



In the Matter of the Jacka, Portloe,  
Veryan, Truro, R.D., Cornwall

DECISION

This reference relates to the question of the ownership of land known as the Jacka, Portloe, Veryan, Truro Rural District being the land comprised in the Land Section of Register Unit No.C.L.213 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. J. L. Leach in a letter dated 18th May 1972 claimed the land behind the cottage known as Bay Cottage. No other person claimed to be the freehold owner of the land in question or 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 Truro on 12th July 1972.

The hearing was attended by the Veryan Parish Council ("the Council") who were represented by their Chairman, Mr. J. K. Julyan, by the Portloe Harbour Commissioners ("The Commissioners") who were represented by Mr. J. Turner, one of the Commissioners, and by Mr. Leach.

The Jacka is a long strip of land next to the sea extending from Portloe Cove on the north east to a line about three quarters of the way to Manare Point on the south west. At the request of the Council I inspected the land, it having been agreed by those present at the hearing that I should do so unattended.

The land has running through it one well-trodden footpath which starts at sea level at the Cove, rises steeply to the high ground above Jacka Point, and then continues high above sea level across the south west boundary of the land to the high ground above Manare Point and beyond. This path is in effect a top (or nearly a top) of the cliff walk. South east of this path the land slopes steeply down to the sea; on this side except where it is too steep or too rocky, bracken for the most part grows thickly; here, ~~except to~~ the view point on the high ground above Jacka Point, a person who left the path would I think, unless he was well acquainted with the locality be in danger of slipping down the cliff into the sea. On the north west side of the well-trodden path the level farming land higher up was, for the most part, well concealed either by thick scrub or other vegetation or by the land which slopes steeply up to it from the path. On a fine day a walk along this path to anybody appreciative of unusual scenery would be an extraordinarily pleasant and exhilarating experience. The land is, I think, to those living in or coming on holiday to Portloe, an amenity of exceptional value.

At the hearing Mr. Julyan who had known the land for at least fifty years told me that the public had always enjoyed uninterrupted access to it. The annual Sunday School treat was held on a part of the land near the Cove. The Band of Hope twice in every year go there from sea level at the Cove up the steep path to the ground above Jacka Point about 150 feet above sea level.



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Mr. Leach told me that he claimed usage rights in respect of his washing line at the back of Bay Cottage; this cottage fronts on comparatively low-lying ground in the Village and backs on the high ground of the Jacka. However, on examining with Mr. Leach the copy register map, he agreed that the land over which he claims such rights is situate north of the green verge line shown on the map and he was not therefore concerned with the land now in question.

Mr. Turner told me that those fishing from the harbour of Portloe were accustomed to spread their nets over a wall and some grass land on the Jacka situated south and south west of the school. The Commissioners would like Portloe to stay as a fishing village and hoped that no decision of mine would interfere with this custom which they believed had been exercised continuously for the last 200 years, and currently by the owners of about six boats manned full time and about twelve boats manned part-time.

The Council and the Commissioners were agreed that this land should in the interests of the locality be vested in the Council and contended that I should give a direction which would have this effect.

I have, I think, no jurisdiction to give such a direction merely because it would be beneficial; under the Act I am, I think, required to state whether I am on the evidence submitted to me "satisfied" as to the ownership. With some regret because I sympathise with the contention of the Council and the Commissioners, I am unable on the information before me to conclude that the Council is owner.

For these reasons I am not satisfied that any person is the owner of the land, and accordingly the land will under section 9 of the Act fall into protection. It may be that this protection may enable the Council to protect the land to some extent as they now wish, notwithstanding that the Council will not be registered as owner. My decision will not, I think, affect any customary rights of the fishermen.

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 25<sup>th</sup> day of October 1972

*a. a. Baden Fuller.*

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Commons Commissioner