



COMMONS REGISTRATION ACT 1965

Reference No.219/U/38

In the Matter of Seasalter Beach (part),
Whitstable, Kent.

DECISION

This reference relates to the question of the ownership of land known as Seasalter Beach (part), Whitstable, being the land comprised in the Land Section of Register Unit No.VG 128 in the Register of Town or Village Greens maintained by the former Kent 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 a number of persons claimed to be the freehold owners of parts 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 Canterbury on 29th July 1975.

The land the subject of this reference is a long narrow strip lying between Faversham Road to the south and the sea shore to the north. On the north side of the road there is a row of chalets which are excluded from the registration, and I was informed that there was a dispute between Mrs A.Wilks, the applicant for the registration, and the County Council as to whether there is also excluded from the registration any land to the north of the chalets. It does not appear to me that I have any jurisdiction over this dispute, and Mrs Wilks applied for the hearing to be adjourned until the dispute was resolved. I could see no reason why I should not inquire into the ownership of the whole of the land between the chalets and the undisputed northern boundary of the land comprised in the Register Unit. Having done so, I find that in each case the whole of the land as far as the sea shore belongs to the owner of the chalet to the south, and that therefore my decision is applicable to each case irrespective of where the southern boundary of the land comprised in the reference may be. I shall direct the County Council, as registration authority, to register the owner of the chalet as the owner of the part of the land comprised in the Register Unit lying between his chalet and the sea shore.

So far as is material for the purposes of this case the history of the land comprised in the Register Unit begins on 10th July 1920, when Lewis Arthur, Earl Sondes and the trustees of his marriage settlement conveyed to three separate purchasers parts of the strip of land lying between Faversham Road and the sea shore. The western portion was conveyed to Mr Stanley Reeves, the central portion to Mr George Reeves, and the eastern portion to Mr Hubert Howard Miles. The title to every part of the land is now derived from Mr S.Reeves, Mr G.Reeves, or Mr Miles, and it is not necessary to deal with their respective portions separately. Each of them sold off plots of land. Their conveyances were in a common form, each of them describing the plot to which it related as "abutting to the sea shore there towards the north" and identifying it by reference to a plan. The depth of the plot from north



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to south appears from the plan in many cases to be less than the present distance between the road and high water mark of medium tides, but any such discrepancy is immaterial, for a conveyance of land abutting on the sea shore passes everything down to high water mark, and if that shifts, the boundary of the land shifts with it: see 4 Halsbury's Laws of England (4th edn) 852 and the authorities there cited.

Twenty-seven of the plots are now registered under the Land Registration Acts 1925 and 1936 and are therefore excluded from this reference. Some of the registered titles do not extend as far north as the present high water mark. I am, however, satisfied from an examination of the conveyances preceding the registrations that they passed with the land which was subsequently registered all the land to the north of the chalet in question down to high water mark.

The most convenient course will be to proceed from west to east and to consider each plot which is not wholly comprised in a registered title.

The first plot concerning the ownership of which there was any evidence is that on which No.309 Faversham Road stands. Mr A.S.Dunn gave evidence on behalf of his wife, Mrs S.D.Dunn. Mr Dunn did not produce Mrs Dunn's title deeds, but his evidence satisfied me that Mrs Dunn had been in undisputed possession of the whole of the plot down to high water mark since 1952 and would have acquired a possessory title, even if an inspection of her deeds had disclosed some flaw in the title.

Mr E.A.Barton, solicitor, appeared on behalf of Mr and Mrs P.L.Webbon, who are the registered owners of No.295 Faversham Road, (Title No.K 334189). The registered land does not, however, include all the land down to high water mark, but Mr and Mrs Webbon's title derives from the conveyance of 10th July 1920 to Stanley Reeves, which included all the land down to high water mark. Mr and Mrs Webbon purchased only the registered land but they have been in undisputed possession of the unregistered part of the plot.

I gave leave to Mr R.C.Wisdom to produce the title deeds of his neighbours, Mr and Mrs C.W.Whitaker, who live at No.287 Faversham Road. Mr and Mrs Whitaker's title to their chalet is derived from a conveyance made 24th August 1932 between (1) Stanley Reeves (2) Esther Ivy Lewis, which include this and other land abutting on the sea shore. No.287 was conveyed to Mr and Mrs Whitaker by a conveyance made 2nd September 1939 between (1) Mabel Mary Lewis (2) Charles William Whitaker and Annie Harriett Eliza, his wife.

I gave leave to Mr J.E.Jarman, a solicitor's articulated clerk, to produce the title deeds of Mrs A.E.Poole, relating to No.285 Faversham Road. This plot was conveyed to Mrs Poole by a conveyance made 15th December 1933 between (1) Gladys Isabel Osborne Leonard (2) Ada Elizabeth Poole. The plan on this conveyance shows the northern boundary of the plot as high water mark.

Mr Barton also appeared for Mr and Mrs F.J.Simpson of No.267 Faversham Road. The western part of this property was included in the conveyance of



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10th July 1920 to Stanley Reeves and the eastern part in the conveyance of the same date to George Reeves. Mr and Mrs Simpson are the registered owners of the southern part of the land (Title Nos. K 391518, K 408741, and K 128180). The registered land does not include all the land down to high water mark, but I am satisfied that Mr and Mrs Simpson have an unregistered title to the land between the registered land and high water mark.

Mr Barton informed me that a strip of land with a frontage of 20 ft on the eastern side of their property had been sold by Mr and Mrs Simpson to Mr Peter Thumwood of 57 Eaglesfield Road, Plumstead, Greenwich. Enquiries of Mr Thumwood elicited ^{that} he is the registered owner of the part of this strip next to Faversham Road (Title No. K 427823) and I am satisfied that he acquired the ownership of the unregistered part of this land from Mr and Mrs Simpson.

The land to the east of that sold to Mr Thumwood is used as a car park down to high water mark. The part next to Faversham Road is registered land (Title Nos. K 149929 and K 173350). Mr Barton appeared for Mr E.G. Walker, the registered owner of K 149929 and for Mr and Mrs J.L. Oram, the registered owners of K 173350. Both titles are derived from a conveyance made 29th August 1931 between (1) George Reeves (2) Eleanor Constance Burton, and I am satisfied that Mr Walker and Mr and Mrs Oram are respectively the owners of the parts of the car park between their registered land and high water mark.

Mr Barton informed me that the land to the east of Mr and Mrs Oram's land had been sold to Mr R. Gardner of Calm Haven, Faversham Road. Enquiries of Mr Gardner elicited that he is the registered owner of the part of this strip next to Faversham Road (Title No. K 360322), and I am satisfied that he acquired the ownership of the unregistered part of this land from Mr and Mrs Oram.

Mr Barton also appeared for Mr H.J.R. Burns of No. 229 Faversham Road. Mr Burns has a good title to the whole of this plot derived from George Reeves.

Mr Barton also appeared for Mr E.G. Walker, who is the registered owner of No. 225 Faversham Road (Title No. K 138945). Although the title comprised only the southern part of the plot, I am satisfied that Mr Walker owns all the land down to high water mark.

Mr Barton also appeared for Mrs Rosie Oram, who claimed to be the owner of the chalets known as Neb and Coma (Nos. 203 and 201 Faversham Road) and of the land between them and the eastern boundary of the Register Unit. The title to all this land is derived from the conveyance of 10th July 1920 to Hubert Howard Miles. The land conveyed to Mr Miles was subsequently divided, but all parts of it had become reunited in the ownership of Mrs Oram by 1959. Coma and the southern part of its plot are registered land (Title No. K 277218), but I am satisfied that Mrs Oram owns the land between Coma and high water mark as well as the whole of the plot on which Neb stands and the land to the east of Coma.



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On this evidence I am satisfied that Mrs S.D.Dunn, Mr and Mrs P.L.Webbon, Mr and Mrs C.W.Whitaker, Mrs A.E.Poole, Mr and Mrs F.J.L.Simpson, Mr P.Thumwood, Mr E.G.Walker, Mr and Mrs J.L.Oram, Mr R.Gardner, Mr H.J.R.Burns, and Mrs Rosie Oram are the owners of the land between their respective chalets and high water mark and I shall accordingly direct the Kent County Council, as registration authority, to register them as the owners of their respective parts of the land under section 8(2) of the Act of 1965.

In the absence of any evidence as to the ownership of the remainder of the land (other than the registered land) I am not satisfied that any person is the owner of this land and I shall accordingly direct the County Council to register the Canterbury City Council as the owner of this land under section 8(3) 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 21st day of October 1975

A handwritten signature in dark ink, appearing to read 'G.D. Squibb', written in a cursive style.

Chief Commons Commissioner