



COMMONS REGISTRATION ACT 1965

Reference No. 209/D/305

In the Matter of Heathfield Down,
Cornwood, South Hams District,
Devon

DECISION

These disputes relate to the registration at Entry Nos 2 and 4 in the Rights Section of Register Unit No. CL 113 in the Register of Common Land maintained by the Devon County Council and are occasioned by Objection No. 301 made by Major F A V Parker and noted in the Register on 3 November 1970 and by Objection No. 532 made by Cornwood Commoners Association and noted in the Register on 14 November 1970.

I held a hearing for the purpose of inquiring into the disputes at Plymouth on 24 May 1982. At the hearing Major F A V Parker was represented by Mr J A F Kittow, solicitor of Harold Michelmore & Co, Solicitors of Newton Abbot; and Cornwood Commoners Association were represented by Mr J W Northmore, their chairman.

The land in this Register Unit is a tract of about 21 acres. The Rights Section registrations at Entry Nos 1, 3, 5 and 6 being undisputed, have become final. In the Ownership Section, Major F A V Parker is registered as owner, and this registration being undisputed has become final.

The Rights Section registration at Entry No. 4 was made on the application of Mrs Phyllis Phillips. Both the said Objections relate to this registration. I have two letters (forms addressed to County Hall, Exeter) relating to "Obj 301" and "Obj 532" signed on behalf of Mrs P Phillips by Michelmore Hughes & Wilbraham, Chartered Surveyors of 1 Bedford Place, Tavistock, by which she agrees to her registration at Entry No. 4 being cancelled. In the absence of any other evidence, I conclude that this registration should not have been made.

Since the hearing I have received a letter dated 28 May from Michelmore Hughes, chartered surveyors of Tavistock on behalf of the Trustees of Mrs P C Phillips' Will Trust inquiring about the position, and two letters dated 5 August and 2 November from Woollcombe & Yonge, solicitors of Plymouth from which I understand that Mrs P Phillips is now deceased, that the relevant land is now vested in her Will Trustees, and that they do not wish to support her application.

The Rights Section registration at Entry No. 2 was made on the application of Mr Albert Edward Williams, and is of various rights attached to land at Mountain Inn, Cornwood. Only Objection No. 532 applies to this registration.

Mr Northmore said (in effect):- The land at Mountain Inn was just an Inn, and could not sensibly have attached to it: "estovers, piscary, pannage, turbarry, to graze 12 ponies 12 bullocks" as registered. Mr Williams has since died, and the land is now used as a garage. It is about $\frac{1}{2}$ a mile away from Heathfield Down.



In the absence of any evidence in support of the registration, I conclude that it should not have been made.

Upon the above conclusions, I refuse to confirm the Rights Section registrations at Entry Nos. 2 and 4.

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 11th day of July → 1982.

a. a. Baden Fuller

Commons Commissioner