



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/29

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of land at Carn Goon forming part of Kynance Downs

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.210 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 39 made by G W and A Series and referred to a Commons Commissioner on 17 November 1992.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 8 January 1993 I caused notice to be given under Regulation 8(1) of the Common Land (Rectification of Registers) Regulations 1990 that I proposed to give a decision allowing the objection without a hearing. No person requested me to hold a hearing.

The evidence in support of the objection consists primarily of a statutory declaration made by E S Hancock on 19 June 1992. Mr Hancock says that he lived near the property, at Kynance Cliff House, from 1938 until 1976 and has since lived at Mullion. He has therefore personally known the property well since 1945. He says that R F Vaughan purchased the property (together with other land, being O.S.312, now O.S.3810) in 1931 and that Mr Vaughan built "Carn Goon" in 1938. Mr Hancock says that ever since that time Carn Goon has been occupied as a dwellinghouse. This evidence is corroborated by copy or abstracts of title deeds, in particular -

- (a) a Conveyance dated 19 December 1931 (Johnstone and others to R.F. Vaughan)
- (b) a Deed of Gift dated 7 August 1937 (R F Vaughan to E C Vaughan)
- (c) a Conveyance dated 5 September 1950 (E C Vaughan to F L Eaton).

It also appears from the Copy Conveyance dated 14 November 1955 (Eaton (1) Hancock (2) and Harris (3)) that the property was at that time bounded by walls and I consider that in the absence of evidence to the contrary (of which there is none) the small area of land comprised in the property which is not built upon may be regarded as the garden of Carn Goon.

On that evidence I consider 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) Regulations 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

8

day of

February

1993

Commons Commissioner