



In the Matter of Crownhill Down (part) and
Blacka Brook, Shaugh Prior, Devon.

DECISION

This reference relates to the question of the ownership of land known as Crownhill Down (part) and Blacka Brook, Shaugh Prior, being the part of the land comprised in the Land Section of Register Unit No. CL.190 in the Register of Common Land maintained by the Devon 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 the Trustees of the Roborough Estate, English Clays Lovering Pochin & Co Ltd, and Mrs J Cobbold 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 Plymouth on 13 December 1984. At the hearing Mr G Muskett, Surveyor appeared for English Clays Lovering Pochin & Co Ltd, and Miss Osborne Clarke, Solicitor, appeared for Mrs Cobbold.

The land the subject of the reference comprises two entirely separate areas. The first of them, consisting of part of Crownhill Down, was included in the parcels of a Vesting assent dated 16 April 1953 in favour of Mrs A M D Grigg-Strode in the matter of the estate of George Sydney Strode, deceased. The western part of this land was conveyed to English Clays Lovering Pochin & Co. Ltd by a Conveyance made 28 May 1959 between (1) Anna Margaret Dorothea Grigg-Strode (2) Lewis Derek Jones, Philip Deball Tuckett and Cedric Charles Boyd (3) English Clays Lovering Pochin & Co Ltd. The eastern part of this land was conveyed to Mrs Cobbold by a Conveyance and deed of discharge made 1 April 1968 between (1) A M D Grigg-Strode (2) Judith Eileen Strode Cobbold (3) L D Jones and Sir Henry Studholme Baronet.

The second area the subject of the reference consists of the bed of a stream known as Blacka Brook, A very small part of the South-eastern end of this stream was included in a Conveyance and assignment made 29 April 1934 between (1) Edmund Robert, (fourth) Earl of Morley (2) English Clays Lovering Pochin Co. Ltd.

There being no claimant to the remainder of the bed of the Blacka Brook, I have considered documentary evidence submitted by Solicitors acting on behalf of the Trustees of the Roborough Estate. The land on the South-western side of this part of the Blacka Brook was included in the parcels of a Conveyance and vesting deed made 7 May 1928 between (1) Sir Henry Yarde Buller Lopes, Baronet (2) Massey Henry Edgcumbe Lopes (3) Josceline Heber Percy and Edward Lee Rowcliffe. After divers mesne assignments the land in question was conveyed to the Hon. Henry Massey Lopes by a Conveyance made 20 January 1983 between



-2-

(1) H M Lopes, George Edward Lopes, George Christopher Cadafael Tapps Gervis Meyrick and Joseph Robertson Cooke-Hurle (2) H M Lopes. While these Conveyances do not include the bed of the Blacka Brook, it is to be presumed, in the absence of evidence to the contrary, that half the bed of the brook passed with the land on its south-western side.

On this evidence I am satisfied that English Clays Lovering Pochin & Co Ltd, Mrs Cobbold and Mr. H M Lopes are the owners of parts of the land, and I shall accordingly direct the Devon County Council, as registration authority, to register them 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 the subject of the reference, which 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.

Dated this

25th

day of January 1985

Chief Commons Commissioner