

**RE VARIATION OF UNDERTAKINGS UNDER THE BERKSHIRE COUNTY
COUNCIL ACT DATED
24 APRIL 1975 AND 8 DECEMBER 1976 (Undertakings”)
REGARDING TORY HALL FARM, WINKFIELD LANE, WINKFIELD, WINDSOR,
SL4 4QU
RELEVANT PLANNING CONSENTS 600677 AND 601985**

1. The same arguments and principles apply to each of the undertakings.
2. The planning consents 600677 and 601985 respectively which prompted the s16 obligations were for a garage/stable block with flat above and stable block, garages and living accommodation above respectively. It is clear from the context in each case that the purpose of each undertaking was to prevent the residential development permitted under those consents from resulting in any new separate residential unit which could be sold separately from the main house (Tory Hall Farm).This application does not seek to alter that purpose or position in any way.
3. However, in each undertaking the definition of “the land” (i.e. the unit which must be kept intact) included not only the main residential house and all ancillary outbuildings including the newly approved developments but also the adjoining fields which happened to be part of the same Land Registry title.
4. Because of that drafting and the definition of “the land” the effect of each undertaking was to prevent not only the separate sale of the new residential additions separately from the main home (which the applicant does not seek to amend) but also to prevent the main house and the additions from being sold as one unit separately from the adjoining fields. The present application is prompted by Mr and Mrs Fletcher wishing to purchase the whole of the residential curtilage known as “Tory Hall Farm” as a whole but not including the fields.
5. The intention of the Council in 1975 and 1976 or, if we are wrong about that intention, then the intention of this application could be accurately implemented by amending the definition of “the land” to exclude the fields with the result that the undertakings would continue to apply in prohibiting the separate sales of any residential units within the residential curtilage of Tory Hall Farm but the Tory Hall Farm residential curtilage could be transferred as a whole but separately from the fields.

