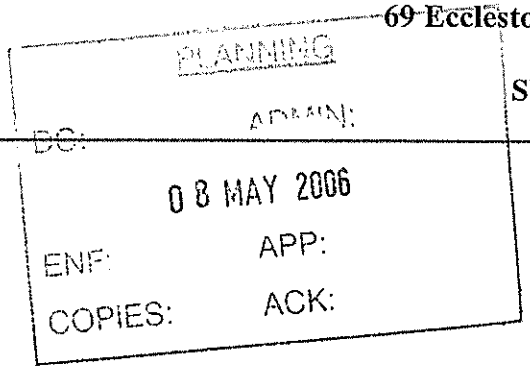
Endalls Stud
69 Eccleston Square
London
SW1V 1PJ



Ms Emy Circuit
Wokingham District Council
Planning, Regulation & Enforcement
P.O. Box 157
Shute End
Wokingham
Berkshire
RG40 1WR

2 May 2006

Dear Emy

Planning Permission F/2002/8243

Thank you for your letter dated 3 March 2006. You are correct that one of the farm footpaths shown on Drawing Nos NWEFW/2002/01A and NWEFW/2002/45 has yet to be constructed. It is anticipated that this will be done over the next six to nine months, when the main house building is under way.

In addition, I am now in contact with Janet Spiller to arrange for the erection of suitable signage.

Yours sincerely

Nicholas Lewis

Emy Circuit

From: Emy Circuit
Sent: 29 March 2006 15:38
To: Janet Spiller
Subject: RE: Endalls Farm, Wargrave - permissive footpaths enforcement

Janet,

I missed you this afternoon but perhaps you could give me a call to discuss this tomorrow? By coincidence I had a call from the applicant in response to my letter today - he stopped the work on the paths because he was getting a lot of objection to them from the Ramblers Association and other locals but indicated that he will complete the work in accordance with the agreement while the house is being constructed this year. I forwarded your email to him so he can contact you regarding the signage.

Emy

Emy Circuit
Senior Planning Officer – Northern Area Team
Development Control
Wokingham District Council
Shute End
Wokingham District Council PO Box 157
RG40 1WR

Tel: (0118) 974 6479
Fax: (0118)974 479

emy.circuit@wokingham.gov.uk
www.wokingham.gov.uk

-----Original Message-----
From: Janet Spiller
Sent: 29 March 2006 10:26
To: Emy Circuit
Subject: Endalls Farm, Wargrave - permissive footpaths enforcement

Hello Emy
Further to my recent contact with you re: the above, the public rights of way officer; Rebecca Walkley would like to have the 3 permissive paths on the land at Endalls Farm signed so that the ways are clear for the public to use.
The Countryside Service would be willing to pay for and get the waymarking discs made. The landowner would need to provide suitable posts. Please could you let me know where you are with the enforcement of these permissive paths and whether it is appropriate to get the discs ordered.
Kind regards

Janet Spiller
Countryside Service Administrator
Wokingham District Council
Dinton Pastures Country Park
Davis Street
Hurst
RG10 0TH
Tel: 0118 934 2016
Fax: 0118 934 1987

Emy Circuit

From: Emy Circuit
Sent: 29 March 2006 15:29
To: 'nick@downing.co.uk'
Subject: FW: Endalls Farm, Wargrave - permissive footpaths enforcement

As just discussed, please see the contact details for Janet Spiller below.

Emy Circuit
Senior Planning Officer – Northern Area Team
Development Control
Wokingham District Council
Shute End
Wokingham District Council PO Box 157
RG40 1WR

Tel: (0118) 974 6479
Fax: (0118)974 479

emy.circuit@wokingham.gov.uk
www.wokingham.gov.uk

-----Original Message-----
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Sent: 29 March 2006 10:26
To: Emy Circuit
Subject: Endalls Farm, Wargrave - permissive footpaths enforcement

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The Countryside Service would be willing to pay for and get the waymarking discs made. The landowner would need to provide suitable posts. Please could you let me know where you are with the enforcement of these permissive paths and whether it is appropriate to get the discs ordered.
Kind regards

Janet Spiller
Countryside Service Administrator
Wokingham District Council
Dinton Pastures Country Park
Davis Street
Hurst
RG10 0TH
Tel: 0118 934 2016
Fax: 0118 934 1987

Tel: (0118) 974 6479 (Direct Line)
Email: emy.circuit@wokingham.gov.uk
Fax: (0118) 974 6484
Date: 3 March 2006
My ref: EXCF/2002/8243
Your ref: EXC/F/2002/8243
File ref: Applications/Endalls Farm 3

Mr N P Lewis
Endall's Farm
Blakes Lane
Hare Hatch
RG10 9SY

Planning, Regulation & Enforcement
P.O. Box 157
Shute End, Wokingham
Berkshire RG40 1WR
Tel: (0118) 974 6000
Fax: (0118) 974 6484
Minicom No: (0118) 9746991
DX: 33506 - Wokingham

Dear Mr Lewis,

PLANNING PERMISSION F/2002/8243

ENDALL'S FARM, BLAKES LANE, HARE HATCH

REPLACMENT DWELLING, EQUESTRIAN DEVELOPMENT, CONVERSION OF BARN TO GROOMS DWELLING AND ASSOCIATED DEVELOPMENT

I write with regard to the above planning permission, which was subject to a legal agreement.

The agreement, which was signed on 27 May 2004, secured the provision and maintenance of the footpaths shown on Drawing Nos NWEFW/2002/01A and NWEFW/2002/45, prior to first occupation of the development, and also required the footpaths be kept open for public use.

I understand from a colleague who has visited the site recently that some footpaths have been constructed but the provision is not fully in accordance with the approved drawings: she advises that one of the paths has not been constructed and the signage is inadequate.

Planning permission was subject to the footpath provision being made prior to occupation of the development and, depending on the exact stage of development, it appears that you may not complied with this requirement. Please can confirm what stage development is at, and let me know the reason why the provision is not as previously agreed and when you anticipate you will be able to comply with the requirements of the S106 agreement.

I will be on leave between 6 and 17 March but will be happy to discuss this matter upon my return. My contact details are set out at the top of this letter and I look forward to hearing from you.

Yours sincerely,

Emy Circuit
Senior Planning Officer, Development Control

cc: Peter Bourne, Highways, WDC
Mary Severin, Legal Services, WDC

Emy Circuit

From: Emy Circuit
Sent: 17 February 2006 11:11
To: Janet Spiller
Subject: Endall's Farm

Janet,

You copied me in on an email to Peter Bourne about this site on 18 January, in which you indicated that the footpaths (secured by legal agreement) hadn't all been provided as they should have been. I've been talking to legal about it an am in the process of writing to the applicant but wanted to check something first. The legal agreement requires the paths to be provided prior to occupation of the development – did you notice what stage development was at when you visited the site? I understand that you don't work on Friday's but please could you give me a call about it when you're in next week?

Thanks

Emy

Emy Circuit
Senior Planning Officer – Northern Area Team
Development Control
Wokingham District Council
Shute End
Wokingham District Council PO Box 157
RG40 1WR

Tel: (0118) 974 6479
Fax: (0118)974 479

emy.circuit@wokingham.gov.uk
www.wokingham.gov.uk

letter drafted Applications / Endalls Farm 3

Spoke 20 Feb - didn't go near main development but gallops were in place

MEMO

PLANNING
DC: EXC ADMIN:
15 FEB 2006
ENF: APP:
COPIES: ACK:

To: Emy Circuit – Development Control
From: Lisa Williamson – Legal Services
Tel: (0118) 974 6680
Date: 14 February 2006
Subject: Endalls Farm – F/2002/8243

Dear Emy

As requested, I attach a copy of the S106 Agreement for your records.

Kind regards

Lisa Williamson

9307

Dated 27TH MAY 2004

Nicholas Peter Lewis and Rowan Jane Lewis

and

Wokingham District Council

Agreement made under section 106 of the
Town and Country Planning Act 1990
relating to Endalls Farm Blakes Lane Hare Hatch

Susanne Nelson-Wehrmeyer
Solicitor
Wokingham District Council
PO Box 151
Shute End
Wokingham
Berkshire RG40 1WH

THIS DEED is made the 21st day of MAY Two Thousand and Four BETWEEN WOKINGHAM DISTRICT COUNCIL of Council Offices, Shute End, Wokingham, Berkshire ('the Council') and NICHOLAS PETER LEWIS and ROWAN JANE LEWIS both of Endall's Farm, Blakes Lane, Hare Hatch, Berks RG10 9SY ('the Owners')

WHEREAS:

A. The Owners are the owners in fee simple of the land shown edged red on the plan annexed hereto and known as Endall's Farm Blakes Road Wargrave Berks ("the Site")

B. On the 16th January 2003 an application was made for planning permission ("Application No.F/2002/8243") for the erection of 1 replacement dwelling and demolition of existing dwelling ; removal of mobile home and erection of outbuilding; conversion of barn from agriculture to 1 grooms dwelling; erection of new stables and indoor dressage area; formation of new entry road and lake/balance pond ("the Development")

C. The Council is the District Planning Authority for the administrative District of Wokingham

D. The Council has resolved that SUBJECT to the Owners entering into this Agreement planning permission should be granted in respect of the Application No. F/2002/8243 and the Owners have agreed to enter into this Agreement conditionally upon planning permission being granted in respect of Application No. F/2002/8243

E. This Agreement is entered into pursuant to the provisions of Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 whereby the Council is empowered to enter into

Agreement for various purposes in connection with the development of land and otherwise as more particularly set out in the Statutory Provisions

NOW THIS DEED WITNESSETH AND IT IS HEREBY AGREED AND DECLARED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:-

1. This Agreement is made in pursuance of the Statutory Provisions and all other powers enabling the Council in this behalf and is a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 (as substituted) which planning obligation is enforceable by the Council

2. Words in this Agreement importing the singular meaning shall where the context so admits include the plural meaning and vice versa

3. Words in this Agreement of the masculine gender shall include the feminine and neuter genders and vice versa and words denoting natural persons shall include corporations and vice versa

4. The Owners so as to bind each and every part of the Site into whosoever hands the same may come hereby jointly and severally covenant with the Council:

   (A) to provide and maintain to the reasonable satisfaction of the Council and prior to first occupation of the Development the footpaths shown on drawings attached hereto no. NWEFW/2002/45 and NFE/2002/01A ("the footpaths")

   (B) On provision of the footpaths to keep the footpaths open for public use at all times and to maintain the footpaths at all times to the reasonable satisfaction of the Council .

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velopment Control,Wokingham District Council.

Scale: 1 : 5000

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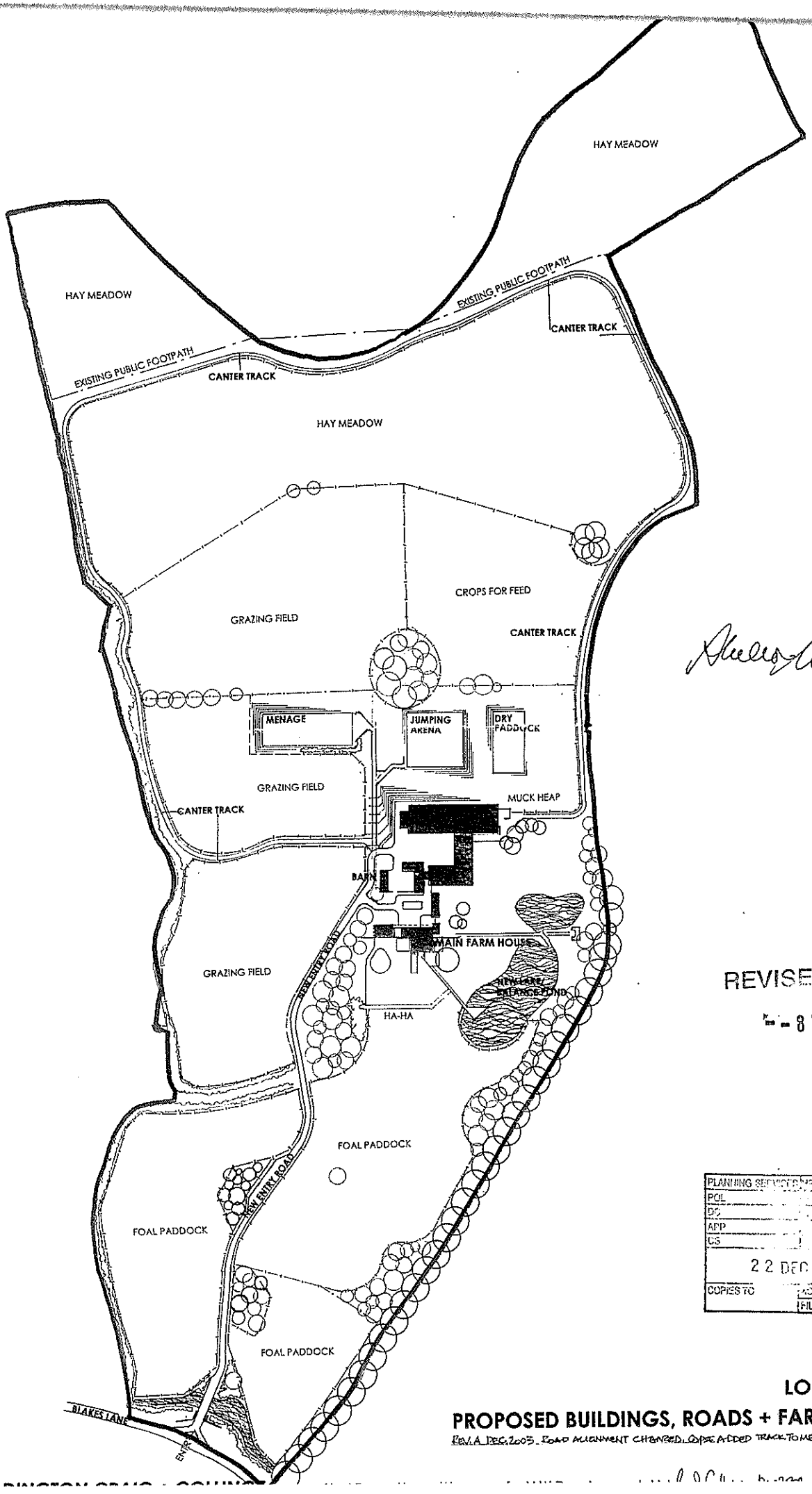
S



REVISED PLAN

8243

PLANNING SERVICES DEPT
POL
DC
APP
CS
22 DEC 2003
COPIES TO
FILE:

NORTH

LOCATION PLAN

PROPOSED BUILDINGS, ROADS + FARM DEVISIONS 1:250(

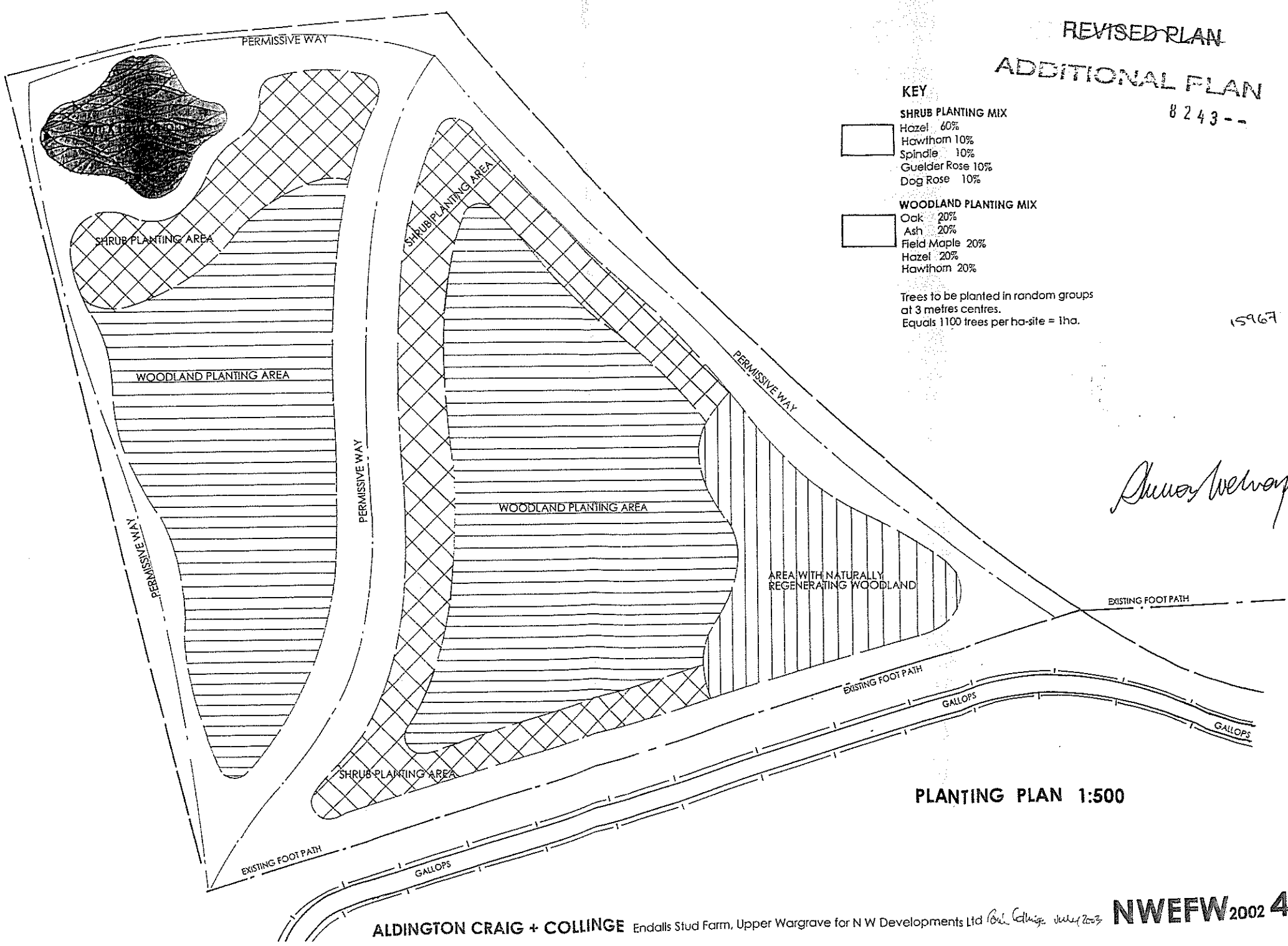
Rev.A DEC.2003 - ROAD ALIGNMENT CHANGED, COPSE ADDED TRACK TO MENAGE ADDED

NWEFW 01

REVISED PLAN

ADDITIONAL PLAN

8243--



KEY

SHRUB PLANTING MIX

Hazel 60%
Hawthorn 10%
Spindle 10%
Guelder Rose 10%
Dog Rose 10%

WOODLAND PLANTING MIX

Oak 20%
Ash 20%
Field Maple 20%
Hazel 20%
Hawthorn 20%

Trees to be planted in random groups at 3 metres centres.
Equals 1100 trees per ha-site = 1ha.

15967

PLANTING PLAN 1:500

ALDINGTON CRAIG + COLLINGE Endalls Stud Farm, Upper Wargrave for N W Developments Ltd

(C) to pay the Council's reasonable legal fees for the preparation of this Agreement

5. IT IS HEREBY FURTHER AGREED AND DECLARED by and between the parties hereto as follows: -

3.1 The expression 'the Owners' and 'the Council' shall include their respective successors in title and assigns

3.2 No person shall be liable for breach of the covenants restrictions or obligations contained in this Agreement occurring after he has parted with his interest in the Site but without prejudice to liability for any subsisting breach of covenant or obligation arising prior to parting with such interest

3.3 No person who is not a party to this deed ("third party") has or shall have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term under this deed and no consent of any third party shall be required under that Act to any cancellation or variation of this deed.

3.4 In this Agreement where any matter falls to be agreed between the parties or a test of reasonableness falls to be applied in respect of any matter or a dispute within three months from the date when it falls to be decided (or such longer period as herein provided) the question may be referred on the application of either party for the determination of a single expert to be agreed between the parties within a further period of one month or in the absence of such agreement to be appointed by the President for the time being of the Royal Institute of Chartered Surveyors on such terms as to the liability and remuneration of such experts as the President shall direct and the determination of the expert shall be final and binding upon the parties

IN WITNESS whereof the Owners have set their hands and the Council has affixed it's Common Seals the day and year first before written

SIGNED AS A DEED by the said
Nicholas Peter Lewis

in the presence of

CATHERINE ANTOUN
4 SYLVAN WALK
BROMLEY
KENT BR1 2XE
PA

SIGNED AS A DEED by the said
Rowan Jane Lewis

in the presence of

CATHERINE ANTOUN
4 SYLVAN WALK
BROMLEY
KENT BR1 2XE
PA

THE COMMON SEAL of
WOKINGHAM DISTRICT COUNCIL
was hereunto affixed
in the presence of

15967

Emy Circuit

From: Lisa Williamson
Sent: 14 February 2006 14:38
To: Emy Circuit
Subject: RE: F/2002/8243 Endalls Farm

Emy

I have put a copy of the S106 Agreement in the internal mail to you today.

Kind regards

Lisa

-----Original Message-----
From: Emy Circuit
Sent: 06 February 2006 08:48
To: Lisa Williamson
Subject: F/2002/8243 Endalls Farm

Lisa,

I was just checking the file for this application, prior to writing to them and I don't have a copy of the s106 agreement - just an email from Colin dated 27 May 2004 advising that it had been signed. Please could you let me have a copy?

Thanks

Emy

Emy Circuit
Senior Planning Officer - Northern Area Team
Development Control
Wokingham District Council
Shute End
Wokingham District Council PO Box 157
RG40 1WR

Tel: (0118) 974 6479
Fax: (0118)974 479

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Emy Circuit

From: Emy Circuit
Sent: 06 February 2006 08:48
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Emy

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emy.circuit@wokingham.gov.uk
www.wokingham.gov.uk

Emy Circuit

From: Lisa Williamson
Sent: 25 January 2006 14:05
To: Emy Circuit
Subject: RE: F/2002/8243 Endalls Farm

Emy

I've had a quick chat to Colin about this and we suggest that you write a polite letter to the applicant reminding them of their obligations. I would be happy to have a look at this letter if you would like before sending. If your letter does not prompt the applicant to take action to rectify the situation then you should refer the matter to the legal department so that we can do a more formal letter of demand.

Kind regards

Lisa Williamson
Planning Solicitor Locum
Wokingham District Council
Civic Offices, Shute End
Wokingham RG40 1BN
Direct Line: (0118) 974 6680

-----Original Message-----
From: Emy Circuit
Sent: 24 January 2006 12:01
To: Lisa Williamson
Subject: F/2002/8243 Endalls Farm

Lisa,

I don't know if you can help with this or recommend who I should speak to? The application was approved subject to a s106 to secure permissive footpaths to an ecological area on the site and I've recently been copied into an email from Janet Spiller in the Countryside Service, who advises that only two of the three footpaths have been constructed and the signage is deficient. She says the path that should run along the other side of the hedge from bridleway 19 is missing. What do we need to do about this and who needs to do it?

If you follow this (rather lengthy) link, the relevant plans are on page 14 and 179 of the plans section.

http://www.wokingham.gov.uk/sys_upl/templates/BT_WOK_PlanningApplication/BT_WOK_PlanningAp
action=DocumentView&ApplicationCode=F%2F2002%
2F8243&pgid=1813&tid=147&noCache=564_752

Emy

Emy Circuit
Senior Planning Officer - Northern Area Team
Development Control
Wokingham District Council
Shute End
Wokingham District Council PO Box 157
RG40 1WR

Tel: (0118) 974 6479
Fax: (0118)974 479

Emy Circuit

From: Emy Circuit
Sent: 24 January 2006 12:01
To: Lisa Williamson
Subject: F/2002/8243 Endalls Farm

Lisa,

I don't know if you can help with this or recommend who I should speak to? The application was approved subject to a s106 to secure permissive footpaths to an ecological area on the site and I've recently been copied into an email from Janet Spiller in the Countryside Service, who advises that only two of the three footpaths have been constructed and the signage is deficient. She says the path that should run along the other side of the hedge from bridleway 19 is missing. What do we need to do about this and who needs to do it?

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Emy

Emy Circuit
Senior Planning Officer – Northern Area Team
Development Control
Wokingham District Council
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Wokingham District Council PO Box 157
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Tel: (0118) 974 6479
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emy.circuit@wokingham.gov.uk
www.wokingham.gov.uk

Emy Circuit

From: Janet Spiller
Sent: 18 January 2006 13:52
To: Peter Bourne
Cc: Emy Circuit
Subject: Section 106 agreement for F2002/8243 Endall's Farm

Hello Peter
Further to your enquiry the footpath provision arising out of this agreement, the site has been inspected. Two of the three permissive footpaths are in place on the ground, the third that should run along the other side of the hedge from bridleway 19 is completely absent. The signage for the paths is also deficient. There is only 1 way marker disc on the whole site and no finger post signs.
In terms of enforcement, our consultant has told us that it is usually the planning officer responsible for the original application that would alert the council's legal team.
Emy, if you require more information, please contact me. Thanks.
Kind regards

Janet Spiller
Countryside Service Administrator
Wokingham District Council
Dinton Pastures Country Park
Davis Street
Hurst
RG10 0TH
Tel: 0118 934 2016
Fax: 0118 934 1987

NWEFW | 2002 | 45