

From: [Judith Shephard](#)
To: [Helen Gilbert](#)
Subject: FW: Commons Amendment App: 1876 re: The Hallams, Littleford Lane, Blackheath - (PP002.63818)
Date: 10 September 2019 11:36:13
Attachments: [image013406.png](#)
[image068567.png](#)
[image046958.png](#)
[image448862.png](#)
[image895266.png](#)
[image034830.png](#)

Dear Helen

Please could you circulate the email below to the applicant's solicitor and the objectors.

Many thanks

Judith

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From: William Webster [mailto:[REDACTED]]
Sent: 09 September 2019 11:06
To: Judith Shephard <judith.shephard@surreycc.gov.uk>
Subject: RE: Commons Amendment App: 1876 re: The Hallams, Littleford Lane, Blackheath - (PP002.63818)

Dear Ms Shephard

When I advised on 17/10/2017 it was my preliminary view that the application should be rejected unless the application plan was amended to exclude the woodland on the western side which seemed to me to be outside the curtilage of the qualifying built development and managed areas to the east of the woodland.

By the time I last advised on 8/08/2019 the landowner had provided a revised plan showing (shaded blue) the revised extent of the curtilage of the Hallams which it was claimed should be

de-registered.

The OSS now invite the registration authority to deal with the matter as proposed in my last advice. They say that the original application should be determined on its merits in order that the status of whole of the claimed land should be determined on its merits. As they put it:

Rather than treating the revised plan as amounting to a revised application, we suggest that it is treated as guidance as to what the applicant would find acceptable, if the council were to determine to grant the application in part (comprising, for example, the part identified in the revised plan).

I agree. It seems to me to be right in principle to determine the original application in full as allowing the application to be amended in its proposed form would leave the status of the land outside the revised application, but falling within the original application, to remain in a state of limbo. The OSS therefore invites the registration authority to make a determination on the status of the entirety of the application land.

In my last advice I advised that I should be instructed to carry out an accompanied view of the site with the owners or their representatives and with the objectors (neither of whom wish to do so, indeed Mr Byrne says that he has nothing else to add). I also indicated that I wished to hear more about Mr Parry's professional profile. I also indicated that after I have visited the site I would give the applicant/objectors 14 days within which to make any further representations following which I would prepare a report containing my recommendations.

It is plain that there will be no need for a hearing after my site visit, nor are the parties even looking to make further submissions although the landowner would doubtless wish to do if the registration authority were minded to act in a way which was at variance with the revised plan.

The OSS nonetheless want me to look at the site and they also want to see (as they put it) the findings of that process although they say that they do not challenge, at least at this stage, the correctness of the curtilage identified in the revised plan. What they want now is for the registration authority to make its own determination on the true extent of the curtilage of the main house and it would clearly be impossible to do this without an inspection of the site.

The landowners solicitors say that a site visit is unnecessary and that the application should now be determined as a desk-top exercise. I do not agree.

Accordingly, it is my advice that arrangements should be made for me to inspect the site in order that a determination may be made of the original application as a whole. I propose to draw up a preliminary report (containing my recommendation) after my visit in order that the landowners and objectors may be given an opportunity to comment upon the same for which I suggest a period of 14 days. I can thereafter look at any representations made before signing off on my report in its final form. It would obviously help if the landowners or their representative were able to accompany me on my site visit but this is not compulsory.

I would be grateful if you could circulate this email to the interested parties.

Kind regards

William Webster

William Webster

Barrister



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