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Ownership of Land Abutting Staithes Harbour Wall

Searches of the Index Map (SIM's) have been carried out of the Land Registry with a view to establishing the ownership of the land and properties abutting the Harbour Wall. The area searched extends from the stepping stones in the west (just beyond MLW in Staithes Beck), to Seaton Garth in the east.

The attached plan shows the properties which are registered with the Land Registry coloured green. Each individual registered title has been numbered and full details of the property (including the Title Number, address of the property, grade of title and the name of the owner) are now held by SBC Coastal Team.

Copies of the Official Register and Title Plan of each registered title have been obtained and perused in detail. There is no indication on any of the registered titles as to the ownership of the harbour wall or to any responsibility for repair and maintenance to it.

The land shown coloured yellow on the plan is unregistered and it has therefore not been possible to ascertain the ownership.

Some of the registered properties have a leasehold title. In each case the Leases are for a term of 999 years being granted in the 1870's by Charles Mark Palmer. Some of the Leases have been lost but the Land Registry was able to provide copies of three of the old leases. They are relatively short documents and contain no covenants for repair and maintenance and make no mention of the harbour wall.

The Landlord of these properties, Sir Charles Mark Palmer, was a ship builder of Jarrow, Tyne & Wear. In the 1850's he took leases of the ironstone workings in the Staithes area and also at Grinkle Park, Easington. Research shows that he was a large landowner in the Staithes area at the time and also owned the Grinkle Park Estate where he lived in the later years of his life. He built a harbour at Port Mulgrave in 1857 from which his own ships could load the iron ore.

The old leases of the properties near to the harbour wall confirm that Sir Charles Mark Palmer was the freeholder of the land on which the properties now stand. However (as shown from the Title and Ownership information table), not all of the properties have leasehold titles, some have possessory titles and others are freehold. Possessory title is given where there is no paper proof of ownership available (i.e. there are no Title Deeds) but where the registered proprietor has been able to show their undisputed possession of the land for a period in excess of 12 years without payment or consent. Absolute Freehold is the best class of land ownership available. It may well be that these properties were also leasehold in the 1870's but that the tenants "redeemed" their ground rent. Ground rent redemption allows payers of ground rent on residential properties to buy out their ground rents. The

County Archives at Northallerton contains the Palmer Family records and a description of the papers held includes "receipts for redemption of ground rent on land in Staithes".

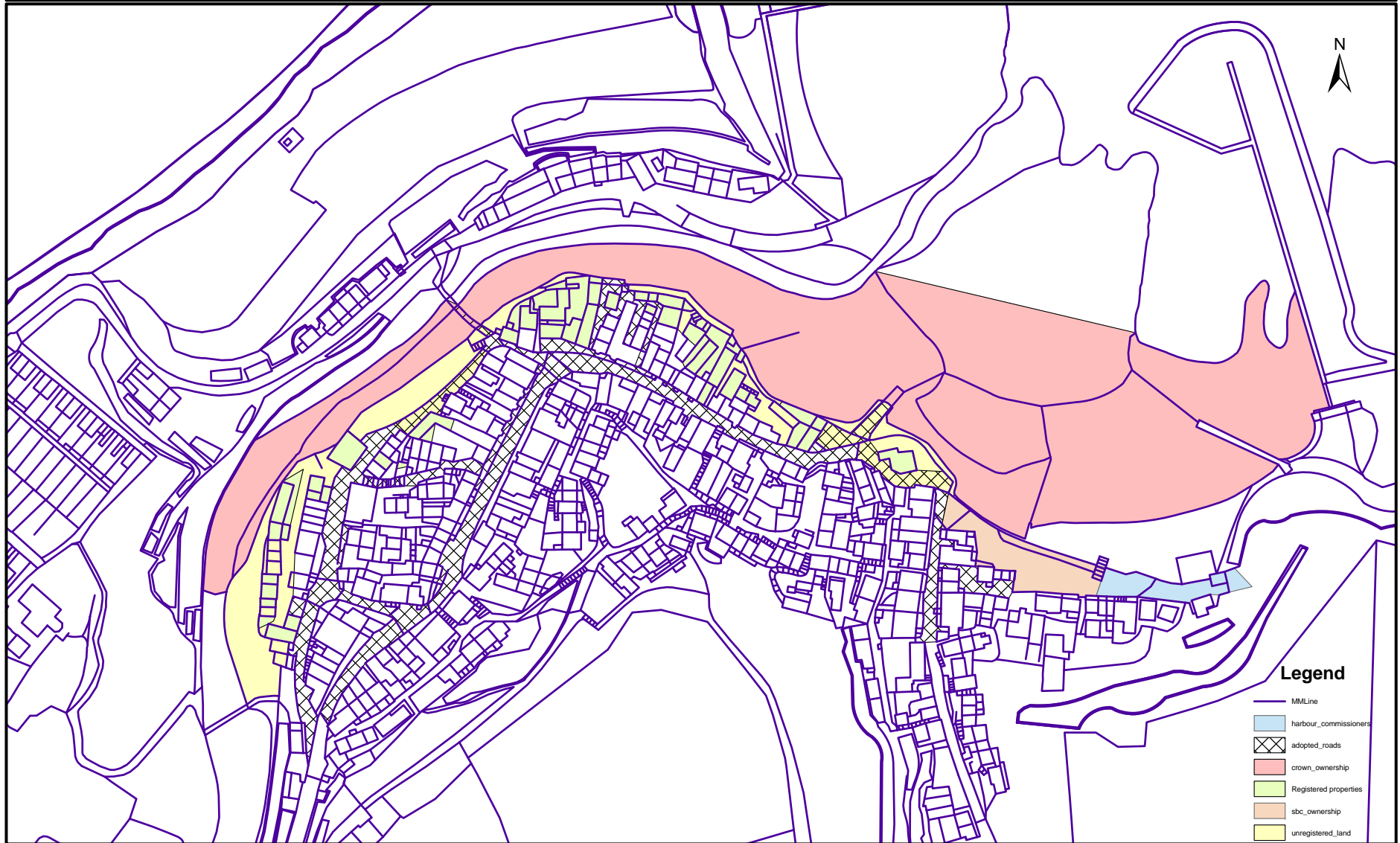
The attached plan shows the land in Scarborough Borough Council's ownership coloured peach. The freehold of the land at Seaton Garth was purchased in 1966 from Mark Palmer (a descendent of Sir Charles Mark Palmer), subject to a Lease in favour of Staithes Harbour Commissioners for a term of 99 years from 1 June 1925. Following the Council's purchase a new Lease of the land shown coloured blue on the plan was granted to Staithes Harbour Commissioners for a term of 99 years from 1 April 1974. The Lease contains a covenant by the Staithes Harbour Commissioners to "repair and keep the surface of the premises in as good repair as the same now is".

The Crown owns the freehold of the foreshore and bed at Staithes Beck, the title to which is registered with Land Registry. The extent of this land is shown in pink on the plan. The area half way across the beck and harbour is leased to the Council for a term of 50 years from 25 March 2006 (the other side is leased to Redcar & Cleveland Council). The Council's obligations under the Lease include a covenant to "keep all Works on or in the Premises in good repair and condition". The "Works" are defined in the Lease as "structures or works of any description or in under or over the Premises including (without limitation) buildings and engineering works and floating jetties and pontoons secured to the foreshore or seabed". The Lease also contains a restriction that the Council "shall not construct erect or place any Works on or in the Premises provided that the carrying out of coast protection or drainage works under the provisions of Part 1 of the Coastal Protection Act 1949 and Water Act 1989 or Water Resources Act 1991 and in accordance with drawings and specifications submitted in duplicate to an approved by the Landlord shall not be a breach of this clause". Details of the proposed harbour wall improvement works should therefore be submitted to the Crown Estates in accordance with the provisions of the Lease.

The adopted roads and footpaths are shown cross-hatched black on the plan.

In conclusion it is highly likely that Sir Charles Mark Palmer at one time owned all, or a large part, of the land abutting the harbour wall. It may be possible to obtain further evidence of this by searching the Palmer family papers at the County Archives Office though this would be a very time consuming exercise and may not necessarily tell us who owns the unregistered "yellow" land on the plan, at the present time.

Staithes ownership



Map Scale: 1:2,063