



In the Matter of The Greenaway, Trebetherick,
St Minver, Cornwall

DECISION

This reference relates to the question of the ownership of land known as The Greenaway, Trebetherick, St Minver, being the land comprised in the Land Section of Register Unit No. CL 532 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 C J Sugden, Mrs E A Drew and Mrs M J Warlow-Harry claimed to be the freehold owners of parts 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 10 February 1983.

At the hearing Mrs Warlow-Harry was represented by Mr J A Coode, Solicitor, and the National Trust by Mr C Nicholls, Solicitor. Mr Sugden appeared in person, and there was no appearance by or on behalf of Mrs Drew.

The land the subject of the reference consists of four parcels, the largest and most northerly of which is bounded on the west by Padstow Bay. It appears from a conveyance made 6 November 1946 between (1) Francis Edward Fryer (2) Reginald Stanley Machin that the southern part of this large parcel had been laid out as a building estate, known as the St Enodoc Greenaway Estate, at some time before 23 April 1935. By that conveyance Mr Machin acquired two plots of land numbered 21A and 22. Mr Machin died on 3 November 1969 and on 24 February 1969 his will was proved by John Goldthorpe Sugden, the sole executor. By an assent dated 12 June 1969 Mr J G Sugden assented to the vesting in his wife, Mrs Jane Sugden, of plots Nos. 21A and 22. By a deed of gift made 1 January 1982 between (1) Jane Sugden (2) Christopher John Sugden and Charles Edward Sugden the two plots were conveyed to Mr C J Sugden and Mr C E Sugden.

Another of the four parcels the subject of the reference is situated near to Trebetherick Point. This consists of a rectangular area with a narrow appendix at its north-western corner. The northern part of this appendix was conveyed to Mrs Warlow-Harry by a conveyance made 4 February 1971 between (1) Audrey Fairweather (2) Mary Ide Warlow-Harry and the southern part was conveyed to Mrs Warlow-Harry by a conveyance made 16 December 1968 between the same parties. The vendor had a good root of title in a conveyance made 16 November 1965 between (1) Amy West Martyn, Claude Jack Vincent Brown and Peter Oswald Brown (2) A Fairweather, Richard Lawrence Ekin and George Edward Hill (3) A Fairweather.

The southern half of the rectangular area was conveyed to the National Trust by a deed of gift made 16 July 1965 between (1) Diana Elizabeth Taylor and Jennifer Faith Cubitt (2) The National Trust for Places of Historic Interest or Natural Beauty. The donors had a good root of title in a conveyance made 14 February 1935 between (1) Mabel Bessie Betjeman, Philip Rolls Asprey and Horace Victor Andrew (2) Marjorie Chatterton Greenshields.



The northern half of the rectangular area was conveyed to the National Trust by a deed of gift made 6 June 1968 between (1) Sebastian Walter Gilbey (2) The National Trust. The donor had a good root of title in a conveyance made 25 March 1948 between (1) M C Greenshields (2) S W Gilbey.

Another of four parcels adjoins Daymer Bay. There being no evidence relating to this parcel at the hearing, I received evidence about it subsequently without re-opening the hearing. The northern half of this parcel was conveyed to Mrs Drew by a Conveyance made 15 May 1975 between (1) Mary Jane Finlay Hoskin, Philip Harvey Champress and Noel Earle Gabriel (2) Eileen Alice Drew. The vendors had a good root of title in an indenture made 4 March 1909 between (1) Latimer Henry Saunders (2) Theophilus Hoskin.

I also received evidence after the hearing regarding the plot of land numbered 23 on the St Enodoc Greenaway Estate. This plot was conveyed to Mrs H M Stephens by a conveyance made 27 June 1952 between (1) Revd Canon Alfred Swann (2) Helen Mary Stephens, having been conveyed to Canon Swann by a conveyance made 20 April 1938 between (1) Sidney George Heywood (2) A Swann.

On this evidence I am satisfied that Mr C J Sugden and Mr C E Sugden, Mrs Warlow-Harry, the National Trust, Mrs Drew and Mrs Stephens are the owners of parts of the land, and I shall accordingly direct the Cornwall County Council, as registration authority, to register those persons as the owners of their respective parts of the land under section 8(2) of the Act of 1965.

In the absence of any further evidence I am not satisfied that any person is the owner of the remainder of the land, 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 this

15th

day of

June

1983

Chief Commons Commissioner