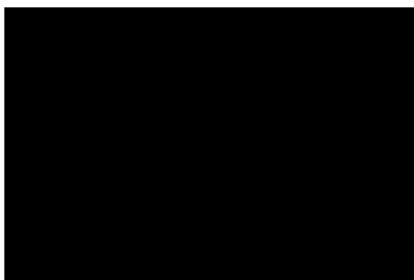


EXECUTED as a deed by

Mary Anne Huband

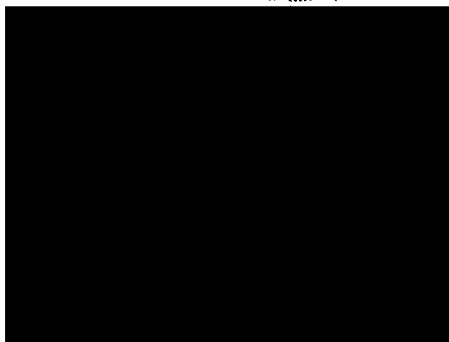


In the presence of
Witness Name:

Witness Address:

25 PARK ROAD, YAPTON
WEST SUSSEX BN18 0JE

Jamie Owen Andrew Huband

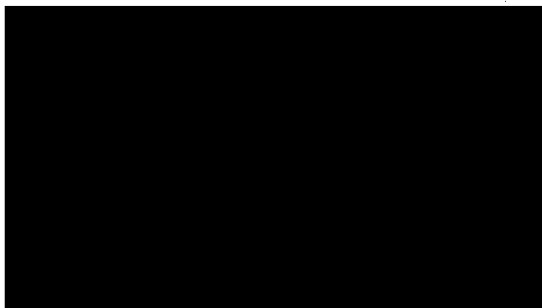


In the presence of
Witness Name:

Witness Address:

25 PARK ROAD, YAPTON
WEST SUSSEX, BN18 0JE

Anthony Weidenheoft



In the presence of
Witness Name:

Witness Address:

25 PARK ROAD, YAPTON
WEST SUSSEX BN18 0JE

THE SCHEDULE

1. To pay to the Council on or before Occupation the Contribution which is:-
 - (a) the total sum of £23,050 in respect of Affordable Housing Provision
2. The Owners shall pay the Contribution to the Council with the expectation that they shall be repaid to the Applicant by the Council in the event that the Council has not spent them in accordance with the purposes stated in Paragraph 1 of this Schedule within 5 years of receipt.

time of National Westminster Bank plc (calculated on a daily basis from and including the date on which it fell due)

9. This Undertaking shall cease to have effect if in determining the Appeal, the Inspector expressly states in his decision letter that this Undertaking does not comply with regulation 122 of the Community Infrastructure Regulations 2010.

10. If in determining the Appeal, the Inspector expressly states in his decision letter that any individual obligation within this Undertaking does not comply with regulation 122 of the Community Infrastructure Regulations 2010 that/those obligations(s) will cease to have effect.

11. This Undertaking will come to an end if:

11.1 the Appeal is dismissed;

11.2 in determining the Appeal, the Inspector expressly states in his Decision Letter that this Undertaking is an immaterial planning consideration; or

11.3 the Planning Permission is quashed, revoked or otherwise withdrawn or modified (save for any modification made under Section 96A of the Act) at any time so as to render this Undertaking or any part of it irrelevant, impractical or enviable; or

11.4 the Planning Permission expires before the Commencement of Development; or

11.5 Government policy for affordable housing on small scale sites is reinstated before development commences and where such advice has the effect of meaning that an affordable housing contribution would no longer be justified.

IN WITNESS whereof the Owners have executed these presents as a deed the day and year first before written

3. (a) The Council is the local planning authority for the purposes of the Act in respect of the area which includes the Land and shall be responsible for the enforcement of the obligations contained herein
- (b) The Owners are the owner of the freehold of the Land title to which is registered with title number WSX234841
- (c) The Applicant submitted to the Council the Application seeking planning permission for the Development on the Land and the Council refused the Application
- (d) The Applicant lodged the Appeal against the refusal of the Application and this Undertaking is made in support of the Appeal PROVIDED THAT the Applicant does not consider the provision of Affordable Housing pursuant to paragraph 2 of the Schedule to be compliant with the Community Infrastructure Levy Regulations 2010 and has conditionally included those provisions in this Undertaking without prejudice to that position
- (e) This undertaking is made pursuant to section 106 of the Act which section applies to the covenants herein contained
4. The Owners covenant to the intent that the covenants shall be planning obligations for the purposes of the Act and shall be binding on and enforceable against them and their successors in title to the Land (with the exception of the owners and occupiers of individual Dwellings or where any successor in title is a statutory undertaker and is using the Land for the purposes of carrying out its statutory undertaking) that the Owners shall observe and perform the obligations set out in the schedule to this undertaking
5. The obligations contained in this Undertaking shall only become binding on the Owners in the event that the Planning Permission is granted pursuant to the Appeal
6. No person shall be liable for any breach of clause 4 above occurring after he shall have parted with his interest in the Land or the part in respect of which such breach occurs save for any breach that takes place before the parting with such interest
7. This undertaking shall be registered as a local land charge
8. Any amount due from the Owners under this undertaking and which is not paid on the date specified for payment in the Schedule shall be payable with interest calculated at the rate of 4% above the base lending rate from time to

"the Contributions" the contributions referred to in the schedule to this undertaking

"Decision Letter" means the adjudication on the appeal to be considered by way of the written representation procedure

"Development" means the development of the Land in accordance with the details set out in the Application

"Dwelling" means a residential unit comprised in the Development

"Inspector" means the Inspector appointed by the Secretary of State to determine the Planning Appeal

"the Land" the land shown edged red on the Plan (as hereinafter defined) and being land at The Old Coal Yard, North End Road, Yapton, Arundel, West Sussex, BN18 0DN

"Occupation" means occupation of the Development for the purposes permitted by the Planning Permission but not occupation for the purposes of construction, fitting out or decoration or for marketing or display purposes or in connection with security operations and "Occupy" and "Occupied" shall be construed accordingly

"the Plan" the plan annexed to this deed

"the Planning Permission" the permission to be granted pursuant to the Application

"Secretary of State" means the Secretary of State for Communities and Local Government (or such successor secretary of state or minister of state who shall assume the same decision making powers from time to time) and the Inspector conducting the appeal on his behalf pursuant to delegated powers

2. (a) words of the masculine gender incorporate the feminine gender and words of the singular include the plural and vice versa

(b) any reference herein to any statute or section of a statute includes any statutory re-enactment or modification thereof

(c) the expressions "the Applicant", "the Owners" and "the Council" include except where the context otherwise requires their respective successors in title and assigns

THIS UNDERTAKING is made the 19th day of OCTOBER 2015

BY:

Mary Anne Huband of 23 Park Road, Yapton, West Sussex, BN18 0JE
and

Jamie Owen Andrew Huband of 23 Park Road, Yapton, West Sussex,
BN18 0JE

and

Anthony Weindenheoff of 24 Carat, Park Road, Yapton, West Sussex, BN18 0JE
("the Owners")

TO:

ARUN DISTRICT COUNCIL of The Arun Civic Centre, Maltravers Road,
Littlehampton, West Sussex, BN17 5LF ("the Council")

1. Wherever the context so permits the following words and phrases have the meanings herein attributed to them:-

"the Act" the Town and Country Planning Act 1990 as amended by the
Planning and Compensation Act 1991

"the Appeal" the appeal made against the refusal of the Application given
reference APP/C3810/W/15/3087240 and to be determined by way of the
written representation procedure and decided by an Inspector appointed on
behalf of the Secretary of State

"the Application" the planning application made and allocated the Council's
reference number Y/12/15/PL for 'Construction of four houses with associated
landscaping and parking'.

"Chargee" means any mortgagee or chargee of the Registered Provider or the
successors in title to such mortgagee or chargee or any receiver or manager
(including an administrative receiver) appointed pursuant to the Law of
Property Act 1925

"Affordable Housing" means a contribution towards the provision of
affordable housing as defined in the National Planning Policy Framework
within the Parish of Yapton

"Affordable Housing Contribution" means the sum of £5,502 per 2bed
dwelling and £6,123 per 3bed dwelling

DATED 19TH of OCTOBER 2015

MARY ANNE HUBAND

And

JAMIE OWEN ANDREW HUBAND

And

ANTHONY WIEDENHEOFT

To

ARUN DISTRICT COUNCIL

Deed relating to land at The Old Coal Yard, North End
Road, Yapton, Arundel, West Sussex, BN18 0DN

FILE NUMBER

WSX234841

Scale
1:100,000
1:100,000

H.M. LAND REGISTRY

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