



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/35

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at 'Pink Cottage', part of The Bank, Cadgwith

DECISION

This reference relates to an objection under the Common Land (Rectification of Registers) Act 1989 to the registration of part of the land registered in Entry No. 1 in the Land Section of Register Unit No. CL.539 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 54 made by Charles William Robert Weatherley and referred to a Commons Commissioner on 4th February 1993.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 19th April 1993 I caused notice to be given under regulation 8(1) that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

The Objector's case was that the land referred to in the objection is and has since 5 August 1945 been either the site of an outbuilding or a garden or patio ancillary to a dwellinghouse, namely Pink Cottage.

The objection is supported by the statutory declaration of L S Stephens made on 21 December 1992. Mr Stephens says that he is aged 66 and has lived in Cadgwith all his life and knows Pink Cottage and its boundaries including its outbuildings and gardens. The land referred to in the objection is coloured green on the plan referred to in Mr Stephen's statutory declaration and he says that on this land is a building which is now used as a games room and bedroom ancillary to Pink Cottage (which he says was formerly called "Old Thatch Cottage") and that the remainder of the land is used as a yard or patio ancillary to the house. Mr Stephens also says that the south west boundary of the land is identified on site by a dry stone wall approximately 1½ metres in height.

The objection is further supported by a photograph taken in 1906 showing Pink Cottage and various outbuildings which then stood behind it.

On that evidence (which is not contradicted or put in doubt by any other evidence) I am satisfied that it is not necessary to hold a public hearing and that the land objected to satisfies the requirements of section 1(2) of the 1989 Act.

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.

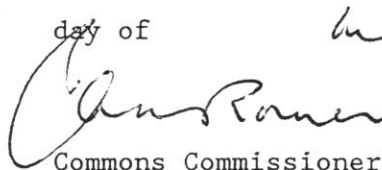
Dated this

26

day of

May

1993


Commons Commissioner