



COMMONS REGISTRATION ACT 1965

Reference No. 206/D/790-792

In the Matter of Pridacoombe Downs and
Tolborough Downs, Bolventor Altarnun
Cornwall.

DECISION

These disputes relate to (a) the registration at Entry No 1 in the Land Section and at Entry No 1 in the Rights section of Register Unit No. CL.683 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X 235 made by Mr J Dennis and noted in the Register on 26 February 1971 (b) the registration at Entry No 1 in the Rights Section occasioned by Objection No. X554 made by R J Gynn and noted in the Register on 14 February 1972.

I held a hearing for the purpose of inquiring into the dispute at Bodmin on 15 January 1980.

The hearing was attended by Mr Gill of the Registration Authority, Mrs O E Woodley, and Mr G I Chisholm, Solicitor on behalf of Mr A Bettison.

The land comprised in this Register Unit consists of two adjoining areas of down land Pridacoombe Downs ("PD") in the west and Tolborough Downs ("TD") in the east, the two being divided by a hedge. The registration as common land was made in consequence of an application by Mr D J Langford to register a right to graze 6 cattle over TD and to take turf or peat over PD, the right being attached to North Tolborough Farm as shown on the supplemental map ("The NTF land"). Mrs Woodley as to part of the NTF land and Mr Bettison as to the remainder are Mr Langford's successors.

The Objection by Mr Dennis is on the ground that PD and TD were not common land at the date of registration: that by Mr Gynn states that he is the owner of the land in question and that the right claimed does not exist at all. Neither Mr Gynn nor Mr Dennis appeared at the hearing.

It appears that the NTF land was sold by M/S Tiller to Mr Langford in 1963, and he sold part to Mrs Woodley in 1972. The remainder was sold to Mr Gynn in 1973 and by him to Mr Bettison in 1975. Mr Bettison giving evidence stated that he had known the NTF land for many years and that both M/S Tiller and Mr Langford put cattle on the down: that he himself grazed cattle there and had never heard of any challenge to the right.

In the absence of any evidence to support the Objections, I shall confirm the right to graze - I understand that Mr Bettison and Mrs Woodley are agreed as to an apportionment as between the two parts of the NTF land which they respectively own. As regards the right to take turf or peat over PD, neither Mr Bettison nor Mrs Woodley sought to maintain this right, and accordingly I shall refuse to confirm it. This means that no right of common over PD will remain registered, and there is no suggestion that it is waste land of a manor. There is no basis therefore for the continuance of the registration of PD as common land, and I shall confirm the registration in the Land Section modified so as to exclude PD. To give effect to my decision as to the right to graze and take turf or peat, the entry in the Rights Section will be confirmed with a modification excluding the reference to taking turf or peat.