

DATED 19TH of OCTOBER 2015

MARY ANNE HUBAND

And

JAMIE OWEN ANDREW HUBAND

And

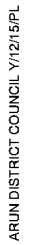
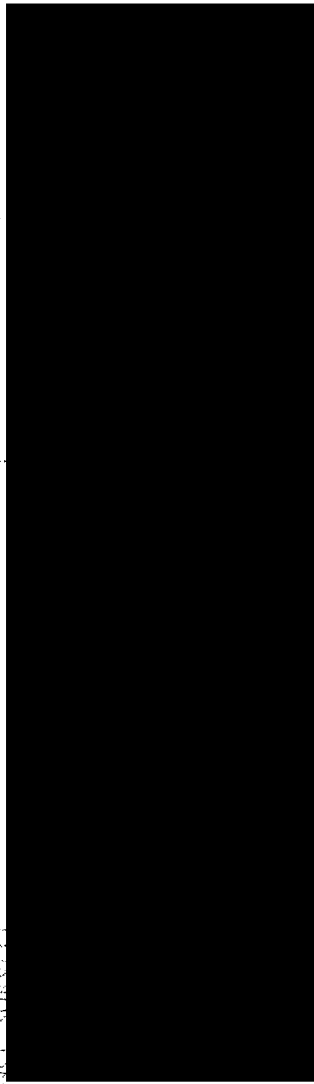
ANTHONY WIEDENHEFT

To

ARUN DISTRICT COUNCIL

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

1484327

[illegible]

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 Weindenheoft 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

"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

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

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

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.

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.

Title Number : WSX234841

This title is dealt with by Land Registry, Durham Office.

The following extract contains information taken from the register of the above title number. A full copy of the register accompanies this document and you should read that in order to be sure that these brief details are complete.

Neither this extract nor the full copy is an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy.

This extract shows information current on 11 SEP 2015 at 10:46:00 and so does not take account of any application made after that time even if pending in the Land Registry when this extract was issued.

REGISTER EXTRACT

Title Number : WSX234841

Address of Property : Land at Yapton Crossing, Yapton, Arundel

Price Stated : £25,000

Registered Owner(s) : MARY ANNE HUBAND, JAMIE OWEN ANDREW HUBAND and ANTHONY WIEDENHEOFT of 23 Park Road, Yapton, Arundel, West Sussex BN18 0JE and of Carat 24 Park Road, Yapton, Arundel, West Sussex BN18 0JE.

Lender(s) : None

Title number WSX234841

This is a copy of the register of the title number set out immediately below, showing the entries in the register on 11 SEP 2015 at 10:46:00. This copy does not take account of any application made after that time even if still pending in the Land Registry when this copy was issued.

This copy is not an 'Official Copy' of the register. An official copy of the register is admissible in evidence in a court to the same extent as the original. A person is entitled to be indemnified by the registrar if he or she suffers loss by reason of a mistake in an official copy. If you want to obtain an official copy, the Land Registry web site explains how to do this.

A: Property Register

This register describes the land and estate comprised in the title.

WEST SUSSEX : ARUN

- 1 (23.08.1999) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Land at Yapton Crossing, Yapton, Arundel.
- 2 (23.08.1999) There are excluded from this registration the mines and minerals excepted by the Conveyance dated 24 March 1965 referred to in the Charges Register.
- 3 (23.08.1999) The Conveyance dated 24 March 1965 referred to in the Charges Register contains a provision as to light or air.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (14.05.2012) PROPRIETOR: MARY ANNE HUBAND, JAMIE OWEN ANDREW HUBAND and ANTHONY WIEDENHEOFT of 23 Park Road, Yapton, Arundel, West Sussex BN18 0JE and of Carat 24 Park Road, Yapton, Arundel, West Sussex BN18 0JE.
- 2 (14.05.2012) The price stated to have been paid on 30 March 2012 was £25,000.
- 3 (14.05.2012) RESTRICTION: No disposition by a sole proprietor of the registered estate (except a trust corporation) under which capital money arises is to be registered unless authorised by an order of the court.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (23.08.1999) A Conveyance of the land in this title and other land dated 24 March 1965 made between (1) British Railways Board and (2) Frederick Henry Charles Osborne and Lillian Gertrude Osborne contains restrictive covenants.

NOTE: Original filed.

- 2 (23.08.1999) The land is subject to the rights reserved by and other matters contained in the Conveyance dated 24 March 1965 referred to above.

End of register