



Reference Nos 206/D/646  
205/D/647

In the Matter of Zennor Cliff,  
Zennor, Penwith District, Cornwall

DECISION

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These disputes relate to the registration at Entry No. 1 in the Land Section of Register Unit No. CL 661 in the Register of Common Land maintained by the Cornwall County Council and are occasioned by Objection No. X.1025 made by The National Trust for Places of Historic Interest or Natural Beauty and noted in the Register on 19 July 1972 and by Objection No. X.1455 and made by Mrs M Griggs and noted in the Register on 1 December 1972.

I held a hearing for the purpose of inquiring into the dispute at Camborne on 16 May 1979. At the hearing The National Trust were represented by Mr C Nicholls solicitor with W J Glanville & Co, Solicitors of Newquay.

The grounds (the same in both) of the Objections are (in effect) that the land was not common land at the date of registration.

Mr W F Lloyd on whose application the registration was made (an application by The West Cornwall Footpaths Preservation Society is noted), in a letter dated 8 May 1979 and sent to the Clerk of the Commons Commissioners sets out shortly the history of the land as he knows it.

Mr J W Carslake, who is the National Trust Land Agent at their Lanhydrock Park Bodmin Regional Office, in the course of his evidence produced: (1) a deed of gift, dated 17 June 1954 by which Mr Alex Brookes conveyed to the National Trust the north part of the land; (2) a conveyance dated 9 May 1963 by which Barclays Bank Limited conveyed the south part to the National Trust; and (3) an examined extract dated 1950 of title.

Mrs M R Craze who is the daughter of Mrs Griggs (the other Objector), and who has lived at Tremedda (about  $\frac{1}{2}$  a mile away) all her life (55 years) in the course of her evidence said that she had never known any person exercising any rights over the land.

The 1954 deed except that it describes the land conveyed as "Cliff Common or Zennor Cliff" and as containing 55.890 acres, contains nothing to indicate that it was subject to any rights of common. By the 1963 conveyance the land is expressed to be conveyed subject "to such rights if any as the respective successors in title are... may have of grazing or turtary". The 1950 abstract includes an agreement by which Cliff Common was stated to be subject to such "grazing rights if any" and then follows a description of rights similar but more detailed than those above quoted from the 1963 conveyance. In his letter Mr Lloyd says that the land was at one time grazed from adjoining farms, that he as a boy in the 1920's and 1930's can only remember an old pony and a few young cattle being turned out and that it ceased to be used extensively for cattle since a bull had become stuck on a narrow ledge of the cliff known as "the horses back".



The definition of "common land" in the 1965 Act shows that I am concerned not with land which has at some time been grazed in common but with land which was at the date of registration common land. From the evidence of Mrs Craze, I find that any rights of common which may at one time have existed over this land had by 1970 (the date of registration) ceased to be exercised, and I therefore conclude that the registration was not properly made. Accordingly I refuse to confirm it.

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 5<sup>th</sup> — day of June 1979

*a. a. Baden Fuller*

COMMONS COMMISSIONER