



In the Matter of an unnamed piece of land in the Parish of Ladock,
Cornwall

DECISION

This reference relates to a dispute occasioned by an objection by the late Henry Daniel Bassett (noted on the Register on 22 February 1972) to the registration at Entry No.3 in the rights section of Register Unit No. CL212 in the Register of Common Land maintained by the Cornwall County Council.

From the objection signed by Mr Bassett on 7 October 1970 it is clear that the dispute arises not from the text of the entry but from the supplemental map referred to in column 5 of the entry. That map purports to show the boundaries of the property - Menna Vean, Grampond Road, Truro - to which the rights of common referred to in the entry are claimed to be attached. Mr Bassett objected that the boundaries shown include property belonging to him and claimed that the true boundary between his property and Menna Vean is as shown on a plan signed by him ("the objector's plan").

Mr David Burton, then Chief Commons Commissioner, held a hearing to inquire into this objection on 6 October 1999 but was unable to decide the matter since the interested parties did not produce any title deeds. Further consideration of the matter by Mr Burton was prevented by ill-health and his subsequent death last summer.

I held a hearing to inquire into the objection at Truro on 31 January 2001. This hearing was attended by Mr Peter Wilson (for Cornwall County Council), Mr A W J Broad (who claims title under Mr Bassett), Mr D F Warren (the present owner of Menna Vean) and others.

Prior to the hearing Mr Broad and Mr Warren had supplied me with copies of their title deeds which so far as relevant show the position to be as follows:

- (a) by a conveyance dated 1 November 1948 W A M Stribley conveyed to O H B Bedford the dwelling house Menna Vean with its outbuildings and land extending to nearly 9 acres including the land now in dispute.
- (b) by a conveyance dated 30 April 1959 O H B Bedford conveyed on sale to W J A H Davies and others the whole of the land shown on the objector's plan.
- (c) by a conveyance dated 20 May 1966 Davies conveyed the same land (and other land) to H D Bassett.
- (d) H D Bassett died in 1979 and by assent dated 20 May 1981 his executors vested the same land in Mr Broad.

- (e) by a deed of gift dated 23 May 1967 O H B Bedford purported to convey to his wife M C Bedford by way of gift the house Menna Vean and land shown edged red on the plan attached thereto. That plan includes land previously conveyed on sale by O H B Bedford to Davies in 1959: the land in dispute appears from a comparison between it and the objector's plan.
- (f) by conveyance dated 7 December 1978 Mrs M C Bedford purported to convey to Mr and Mrs Warren the house and land so given to her.

There were no other deeds documents or other written evidence bearing on the title as shown by the deeds summarised above. In the circumstances I find that the title to the disputed land is vested in Mr Broad, it having been conveyed on sale to his predecessors in title (the Davieses) on a date prior to the 1967 deed of gift.

In his oral evidence at the hearing Mr Warren said that in 1978 the south-eastern boundary of his property as shown on the supplemental map was fenced and that Mrs Bedford had donkeys running on the disputed land: and that since buying in 1978 he and his wife have used it for grazing horses and goats. Mr Warren also said that he had put a small pond and cut down some trees on the disputed land. However he admitted that in 1980 Mr Broad had removed the fence so far as it was on the boundary of the disputed land and that he, Mr Warren, did not reinstate it. Moreover Mr Broad said in his evidence that Mr Warren had only grazed animals on the disputed land shortly before the hearing by Mr Burton and had not otherwise used the land. On the above evidence I find that Mr Warren could not establish title to the disputed land by adverse possession: and an inspection of the site which I made after the hearing disclosed nothing to support such a claim.

In the circumstances I uphold the objection and confirm the registration but deleting in column 5 of entry 3 in the charges register the reference to the supplemental map and substituting a reference to the red verge line on the plan attached to this Decision.

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 26th day of February 2001



Chief Commons Commissioner