

Review of the Restrict Covenant on 10 Cadogan Park

Background

Woodstock Town Council has received the following request (extraction from letter): -

Property: 10 Cadogan Park Woodstock Oxfordshire OX20 1UW

We are acting on behalf of proposed Buyers of the above property. The property is subject to a covenant which was imposed in 1957 by Woodstock Corporation. We understand that your Council is the Successor in Title to Woodstock Corporation, but would be grateful if you could please confirm this.

We attach a copy of the Title Registers and plan for the property and would refer you to Entry Number 2 of the Charges Register and Entry 2 of the Schedule of Restrictive Covenants, particularly clause (d) thereof which provides that the consent is required to any alterations or extensions to the property.

Our Clients are purchasing the property with the intent of extending and re-modelling the property, for which Planning Consent and Building Regulation Approval will be required. We do however note that under the above clause approval by the Planners/Building Control is not to be deemed as approval for this purpose.

We would be grateful if you could please advise us as soon as possible of your criteria for granting consent for alterations/extensions to the property.

Our Clients do not wish to go to the expense of purchasing property and then finding out that consent cannot be obtained. However, they are not yet able to provide you with full plans for approval as these are still in the process of being prepared.

You will note that this Conveyance refers to land coloured pink on the plan attached thereto. Unfortunately, the Land Registry did not retain a copy of that plan so we cannot see the exact extent of land affected. Are you able to supply with a full copy that Conveyance and plan?

Your early response would be greatly appreciated as our Clients are hoping to proceed to exchange on the purchase of this property before very long.

The title deed and plan are attached to this report.

I have received conflicting advice on the issue of if Woodstock Town Council (WTC) is the successor in title to Woodstock Corporation.

Oxfordshire County Council (OCC) solicitor advised the following: -

Following the local government reforms in the early 1970s West Oxfordshire District Council was formed from several borough Councils (eg Woodstock, Chipping Norton). "Corporation" was how those Borough Councils were known in legal documents.

I suspect therefore that the rights here actually passed to WODC

On informing the purchasers solicitor of the above I was informed that West Oxfordshire District Council (WODC) had advised them that it was WTC responsibility

This is not the first time a request has been received for a similar issue, in 1993 WTC provided the response attached to this report.

Due to the uncertainty of who is legally responsible for approving the request I am seeking approval to send the following response to allow for the owners of the property to carryout any works as long as the works are in accordance with any planning permission requirements.

The Council are therefore asked to approve the following response: -

Woodstock Town Council as Successors in Title to Woodstock Corporation, the Vendor in a Conveyance dated 29 May 1957 and made between Woodstock Corporation (1) William Tinlin Pool (2) hereby consent to any future extensions and alterations which are planned to be carried out to the property provided that the works are carried out in accordance with plans which are approved by West Oxfordshire District Council planning.

Previous Town Council Response

Woodstock Town Council

Town Clerk
Mrs. Marian Moxon



The Town Clerk's Office,
The Town Hall,
Woodstock, Oxford OX7 1SL
Telephone: Woodstock 811216

MM/VR

16th July 1993

Mr P K Tollett
Henmans - Solicitors
6 Oxford Street
Woodstock
OX20 1TW

Dear Mr Tollett

10 Cadogan Park, Woodstock

Further to your letter of the 14th July 1993 I write to confirm that two previous Planning Applications have been received for this property; 0389/87 Shower Room Extension and 2310/89 First Floor Extension to form bedrooms. Both of these Planning Applications were received by Woodstock Town Council and whilst I have no record of permission being obtained under the terms of the Conveyance I confirm that the Town Council would not, retrospectively, wish to make any objections.

Yours sincerely

Marian Moxon
Town Clerk