



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/10

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Worvas House part of Common Land at  
Halsetown, St. Ives

DECISION

This reference relates to an objection under the Common Land (Rectification of Registers) Act 1989 to the registration of part of the land registered in Entry No. 1 in the Land Section of Register Unit No. CL.296 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. OB.8 made by Mary Carol Edmonds and referred to a Commons Commissioner on 27 November 1991.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 18 December 1991 I caused notice to be given under regulation 8(1) that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

The Objector's case was that on 5 August 1945 there were two semi-detached dwellinghouses on the land and that the remainder of the land formed the garden of those dwellinghouses, that in 1946 the two dwellinghouses were converted into one and that from then on the land was a garden used and enjoyed with that dwellinghouse.

The objector produced -

(1) a conveyance on sale dated 27 April 1945 whereby the westernmost of the cottages and part of the land was conveyed by Florence Ellen Scott to James Garfield Hosking. The plan attached to that conveyance shows both cottages and the whole of the land enclosed in the same way as is shown in the objection plan.

This satisfies me that on 5 August 1945 there was a dwellinghouse on the land.

(2) a conveyance on sale dated 24 December 1946 whereby the easternmost cottage and the remainder of the land was conveyed by Florence Ellen Scott to James Garfield Hosking by reference to the same plan.

Other deeds produced show that, after various conveyances, the objection land was conveyed to the objector on 29 March 1988.

(4) a statutory declaration dated 25 January 1991 made by William Basil Hosking who states that he well remembers his father buying one cottage and garden in 1945 which is shown on the plan attached to the conveyance of 27 April 1945.

He also remembers his father buying the other cottage and garden shown on the plan attached to the conveyance of 24 December 1946.



He goes on to say that the property was converted into one dwelling and the whole of the land shown in the two plans (which constitutes the whole of the objection land) constituted the garden of the property.

(5) a statutory declaration dated 22 January 1991 made by Francis George Cooke who has known the objection land identified by a plan from 1941 and that throughout that period Worvas House Hasletown and the garden surrounding it has been "just the same as any cottage and garden in this area".

On that evidence I am satisfied that it is not necessary to hold a public hearing and that the land objected to satisfies the requirements of section 1(2) of the 1989 Act.

I am required by regulation 22(1) of the Common Land (Rectification of Registers) Regulations 1990 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

16<sup>th</sup>

day of

February

1992

Pera Landon-Davie

Chief Commons Commissioner