



In the Matter of Ditsworthy Warren and Yellowmead Down,
Parish of Sheepstor

DECISION

This reference relates to the question of the ownership of a piece of land forming part of Ditsworthy Warren, Sheepstor comprised in the Land Section of Register Unit No. CL.188 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.

The question was referred to a Commons Commissioner by Devon County Council on 2 November 1993. The unclaimed land consists of a triangular strip lying between the part of the unit of which the Roborough Estate is registered as the owner, and the part of the unit of which South West Water (the successor to Plymouth Corporation) is so registered.

I held a hearing at Plymouth on 19 April 1994 to inquire into this question. At the hearing Lord Roborough was represented by Miss Marion Hayward MRAC, ARICS Land Agent for the Maristow Estate, and Mr E F Palmer appeared on behalf of the Commoners and did not object to Lord Roborough's claim. The Devon County Council and South West Water did not appear and were not represented.

The land in question is included in the parcels and plan contained in a conveyance dated 12 December 1962 by the Second Baron Roborough to the Hon. Henry Massey Lopes under the powers contained in the Settled Land Act 1925. By a conveyance dated 17 March 1965 the Hon H M Lopes conveyed the land to Trustees on trust for sale and (following three Deeds of Appointment of New Trustees dated respectively 29 September 1966, 10 April 1974 and 1 December 1979) by a conveyance dated 20th January 1983 the then Trustees conveyed the land back to the Hon H M Lopes who had become entitled thereto under the trusts of the Settlement of the proceeds of sale.

On 30 June 1992 the Hon H M Lopes succeeded to the title and became the 3rd Baron Roborough. On this evidence I am satisfied that the 3rd Baron Roborough is the owner of the land and I shall accordingly direct the Devon County Council to register him as the owner of the land under Section 8(2) 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 of the High Court.

Dated this

28th

day of

April

1994

Commons Commissioner