piper; and b) O.S.595 are both registered as common land as part of Unit CL.195: while the same two pieces of land are also registered as part of Lower Penquite which has rights over CL.195 and also over CL.113, CL.124, CL.197 and CL.198.

Mr Piper produced his Land Certificate to the land mentioned at (a) above and submitted that the land was a cottage and its garden and ought never to have been registered. I agree: O.S.674 is, as is apparent from the Ordnance Survey Maps, a separate enclosure wholly surrounded by O.S. 593, and 675, and it seems to me never was common land. I accordingly propose to direct the Cornwall County Council to remove it from the Land Section of CL.195.



No-one appeared at the inquiry to make any submission about O.S.595. This land appears to me to be an unfenced open area between three roads, and I see no reason why it should not continue to be common land. I will accordingly direct Cornwall County Council to exclude it from the area of Lower Penquite which has the benefit of Rights Entries 112 (CL.195), 109 (CL.113), 179 (CL.124), 120 (CL.197) and 102 (CL.198).

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

19th

day of

June

1996

A handwritten signature in cursive script, appearing to read 'John Gutter', written in black ink.

Chief Commons Commissioner