



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/8

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Old Coastguards Zennor, part of land
known as Zennor Cliffs

DECISION

REFERENCE

This reference relates to an Objection under the Common Land (Rectification of Registers) Act, 1989 to the registration of part of the land registered at Entry No. 4 in the Land Section of Register Unit No. CL.703 in the Register of Common Land maintained by the Cornwall County Council.

NOTICE OF OBJECTION

The reference is occasioned by a Notice of Objection dated 30th January 1991 made by William Roderick Richards and Kathy Ann Hartdorn Richards numbered OB7 and referred to a Commons Commissioner on 26th September 1991.

OBJECTION LAND

The land to which the Objection relates consists of the part of the Register Unit edged in red on the plan attached to the Objection ("the Objection land").

ENTRIES ON REGISTER

The land was registered as common land upon the application of West Cornwall Footpath Preservation Society. The registration being undisputed became final on 11th December 1972. There are no entries in the Rights Section of the Register.

OWNERSHIP INQUIRY

An inquiry into the ownership of the Register Unit was held before a Commons Commissioner on 12th January 1984. No person claimed ownership of the Objection land, and it therefore remained subject to protection under Section 9 of the Act of 1965.

WRITTEN REPRESENTATIONS

Prior to the hearing the Hon. Secretary of West Cornwall Footpath Preservation Society wrote to the Commons Commissioners supporting the Objection. No person wrote to the Commissioners opposing the Objection.

HEARING

I held a hearing to inquire into the Objection at Penzance on 23rd July 1992 and I made a site visit the afternoon of the hearing.

ATTENDANCE AT HEARING

The hearing was attended by Mr Martin Wright and Mrs Stiff of Cornwall County Council the Registration Authority Mr Drew of Borlase & Venning Solicitors of Penzance as agents for Poole & Co of Crewkerne representing the Objectors Mr Kenneth Berryman Mrs Berryman and Mrs Crowther.



SUPPORTING EVIDENCE

There was no evidence by Statutory Declaration, and the title deeds of the property were not produced. Mr Drew however called as a witness Mr Kenneth Berryman of Treen Farm, Gurnards Head. Mr Berryman said that he was 66 years of age, and had lived at Treen Farm all his life. He had known the Coastguard Cottages ever since he could remember. There were 3 cottages until they were taken over by private people in about 1951 or 1952 and made into one. There were lovely granite walls surrounding the cottages. The cottages and walls were certainly there long before 1945. The coastguards went from the cottages to the look-out post on Gurnards Head. There used to be 3 coastguards living there with their families - it was a full-time job. Gurnards Head point was manned all the time. The coastguards grew their own potatoes and vegetables on the land on either side of the building.

SITE VISIT

The cottage building is situated on a plateau constructed on steeply sloping land. The plateau and surrounding stone walls were clearly constructed at the same time as the building, which is almost certainly over 100 years old. There is a long stone outbuilding at the western end of the land with three wooden doors facing the end of the cottage. I have little doubt that this was formerly three separate privies, one for each of the three cottages.

CONCLUSION

On this evidence I consider that the requirements of Section 1(2) of the 1989 Act are satisfied in respect of the Objection land.

APPEAL

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

31st

day of

July

1992

Marti Rott

Commons Commissioner