



In the Matter of Praa Green,
Breage, Kerrier District,
Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. VG 621 in the Register of Town or Village Greens maintained by the Cornwall County Council and is occasioned by Objection No. X 21 made by Mr Ronald Frederick Alexander Murphy and Miss Glendoline Osborne Estelle Neil and noted in the Register on 12 December 1969.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 6 October 1980. At the hearing Breage Parish Council on whose application the registration was made, were represented by Mr R E Winslade solicitor with Kerrier District Council. Present also were, Mr R G Parker who is and has been for the last 20 years a member of the Parish Council and was formerly chairman; and Mr Broadbent who is a resident in the Parish.

The land in this Register Unit as originally registered, is a strip a little under 750 yards adjoining or very near to the High Water Mark of Medium Tides. Mr Murphy and Miss Neil in the Ownership Section are registered as the owners of (1) the portion ("the East Portion") east of the line AB on the Register map, and (2) the portion ("the West Portion") west of the line CD on such map. The grounds of the Objection are (in effect) that the East Portion and the west part ("the Purple Land") is not a town or village green. ~~Consequently~~ on the said objection the Purple Land has been removed from the Register and is now shown hatched purple on the Register map, so that in the result ~~the~~ the Objection as regards this part has been satisfied. But as regards the East Portion, the Objection remains.

Mr Winslade produced: the Official Guide of the District of Kerrier which at page 44 includes an aerial view of Praa Sands Beach; and an extract from the Breage Tithe map (1839) and from the Tithe Apportionment Award for the Parish made in 1842 (both certified by the County Archivist) which shows the originally registered land (a little more or less) as plot No. 367, containing 29 acres in the occupation of "Tenants in Common of Pengersick and Trevarvas".

Mr C C Windley has known the land for 40 years and has lived near for 20 years and afterwards only while on holiday said (in effect):- The Land has always been an open space and has never been fenced at any time. It is grassland on which people play cricket and other games, some of which are organised. He had visited the land on many occasions. Although he understood Mr Murphy and Miss Neil were the owners, the inhabitants of the Parish used it for recreational purposes as ~~of~~ right all the time he had known it. The East Portion was short grass not essentially different in any way from the adjoining central portion (between the lines AB and CD).

Mr Parker said that the Purple Land was now a putting green.

On the evidence summarised above, and in the absence of any evidence in support of the Objection, I conclude that the inhabitants of the locality have indulged in sports and pastimes on it as of right for not less than 20 years before 5 August 1965



(the date of the 1965 Act); and ~~made in accordance with~~ ^{is} whether ^{or not} all activities described by Mr Windley originated in the customary right, the land is within the definition of a "town or village green" in Section 22 of the 1965 Act. Accordingly I confirm the registration without any modification.

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 28th day of October — 1980

A. A. Baskin Fuller

Commons Commissioner