



In the Matter of The Green, Bowithick, Altarnun,
Cornwall

DECISION

This reference relates to the question of the ownership of land known as The Green, Bowithick, Altarnun, being the land comprised in the Land Section of Register Unit No. CL 389 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 F C Yeo claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 5 October 1982.

At the hearing Mr Yeo was represented by Mr J Parnall, solicitor.

Mr Yeo is a farmer and since 1965 has been the owner and occupier of land adjoining the land the subject of the reference. Mr Parnall showed me a plan which he said was a copy of the plan attached to the conveyance to Mr Yeo in 1965. This showed most of the land the subject of the reference included with the adjoining land within a red border. However, in the absence of the conveyance, I can only proceed on the basis of Mr Yeo's evidence. Since he became the owner of the adjoining land Mr Yeo has used the land in question as his own property. He has stored agricultural machinery on it and has grazed cows on it, and no one has ever disputed his right to do so. In my view, he has thereby acquired a possessory title to the whole of the land or to so much of it as was not conveyed to him in 1965.

On this evidence I am satisfied that Mr Yeo is the owner of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register him as the owner of the land under section 8(2) 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 this

20th

day of

October

1982

Chief Commons Commissioner