



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/40

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at Edgemoor Cottage, Part of St. Cleer Downs
St. Cleer

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

It is occasioned by Objection No.48 made by Alan Roy White and Margaret White (his wife) and referred to a Commons Commissioner on 2 March 1993.

I held a hearing to inquire into this objection at Liskeard on 27 January 1994.

At the hearing Mr White appeared in person. He contended that the land in question was the site of an outbuilding ancillary to Edgemoor Cottage and that this had been so at all times since 5 August 1945.

In support of the Objection 2 statutory declarations were read, the first made by the Objectors on 10 July 1992 the second made by Mrs M E Sparrow on 7 July 1992. The first of these states that the Objectors have owned Edgemoor Cottage and the outbuilding since 3 September 1982 and that the outbuilding has been ancillary to the Cottage since 5 August 1945, in support of which a copy Conveyance of the Cottage and outbuilding dated 23 June 1944 (Doney to Sandy) was produced.

Mrs Sparrow says that she is and has since 1951 been well acquainted with the outbuilding, having gone to live in St. Cleer in 1951 and having been the owner of and resided in Edgemoor Cottage from 1952 to 1982. She says that throughout this period the outbuilding was used as ancillary to the Cottage.

Nobody opposed the objection at the hearing and no evidence has been produced which contradicts or casts doubt on the evidence summarised above.

I accordingly consider that the requirements of Section 1(2) of the 1989 Act are satisfied in the case of the whole of the land to which this objection relates.

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 11th day of February 1994

Commons Commissioner