

DATED

18<sup>th</sup> May

2001

BROADLAND DISTRICT COUNCIL

- AND -

RONALD HERBERT POTTLE

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DEED OF RELEASE

relating to land at Willow Farm Field Lane  
Blofield Norwich Norfolk

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Steele & Co  
2 The Norwich Business Park  
Whiting Road  
Norwich NR4 6DJ  
Ref: EP.4349.733.0



**THIS DEED OF RELEASE** is made the 18<sup>th</sup> day of May Two thousand and one **BETWEEN BROADLAND DISTRICT COUNCIL** of Thorpe Lodge Yarmouth Road Thorpe St Andrew Norwich in the County of Norfolk (hereinafter called "the District Council") of the one part and **RONALD HERBERT POTTLE** of Willow Farm Field Lane Blofield Norwich in the said County of Norfolk (hereinafter called "the Owner") of the other part

## **RECITALS**

(A) (1) In this Deed unless the context otherwise requires the following words shall have the following meanings:-

"Application" means the application for planning permission for change of use of buildings to one residential dwelling and garage block and workshop dated 3rd October 2000 submitted to the District Council in accordance with the Application plans and other materials deposited with the District Council and bearing reference number 00.1242

"Covenant" means the covenant contained in an agreement dated 22<sup>nd</sup> March 1983 and made between the District Council (1) and the Owner (2) pursuant to Section 52 of the Town and Country Planning Act 1971 and Section 126 of the Housing Act 1974 relating to the buildings shown coloured green on The Plan



“Development”	means the development permitted by the Permission
“Permission”	means the detailed planning permission granted pursuant to the Application together with any renewal or modification thereof a draft of which is attached hereto
“the 1990 Act”	means the Town and Country Planning Act 1990 (as amended)

- (2) In this Deed unless the context otherwise requires:
- (i) words importing the masculine gender shall where appropriate include the feminine gender and the neuter gender or vice versa as the case may be and words importing the singular number shall where appropriate include the plural number and vice versa
  - (ii) “party” or “parties” means a party or parties to this Deed
  - (iii) references to either party shall include the successors in title and assigns of that party
  - (iv) where a party includes more than one person any obligations of that party shall be joint and several
  - (v) headings in this Deed shall not form part of or affect its construction
  - (vi) references to clauses and schedules are references to clauses in and schedules to this Deed
  - (vii) where a party or any officer or employee of a party is required to give its consent approval or agreement in any specific provision in this Deed such approval or agreement shall not be unreasonably withheld or delayed



(viii) any mention herein of any Act or of any Section Regulation or Statutory Instrument shall be deemed to refer to the same source as at any time amended and where such Act Section Regulation or Statutory Instrument has been replaced consolidated or re-enacted with or without amendment such mention shall be deemed to refer to the relevant provision of the updating consolidating or re-enacting Act or Section or Regulation or Statutory Instrument

- (B) The District Council is the Local Planning Authority within the meaning of the 1990 Act for the area within which the Land is situated
- (C) The Owner is registered as Proprietor with absolute title of inter alia the land (hereinafter called "The Land") shown for the purpose of identification only edged red on the plan annexed hereto (hereinafter called "The Plan") as the same is registered with Title Number NK258749 subject to the matters contained in the Charges Register
- (D) Having regard to the Development Plan and other material considerations the District Council considers it expedient in the interests of the proper planning of their area that provision should be made for regulating or facilitating the Development of the Land in the manner hereinafter appearing and the District Council is satisfied the Permission can only be granted subject to and upon completion of this Deed

**NOW THIS DEED WITNESSETH** as follows:-

- 1.1 It is agreed between the parties that this Deed shall be registered by the District Council as a local land charge or noted on the local land charges register



1.2 Any provision of this Deed which is or may be unlawful void or unenforceable shall to the extent of such unlawfulness invalidity or unenforceability be deemed severable and shall not affect any other provision of this Deed

1.3 This Deed shall be governed by the laws of England

1.4 This Deed shall cease to have effect if either:-

1.4.1 the Permission is quashed revoked or otherwise withdrawn; or

1.4.2 development on the Land takes place which is not in accordance with the Permission or any subsequent planning permission

## 1.5 NOTICES

1.5.1 Any notices or other written communication to be served or given by one party upon or to any other party under the terms of this Deed shall be deemed to have been validly served or given if received by facsimile delivered by hand or sent by recorded delivery post to the party upon whom it is to be served or to whom it is to be given or as otherwise notified for the purpose by notice in writing provided that the notice or other written communication is addressed and delivered or sent by facsimile or by recorded delivery post to the address of the party concerned as nominated in sub-clause 1.5.2

1.5.2 The address for any notice or other written communication in the case of each party to this Deed shall be as follows:-

The District Council:            Strategic Director (Community Services)  
Thorpe Lodge Yarmouth Road Thorpe St  
Andrew Norwich NR7 0DU

The Owner:                        Conifers Bradfield St George Bury St Edmunds  
Suffolk



1.5.3 Any notice or other written communication to be given by the District Council shall be deemed to be valid and effective if on its face it is signed on behalf of the District Council by a duly authorised officer

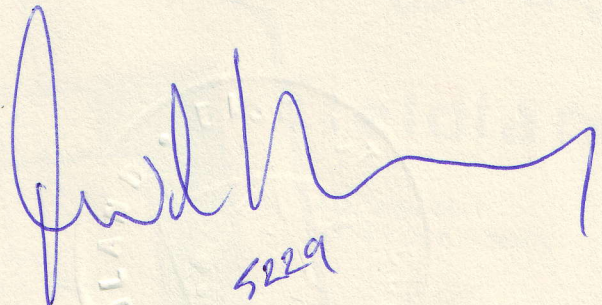
## 2. THE RELEASE

The District Council releases the Owner and his successors in title from the Covenant and the parties agree that the Covenant shall be of no further effect in relation to the Land

IN WITNESS whereof this Deed has been executed and delivered as a Deed on the date first written above

THE COMMON SEAL of  
BROADLAND DISTRICT COUNCIL  
was hereunto affixed in the presence of

)  
)  
)



Strategic Director (Community Services)

SIGNED as a Deed by RONALD  
HERBERT POTTLE in the presence of:-

)  
)

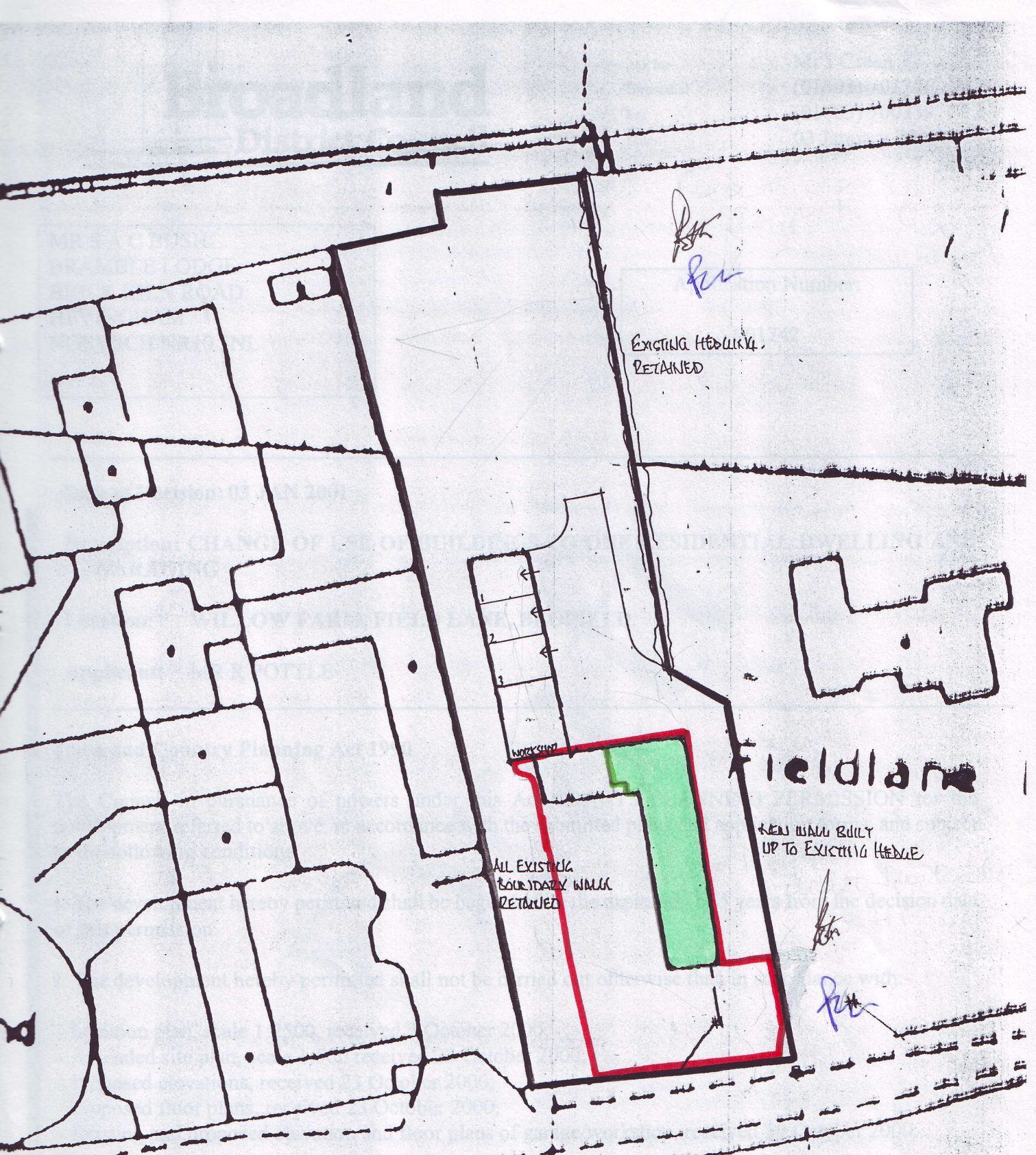


Anne Neame

ANNE NEAME

THE OLD STABLES  
FIELD LANE, BIOFIELD  
NORWICH, NORFOLK, NR13 4RP  
HOUSEWIFE.



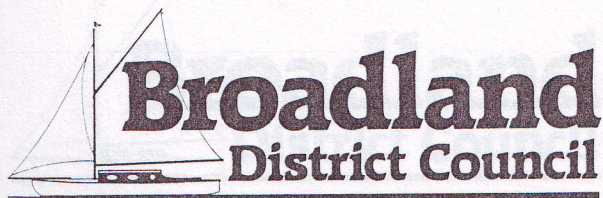


BROADLAND  
DISTRICT COUNCIL  
23 OCT 2000  
DO 1242 AP  
PLANNING CONTROL

AMENDED  
PLAN

*Handwritten signature*  
5229





Ask for : Mr J Green  
Direct dial : (01603) 703246  
Fax : (01603) 700339  
Date : 03 January 2001

MR S A C BUSH  
BRAMBLE LODGE  
BRICK KILN ROAD  
HEVINGHAM  
NORWICH NR10 5NL

Application Number:

001242

**Date of Decision: 03 JAN 2001**

**Description: CHANGE OF USE OF BUILDINGS TO ONE RESIDENTIAL DWELLING AND GARAGING**

**Location: WILLOW FARM, FIELD LANE, BLOFIELD.**

**Applicant: MR R POTTLE**

### **Town and Country Planning Act 1990**

The Council in pursuance of powers under this Act GRANTS PLANNING PERMISSION for the development referred to above, in accordance with the submitted plans and application forms, and subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of 5 years from the decision date of this permission.
2. The development hereby permitted shall not be carried out otherwise than in accordance with:-
  - Location plan, scale 1:2500, received 3 October 2000;
  - Amended site plan, scale 1:500 received 23 October 2000;
  - Proposed elevations, received 23 October 2000;
  - Proposed floor plans, received 23 October 2000;
  - Existing and proposed elevation and floor plans of garage/workshop, received 30 October 2000.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 or any Order revoking and re-enacting that Order with or without modification, no buildings, walls, fences or other structures shall be erected within the site curtilage, nor alterations or extensions be made to the dwelling without the express grant of planning permission from the Local Planning Authority.
4. The garages/workshop element hereby permitted shall be used only for purposes incidental to the occupation and enjoyment of the dwelling house as such and shall not be used for any business, commercial or industrial purposes whatsoever.



5. Before development commences on the site a plan should be submitted to the Local Planning Authority indicating details of the position, height and construction of boundary (fences/walls/hedges) for their approval. Following written approval the work shall be carried out before the dwelling is occupied or within such other period as may be specified in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act, 1990.
2. To ensure the permission relates to the correct documents.
3. In accordance with article 4 (1) of the Town and Country Planning (General Permitted Development) Order 1995, the condition is imposed to enable the Local Planning Authority to retain control over the siting and external appearance of the buildings and means of access in the interests of amenity and road safety.
4. To ensure the proper development of the site without prejudice to the amenities of the area.
5. To ensure the proper development of the site without prejudice to the amenities of the area.

#### NOTES

1. If this development involves any works of a building or engineering nature, please note that before any such works are commenced it is the applicant's responsibility to ensure that, in addition to planning permission, any necessary consent under the Building Regulations is also obtained. Advice on this point can be obtained from the Building Control Section of the Planning and Community Services Directorate.

Signed .....

**P. C. KIRBY**

**Director of Planning & Community Services**

Thorpe Lodge, 1 Yarmouth Road, Thorpe St Andrew, Norwich, NR7 0DU