



COMMONS REGISTRATION ACT 1965

Reference No 206/R/21

COMMON LAND (RECTIFICATION OF REGISTERS) ACT 1989

In the Matter of land at Tredinnick Burra, 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. 30b made by Mr and Mrs J E Wootton and referred to a Commons Commissioner on 28 September 1992.

No person wrote to the Clerk of the Commons Commissioners stating that he wished to oppose the objection. However there is no evidence that this land has been enjoyed as the garden of any dwellinghouse since 1945. In her statutory declaration made on 7 December 1992 Mrs Ruby Barnes says that in 1940 she remembers that a railway coach stood on the land (which is shown edged blue on the plan attached to her declaration) and that this coach was occupied by William and Clifford Oliver during the Second World War. She also remembers that the coach stood there until 1972 when it was partially removed. But there is no evidence that this railway carriage was at any time after 1945 used as a dwellinghouse and no evidence that the land edged blue has since 1945 been a garden ancillary to a dwellinghouse. Upon these circumstances being drawn to the attention of the Objectors they withdrew their Objection in respect of this land by letter dated 18 December 1992.

On 18 February 1993 I caused notice to be given under regulation 8(1) that I proposed to give a decision refusing the objection without a hearing. No person requested me to hold a hearing.

For the reasons indicated above I am satisfied that it is not necessary to hold a public hearing and that none of 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