



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/30

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of land at Little Cottage, forming part of Easton
Green, Praa Sands

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

It is occasioned by Objection No. 46 made by Gerald Maurice de Rivaz and Frances Hilary de Rivaz and referred to a Commons Commissioner on 16 December 1992.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 1 February 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 for many years, going back prior to 5 August 1945, the land has been used as ancillary to the dwellinghouse known as Little Cottage, Praa Sands. The objection is supported by a statutory declaration made by A.M.Q.Thomas who says that her parents bought the nearby Hendra Farm and built Seacroft Hotel on adjoining land in 1932, that she has known the area all her life having been brought up there and that from her own and her family's knowledge she can say that the land the subject of this objection "has since before 1945 been always used by and occupied with the property known as Little Cottage Praa Sands and at the present time and for many years there has been erected on it a garage for Little Cottage": she adds that the land "has not since 1945 formed part of the said Common". The objection is further supported by a statutory declaration made by the objectors on 6 November 1991 and a planning consent dated 20 March 1961 authorising "the erection of a domestic garage at.... The Little Cottage.....". There is nothing to contradict or cast doubt on the above evidence and 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

22

day of

March

1993

COMMONS COMMISSIONER