



Elmbridge
Borough Council
... bridging the communities ...

Civic Centre, High Street
Esher, Surrey KT10 9SD
Switchboard: 01372 474474
DX: 36302 Esher

Website: www.elmbridge.gov.uk

Chief Executive: Adam Chalmer

Catherine Valiant
Countryside Access Officer
Countryside Access
Whitebeam Lodge
Merrow Depot
Merrow Lane
Guildford
GU4 7BQ

Contact: Victoria Statham
Direct Line: [REDACTED]
e-mail: [REDACTED]
my ref: VS.AMPS.MISC.000712
your ref: DW/CV/APP1890

Date: 24 May, 2023

Dear Catherine,

APP1890 Stokes Field S15(8) TVG Registration

Please find enclosed the updated application with the relevant exhibits marked as requested.

Please let me know if you require anything further.

Yours sincerely

[REDACTED]
Victoria Statham
Head of Legal & Governance

Commons Act 2006: Section 15

Application for the registration of land as a Town or Village Green

Official stamp of registration authority indicating valid date of receipt:



Application number:

1890.

Register unit No(s):

VG number allocated at registration:

(CRA to complete only if application is successful)

Applicants are advised to read the 'Guidance Notes for the completion of an Application for the Registration of land as a Town or Village Green' and to note the following:

- All applicants should complete questions 1–6 and 10–11.
- Applicants applying for registration under section 15(1) of the 2006 Act should, in addition, complete questions 7–8. Section 15(1) enables any person to apply to register land as a green where the criteria for registration in section 15(2), (3) or (4) apply.
- Applicants applying for voluntary registration under section 15(8) should, in addition, complete question 9.

Note 1
Insert name of registration authority.

1. Registration Authority

To the

Surrey County Council
Woodhatch Place
11 Cockshot Hill
Woodhatch
Reigate
RH2 8EF

Note 2

If there is more than one applicant, list all names. Please use a separate sheet if necessary. State the full title of the organisation if a body corporate or unincorporate.

If question 3 is not completed all correspondence and notices will be sent to the first named applicant.

2. Name and address of the applicant

Name:

Full postal address:

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

3. Name and address of solicitor, if any

Name:

Firm:

Full postal address:

Telephone number:
(incl. national dialling code)

Fax number:
(incl. national dialling code)

E-mail address:

Note 3

This question should be completed if a solicitor is instructed for the purposes of the application. If so all correspondence and notices will be sent to the person or firm named here.

Note 4

For further advice on the criteria and qualifying dates for registration please see section 4 of the Guidance Notes.

* Section 15(6) enables any period of statutory closure where access to the land is denied to be disregarded in determining the 20 year period.

4. Basis of application for registration and qualifying criteria

If you are the landowner and are seeking voluntarily to register your land please tick this box and move to question 5.

Application made under **section 15(8)**:

If the application is made under **section 15(1)** of the Act, please **tick one** of the following boxes to indicate which particular subsection and qualifying criterion applies to the case.

Section 15(2) applies:

Section 15(3) applies:

Section 15(4) applies:

If **section 15(3) or (4)** applies please indicate the date on which you consider that use as of right ended.

If **section 15(6)*** applies please indicate the period of statutory closure (if any) which needs to be disregarded.

Note 5

The accompanying map must be at a scale of at least 1:2,500 and show the land by distinctive colouring to enable it to be clearly identified.

* Only complete if the land is already registered as common land.

Note 6

It may be possible to indicate the locality of the green by reference to an administrative area, such as a parish or electoral ward, or other area sufficiently defined by name (such as a village or street). If this is not possible a map should be provided on which a locality or neighbourhood is marked clearly.

5. Description and particulars of the area of land in respect of which application for registration is made

Name by which usually known:

Stokes Field

Location:

Lower Ditton, Surrey as shown edged red on the attached plan.

Shown in colour on the map which is marked and attached to the statutory declaration.

Common land register unit number (if relevant) *

6. Locality or neighbourhood within a locality in respect of which the application is made

Please show the locality or neighbourhood within the locality to which the claimed green relates, either by writing the administrative area or geographical area by name below, or by attaching a map on which the area is clearly marked:

Land within the Long Ditton ward of Elmbridge, Surrey which is situated to the east of Rectory Lane and to the west of Bankside Drive.

Tick here if map attached:

7. Justification for application to register the land as a town or village green

Note 7

Applicants should provide a summary of the case for registration here and enclose a separate full statement and all other evidence including any witness statements in support of the application.

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Not applicable

Note 8

Please use a separate sheet if necessary.

Where relevant include reference to title numbers in the register of title held by the Land Registry.

If no one has been identified in this section you should write "none"

This information is not needed if a landowner is applying to register the land as a green under section 15(8).

Note 9

List all such declarations that accompany the application. If none is required, write "none".

This information is not needed if an application is being made to register the land as a green under section 15(1).

Note 10

List all supporting documents and maps accompanying the application. If none, write "none"

Please use a separate sheet if necessary.

8. Name and address of every person whom the applicant believes to be an owner, lessee, tenant or occupier of any part of the land claimed to be a town or village green

Elmbridge Borough Council are the freehold owner of the land. There are no other lessees, tenants or occupiers of the land.

9. Voluntary registration – declarations of consent from 'relevant leaseholder', and of the proprietor of any 'relevant charge' over the land

Not required as there are no relevant leaseholders or chargees.

10. Supporting documentation

Official Copy of Title Number SY808555 (Register)
Official Copy of Title Number SY808555 (Title Plan)
Official Copy of Title Number SY808556 (Register)
Official Copy of Title Number SY808556 (Title Plan)
Plan of land subject to voluntary dedication - EXHIBIT 'A'

} together EXHIBIT 'B'

Note 11

If there are any other matters which should be brought to the attention of the registration authority (in particular if a person interested in the land is expected to challenge the application for registration). Full details should be given here or on a separate sheet if necessary.

Note 12

The application must be signed by each individual applicant, or by the authorised officer of an applicant which is a body corporate or unincorporate.

11. Any other information relating to the application

Date:

30 March 2023 .

Signatures:

**REMINDER TO APPLICANT**

You are advised to keep a copy of the application and all associated documentation. Applicants should be aware that signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence. The making of a false statement for the purposes of this application may render the maker liable to prosecution.

Data Protection Act 1998

The application and any representations made cannot be treated as confidential. To determine the application it will be necessary for the registration authority to disclose information received from you to others, which may include other local authorities, Government Departments, public bodies, other organisations and members of the public.

Statutory Declaration In Support

To be made by the applicant, or by one of the applicants, or by his or their solicitor, or, if the applicant is a body corporate or unincorporate, by its solicitor, or by the person who signed the application.

¹ *Insert full name (and address if not given in the application form).*

I, VICTORIA STATHAMI, solemnly and sincerely declare as follows:—

² *Delete and adapt as necessary.*

1.² I am ((the person (one of the persons) who (has) (have) signed the foregoing application)) ((the solicitor to (the applicant) (³ one of the applicants))).

³ *Insert name if Applicable*

2. The facts set out in the application form are to the best of my knowledge and belief fully and truly stated and I am not aware of any other fact which should be brought to the attention of the registration authority as likely to affect its decision on this application, nor of any document relating to the matter other than those (if any) mentioned in parts 10 and 11 of the application.

3. The map now produced as part of this declaration is the map referred to in part 5 of the application.

⁴ *Complete only in the case of voluntary registration (strike through if this is not relevant)*

4.⁴ I hereby apply under section 15(8) of the Commons Act 2006 to register as a green the land indicated on the map and that is in my ownership. I have provided the following necessary declarations of consent:

- (i) a declaration of ownership of the land;
- (ii) a declaration that all necessary consents from the relevant leaseholder or proprietor of any relevant charge over the land have

Cont/

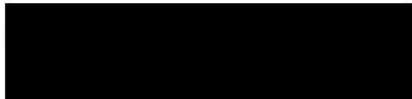
4 *Continued*

been received and are exhibited with this declaration; or
(iii) where no such consents are required, a declaration to that effect.

7

And I make this solemn declaration, conscientiously believing the same to be true, and by virtue of the Statutory Declarations Act 1835.

Declared by the said)
)
)
at Owen White & Catlin LLP)
North Lodge)
Esher Park Avenue)
Esher)
Surrey KT10 9NP)
this 30 day of March 2023)



Signature of Declarant

Before me *

Signature:  SARA BASHIR

Address: Owen White & Catlin LLP
North Lodge
Esher Park Avenue
Esher
Surrey KT10 9NP

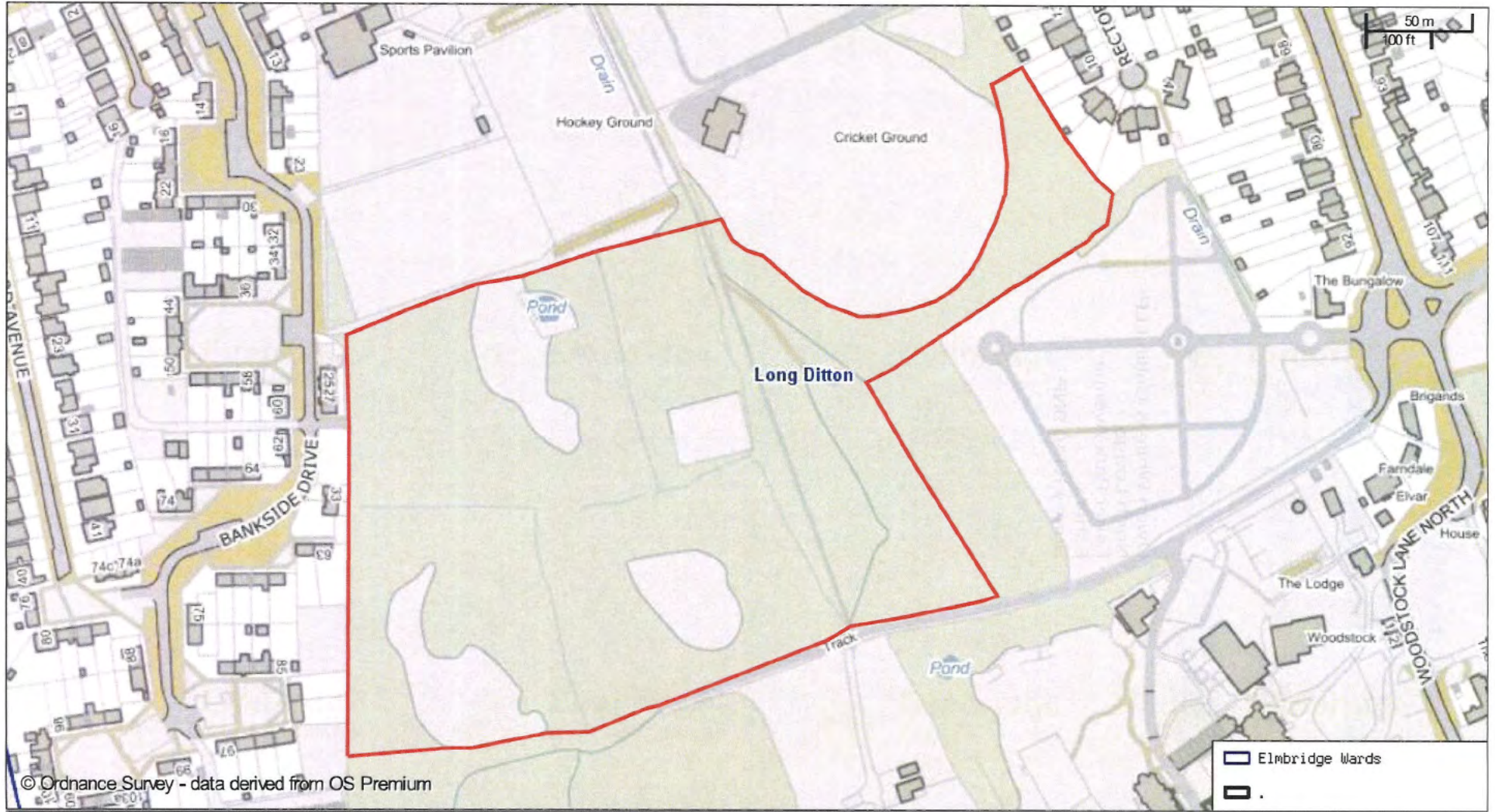
Qualification: SOLICITOR

* The statutory declaration must be made before a justice of the peace, practising solicitor, commissioner for oaths or notary public.

Signature of the statutory declaration is a sworn statement of truth in presenting the application and accompanying evidence.

REMINDER TO OFFICER TAKING DECLARATION:

Please initial all alterations and mark any map as an exhibit



Civic Centre, High Street, Esher, Surrey, KT10 9SD

Date: 30/3/2023 at 16:03 PM by emc

Stokes Field Village Green

Scale: 1:2500

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EXHIBIT 'A'

7
This is the exhibit marked 'A' referred to
in the statutory declaration of Victoria STATHAM
made this 30th March 2023
before me, SARA BASTIR, SOLICITOR



Owen White & Catlin LLP
North Lodge
Esher Park Avenue
Esher
Surrey KT10 9NP

The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

7



Official copy of register of title

Title number SY808555

Edition date 24.12.2012

- This official copy shows the entries on the register of title on 21 DEC 2022 at 11:08:15.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 21 Dec 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Durham Office.

A: Property Register

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

SURREY : ELMBRIDGE

- 1 (24.12.2012) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Long Ditton Cemetery, Rectory Lane, Long Ditton, Surbiton (KT6 5HW).

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 (24.12.2012) PROPRIETOR: ELMBRIDGE BOROUGH COUNCIL of Civic Centre, High Street, Esher KT10 9SD.
- 2 (24.12.2012) The value stated as at 24 December 2012 was £300,000.

C: Charges Register

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

- 1 (24.12.2012) A Conveyance of the land in this title and other land dated 4 December 1934 made between (1) The Right Honourable Mary Caroline Dowager Countess of Lovelace (Vendor) (2) Coutts & Company and (3) The Urban District Council of Esher (Council) contains covenants details of which are set out in the schedule hereto.

By a Deed of Variation and Release dated 25 April 1938 made between (1) The Right Honourable Mary Caroline Dowager Countess of Lovelace (2) Coutts & Company and (3) The Urban District Council of Esher (Council) the said covenants were expressed to be released. Details of the terms of release are set out in the schedule hereto.

By a Deed of Variation and Release dated 14 June 1946 made between (1) The Right Honourable Judith Anne Dorothea Baroness Wentworth (2) Coutts & Company (Trustees) and (3) The Urban District Council of Esher (Council) the said covenants were expressed to be released. Details of

C: Charges Register continued

the terms of release are set out in the schedule hereto.

By a Deed of Release dated 15 September 1967 made between (1) Charles Leslie Gillitt and Nathan Davis (Trustees) and (2) Esher Urban District Council (Council) the said covenants were expressed to be released. Details of the terms of release are set out in the schedule hereto.

Schedule of restrictive covenants

- 1 The following are details of the terms of the release contained in the Deed dated 15 September 1967 referred to in the Charges Register:-

"The Trustees as successors in title to the land lying to the South for the benefit of which the said conditions restrictions and stipulations hereinafter mentioned were imposed so far as they lawfully can and may at the request of the council HEREBY RELEASE absolutely the land conveyed to the Council by the Conveyance of 1934 which said land is more particularly shown edged yellow on the plan from each and every the conditions restrictions and stipulations contained in the First Schedule to the Conveyance of 1934".

NOTE: The land in this title falls within the land edged yellow.

- 2 (24.12.2012) The following are details of the covenants contained in the Conveyance dated 4 December 1934 referred to in the Charges Register:-

"For the benefit of the land of the Vendor lying to the South of the property hereby conveyed and so as to bind the property hereby conveyed the Council hereby covenant with the Vendor that the Council and their successors in title will at all times hereafter observe and perform the conditions restrictions and stipulations contained in the First Schedule hereto.

Provided always that the Council or other the owner or owners for the time being of the premises hereby conveyed shall as regards any of the aforesaid covenants which are restrictive of the user of the land be liable only in respect of breaches which recur while they shall respectively be owners of the land or of the part thereof in respect of which any breach occurs.

THE FIRST SCHEDULE before referred to

No buildings or erections except as hereinafter provided shall be built or erected on the property and the same shall not be used except for the purpose of a Cemetery but this restriction shall not prevent the council erecting buildings for use as private dwellinghouses only and for no other purpose on the property to a depth of 150 feet from the South and West.

- 3 (24.12.2012) The following are details of the terms of the release contained in the Deed dated 25 April 1938 referred to in the Charges Register:-

Hereby releases the pieces or parcels of land delineated on the said plan and thereon coloured pink from the obligations of the said stipulation to such an extent as may be necessary to permit or enable the council to use the said land for the erection of private dwellinghouses but subject to the restrictions and stipulations contained in the schedule hereto.

AND in consideration of the premises the Council to the intent that this covenant shall so far as practicable run with and be binding upon the said pieces or parcels of land and every part thereof into whosoever hands the same may come hereby covenants with the Countess of Lovelace for the benefit and protection of the adjoining and adjacent lands belonging to her that the Council and their successors in title will at all times hereafter observe and perform the stipulations contained in the schedule hereto.

THE SCHEDULE above referred to

Schedule of restrictive covenants continued

Particulars of Restrictions and Stipulations

- (1) No house or building shall be erected except in accordance with such of these stipulations as affect the land.
2. FENCES. The Council shall when building operations commence make and for ever after maintain at their own expense boundary fences on the land delineated on the said plan on the sides marked "T" thereon within the boundary.
3. BUILDING LINE. Subject to the local bye laws the front wall of any house or building to be erected shall not be nearer to Sugden Road or Rectory Lane than the building line marked on the said plan and no building or erection of any kind shall be erected on any portion of the said land which lies between the building line and the roads marked on the said plan except bay-windows balconies porches and other architectural projections (none of which shall project more than four feet in advance of the said building line) and fences or other enclosures and gates.
- (4) TEMPORARY AND OTHER BUILDINGS. No temporary buildings of any kind shall at any time be erected other than sheds and workshops to be used only for works incident to the erection of permanent buildings thereon. No garage or domestic office or outbuildings or other inferior permanent building shall be erected unless the house to which the same is or are to belong shall be erected immediately thereafter.
- (5) APPROVAL OF PLANS. No house or other building shall be erected unless the plans and elevations thereof shall have been previously submitted to and approved of in writing by the Countess of Lovelace or her duly authorised Agent but such approval shall not be unreasonably withheld. No charges shall be made to the Council in respect of obtaining such approval as aforesaid.
- (6) HOARDINGS. No hoarding shall be erected for advertisements not relating to the selling or letting of the said premises.
- (7) USER OF PREMISES. Private houses only shall be erected and they shall front towards Sugden Road and Rectory Lane and those houses fronting Sugden Road shall be detached and those fronting Rectory Lane may be semi-detached. No building to be erected shall at any time hereafter be used for any other purposes than a private dwellinghouse or a garage and outbuildings belonging thereto without the previous licence in writing of the Countess of Lovelace but nothing herein contained shall prevent the carrying on upon any such dwellinghouse or dwellinghouses of the practice or profession of a duly qualified Physician Surgeon or Solicitor. The prime cost of the houses to be erected fronting Sugden Road shall be £600 each at least and those fronting Rectory Lane shall be £300 each at least exclusive of the cost of a garage outhouses and fences
- (8) PROHIBITIONS. Nothing shall be set up or done by the Council on the land delineated on the said plan or in any building thereon which may be or grow to be a nuisance damage grievance or any annoyance to the Countess of Lovelace or the tenants of her adjoining property or to the owners or tenants of any other adjoining property or to the neighbourhood or which may tend to depreciate or lessen the value of the adjoining or adjacent land of the Countess of Lovelace or any part thereof as a residential property.
- (9) NO sand or gravel shall at any time be excavated or dug out of the land delineated on the said plan except for the purpose of laying the foundations of the houses or outbuildings and fences to be erected thereon or for use in erecting such buildings or in the gardens or ground thereof.
- (10) ALL buildings shall have tiled roofs and the elevations of the house shall be faced with redfaced or multi-coloured bricks or of stucco finish and no common stock bricks shall be used as facing bricks to any elevation.
- (11) IN these stipulations the expressions "the Countess of Lovelace" and "the Council" include the persons respectively deriving title under

Schedule of restrictive covenants continued

them.

NOTE: No building lines were shown on the copy plan.

- 4 (24.12.2012) The following are details of the terms of the Release contained in the Deed dated 14 June 1946 referred to in the Charges Register:-

"Baroness Wentworth as such tenant for life of the said estates and by virtue of the power vested in her by the Settled land Act 1925 with the consent of the Trustees and so far as she lawfully can or may under any other person or persons at the request of the Council hereby releases the land delineated on the said plan and thereon edged red from the obligations of the said stipulations to such an extent as may be necessary to permit or enable the Council to use such land for the erection of private dwellinghouses and for the construction of a road the approximate position whereof is shown on the said plan but subject to restrictions and stipulations as are contained in the Schedule hereto and in consideration of the premises the Council to the intent that this covenant shall so far as practicable run with and be binding upon the said land and every part thereof into whosoever hands the same may come hereby covenants with Baroness Wentworth for the benefit and protection of the adjoining and adjacent lands belonging to her that the Council and its successors in title will at all times hereafter observe and perform the said stipulations contained in the Schedule hereto.

THE SCHEDULE above referred to

Particulars of Restrictions and Stipulations

- (1) No house or building shall be erected except in accordance with such of these stipulations as affect the land.
- (2) FENCES. The Council shall as soon as the houses hereinafter referred to are erected make and for ever after maintain at their own expense boundary fences on the land delineated on the said plan on the sides marked "T" thereon within the boundary.
- (3) BUILDING LINE. Subject to the local bye-laws the front wall of any house or building to be erected shall not be nearer to Sugden Road or the proposed road than the building line which in the case of Sugden Road shall be 25 feet therefrom and in the case of the proposed new road 20 feet therefrom and no building or erection of any kind shall be erected on any portion of the said land which lies between such building lines and the respective roads to which they relate.
- (4) TEMPORARY AND OTHER BUILDINGS. No temporary buildings of any kind shall at any time be erected other than sheds and workshops to be used only for works incident to the erection of permanent buildings thereon. No garage or domestic office or outbuildings or other inferior permanent building shall be erected unless the house to which the same is or are to belong shall be erected immediately thereafter.
- (5) APPROVAL OF PLANS. No house or other building shall be erected unless the plans and elevations thereof shall have been previously submitted to and approved of in writing by Baroness Wentworth or her duly authorised agent but such approval shall not be unreasonably withheld.
- (6) HOARDINGS. No hoarding shall be erected for advertisements not relating to the selling or letting of the said premises.
- (7) USER OF PREMISES. Private houses only shall be erected and shall front towards Sugden Road and the proposed road and those houses fronting towards Sugden Road shall be detached and those fronting the proposed road may be semi-detached. No building to be erected shall at any time thereafter be used for any other purposes than a private dwellinghouse or a garage and outbuildings belonging thereto without the previous licence in writing of the Baroness Wentworth. The prime cost of the houses to be erected fronting Sugden Road shall be £900 each at least exclusive of the cost of a garage outhouses and fences those fronting the proposed road if semi-detached shall be of a prime

Title number SY808555

Schedule of restrictive covenants continued

cost of £450 each at least.

(8) PROHIBITIONS. Nothing shall be set up or done by the Council on the land delineated on the said plan or in any building thereon which may be or grow to be a nuisance damage grievance or any annoyance to the Baroness Wentworth or her tenants or to the owners or tenants of any of the adjoining property or to the neighbourhood or which may tend to depreciate or lessen the value of the adjoining or adjacent land of the Lovelace estate or any part thereof as a residential property.

(9) NO sand or gravel shall at any time be excavated or dug out of the land delineated on the said plan except for the purpose of laying the foundations of the houses or outbuildings to be erected thereon or for use in erecting such buildings or in the gardens of ground thereof.

(10) All buildings shall have tiled roofs and the elevations of the house shall be faced with red or multi-coloured facing bricks or of stucco finish and no common stock bricks shall be used as facing bricks to any elevation.

(11) In these stipulations the expressions "the Baroness Wentworth" and "the Council" include the persons respectively deriving title under them".

NOTE: The land in this title falls within the land edged blue.

End of register

These are the notes referred to on the following official copy

The electronic official copy of the title plan follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

This official copy was delivered electronically and when printed will not be to scale. You can obtain a paper official copy by ordering one from HM Land Registry.

This official copy is issued on 21 December 2022 shows the state of this title plan on 21 December 2022 at 11:08:15. It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002). This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

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

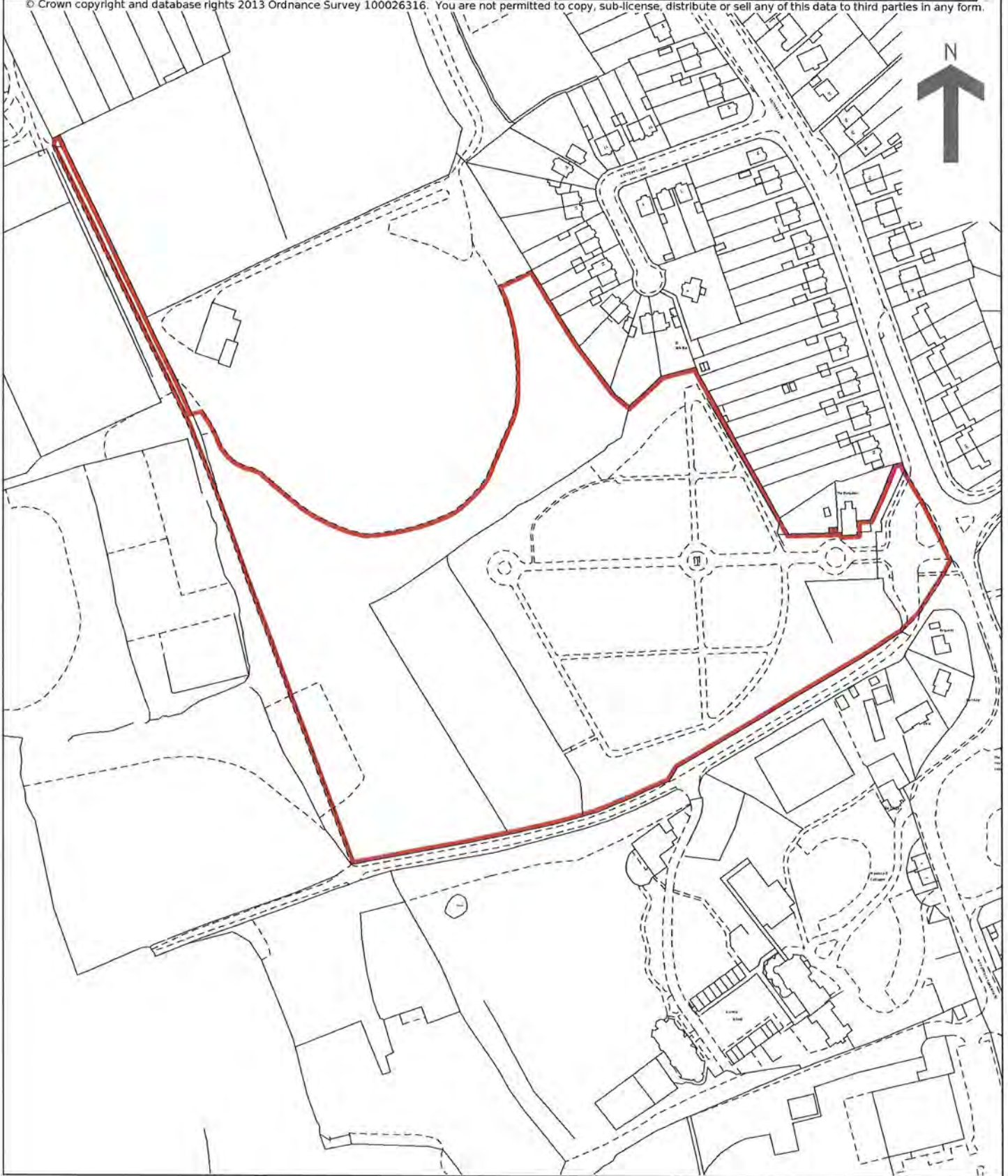
HM Land Registry
Official copy of
title plan

Title number **SY808555**
Ordnance Survey map reference **TQ1665NE**
Scale **1:2500 reduced from 1:1250**
Administrative area **Surrey : Elmbridge**



7

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The electronic official copy of the register follows this message.

Please note that this is the only official copy we will issue. We will not issue a paper official copy.

7



Official copy of register of title

Title number SY808556

Edition date 24.12.2012

- This official copy shows the entries on the register of title on 21 DEC 2022 at 11:30:23.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 21 Dec 2022.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry, Durham Office.

A: Property Register

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

SURREY : ELMBRIDGE

- 1 (24.12.2012) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Stokes Field, Bankside Drive, Thames Ditton.

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 (24.12.2012) PROPRIETOR: ELMBRIDGE BOROUGH COUNCIL of Civic Centre, High Street, Esher KT10 9SD.
- 2 (24.12.2012) The value stated as at 24 December 2012 was £5,000.

C: Charges Register

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

- 1 (24.12.2012) A Conveyance of the land in this title and other land dated 4 December 1934 made between (1) The Right Honourable Mary Caroline Dowager Countess of Lovelace (Vendor) (2) Coutts & Company and (3) The Urban District Council of Esher (Council) contains covenants details of which are set out in the schedule hereto.

By a Deed of Variation and Release dated 25 April 1938 made between (1) The Right Honourable Mary Caroline Dowager Countess of Lovelace (2) Coutts & Company and (3) The Urban District Council of Esher (Council) the said covenants were expressed to be released. Details of the terms of release are set out in the schedule hereto.

By a Deed of Variation and Release dated 14 June 1946 made between (1) The Right Honourable Judith Anne Dorothea Baroness Wentworth (2) Coutts & Company (Trustees) and (3) The Urban District Council of Esher (Council) the said covenants were expressed to be released. Details of

C: Charges Register continued

the terms of release are set out in the schedule hereto.

By a Deed of Release dated 15 September 1967 made between (1) Charles Leslie Gillitt and Nathan Davis (Trustees) and (2) Esher Urban District Council (Council) the said covenants were expressed to be released. Details of the terms of release are set out in the schedule hereto.

Schedule of restrictive covenants

- 1 (24.12.2012) The following are details of the covenants contained in the Conveyance dated 4 December 1934 referred to in the Charges Register:-

"For the benefit of the land of the Vendor lying to the South of the property hereby conveyed and so as to bind the property hereby conveyed the Council hereby covenant with the Vendor that the Council and their successors in title will at all times hereafter observe and perform the conditions restrictions and stipulations contained in the First Schedule hereto.

Provided always that the Council or other the owner or owners for the time being of the premises hereby conveyed shall as regards any of the aforesaid covenants which are restrictive of the user of the land be liable only in respect of breaches which recur while they shall respectively be owners of the land or of the part thereof in respect of which any breach occurs.

THE FIRST SCHEDULE before referred to

No buildings or erections except as hereinafter provided shall be built or erected on the property and the same shall not be used except for the purpose of a Cemetery but this restriction shall not prevent the council erecting buildings for use as private dwellinghouses only and for no other purpose on the property to a depth of 150 feet from the South and West.

- 2 (24.12.2012) The following are details of the terms of the release contained in the Deed dated 25 April 1938 referred to in the Charges Register:-

Hereby releases the pieces or parcels of land delineated on the said plan and thereon coloured pink from the obligations of the said stipulation to such an extent as may be necessary to permit or enable the council to use the said land for the erection of private dwellinghouses but subject to the restrictions and stipulations contained in the schedule hereto.

AND in consideration of the premises the Council to the intent that this covenant shall so far as practicable run with and be binding upon the said pieces or parcels of land and every part thereof into whosoever hands the same may come hereby covenants with the Countess of Lovelace for the benefit and protection of the adjoining and adjacent lands belonging to her that the Council and their successors in title will at all times hereafter observe and perform the stipulations contained in the schedule hereto.

THE SCHEDULE above referred to

Particulars of Restrictions and Stipulations

(1) No house or building shall be erected except in accordance with such of these stipulations as affect the land.

2. FENCES. The Council shall when building operations commence make and for ever after maintain at their own expense boundary fences on the land delineated on the said plan on the sides marked "T" thereon within the boundary.

3. BUILDING LINE. Subject to the local bye laws the front wall of any house or building to be erected shall not be nearer to Sugden Road or Rectory Lane than the building line marked on the said plan and no building or erection of any kind shall be erected on any portion of the

Schedule of restrictive covenants continued

said land which lies between the building line and the roads marked on the said plan except bay-windows balconies porches and other architectural projections (none of which shall project more than four feet in advance of the said building line) and fences or other enclosures and gates.

(4) TEMPORARY AND OTHER BUILDINGS. No temporary buildings of any kind shall at any time be erected other than sheds and workshops to be used only for works incident to the erection of permanent buildings thereon. No garage or domestic office or outbuildings or other inferior permanent building shall be erected unless the house to which the same is or are to belong shall be erected immediately thereafter.

(5) APPROVAL OF PLANS. No house or other building shall be erected unless the plans and elevations thereof shall have been previously submitted to and approved of in writing by the Countess of Lovelace or her duly authorised Agent but such approval shall not be unreasonably withheld. No charges shall be made to the Council in respect of obtaining such approval as aforesaid.

(6) HOARDINGS. No hoarding shall be erected for advertisements not relating to the selling or letting of the said premises.

(7) USER OF PREMISES. Private houses only shall be erected and they shall front towards Sugden Road and Rectory Lane and those houses fronting Sugden Road shall be detached and those fronting Rectory Lane may be semi-detached. No building to be erected shall at any time hereafter be used for any other purposes than a private dwellinghouse or a garage and outbuildings belonging thereto without the previous licence in writing of the Countess of Lovelace but nothing herein contained shall prevent the carrying on upon any such dwellinghouse or dwellinghouses of the practice or profession of a duly qualified Physician Surgeon or Solicitor. The prime cost of the houses to be erected fronting Sugden Road shall be £600 each at least and those fronting Rectory Lane shall be £300 each at least exclusive of the cost of a garage outhouses and fences

(8) PROHIBITIONS. Nothing shall be set up or done by the Council on the land delineated on the said plan or in any building thereon which may be or grow to be a nuisance damage grievance or any annoyance to the Countess of Lovelace or the tenants of her adjoining property or to the owners or tenants of any other adjoining property or to the neighbourhood or which may tend to depreciate or lessen the value of the adjoining or adjacent land of the Countess of Lovelace or any part thereof as a residential property.

(9) NO sand or gravel shall at any time be excavated or dug out of the land delineated on the said plan except for the purpose of laying the foundations of the houses or outbuildings and fences to be erected thereon or for use in erecting such buildings or in the gardens or ground thereof.

(10) ALL buildings shall have tiled roofs and the elevations of the house shall be faced with redfaced or multi-coloured bricks or of stucco finish and no common stock bricks shall be used as facing bricks to any elevation.

(11) IN these stipulations the expressions "the Countess of Lovelace" and "the Council" include the persons respectively deriving title under them.

NOTE: No building lines were shown on the copy plan.

3 (24.12.2012) The following are details of the terms of the Release contained in the Deed dated 14 June 1946 referred to in the Charges Register:-

"Baroness Wentworth as such tenant for life of the said estates and by virtue of the power vested in her by the Settled land Act 1925 with the consent of the Trustees and so far as she lawfully can or may under any other person or persons at the request of the Council hereby releases the land delineated on the said plan and thereon edged red from the obligations of the said stipulations to such an extent as may be

Schedule of restrictive covenants continued

necessary to permit or enable the Council to use such land for the erection of private dwellinghouses and for the construction of a road the approximate position whereof is shown on the said plan but subject to restrictions and stipulations as are contained in the Schedule hereto and in consideration of the premises the Council to the intent that this covenant shall so far as practicable run with and be binding upon the said land and every part thereof into whosoever hands the same may come hereby covenants with Baroness Wentworth for the benefit and protection of the adjoining and adjacent lands belonging to her that the Council and its successors in title will at all times hereafter observe and perform the said stipulations contained in the Schedule hereto.

THE SCHEDULE above referred to

Particulars of Restrictions and Stipulations

(1) No house or building shall be erected except in accordance with such of these stipulations as affect the land.

(2) FENCES. The Council shall as soon as the houses hereinafter referred to are erected make and for ever after maintain at thier own expense boundary fences on the land delineated on the said plan on the sides marked "T" thereon within the boundary.

(3) BUILDING LINE. Subject to the local bye-laws the front wall of any house or building to be erected shall not be nearer to Sugden Road or the proposed road than the building line which in the case of Sugden Road shall be 25 feet therefrom and in the case of the proposed new road 20 feet therefrom and no building or erection of any kind shall be erected on any portion of the said land which lies between such building lines and the respective roads to which they relate.

(4) TEMPORARY AND OTHER BUILDINGS. No temporary buildings of any kind shall at any time be erected other than sheds and workshops to be used only for works incident to the erection of permanent buildings thereon. No garage or domestic office or outbuildings or other inferior permanent building shall be erected unless the house to which the same is or are to belong shall be erected immediately thereafter.

(5) APPROVAL OF PLANS. No house or other building shall be erected unless the plans and elevations thereof shall have been previously submitted to and approved of in writing by Baroness Wentworth or her duly authorised agent but such approval shall not be unreasonably withheld.

(6) HOARDINGS. No hoarding shall be erected for advertisements not relating to the selling or letting of the said premises.

(7) USER OF PREMISES. Private houses only shall be erected and shall front towards Sugden Road and the proposed road and those houses fronting towards Sugden Road shall be detached and those fronting the proposed road may be semi-detached. No building to be erected shall at any time thereafter be used for any other purposes than a private dwellinghouse or a garage and outbuildings belonging thereto without the previous licence in writing of the Baroness Wentworth. The prime cost of the houses to be erected fronting Sugden Road shall be £900 each at least exclusive of the cost of a garage outhouses and fences those fronting the proposed road if semi-detached shall be of a prime cost of £450 each at least.

(8) PROHIBITIONS. Nothing shall be set up or done by the Council on the land delineated on the said plan or in any building thereon which may be or grow to be a nuisance damage grievance or any annoyance to the Baroness Wentworth or her tenants or to the owners or tenants of any of the adjoining property or to the neighbourhood or which may tend to depreciate or lessen the value of the adjoining or adjacent land of the Lovelace estate or any part thereof as a residential property.

(9) NO sand or gravel shall at any time be excavated or dug out of the land delineated on the said plan except for the purpose of laying the foundations of the houses or outbuildings to be erected thereon or for use in erecting such buildings or in the gardens of ground thereof.

Title number SY808556

Schedule of restrictive covenants continued

(10) All buildings shall have tiled roofs and the elevations of the house shall be faced with red or multi-coloured facing bricks or of stucco finish and no common stock bricks shall be used as facing bricks to any elevation.

(11) In these stipulations the expressions "the Baroness Wentworth" and "the Council" include the persons respectively deriving title under them".

NOTE: The land in this title falls within the land edged red.

4 (24.12.2012) The following are details of the terms of the release contained in the Deed dated 15 September 1967 referred to in the Charges Register:-

"The Trustees as successors in title to the land lying to the South for the benefit of which the said conditions restrictions and stipulations hereinafter mentioned were imposed so far as they lawfully can and may at the request of the council HEREBY RELEASE absolutely the land conveyed to the Council by the Conveyance of 1934 which said land is more particularly shown edged yellow on the plan from each and every the conditions restrictions and stipulations contained in the First Schedule to the Conveyance of 1934".

NOTE: The land in this title falls within the land edged yellow.

End of register

This is the exhibit marked 'B' referred to in
the statutory declaration of Victoria Statham
made this 30th March 2023

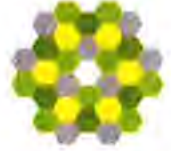
before me, SARA BASHIR, SOLICITOR



Owen White & Catlin LLP
North Lodge
Esher Park Avenue
Esher
Surrey KT10 9NP

HM Land Registry
Official copy of
title plan

Title number **SY808556**
Ordnance Survey map reference **TQ1665NE**
Scale **1:2500 reduced from 1:1250**
Administrative area **Surrey : Elmbridge**



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