

APPENDIX A.

H.M. LAND REGISTRY		TITLE NUMBER HW 20639	
ORDNANCE SURVEY PLAN REFERENCE	SO 5925	SECTION B	Scale 1/2500 Enlarged from 1/2500
COUNTY HEREFORD AND WORCESTER DISTRICT SOUTH HEREFORDSHIRE			© Crown copyright 1981

ADMINISTRATIVE AREA HEREFORDSHIRE



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APPENDIX B



APPENDIX C.



Planning permission

Name and address of applicant

Name and address of agent (if any)

**Crouch Homes Ltd.,
Sutherland House,
Surbiton Crescent,
KINGSTON-UPON-THAMES,
Surrey.
KT1 2JU**



Part I - Particulars of application

Date of application:

15.5.80

Application no.

SH 489/80

Particulars and location of development:

Erection of 4 detached houses and garages and one detached garage in accordance with the drawings accompanying the application as amended by letter dated 6th June, 1980, (ref: PHH/VT/1981) from the applicants to the Council's Planning Officer at Plots 5-8, Sixth Avenue, Greytree, Ross-on-Wye. (Map ref. 59512515)

Part II - Particulars of decision

The South Herefordshire District Council

hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1971 that **permission has been granted** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans submitted subject to the following conditions:

3rd February, 1981

1. The development must be begun not later than the ~~expiration of xxx days~~ ~~beginning with the date of this permission~~
2. **Trees of such species and number and in such positions as may be approved by the District Planning Authority be planted and properly maintained (in specified positions) and that in the event of any of the trees dying or being seriously damaged or destroyed a new tree or equivalent number of trees as the case may be of a species first approved by the District Planning Authority be planted and properly maintained in a position or positions first approved by the District Planning Authority.**
3. **The play area shall be laid out as amenity land for the site as a whole to the satisfaction of the Council's Planning Officer concurrently with the development, but shall otherwise remain undeveloped.**
4. **Screen walls in matching brickwork and close boarded fences not less than 6ft. high shall be erected in the positions shown in red and blue respectively on the attached plan No. SH 489/80/1 dated 25th June, 1980, concurrently with the development, and to the satisfaction of the Council's Planning Officer.**
5. **The gradient of the driveways shall not be steeper than 1 in 20 for a distance of not less than 6 metres (20ft.) from the nearside channel of the road carriageway. The gradient of the drives from the accesses shall not be steeper than 1 in 12 within the curtilage of the plots and the finished level of the car standing areas or the garage floors shall be so related to the road carriageway level as to ensure compliance with these requirements.** P.T.O.

The reasons for the conditions are:

~~The development hereby permitted is in accordance with the provisions of the Town and Country Planning Act 1971.~~

1. The development hereby permitted strictly conflicts with the settlement policies contained in the approved Herefordshire Structure Plan, but the District Council recognise the existence of planning permissions for the same number of houses on this land valid

Date **25th June, 1980**

until the date specified. P.T.O.

Brockington,
35 Hafod Road,
Hereford. HR1 1SH.

E. J. Gidd
Secretary

Note: This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, bylaw, order or regulation, but under section 56(2) of the Town and Country Planning Act 1971 it will operate as listed building consent in respect of any works described in the permission for the alteration or extension of a listed building.

1. If the applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or to grant permission or approval subject to conditions, he may appeal to the Secretary of State for the Environment in accordance with section 36 of the Town and Country Planning Act 1971 within six months of receipt of this notice. (Appeals must be made on a form which is obtainable from the Department of the Environment; Tollgate House, Houlton Street, Bristol, BS2 9DJ.) The Secretary of State has power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements (a), to the provisions of the development order, and to any directions given under the order. He does not in practice refuse to entertain appeals solely because the decision of the local planning authority was based on a direction given by him.

2. If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Secretary of State for the Environment, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county borough or county district in which the land is situated a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of Part IX of the Town and Country Planning Act 1971.

3. In certain circumstances, a claim may be made against the local planning authority for compensation, where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 169 of the Town and Country Planning Act 1971.

(a) *The statutory requirements are those set out in section 36(7) of the Town and Country Planning Act 1971, namely sections 29(1), 30(1), 67 and 74 of the Act.*

(P2, P2A, P3, P4, P5)

CONDITIONS Continued

6. An adequate hardstanding area shall be provided to the satisfaction of the District Council, and within the curtilage of the site adjacent to the point of access to facilitate the removal of mud from the wheels of vehicles emerging onto 6th Avenue, whilst the development is in progress.

7. The permission hereby granted is not to be exercised in addition to, or in combination as to part, with any permission already granted referring to the same land or part thereof as the permission hereby granted.

REASONS Continued

2. To preserve and/or enhance the visual amenities of the area.

3. To ensure that adequate playing facilities are available within the curtilage of the site for any children resident in the permitted dwellings.

4. To ensure that the appearance of the development is satisfactory following its completion and to secure a reasonable standard of privacy for the occupiers of the permitted dwellings.

5. & 6. In the interests of the safety and free flow of traffic.

7. To ensure that the development proposed shall not be prejudiced by the implementation in part or whole of the development of the site previously permitted by the District Council on the 4th February, 1976, and the 26th March, 1980, (Code Nos. SH 858/75 & SH 153/80).

APPENDIX E

ANY OTHER INFORMATION RELATING TO THE APPLICATION.

Until 2015 it was reasonably assumed that the land known locally as the 'Willowbrook Play Area' was owned by Herefordshire Council. The assumption was wholly based on the fact that the sign, which can be seen in appendix B, was erected along with a seating bench by SHDC. Added to this, Hereford Council and its predecessors have maintained the 'Play Area' since 1982, cutting grass, removing trees and replacing fencing.

In 2015 it came to light that the 'Play Area' has remained in private ownership although it can clearly be seen on Planning Application number SH489/80 that the land was to be dedicated to SHDC.

This application to register 'Willowbrook Play Area' as a village green is intended to establish community use as intended when development and planning approval was granted, thereby removing potential misunderstanding and clearly establishing the role of the land in the community.