



COMMONS REGISTRATION ACT 1965

Reference No. 206/R/20

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of Land at Tredinneck Stack, part of land at Ding Dong

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. 4 in the Land Section of Register Unit No. CL.707 in the Register of Common Land maintained by the Cornwall County Council.

It is occasioned by Objection No. 30a made by Mr and Mrs J E Wootton and referred to a Commons Commissioner on 28 September 1992.

The land was incorrectly shown on the plan accompanying the original Form 43 Notice. It is correctly shown in the revised Form 43 Notice and Plan received by the Commissioners on 6 November 1992. Moreover this decision does not affect the adjacent premises known as Tredinneck Burra which are the subject of a separate Objection and decision under reference no. 206/R/21.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. On 5 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 Objectors' case was that at all times since 1945 Tredinneck Stack has been and is now a dwellinghouse and that the remainder of the land referred to in the Objection has been enjoyed, during the same period, with the house as its garden. This claim is supported by the following statutory declarations:

- (a) by Mrs Ruby Barnes made on 7 December 1992 to which a plan is attached showing the property edged red. Mrs Barnes knows the property well having resided at Tredinneck for the last 78 years. She says the house was constructed in 1940 by a Mr Smart and has since been successively occupied by various persons (including Mr and Mrs Wootton, the Objectors) up to the present time.
- (b) by Mrs Ruby Barnes made on 18 December 1992.
- (c) by Mr George Wallis made on 7 December 1992.

This evidence is corroborated by Copy Conveyances of the property dated 18 December 1962 (Mann to Lobb) and 21 March 1972 (Lobb to Wootton) in both of which the property is referred to by its former name of "Evergreen".

There is nothing to contradict or throw doubt on the above evidence. I am therefore satisfied that it is not necessary to hold a public hearing and that the land satisfies the requirements of section 1(2) of the 1989 Act.



I am required by regulation 22(1) of the 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

17th

day of

February

1993


Commons Commissioner