



In the Matter of two pieces of land known as Zennor Cliffe which includes Boswednack Trewey, Treen (Gunards Head) and part Porthmeor Cliffs, Zennor

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DECISION

This reference relates to the question of the ownership of land above mentioned being the land comprised in the Land Section of Register Unit No. CL.703 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 several persons claimed to be the freehold owner of different parts of the land in question and no other person claimed to have information as to its ownership.

I held hearings for the purpose of inquiring into the question of the ownership of the land at Camborne on 23 November 1982 and 12 January 1984.

The following appeared at the hearings, Mrs M Ansell appeared as Trustee of the Estate of the late A G Berryman, Mr C Nicholls of Messrs Pethybridges, Solicitors of Bodmin appeared for Mr G D Osborne, Mr P J Mansfield, Land Agent appeared for the National Trust, Messrs. Pool, Purchas and Le Grice, Solicitors of Penzance appeared for Mr and Mrs Crowther, and Mr Eric Quayle, Messrs. W J and F C Berryman Mr Nankervis and Mr Trewheth appeared in person.

Mr Roger William Crowther gave evidence in substantially the same terms as a Statutory Declaration made by him and his wife on the 19 November 1982.

Mrs Ansell and Messrs. Berryman produced documents of title which supported their respective claims made in correspondence with the Office of the Commons Commission that the Trustee of the late A C Berryman owned O S 733a and that Messrs. Berryman owned OS. 683a.

Mr Mansfield produced (i) a Conveyance dated 21 February 1980 and made between Berkeley Rowland and Elizabeth Anne Beckett (1) Annie May James (2) and The National Trust (3) whereby the parties of the first part conveyed to the National Trust Boswednack Cliff and (ii) a Conveyance made on 22 June 1982 between Mr and Mrs K Berryman and the National Trust whereby the National Trust purchased Gurnards Head.



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Mr Nicholls produced a fully documented title to the land formerly owned by Mr Osborne in the area of the register unit, which is conveniently described in an Assent made by Mr Osborne in favour of himself on 20 July 1956 and stated that Boswednack Cliff was owned by Mr Osborne and the National Trust jointly.

Mr Nankervis produced title deeds supporting the ownership of substantially the whole of Treway Cliff. As a result of a Conveyance by Mr Nankervis and others to Mr Quayle, dated 25 October 1983 Mr Quayle is now the owner of the whole of Treway Cliff.

After the second hearing I received a certified copy of a Conveyance dated 8 October 1984 whereby the National Trust acquired Mr Osborne's interest in the land formerly held by him and the National Trust jointly.

Mr Trebath produced documentary evidence which showed that he and his wife owned two pieces of land part of the Register Unit. Mr Trebath has so far failed to respond to requests to supply me with a plan showing the exact boundaries of this land. I do not propose to delay the issue of this decision any longer. When the plan is delivered, I will issue a Supplementary Decision.

On the evidence I have seen I am satisfied that the following persons named in the Schedule are the owners of parts of the land subject in the case of Mr and Mrs Trebath to production of a plan and I shall direct the Cornwall County Council to register them respectively as the owners of such parts under Section 8 (2) of the Act of 1965. I am not satisfied that any person is the owner of the remainder of the land and this will therefore remain subject to protection under Section 9 of the said Act.

Name and address of the owner	SCHEDULE	<u>Land</u>
1. Mr Eric Quayle Cara Cobba, Zennor		Treway Cliff
2. The National Trust		The area shown coloured green on Exhibit G.DQ1, to the Statutory Declaration made by G D Osborne on 4 January 1983 (excluding field No.OS.637(0.634 acres))



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3. Robert William Crowther and  
Gisela Gerda Crowther  
Cove Cottage, Treen, Zennor
- The area described in  
paragraph 3 of the Statutory  
Declaration made on 19  
November 1982.
4. The National Trust
- (a) Boswednack Cliff
- (b) Gurnard's Head being the land  
comprised in a Conveyance made  
the 22 June 1982 between  
Kenneth and Sonia Anne Berryman  
of the one part and the  
National Trust of the other part
5. Mrs Mary Cardew Davy Ansell  
Trendine Zennor
- O S No.733 A
6. Messrs. W J and F C Berryman  
Porthmeor Pendeen Penzance
- O S No 683 A

I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 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

19<sup>th</sup>

day of

February

1985

Commons Commissioner