



COMMONS REGISTRATION ACT 1965

Reference No. 206/U/10

In the Matter of Coldgy Moor, Paul,  
Penwith D

DECISION

This reference relates to the question of the ownership of land described above being the land comprised in the Land Section of Register Unit No. CL 199 in the Register of Common Land maintained by the Cornwall 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 there were claims to ownership of different parts of the land in question ("the Unit land") by (1) Mr and Mrs S S Lambourn (2) Mr C J Relf, 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 Truro on 29 June 1982.

At the hearing Mrs Lambourn and Mr Relf appeared in person. The claim by Mr and Mrs Lambourn is to a small area on the NW boundary of the Unit land opposite White Caunce Farm. The area ("the chicken run area") is shown on a plan produced by Mrs Lambourn and is and has for some years been used as a chicken run. In a Conveyance dated 18 August 1958, by W H Bennetts (the Vendor) to John Corin, of the Farm and chicken run area there is a recital of the Vendor's possession of the area for 12 years and upwards, and this was supported by a Statutory Declaration by the Vendor dated 3 July 1958. The farm and chicken run area were by a Conveyance dated 29 September 1975 conveyed by John Corin to Mr and Mrs Lambourn. On this evidence I am satisfied that they are the owners of that area.

Mr Relf's claim is to a part of the Unit land ("the SW part") which was included in a Conveyance to him and his wife dated 29 January 1979 by Michael Lynton Sagar-Fenton of land and farm known as Rosevale Kerris Paul. The Conveyance also included a right of way (not ownership) over the lane across the Unit land and right to draw water from a well not situate on the Unit land. On this evidence I am satisfied that Mr and Mrs Relf are owners of the SW part.

I shall accordingly direct the Cornwall County Council, as registration authority, to register Mr and Mrs Lambourn and Mr and Mrs Relf under Section 3(2) of the Act of 1965 as the owners of, respectively, the chicken run area and the SW part. The remainder of the Unit land will 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 of the High Court.

Dated

17 August

1982

*L. J. Harris Smith*

Commons Commissioner