



COMMONS REGISTRATION ACT 1965

Reference No 225/U/138

In the Matter of Crome's Staithe,
 Catfield, North Norfolk District, ~~Surrey~~ *Norfolk*

DECISION

This reference relates to the question of the ownership of land known as Crome's Staithe Catfield, North Norfolk District being the land comprised in the Land Section of Register Unit No CL 424 in the Register of Common Land maintained by the Norfolk 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 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 Norwich on 7 December 1978. At the hearing Catfield Parish Council were represented by Mr G S Gant one of their members.

From the County Archives was produced the Catfield and Sutton Inclosure Award dated 2 August 1808 which contained an allotment as follows:- "We the said general Commissioners do hereby ... allot unto the Commissioners for drainage appointed by the first mentioned Act (42 Geo. 3) the Banks, Drains, Pieces of Land and Drainage Mill or Engine situate ... in the said Parish of Catfield hereafter described that is to say FIRST ... NINTHLY (illegible) ... and by the boundary drain dividing the parishes of Catfield and Ludham towards the south-west AND WE do hereby ... declare that the piece of land last described is set out and allotted by us as and for a public staithe to be used by the owners and occupiers of Estates in the said parish of Catfield for laying and depositing corn, manure and other things thereon".

Mr Gant produced the Parish Council Minute Book from 1937 to 1969 and drew my attention to the following entries relating to meetings on (a) 23 April 1938 and (b) 16 September 1938; (a) "Proposed ... a letter be sent to Mr Boardman asking him to remove the rail erected at John Crome's Staithe and replace with a gate as formerly. Clerk instructed to write same"; and (b) "Letters were read from ... and E J Boardman re Crome's Staithe and the Council decided that nothing more could be done in these matters".

Mr Gant also produced a letter dated 30 November 1978 by Mr R S Hudson :-

"I lived down at Sharp Street for 52 years so I should know something about the Staithe. When I kept pigs I used to mow it for the litter. I also had leave from the then Parish Council to stand on it Duck Shooting. I can also remember a school Master who had a horse and caravan him and his wife used to come down there for a fortnights holiday during the summer break. We also used to get the weekend campers down there.



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"Then there was a Mr Fred Wright who lived at Barton Turf he hired all the Irestead Holmes Marshes, He employed two men to cut all the litter and fodder they could and boat it up the river and stack it on there. Mr E Boardman used to do the same thing. Then Mr Hudson Barber who used to farm in the Street used to buy it. He had a threshing machine so he used to send the engine and cutter down there and cut it and bag it. It was then carted to Catfield Station and loaded into trucks and sent to London to feed the horses of which there were a lot in those days. The London Agent was a Mr Drake.

"My father was a Parish Councillor and he told me they used to load corn into the old trading Wherries down there. I can remember a lot of things that used to happen down there. Fishermen used to come from Norwich. Yarmouth and North Walsham and other places to go fishing."

Mr Gant said (in effect):- As regard to 1938 minutes, he understood from a local resident that the substance of the complaint was that Mr Boardman had substituted bars for a gate. Mr Hudson who wrote the above quoted letter must be at least 75 years old; "Sharp Street" is a short distance to the north-east; "Catfield Station" is no more (the railway has been discontinued). Now the Staithe (as he Mr Gant had known it) is approached by a footpath; it is used occasionally by parishioners, but not for unloading or loading but just for fishing from the bank; it is now much overgrown.

By the Catfield and Sutton Inclosure Act 1802 (42 Geo. 3 c. lxxiv), general Commissioners for dividing and allotting the commons and waste lands, and commissioners for their drainage, were separately established. The latter are defined by the Act as the Lord of the Manor of Sutton Insoken, Sutton Outsoken and Catfield, the Rector of the Rectories of Catfield and Sutton for the time being and the owners and proprietors of more than 20 acres of land to be drained by virtue of the Act. The Act expressly authorises the allotment above quoted as made ninthly. As I read the Act and the Award, the ownership of the public staithe thereby established passed to the Commissioners for drainage, with the result that unless they have been dispossessed the ownership is still in them or their successors.

It may that under orders made under the Act of Parliament enacted since the 1802 Act and dealing with land drainage generally, that such ownership has passed to the Drainage Authority now responsible for the River Ant. But no such orders having been produced, I ought not I think in the absence of the East Anglian Water Authority conclude that they are now the owners. In my opinion the information summarised above as provided by Mr Gant falls short that the Parish Council have now acquired a title by possession. So in the result I am not satisfied that either the commissioners for drainage mentioned in the 1808 Award or any successors of theirs or the parish council are the owners of the land in this Register Unit; but I record that in my view nothing in this decision will affect such rights as the public may have under the Award over the public staithe allotted by the above quoted allotment.

In the absence of any evidence that any other person could be the owner, I am not satisfied that any person is the owner of the land, and it will therefore remain subject to protection under section 9 of the Act of 1965.



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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 26th — day of March — 1979

a. a. Baden Fuller

Commons Commissioner