



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/27

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at Holestrow forming part of land called
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.32 made by Mrs C Hardwick and referred to a Commons Commissioner on 18 November 1992. No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 17 February 1991 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 to which the objection relates has at all times since a date prior to 5 August 1945 been a dwellinghouse surrounded by its own garden. The application is supported by a statutory declaration made by Ernest Stewart Hancock on 22 January 1993. He says that he is aged 76 was born at the Lizard and lived at Kynance Cliff House from 1938 to 1976 and ran a cafe and car park business there until 1986. He now lives in Mullion. He says that the area to which this application relates is a dwellinghouse (known as Oldstrow or Holestrow) and its garden and that this has been the position ever since the house was built, between 1938 and 1943. There is nothing to contradict or cast doubt on this evidence. In these circumstances 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

15

day of

April

1993

Commons Commissioner