



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/38

In the Matter of land west of "Boat House" and southern extremity of Noss Creek, Newton and Noss, Devon (No. 2)

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DECISION

This reference relates to the question of the ownership of land west of "Boat House" and southern extremity of Noss Creek, Newton and Noss, being the land comprised in the Land Section of Register Unit No. Q 259 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.

Following upon the public notice of this reference no person claimed to be the freehold owner of the land in question and no one 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 Exeter on 27 November 1979.

There was no appearance at the hearing, but on the application of the South Hams District Council I decided to set aside my decision and I reopened the hearing at Dartmouth on 20 May 1980.

At the reopened hearing the District Council was represented by Mr J P Williams, Solicitor, and the Newton and Noss Parish Council by Mr M Baldwin, one of its members.

There are three pieces of land comprised in the Register Unit. The Parish Council claimed to be the owner of all three, and the District Council claimed to be the owner of the piece at the southern extremity of Noss Creek.

So far as the area in dispute is concerned, some years ago the former Plympton St Mary Rural District Council put stones and chippings on it to make it suitable for parking cars and boats, but the Parish Council objected to its being made into a bus turning place and the Parish Council has kept it tidy. After hearing the evidence given by Mr Baldwin, Mr Williams said that he accepted that the Parish Council had some involvement with the land as well as the District Council and that it would be appropriate for the land to remain subject to protection under section 9 of the Act.

Of the other two pieces of land, Mr Baldwin said that the westernmost was regarded as Parish Land, but there was no evidence that the Parish Council had been in possession of it. The easternmost piece was, however, conveyed to the Parish Council by a conveyance made 25 September 1973 between (1) The Queen's Most Excellent Majesty (2) The Crown Estate Commissioners (3) The Newton and Noss Parish Council.



On this evidence I am satisfied that the Parish Council is the owner of the easternmost piece of land and I shall accordingly direct the Devon County Council, as registration authority, to register the Parish Council as the owner of the land under section 8(2) of the Act of 1965.

I am not satisfied that any person is the owner of the other two pieces of 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

4~~th~~

day of

July

1980

Chief Commons Commissioner