

Ref: PHD 093/04

Subject:	Release of Restrictive Covenant, Brooks Hill
Responsible Officer:	Director of Strategy-Urban Living
Contact Officer:	Philip Loveland-Cooper Tel: 020 8424 1877
Portfolio Holder:	Leader
Key Decision:	No
Urgent/Non Urgent:	Urgent
Power to be exercised:	Paragraph 3 of delegated powers to Portfolio Holders Appendix to Executive Procedure rules Part 4D of the constitution
Status:	Part 1

## **Section 1: Summary**

### **Decision Required**

Not to lodge an objection to the release of a restrictive covenant in respect of The Timbers, 41 Brooks Hill, Harrow Weald

### **Reason for report**

The owners of The Timbers, Brooks Hill have applied to the Lands Tribunal for the release of a restrictive covenant which would otherwise prevent the premises and land being used as a place of worship and religious instruction. Any objection must be lodged by the 5<sup>th</sup> May 2005

### **Benefits**

The provision of a place of religious worship

## **Cost of Proposals**

There are no associated costs to Harrow Council

## **Risks**

If the Council were to object and the Lands Tribunal ultimately uphold the application Harrow Council could be liable for a percentage of the applicants costs

## **Implications if recommendations rejected**

An objection would need to be lodged by the council by 5<sup>th</sup> May 2005 with the risk that the council may be exposed to paying all or part of the applicants costs

## **Section 2: Report**

### **2.1 Brief History**

When this area of the borough was originally developed all the land and properties were subject to the following restrictive covenant :- “ no house for the time being standing on the said land shall be used for any trade business or manufacture or otherwise than as a private dwelling house only. Any stable coach house garage or other erection shall be used for private purposes and not in connection with any trade business or manufacture. Nothing contained shall however be deemed to prevent any medical practitioner or solicitor practising in or upon the premises”. The land which forms the subject matter of the application to the Lands Tribunal became subject to the covenants by a conveyance dated 7<sup>th</sup> October 1925. The covenants are expressed as being for the benefit of the Harrow Weald Park Estate. It is assumed that these covenants were put in place to protect the character of the area and to ensure it remained residential. The property is within the Green Belt.

### **2.2 Options considered**

- A) To oppose the application. - Harrow Council owns Harrow Weald Park which adjoins the subject property and also 31 sheltered homes. The current UDP provides for the open space to be gradually developed as Public Woodland. There do not appear to be any grounds to object as the release would not have an adverse effect on the value or use of Harrows land and property holding.
- B) Not to object -on the basis of insufficient grounds and no adverse effect on Harrows property holding. A failed objection could also give rise to liability in respect of all or part of the applicants costs if the Tribunal decides that the conduct of the objector in opposing the application has been unreasonable

### **2.3 Consultation**

Ward councillors and via the planning process

2.4 Financial Implications

None other than contained within the report

Signature ..... Date .....

Name (print) .....

2.5 Legal Implications

**Legal implications are contained in the body of the report**

Signature ..... Date .....

Name (print) .....

2.6 Equalities Impact

Assist the provision of facilities for the Hindu community which are under provided in relation to the percentage of population.

**Section 3: Supporting Information/ Background Documents**

List information that is on deposit in Group Offices and can be viewed on the web:  
None

List other background papers that are available on request:

Lands Tribunal Publicity Notice LP/69/2004  
Site plan 703/10, building plan703/7  
Copy of application ref LP/69/2004  
Copy of title ref MX254271

Signature: .....

Position *Director of Strategy-Urban Living*

Name (print)

.....

Date:

**FOR PORTFOLIO HOLDER/LEADER**

\* I do agree to the decision proposed

\* I do not agree to the decision proposed

\* Please delete as appropriate

Notification of personal interests (if any) :-

(Note: if you have a prejudicial interest you should not take this decision)

Additional comments made by and/or options considered by the Portfolio Holder

Signature: .....

Portfolio Holder

Date: