



In the Matter of the site of an ancient
Chapel and Well at Sancreed, Penwith District,
Cornwall

DECISION

This dispute relates to the registration at Entry No. 1 in the Land Section of Register Unit No. CL.723 in the Register of Common Land maintained by the Cornwall County Council and is occasioned by Objection No. X.209A made by the said Council and noted in the Register on 18 January 1972.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 13 May 1980. At the hearing (1) The West Cornwall Footpaths Preservation Society on whose application the registration was made, were represented by Mr H Miners their chairman; (2) Cornwall County Council were represented by Mr D M Gill their common registration officer; (3) The Church Commissioners were represented by Mr D E Howard of Stratton and Holborow, Chartered Surveyors of Marazion (their Agents); and (4) Mr N J Hoskin of Glebe Farm, Sancreed was represented by Mr M Thornton solicitor with A W H Harvey Solicitors of Penzance.

The land ("the Unit Land") in this Register Unit is a strip which according to the Register map is about 200 yards long extending from a point near Glebe Farm buildings (southwest of Sancreed Church) southwestwards towards "Chapel remains" marked on the map. The application for registration was made on behalf of the Society by Mrs V M Jones of Croft Hooper, Ludgvan as member of their committee and supported by ~~Mr~~ declaration made before Mrs Winifred M White also of Croft House. The grounds of Objection are: "That the land was not common land at the date of registration".

Mr Gill said (in effect):- It may be that the Register map did not correctly delineate as the Unit Land what Mrs Jones intended to register, possibly because the application included a number of other lands identified by a map drawn (perhaps rather roughly) on tracing paper. There is public footpath (No. FP11) running southwestwards from Sancreed Village, and from this footpath the Chapel remains are approachable by a path (in a map produced, apparently about 60 yards long). The purpose of the registration may have been to safeguard the access by this path to the Chapel remains. He thought it was the whole purpose, and the Unit Land was therefore not properly registered.

Mr Miners said (in effect):- Mrs White who was chairman of the Society and who was so he understood responsible for the application, is now deceased. No member of the Society he could discover was aware of the application and he thought she was under a misapprehension. The well is a registered ancient monument (a celtic well); at present the Society is only interested in the footpath to it. He referred to an agreement made between the Society and Mr Hoskin who owned the land crossed by the access footpath.

Mr Thornton said that agreement about this access footpath had been reached between Mr Hoskin and the Society.



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Mr Howard said (in effect):- Mr V M Jones is no longer at Croft Hooper. The land on which there are remains of a Chapel and a celtic well belongs to the Church Commissioners.

Mr Miners was (as I understood) satisfied that the agreement reached with Mr Hoskin met the Society's requirements. I am not concerned with the terms of the agreement, because for my purpose that the Society does not now support the registration is enough. Mr Howard said that the Church Commissioners do not support the registration. So all present or represented supporting the Objection, I refuse to confirm the registration.

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 6th — day of June — 1980

a. a. B. Fuller

Commons Commissioner