



In the Matter of Holdstone Down, Combe Martin(part).

DECISION

This reference relates to the question of the ownership of land above mentioned being the part of the land comprised in the Land Section of Register Unit No. CL 179 in the Register of Common Land maintained by the Devon County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Mr F.R. Roberts

Following upon the public notice of this reference Mrs C G Harris and the National Trust 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 Barnstaple on 8 December 1983.

Mrs Harris claimed to be the owner of a piece of land, 1 acre and 5 perches in area, which was Plot 478 on the Plan attached to the Enclosure Award for the Parish of Combe Martin. Mrs Harris produced documents of title to prove that she had become the owner on the death of her husband.

The National Trust which appeared by Mr T Coleman, was already registered as the owner of those parts of the Register Unit which are set out in Column 4 of the Entries No. 2 and 3 of the Ownership Section of the Register. Since those registrations were made (and they are now final), the National Trust has acquired other parts of the register unit and documents of title have been produced to me which in my judgment establish the Trust's claim to ownership of the land shown edged red and hatched black which I have signed and which will be lodged with the registration authority.

Mr Venning of Crosse Wyatt and Co, Solicitors of South Molton appeared for Mr W Lerwill the applicant in the Land Section.

Mr Roberts

On this evidence I am satisfied that Mrs Harris and the National Trust are respectively the owners of the parts of the land already mentioned and I shall accordingly direct the Devon County Council, as registration authority, to register them respectively as the owners of such parts of the land under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of any part of the remainder of the land which will therefore remain subject to protection under section 9 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 4th day of June 1984

(Camp Harkett)

Commons Commissioner

Mr Roberts showed me documents of title which I will file in the same Plan of 1975 97 & 110

Amended pursuant to Regulation 33 Camp Harkett 17. vii. 84