



In the Matter of North Corner Cliff,
Coverack, Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land section of Register Unit No. CL 444 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X 1257 made by Mr P A Tylor and noted in the Register on 20 November 1972.

I held a hearing for the purpose of inquiring into the dispute at Truro on 13 June 1979. The hearing was attended by Mr J Richards a member of and representing St Keverne Parish Council, on whose application the registration was made, by Mr J Wetter, Solicitor, on behalf of Mr Tylor, and by Mr Gill of the Registration Authority. The grounds of the Objection are that the land was not common land at the date of the registration. There are no rights of common registered.

The land is a small area of cliff sloping down to the beach. On the 1840 Tithe Map it is part of No. 2181, though unlike surrounding areas it was not assessed for tithe. Mr Richards giving evidence said it was part of the Trelowan Estates; the land owner assessed for tithe on the surrounding areas was Sir R Vyvyan. From Mr Richards's evidence and that of a witness Mr F Jones, it is clear that the land is and has within living memory been open and uninclosed, to which the public has had uninterrupted access; there has been a seat for public use since 1937, the present one having been erected by the Parish Council. There has been erosion by the sea and a former roadway leading down to beach was washed away in the 1930s. Other areas of No. 2181 on the Tithe Map have been used for, eg., the erection of a bungalow, and a car park, a lease for this purpose having been granted by Sir Courtney Vyvyan in about 1920.

Mr Wetter called no evidence: his client Mr Tylor claims no interest in the land though he does own adjacent land. Mr Wetter's submission was that the land comprised in the registration does not answer the relevant part of the definition of common land - "waste land of a manor" - and that this was borne out by the fact that some adjacent area had ceased to be waste land.

I do not think the Objection has been made out and in my opinion the land qualifies for registration as waste land of a manor: and accordingly 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

22 August

1979

L J Morris Smith
Commons Commissioner