



In the matter of the tract of land of about 320 acres called Hardhead Downs and Carburrow Tor in the Parishes of Saint Neot and Warleggan

DECISION

This dispute relates to the registration at Entry No.1 in the Land section of Register Unit No. CL.164 in the Register of (Common Land) maintained by the Cornwall County Council and is occasioned by the conflicting registration at Entry No.38 in the Rights section of the same Register Unit.

I held a hearing for the purpose of inquiring into the dispute at Launceston on 17 September 1997. The hearing was attended by Mr F C Yeo represented by Mr John Parnall, Solicitor (Messrs Parnalls) Mr Wilson represented Cornwall County Council the registration authority and a number of members of the public also attended.

This dispute concerns a triangular piece of land at the south west corner of Simon Stone Farm, and the northeast corner of Hardhead Downs, which is registered both as part of the common under CL.164, and in the supplemental map to Rights Entry No.38 as part of Simon Stone Farm. Mr F C Yeo in evidence before me stated that along the eastern boundary of the land were remains of a fence, through which cattle from Simon Stone Farm could graze on the land, whereas the western side of the land is unfenced but marked by boundary stones. However, the western side of the land abuts on marshy ground from which, Mr Yeo said, it is very difficult for cattle to obtain access to the land. The boundary stones are, I consider, explained by the fact that the "Union and R.D. Boundary" runs along the western side of the land: and I think it would be unusual to find a common which extended across a local government boundary line. Perhaps more important is the fact that the land is numbered on the O.S. map, and consists of enclosures Nos 469 (.801 acres) and 470 (2.725 acres), while the common itself is, as is usual, not numbered on the O.S. map. It is also noticeable that the land does not fall within the title of the owner of the soil of Hardhead Downs. In these circumstances I find that the land is not part of the common, but part of Simon Stone Farm, and I therefore propose to direct the Cornwall County Council to delete it from the Land Section of CL.164.

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 October 1997

Chief Commons Commissioner