

Knapton Parish Council

Meadowcroft, 40 Cromer Road, Mundesley, NR11 8DB

Private & Confidential

Mr A. Cargill

Pitt Farms, Pitt House, Heath Lane, Gimingham, Norwich, Norfolk, England, NR11 8HG

Dear Mr Cargill,

Re: Request for Release or Modification of Restrictive Covenants – Land Conveyed to Knapton Parish Council by Mr D. Cargill (1955)

We write on behalf of Knapton Parish Council in respect of the parcel of land conveyed to the Council by Mr D. Cargill pursuant to a Conveyance dated 1955 (“the Property”). The Conveyance imposed a number of restrictive covenants, namely:

1. That the land shall not be assigned or sublet.
2. That the Property shall be used for the purpose of playing fields only and shall not at any time be used for grazing purposes.
3. That no buildings shall be erected thereon other than a pavilion required for such purposes.
4. That no organised games shall be permitted thereon on Sundays.
5. That the Council shall erect and thereafter maintain on the southern and western boundaries of the Property a boundary fence not less than five feet in height, made of chain-link fencing and surmounted by one strand of barbed wire one foot above the top of the fence.
6. That the Council shall not have beneficial occupation of the Property but shall allow the enjoyment thereof by the public as a place of recreation under proper control and regulation and for no other purpose; and that no nuisance shall be permitted thereon nor any objectionable materials thrown onto adjoining land.
7. That the Council shall take all reasonable precautions (including, so far as practicable, the erection of netting) to prevent the throwing of balls and other objects from the Property onto adjoining land and to use its best endeavours to prevent trespass thereon.

The Council respectfully requests that you consider releasing or modifying these restrictive covenants.

It is the Council's view that the restrictions are no longer reasonable or appropriate, having regard to the significant changes in the character, use, and circumstances of the surrounding area since the date of the Conveyance. The Parish and its community have evolved substantially since 1955, and the restrictions are now considered outdated and not in the best interests of the parishioners.

We would also draw your attention to the fact that the land has been sublet continuously since 1985, during which time no objection or challenge to this arrangement has ever been raised by any previous owner of the benefitting land. This longstanding and unchallenged use further supports the view that the restrictions are no longer of practical benefit and may now be regarded as obsolete.

Accordingly, the Council seeks your agreement to release or modify the said restrictive covenants to enable the land to be managed and used in a manner more consistent with the present needs of the community.

In the event that an agreement cannot be reached by consent, the Council reserves its right to make an application under **Section 84 of the Law of Property Act 1925** for the discharge or modification of the restrictive covenants, on the grounds that they are now obsolete or that their continued existence would impede reasonable use of the land without conferring any substantial benefit upon the benefitting land.

We would, however, prefer to resolve this matter amicably and would be grateful if you would consider this request and confirm whether you would be willing to discuss suitable terms for the release or modification of the covenants.

Yours faithfully,

[Your Name]

Clerk to Knapton Parish Council

[Contact Information]