



COMMONS REGISTRATION ACT 1965

Reference Nos. 206/D/1049-50
206/D/1051-52
206/D/1053-54

In the Matter of Four additional pieces of land also known as
Craddock Moor, St. Cleer
In the Matter of the tract of land about 400 acres called Fore
Down St. Cleer
In the Matter of Two parcels of land also known as Fore Down
St. Cleer

DECISION

This Decision relates to the following disputes:

1. The registration at Entry numbers 1 and 2 in the Land Section of Register Unit No. CL.281 in the Register of Common Land maintained by the Cornwall County Council occasioned by the conflicting registration at Entry No. 17 in the Rights Section of the said unit:
2. The registration at Entry numbers 1 and 2 in the Land Section of Register Unit No. CL.159 in the said Register occasioned by the conflicting registration at Entry No. 75 in the Rights Section of the said unit: and
3. The registration at Entry numbers 1 and 2 in the Land Section of Register Unit No. CL.168 in the said Register occasioned by the conflicting registration at Entry No. 17 in the Rights Section of the said unit.

I held a hearing for the purpose of inquiring into these disputes at Liskeard on 10 May 1994. The hearing was attended by Mr M C Wright (on behalf of the Cornwall County Council) and by several other individuals including Mr Leslie Robert John Piper who alone gave evidence.

In the case of all the three units mentioned above William Thomas Giles is registered in the Rights Section in respect of the right to graze 23 head of cattle or 23 ponies or 115 sheep over the whole of the land comprised in these three (as well as other) units: and the land specified in column 5 of the rights section as being the land to which the rights are attached is Downhill Farm, Minions, St. Cleer, shown on the plan attached to this Decision and hereinafter called "the Relevant Land". This land is however (subject to what is said below as regards CL.159) also included in the Land sections of the three commons mentioned above (part of such land being included in each such section) and a conflict thus arises between the land sections and the rights sections.

In his evidence Mr L R J Piper said that he has known the Relevant Land and surrounding district well for about 60 years. He has farmed at Gonamena which is adjacent to the north boundary of the Relevant Land since 1964. He further said:

- (a) that the Relevant Land is and has for as long as he can remember been the site of Downhill Farm



(b) that this Farm had for many years down to his death in 1974 belonged to and been farmed by his uncle William Giles

(c) that between 1974 and about 1987 it was farmed by Mr Giles's sister Polly Irene Giles

(d) that in 1987 Anthony Bolitho bought the Farm and has since then farmed it

(e) that with the possible exception of the plot of land measuring 0.327 acres and numbered 2306 situate at the north east boundary of the Relevant Land (as to which Mr Piper cannot speak) no part of the Relevant Land has been enjoyed as common land in his lifetime and in particular the only animals which have grazed Downhill Farm have belonged to the owner thereof, namely his uncle and aunt and, since 1987, Mr Bolitho.

Although invited to do so no-one else at the hearing challenged Mr Piper's evidence or gave or tendered any other evidence.

I have no reason to doubt anything said by Mr Piper and I accordingly accept his evidence in its entirety.

In the above circumstances I have come to the conclusion that no part of the Relevant Land (except the plot numbered 2306 on the plan) should have been registered as common land.

There are two further matters I should mention.

First Mr Piper said that a small separate part of CL.168 immediately adjacent to Gonamena (which I have hatched black on the plan attached to this Decision) has been cultivated by him since 1964. But since this part of CL.168 lies outside the Relevant Land it is not affected by the disputes as to registration with which I am concerned, as defined at the beginning of this Decision. I do not therefore think it would be right for me to express any view whether the cultivation to which Mr Piper referred has any relevance to the status of this part of CL.168 as common land or any rights enjoyed in respect thereof.

Secondly, according to entry 2 in the Land Section of the register of unit CL.159 "the land identified on the plan attached to Objection No. X568" was excluded from registration when it became final on 31 January 1977. I have not seen this plan but the effect of the exclusion may be that no part of the Relevant Land which lies outside unit Nos 281 and 168 has been common land since January 1977 in which case the conflicts with which I am concerned do not in fact extend to unit CL.159.

Subject to what is said in the last paragraph I shall:

(1) confirm Entry Numbers 1 and 2 in the Land Sections of Unit Numbers CL.281, CL.159 and CL.168 with the modification that any part thereof forming part of the Relevant Land (except plot 2306 referred to in paragraph (e) above) shall be excluded therefrom:



(2) Confirm the 3 entries in the Rights Sections of these units specified in paragraphs 1, 2 and 3 at the beginning of this Decision.

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 20 day of May 1994

A handwritten signature in cursive script, appearing to read 'C. A. Rowe', written in black ink.

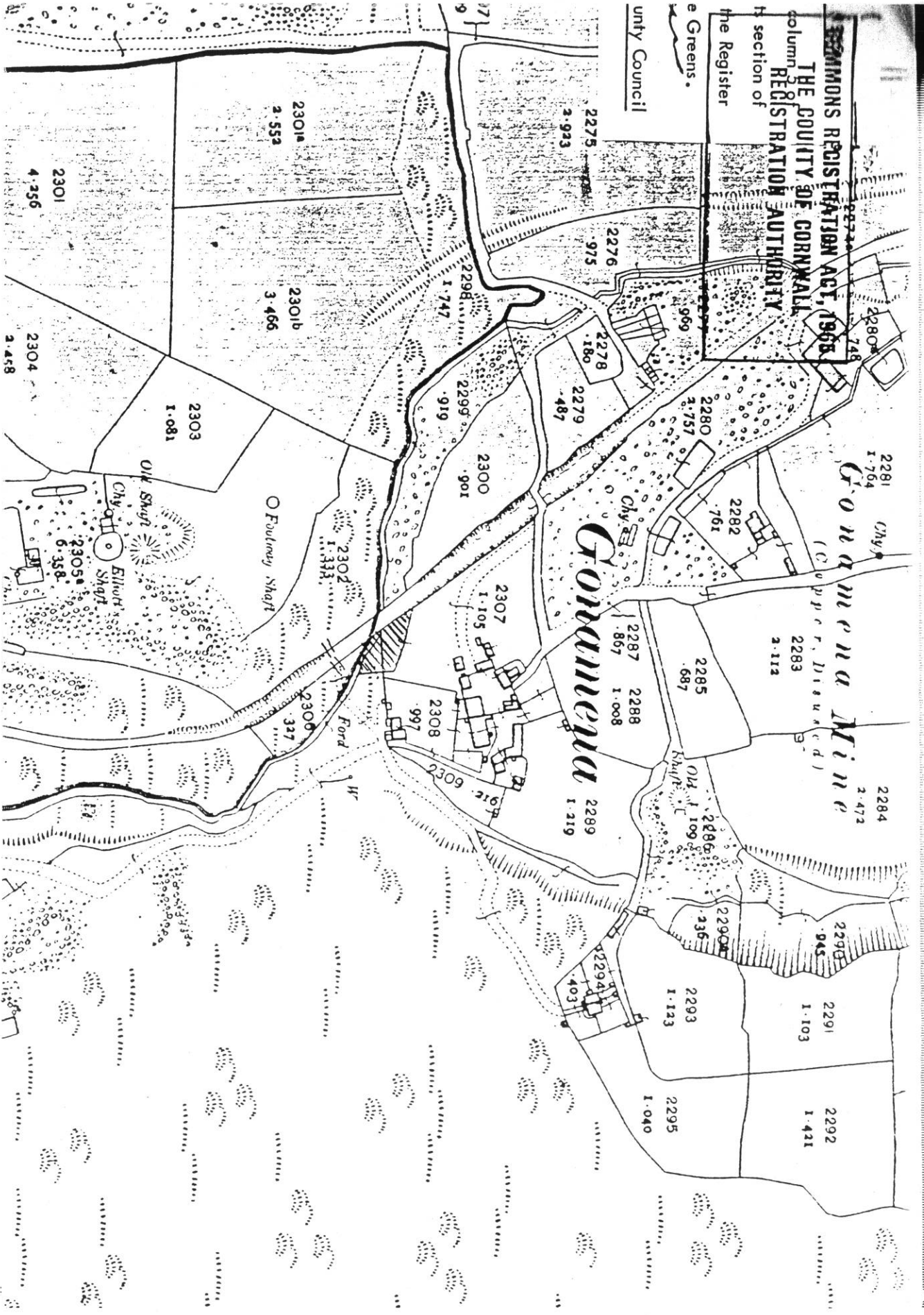
Commons Commissioner

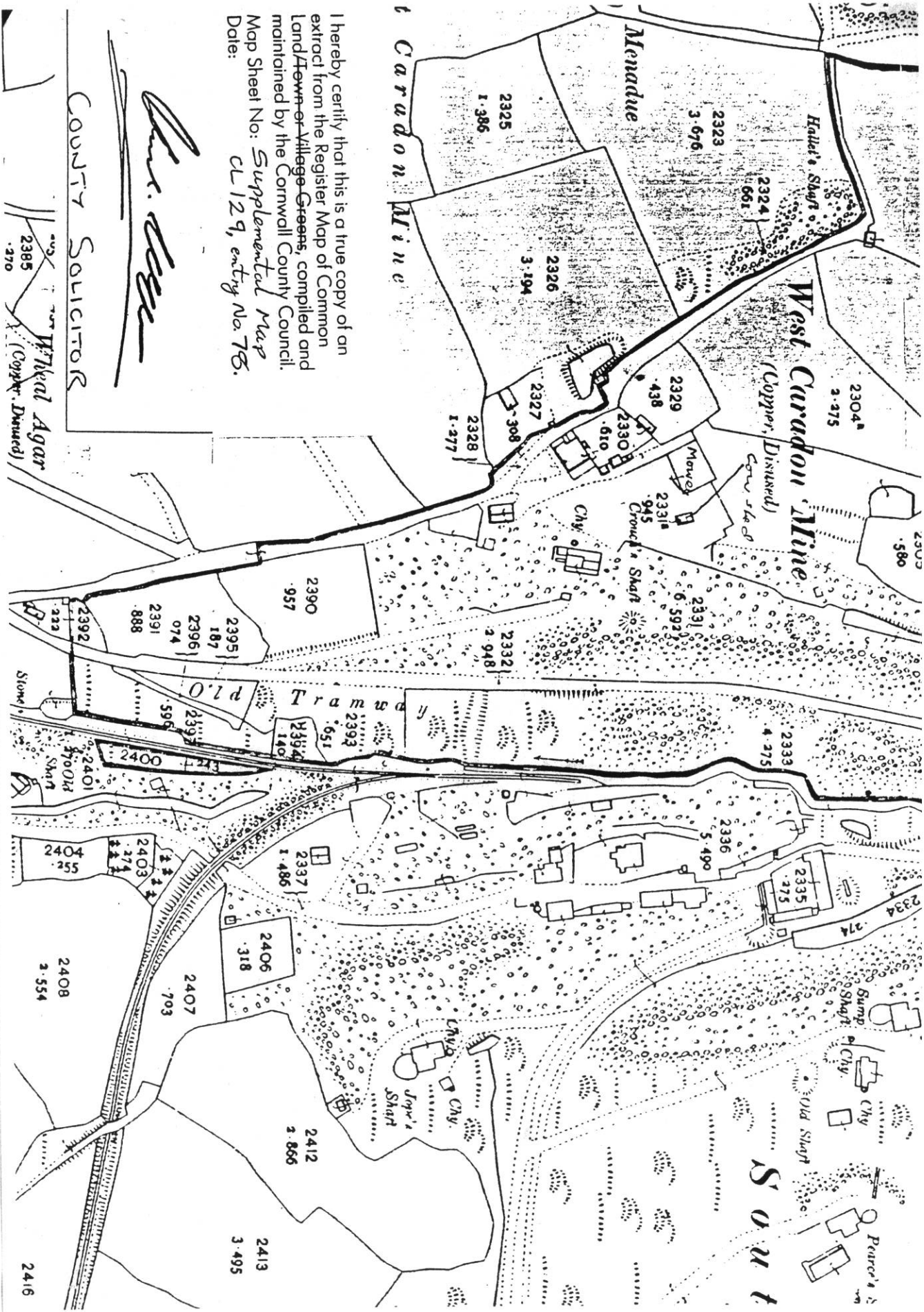
COMMONS REGISTRATION ACT, 1965
THE COUNTY OF CORNWALL
REGISTRATION AUTHORITY

This section of
the Register

a Greens.

County Council





I hereby certify that this is a true copy of an extract from the Register Map of Common Land ~~of the Village of Greens~~, compiled and maintained by the Cornwall County Council.
 Map Sheet No: *Supplemental Map*
 Date: *CL 129, entry No. 78.*

[Handwritten Signature]

CORNWALL COUNTY SOLICITOR
[Signature]
 M. Neal Agar
 (Copper Disused)

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 2370

2416