



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/25

In the Matter of Polyphant Green,
Lewannick, North Cornwall D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 258 in the Register of Common Land maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference Mr D E Rookes and Mrs E P Doney claimed ownership of different parts of the land in question ("the Unit land").

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 26 May 1982. At the hearing Mr Rookes was present in person and Mr J P Wadge, Chairman of Lewannick Parish Council also appeared.

Mr Rookes produced a Conveyance dated 9 October 1972 between (1) Annie Wadge (2) Mr Rookes and his wife Heather Rookes. This was a conveyance of property 2 The Row, Polyphant and included the north western section, edged red on the attached plan, of the Unit land. He also produced a statutory declaration by Alfred William Wadge dated 10 July 1972 in which Mr A W Wadge stated, inter alia, that after 1941 he collected the rents of the property from tenants for his mother Annie Wadge for 16 years.

Mr J P Wadge told me that it was believed that the Parish Council owned part of another section of the Unit land but he was unable to find evidence to establish this.

Mrs Rookes is now deceased.

On the evidence I am satisfied that Douglas Edwin Rookes is the owner of the section of the Unit land edged red on the attached plan and I shall accordingly direct the Cornwall County Council, as registration authority, to register him as the owner of that section under Section 8(2) of the Act of 1965. As to the remainder of the Unit land, I am not satisfied that any person is the owner and it will therefore remain subject to protection under section 9 of the Act of 1965.

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

21 June

1982

L. J. Mann Smith

Commons Commissioner



1352
4-22

1351
1-07

2149
1-04

2845
5-47

3546
1-45

71

1939
1-25

1535
1-43

2235
9-2

3336
1-27

4036
1-99

3234
1-33

3144
5-37

4142
1-06

5134
2-08

POL
O

1528
5-09

Methodist
Church

2221
1-30

2825
2-22

3321
1-14

3627
1-99

4531
1-39

5172
1-2

5135
6-9

J.M.
442-06

J.M.
503-21

3721
1-36

4818
4-31

016
1-2

2016
1-71

2414
1-15

2614
1-75

3014
1-02

3716
2-61

Polyphant

1011
1-14

1509
1-70

1912
1-10

CL 253

POLYPHANT
GREEN

3307
1-35

4308
1-11

4306
1-74

CL 393

4603
1-33

CL 257

Wmance
House

2502
1-41

3001
1-23

3704
1-14

3700
1-14

4102
1-34

5002
1-15

5400
1-20

Lodge

Chapel

3295
1-03

2574
1-45

1499
1-95

4434
1-14

5004
1-14

786

482

2497
1-16