

## EAST HERTS COUNCIL

### OPENNESS OF LOCAL GOVERNMENT BODIES REGULATIONS

2014

### OFFICER DECISION WRITTEN RECORD

Reference:	OD/(to be added by Democratic Services)
Subject Matter:	Consent to relax covenant in respect of 12 Hillside Cottages, Wareside
Date of Decision:	16/08/2023
Exempt/Confidential information (Yes/No):	No
If Exempt/Confidential – reason why:	
Name of Officer taking decision under delegated authority:	Steven Linnett
Source of delegated authority (constitution/express delegation/etc):	Acting under authority delegated within section 10.13.16 of the council's Constitution <i>'Lettings of all properties including council offices; consents to assignments and sub-lettings; the granting of easements and licences; entering into leases, sub-leases, licences and easements on behalf of the council as lessee or lessor, sub-</i>

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	<i>lessee, licensee or grantee as appropriate; consent to modification or release of restrictive covenants; rent reviews under existing and future leases, including the approval of terms, subject to reporting transactions half-yearly to the Executive</i>
Exercise of delegated authority approved by: <i>(if different from Officer taking decision)</i>	
Decision:	To approve the relaxation of a covenant contained in a conveyance dated 5 <sup>th</sup> March 1984 in respect of the request to build 2 dwellings for use as social housing at 12 Hillside Cottages, Wareside.
Reason(s) for Decision:	The Council sold 12 Hillside Cottages, Wareside on the 5 March 1984 in accordance with Right to Buy legislation contained in Section 5 of the Housing Act 1980. The conveyance contains a covenant prohibiting the use of the garden for any purpose other than a garden for the dwelling house. The owners have now applied for consent to relax this covenant in order, subject to obtaining planning consent to erect 2 dwellings for social

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	<p>housing on the land. Following a ruling in 2000 involving Braintree District Council councils are no longer able to charge a financial consideration for relaxing these covenants and it would only be reasonable to refuse the request to relax the covenant if the Council can demonstrate that it would be detrimental to the remainder of the Council's surrounding estate to do so. The Council now only has limited land ownership in this village since transferring the housing stock in 2002 so could not demonstrate this. The consent would be subject to obtaining planning consent and only for this particular consent. The Council can recover its professional costs incurred in providing consent.</p>

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Details of alternative options, if any considered and rejected:	N/A
Name of Officer who has confirmed with all Members involved in taking this decision whether they have pecuniary or non-pecuniary interest:	<i>Note: if a Member has a pecuniary interest they should not take part in making this decision. If a Member has a non-pecuniary interest, a judgement should be made as to whether they can contribute to making this decision; if in doubt, check with a Democratic Services Officer.</i>
Name(s) of any Member who has removed himself/herself from contributing to this decision because of a conflict of interest:	None
Signature of Decision Maker (where decision is taken in consultation with a Member):	Add electronic signature
Signature of Member consulted by Decision Maker (where decision is taken in consultation with a Member):	Add electronic signature

**SIGNATURES TO BE REDACTED**