



COMMONS REGISTRATION ACT 1965

Reference No. 209/U/117

In the Matter of parts of Penn Moor and Stall Moor, CornwoodSUPPLEMENTAL DECISION

This Decision is supplemental to my Decision No. 2 dated 30th September 1991 and the previous Decision dated 29th June 1989 of Chief Commons Commissioner Langdon-Davies relating to the question of the ownership of the southern of the two areas of unclaimed land referred to in these Decisions being the part of the land comprised in the Land Section of Register Unit No. CL.112 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.

In my Decision I allowed the personal representatives of Major F A V Parker six weeks in which to apply to the Commons Commissioners for the matter to be restored.

Within the time limited Mr P J R Michelmore of Michelmore Hughes supplied the Commons Commissioners with further information which enables me to complete the matter.

I now understand that the reason for the total failure of communication between Michelmores and the Commons Commissioners between the date of the hearing on 23rd January 1990 and that of my Decision of 30th September 1991 was that at the date of the hearing Mr Michelmore was moving his office from Newton Abbot to Totnes and subsequently Michelmores' Head Office at Totnes was almost completely destroyed by fire. In the circumstances I dispense with the necessity for any further hearing.

The information now before me which enables me to complete my Decision is as follows:-

(1) Certified copy of a general Grant of Probate of the Will of Major Parker (with no exception in respect of Settled Land) showing his Executors to be Diana Mary Parker Arthur Edmund French and Richard de la Bere Granville.

(2) Confirmation in writing by Michelmores that there has been no further vesting or devolution of title in respect of this land since the grant of Probate.

(3) Correspondence between Michelmores and the National Trust between 25th January 1990 and 3rd April 1990 (i.e. shortly after the date of the hearing before me) in which the National Trust confirm that they are the owners of the portion of CL.190 adjoining the land in question and that they have no claim to ownership of this land.



Mrs Burrows has drawn attention to an error in my Decision, where at the bottom of the first page I stated "English Clays as owners of Stall Moor have not claimed it", English Clays are registered as owners of area B on the Register Map, which is the most westerly portion of Penn Moor, not Stall Moor. Whilst it remains true that English Clays have made no claim to the land at present in question, this sentence in my Decision is nugatory and I shall delete it pursuant to Regulation 33 of the Commons Commissioners Regulations 1971.

On this evidence I am satisfied that the Executors of Major Parker named above are the owners of the more or less triangular parcel of land lying immediately to the north of area A on the Register Map, and I shall direct the Devon County Council as registration authority to register them as owners of 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

7th

day of

January

1992

Walter Rott

Commons Commissioner