

Steven Stroud  
Strategic Projects and Delivery Manager  
Babergh District Council  
Endeavour House  
8 Russell Rd  
Ipswich  
IP1 2BX

4 May 2018

Dear Steven

**Planning Application Reference DC/17/04052  
Land north of Waldingfield Road, Sudbury**

I write in response to the comments received on 28 April 2018 in connection with the above application.

**Bee Orchids**

The grassland within the orchard has been, and will continue to be, maintained on a periodic basis up to the point that development commences (subject to the grant of planning permission). The proposed development will include significant ecological mitigation areas which will deliver a net gain in biodiversity and provide an opportunity for new and existing flora to establish.

**Potential Right of Way**

Please see the enclosed letter from our solicitors Eversheds Sutherlands responding to the claim of a third party right of way across the site.

**Access to Power Line**

The utility operator has a right of access to the gardens of the properties adjoining the site within St Mary's Close in order to maintain the power line and vegetation growing beneath. The fact that maintenance has historically been undertaken from the application site, does not remove the fact that a right of access over the gardens of the properties in St Mary's Close remains.

The opportunity for the inclusion of a maintenance strip below the power lines as part of the new housing development or the granting of similar rights for the utility operator over some of the new properties are options that can be discussed in detail with the utility operator and existing residents at the reserved matters stage.

Please do not hesitate to contact me should any clarification be necessary.

Yours faithfully

**Ed Barrett**  
Senior Planning Manager  
[edb@catesbyestates.co.uk](mailto:edb@catesbyestates.co.uk)  
01926 836910

Steven Stroud  
Strategic Projects and Delivery Manager  
Barbergh and Mid Suffolk District Council  
Endeavour House  
8 Russell Road  
Ipswich IP1 2BX

**Date:** 4 May 2018  
**Your ref:**  
**Our ref:** ANDREWST\175442-000099  
**Direct:** +44 20 7919 0670  
**Email:** stuartandrews@eversheds-sutherland.com

Dear Sirs

**PLANNING APPLICATION DC/17/04052 LAND NORTH OF WALDINGFIELD ROAD**

We act on behalf of Catesby Estates in connection with the above planning application.

We have been provided with third party correspondence which include claims that rights of access within parts of the application site have been established over time by neighbouring residents. We confirm that this is an entirely false claim and enclose the up to date registered title to the property in confirmation of this position. You will note in review of this material that title absolute is registered to Mr and Mrs Wheldon with a charge in favour of our clients and that there are no other claims, restrictions or cautions relating to any part the site.

You will also be readily aware that any private land issue should have no bearing upon the determination in public law of a proposed development scheme. As such, any propriety claim (whether unsubstantiated or otherwise) cannot be treated as a material issue in the determination of this planning application.

We hope that this correspondence assists in clarifying this matter.

Yours faithfully

*Eversheds Sutherland (International) LLP*

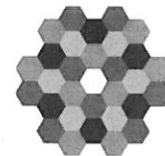
**Eversheds Sutherland (International) LLP**

Encl.

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# Official copy of register of title

Title number SK352608

Edition date 18.08.2017

- This official copy shows the entries on the register of title on 21 Aug 2017 at 10:30:04.
- 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 Aug 2017.
- 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 Kingston upon Hull Office.

## A: Property Register

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

SUFFOLK : BABERGH

- 1 (01.04.2014) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land on the north-west side of Waldingfield Road, Sudbury.

## 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 (01.04.2014) PROPRIETOR: HUGH WHELDON and MIMI WHELDON of Little Church Farm, Prospect Hill, Little Cornard, Sudbury CO10 0PF and ANDREW WHELDON of Poplars Farm, Upper Tye, Cornard Tye, Great Cornard, Sudbury CO10 0QA.
- 2 (01.04.2014) The value stated as at 1 April 2014 was £45,000.
- 3 (01.04.2014) 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.
- 4 (18.08.2017) RESTRICTION: No disposition of the registered estate, excepting a strip of land 50cm wide between the points marked A-B-C-D-E-F-G-H on the title plan, by the proprietor of the registered estate, or by the proprietor of any registered charge, not being a charge registered before the entry of this restriction, is to be registered without a certificate signed by Catesby Estates Limited (Co. Regn. No. 03231740) of Catesby House, Unit 5b Tournament Court, Edgehill Drive, Warwick CV34 6LG or their conveyancer that the provisions of paragraph 1 of Schedule 6 of an Agreement dated 2 August 2017 made between (1) Hugh Wheldon and others and (2) Catesby Estates Limited have been complied with.

Title number SK352608

## C: Charges Register

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

- 1 (01.04.2014) A Conveyance dated 26 July 1939 made between (1) Ada Emma Ward and (2) Peter Wheldon contains restrictive covenants details of which are set out in the schedule of restrictive covenants hereto.

NOTE 1: No copy of the covenant to observe the said restrictive covenants was supplied on first registration.

NOTE 2: No copy of the Conveyance was lodged on First Registration.

- 2 (18.08.2017) UNILATERAL NOTICE affecting the land in this title except for a strip of land 50cm wide between the points marked A-B-C-D-E-F-G-H on the title plan in respect of the benefit of clause 13 of a Promotion Agreement dated 3 August 2017 made between (1) Hugh Wheldon and others and (2) Catesby Estates Limited.
- 3 (18.08.2017) BENEFICIARY: Catesby Estates Limited of Catesby House, Unit 5b Tournament Court, Edgehill Drive, Warwick CV34 6LG.

## Schedule of restrictive covenants

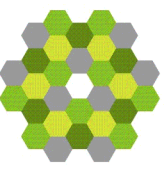
- 1 (01.04.2014) The following are details of the covenants contained in the Conveyance dated 26 July 1939 referred to in the Charges Register:-

"the Vendor covenanted that he would not at any time erect a house or other building within Fifty yards of the ground of Chilton Priory shown on the plan attached to the said Conveyance.

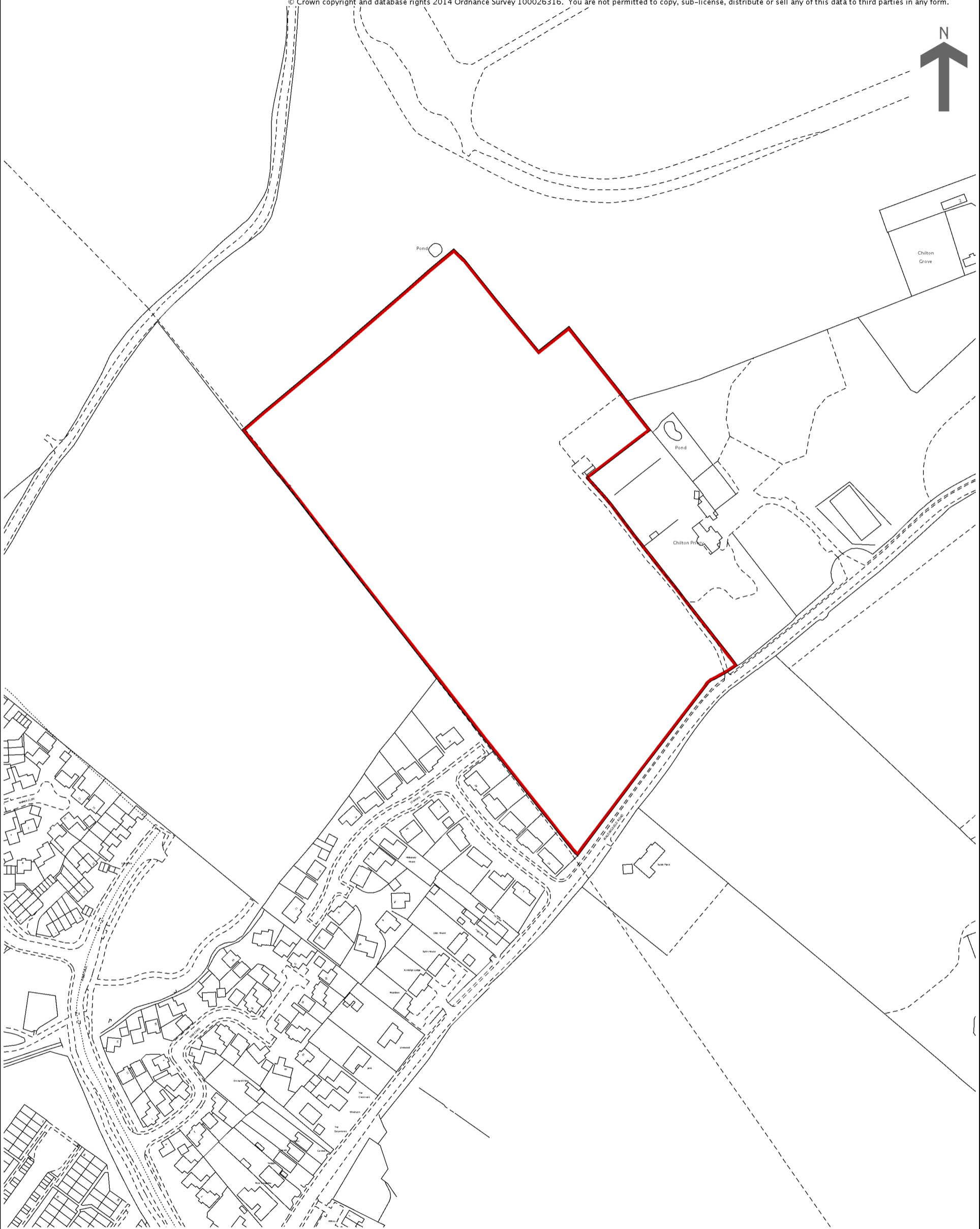
End of register

Land Registry  
Current title plan

Title number **SK352608**  
Ordnance Survey map reference **TL8842NE**  
Scale **1:2500**  
Administrative area **Suffolk : Babergh**



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This is a print of the view of the title plan obtained from Land Registry showing the state of the title plan on 07 December 2016 at 13:24:33. 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 Land Registry, Kingston upon Hull Office.