



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/120

In the Matter of part of Headon Down, Cornwood

## DECISION

This reference relates to the question of the ownership of part of Headon Down, Cornwood being the part of the land comprised in the Land Section of Register Unit No. CL.115 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 (1) the personal representatives of Major F A V Parker and (2) Watts Blake Bearne and Co P.L.C. 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 23rd January 1990.

The hearing was attended by Mr P J R Michelmore of Michelmore Hughes Chartered Surveyors of Newton Abbot representing the personal representatives of Major F A V Parker, Mr M J Briggs (Estates Manager) and Mr G Dawes both of Watts Blake Bearne and Co PLC and Mrs M E Goodman (successor to Rights Entry No. 8).

The part of the land comprised in this Register Unit hatched in red diagonal lines and marked A on the Register map is already finally registered in the name of Major F A V Parker: see Entry No. 1 in the Ownership Section. The part of the land comprised in this Register unit hatched in red diagonal lines and marked B on the Register plan is already finally registered in the name of Watts Blake Bearne and Co PLC: see Entry No. 2 in the Ownership section.

In between these two parts of the Register unit runs a substantial strip of "no mans land" which has hitherto remained unclaimed.

Mr Michelmore referred to the certified copy of the Vesting assent dated 9th October 1946 which he had already produced to me during the hearing of the immediately preceding reference 209/U/117 in respect of part of Penn Moor CL.112, whereby the lands described in the First and Second Schedules thereto were vested in Major Parker as Tenant for Life under a Resettlement dated 18th January 1937. The Second Schedule comprises the Delamore Estate situate in the Parishes of Cornwood and Plympton St. Mary for the purpose of identification only coloured pink on the two plans thereto and more particularly described therein. The particulars in the Second Schedule conclude with "All those common lands or moor known as Penmoor Heathfield Down (commonly called Cornwood Common) and Heddon Down". The whole of the land in this Register unit including the land hitherto unclaimed is within the land coloured pink on Plan No. 1 annexed to the Vesting Assent.

Mr Dawes produced an original Conveyance dated 22nd March 1967 between (1) Major Parker (2) Gerard Parker and Henry Richard Graham-Vivian and (3) Watts Blake Bearne and Company Limited whereby the pieces of land forming part of the Delamore Estate delineated on plan No. 1 annexed thereto and edged red and blue were conveyed to Watts Blake Bearne and Company Limited in fee simple.



The land edged red on that plan included a substantial part of the unclaimed land.

Mr Michelmore told me that a clerical error had been made when preparing the plans for commons registration. He said that there was no dispute between the two claimants and he supplied me with a plan showing the agreed boundary between the land which had been sold to Watts Blake Bearne (shown coloured yellow on that plan) and the land retained by Major Parker (shown coloured red thereon).

I annex to this Decision a black and white photocopy of the agreed plan on which I have written the words "red" and "yellow" to indicate the parts bearing those colours respectively on the original. I have also marked the boundary between the land of the respective claimants with the letters X, Y and Z.

On this evidence I am satisfied that ownership of the part of the unclaimed land to the west and north-west of the line XYZ on the plan annexed hereto became vested in Watts Blake Bearne and Company PLC, and that ownership of the land to the south-east of the line XY remained vested in Major Parker at the time of his death.

Major Parker was (as stated above) Tenant for Life under a settlement, and to complete the title of his successors requires the production of a Grant of Representation to his estate and any subsequent conveyancing documents. These were not available at the time of the hearing, but Mr Michelmore undertook to supply them as soon as practicable.

Notwithstanding the considerable lapse of time since the hearing and a series of reminders sent to Messrs. Michelmore Hughes the necessary documentation has never been forthcoming. In the circumstances I ought not refrain any longer from issuing a Decision in respect of the other claimant, Watts Blake Bearne and Co PLC, and I shall accordingly direct Devon County Council as Registration Authority to register that company as the owner of the part of the register unit to the west and north-west of the line XYZ on the plan annexed hereto under Section 8(2) of the act of 1965.

As to the claim by the personal representatives of Major Parker I shall allow them a period of 6 weeks from the date on which notice of this Decision is sent to them either (1) to submit to the Office of the Commons Commissioners sufficient documentation to complete their claim or (2) to request that the matter be restored for further hearing. Pending any further Decision the land south-east of the line XY on the plan will remain subject to protection under section 9 of the Act.

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

30<sup>th</sup>

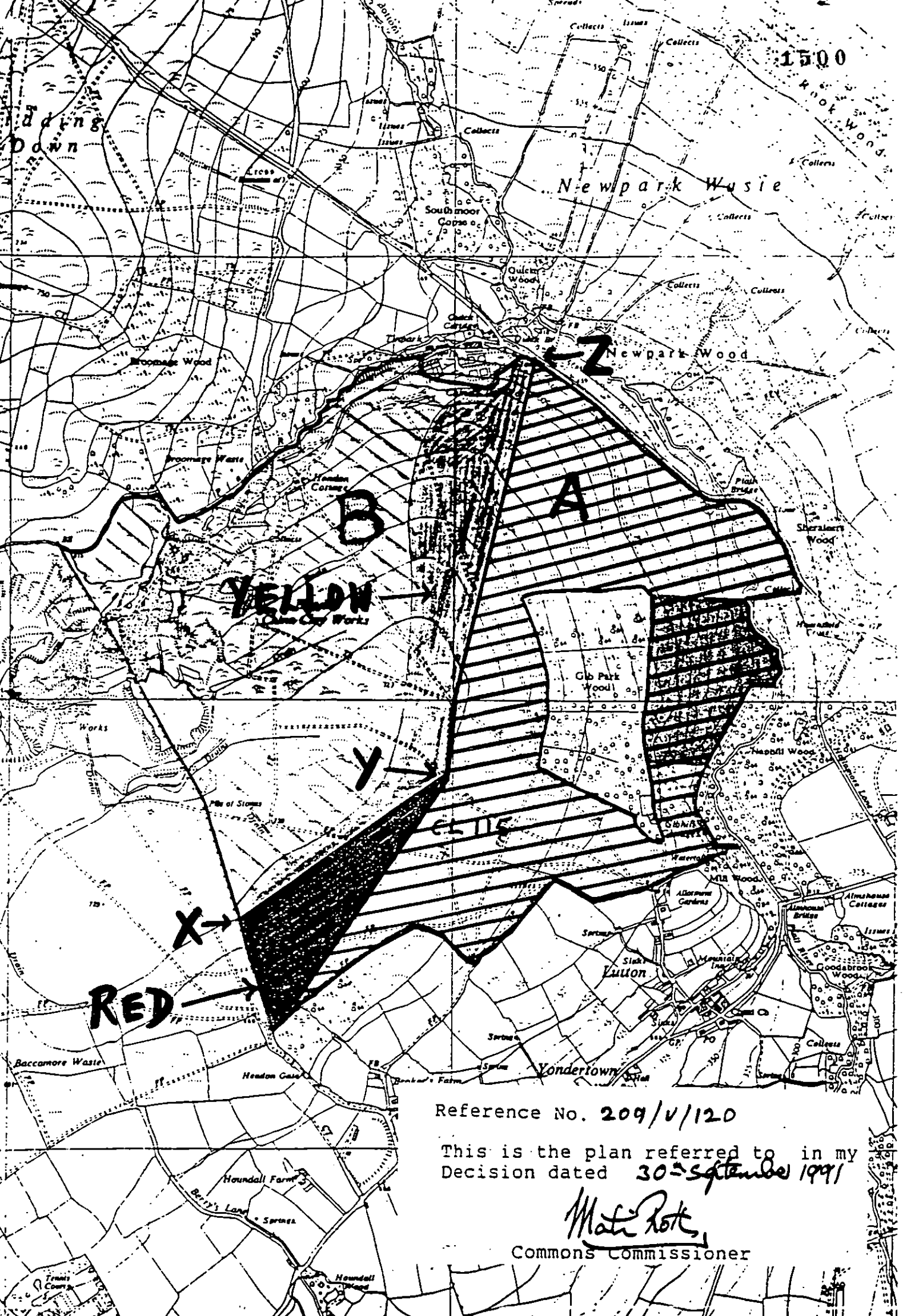
day of

September

1991

*Mati Rote*

Commons Commissioner



1500

Newpark Wusie

Newpark Wood

**YELLOW**  
Common Works

**RED**

Reference No. 209/V/120

This is the plan referred to in my  
Decision dated 30<sup>th</sup> September 1991

*Mati Roth*

Commons Commissioner