



In the Matter of The Beach, Crackington Haven,  
St. Gennys, Cornwall

DECISION

This reference relates to the question of the ownership of the land known as The Beach, Crackington Haven, St. Gennys being the land comprised in the Land Section of Register Unit No. CL.669 in the Register of Common Land maintained by the Cornwall County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the St. Gennys Parish Council claimed to be the freehold owner of the land in question and no other person claimed to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Bodmin on 5 February 1985. At the hearing St. Gennys Parish Council was represented by Mr V. Taylor, its Clerk, and the National Trust by Mr C Nicholls, Solicitor.

By a Conveyance made 25th July 1935 the then Prince of Wales conveyed to the Parish Council land described as a "portion of the foreshore or bed and soil between high water mark and low water mark of the sea...which fronts or abuts upon land at Crackington Haven". The landward boundary of this land is the foot of a cliff. The land at the top of the cliff was conveyed to the National Trust by a Conveyance made 15 October 1959 between (1) Maurice Cleveland Jewell and Johanna Evangeline Cleveland Jewell (2) The National Trust for Places of Historic Interest or Natural Beauty.

The registration in the Land Section of the Register Unit was made on the application of the Parish Council. Mr Taylor told me that it was not intended to include in the application for the registration any land other than that conveyed to the Parish Council in 1935. The copy of the Register Map accompanying the reference is on a very small scale, but a search made by the National Trust elicited from the registration authority a map which shows a small area of the land at the top of the cliff as included within the Register Unit.

There is thus some ambiguity about what land is included within the Register Unit. Since the foot of the cliff is a clearly defined boundary and the land adjoining the edge of the top of the cliff is not physically divided from the rest of the land owned by the National Trust. I have come to the conclusion that the only land comprised in the Register Unit is that which was conveyed to the Parish Council in 1935.



On this evidence I am satisfied that the St. Gennys Parish Council is the owner of the whole of the land comprised in the Register Unit and I shall accordingly direct the Cornwall County Council as registration authority, to register the Parish Council as the owner of the land under section 8 (2) of the Act of 1965.

I am required by regulation 30 (1) of the Commons Commissioners Regulations 1971 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

21<sup>st</sup>

day of

February

1985

Chief Commons Commissioners