



COMMONS REGISTRATION ACT 1965

Reference No.6/D/3

In the Matter of Trew Green,
Breage, Cornwall.

DECISION

This dispute relates to the registration at Entry No.1 in the Land Section of Register Unit No.VG 622 in the Register of Town or Village Greens maintained by the former Cornwall County Council and is occasioned by Objection No. X314 made by Mrs H.Cockbaine and noted in the Register on 21st September 1970.

I held a hearing for the purpose of inquiring into the dispute at Truro, on 12th March 1975. The hearing was attended by Mr L.W.Allen, the Clerk of the Parish Council, and by Mr A.R.Butterfield, solicitor, on behalf of the Objector.

Mr Allen was under the impression that the proceedings were concerned with the ownership of the land and he had no evidence relating to its status as a town or village green. However, Mr W.E.J.Harris, a resident in the locality, volunteered to give evidence. Mr Harris is aged 33 and has known the land in question all his life. He said that children had played on it, though there had been no organized games. The land had also been used for the Sunday School tea treat. Some years ago the Objector erected a fence on part of the land and Mr Harris moved it. Mr Harris subsequently received a letter from the Objector's solicitors and a "friendly visit" from the police, but the incident did not lead to legal proceedings.

The earlier history of the land is very meagre. It was formerly part of the estate of the Trelawny family. When that estate was offered for sale by auction in 1921 this land was described as the Village Green and was stated to be in hand. It was also described as the Village Green in the conveyance to the Objector's predecessor in title made 2nd December 1924 between (1) Rev. Francis Edward Trelawny (2) Frederick Joseph Robinson.

The land is not named on any edition of the Ordnance Survey Map produced to me. With the consent of the parties, I inspected the Tithe Apportionment Award and Map after the hearing. This land was there included in a large area of 93ac.3r.26p. described as "Wheal Vor Mine Waste and Roads in Treworlis".

While the description of the land as "Village Green" in 1921 and 1924 is sufficient to put one on enquiry, when viewed in the context of the Tithe Apportionment Award and Mr Harris's evidence it appears to me to be of no significance. It seems to me that this is a piece of waste land upon which children have played with the good-natured toleration of the owner and that there is nothing in the evidence from which I could infer that they had done so as of right.

For these reasons I refuse to confirm the registration.



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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 **15th** day of April 1975

A handwritten signature in cursive script, appearing to read 'G. D. Lamb'.

Chief Commons Commissioner