



COMMONS REGISTRATION ACT 1965

Reference No. 219/U/65

In the Matter of West Beach and Seasalter Beach,
Whitstable, Kent

DECISION

This reference relates to the question of the ownership of land known as West Beach and Seasalter Beach, Whitstable, being the part of the Land Section of Register Unit No. VG.126 in the Register of Town or Village Greens maintained by the 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 the Trustees of Fred Goldfinch, deceased and Mr J W Buchanan 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 Maidstone on 7 June 1979. At the hearing the Goldfinch Trustees were represented by Mr P F Addis, Solicitor, and Mr Buchanan and Mrs A Wilks, the applicant for the registration, appeared in person.

After hearing evidence I was satisfied that the Goldfinch Trustees and Mr Buchanan were the owners of parts of the land, and I gave a decision accordingly.

After my decision had been published a number of persons wrote to the Clerk of the Commons Commissioners stating that they knew nothing of the hearing and that if they had done so, they would have appeared at the hearing. The number of these letters seemed to indicate that the public notices of the hearing, which had been duly given in accordance with the requirements of the Commons Commissioners Regulations 1971, were for some reason inadequate in the circumstances of this case, so I set aside my decision and re-opened the hearing at Folkestone on 21 January 1980.

At the re-opened hearing Mr A Charlesworth, Solicitor, appeared for Mr M G Harradine, the owner of "Old Tile Cottage", Mr and Mrs P Dunster, the owners of "The Haven", Mrs U E Leicester and Miss V A H Leicester, the owners of "Seasalter House", Mr and Mrs D G Platts, the owners of "The Captain's House", Mr L M Daws, the owner of "Bellbottoms and Quarterdeck", Mr J S Edwards, the owner of "Breakwater and Maisonette", Mr E Beckwith the owner of "Sheiling Mara" Mrs A E Copping, the owner of "Boat House", Mr and Mrs L A Kenny, the owners of land adjoining "Harbour Lights" with a frontage of 20ft to the beach, Mrs C Copping, the owner of "Harbour Lights", Mr P J Guinness, the owner of "Avoca", and Seasalter Shellfish Ltd, the owner of a strip of land on the north-east side of the Seasalter Golf Course; Mr J Kirby, Solicitor, appeared for the Shaftesbury Society, the owner of "The Battery"; Mr D W Cramp, Solicitor, appeared for Mrs Y M Hawgood, the owner of "The Retreat" and "Beach Cot", Mrs J Lee, the owner of "Clifftop", Mr M N A Lee, the owner of "Mid-Bay", and Mr and Mrs M T H Lawrence-Brown, the owner of "Sunnyside"; Mr C J J Thompson, Solicitor, appeared on behalf of Mr J E Philpott, the owner of a piece of land having a frontage to the beach of 97ft 6 in and adjoining the roadway leading from the beach to Joy Lane; and the Canterbury City Council, was represented by Mr P Manniel, its Chief Legal Assistant.



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The land comprised in the Register Unit is a narrow strip of beach to the south-east of high water mark of ordinary tides. The claimants own properties to the south-east of the beach. The beach is not specifically included in the parcels of their conveyances. In view of the fact that there is no objection on the part of the City Council, the only other interested party, it does not seem necessary to discuss the title of each of the claimants in this decision. It will be sufficient for me to say that after examining each title I am satisfied that the north-western boundary of each property is high water mark of ordinary tides and that each includes the beach immediately to the north-west of each property, and I shall therefore direct the Kent County Council, as registration authority, to register under section 8 (2) of the Act of 1965 each of the claimants as the owner of so much of the land comprised as lies between his or her property and high water mark of ordinary tides. I shall also direct the County Council to register under Section 8 (2) of the Act of 1965 the Goldfinch Trustees and Mr Buchanan as the owners of the respective parts of the land referred to in my previous decision.

In the absence of any evidence regarding the remainder of the land I am not satisfied that any person is the owner of that part of the land, and I shall accordingly direct the Kent County Council, as registration authority, to register the Canterbury City Council as the owner of that part of the 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

8th

day of

February

1980


Chief Commons Commissioner