

## **HISTORY of the area now described as LAND BETWEEN 3 - 13 Cavendish Drive**

- 1965 On 8th October Oxfordshire County Council granted planning permission to A.C. Carter (Oxford) Ltd. for the erection of 21 residential units on island site bounded by Salford, Fane and Cavendish Roads.

The Local Authority file has been lost, but the copies of the Permission Document (ref.M.690/65) held by local residents state under Condition 2:

The whole of the access road and parking area shown on the plan .... to be laid out and constructed in accordance with ..... and approved by the County Council.

thus indicating that the creation of a parking area was an essential condition of the planning permission.

The local authority subsequently adopted the access road but not the parking area.

- 1966 Title Deeds issued to the purchasers of 21 plots contained a covenant under Clause 5 Schedule 1 giving the 21 purchasers:

**“Full right and liberty to use the parking area so marked on the said plan in common with all other persons on the said Estate so entitled for that purpose.”**

*Note: Why the developer agreed to provide parking for 21 householders free of all charge for all time is not known - perhaps the intention was that the local authority should adopt the parking area at the same time as they adopted the access road*

Local children have played on the land since 1966 and still continue to do so.

- 1966 - 2002 (36 years) Local Authorities (*initially Bullingdon RDC, then South Oxfordshire DC and then Oxford City Council when Old Marston was incorporated into the City*) maintained the parking area free of weeds and rubbish and planted hardwood trees. For all practical purposes, it was treated as Common Land.

- 2001 Lorries parking illegally resulted in damage to the surface and some of the slabs were showing signs of ageing. The Parish Council raised concern that the area was in a dangerous condition. Neither the Parish Council nor the City Council asked the people who parked on the land who the owner was, but an enquiry at the Land Registry discovered that the owners were Mr R Carter and his niece Mrs deBude, successors to the original developer, A.C. Carter Limited, neither of whom had ever shown any interest at all in the land.

Nov. 8th Planning Permission granted to Mr Carter & Mrs deBude for erection of 3 houses.

Nov. 30th Land offered for sale by auction with a guide price of £150,00.

Estate Agent informed of legal constraints on the use of the land.

Sale cancelled. Planning Permission, however, still valid until Nov. 2006.

2002 The 21 householders offered £1,000 each to give up their rights. All refused.

2005 Jan. Land sold to Cherwell Homes (Mr R. Barrett)

2006 Nov. 7th (day before Planning Permission expired)  
Workmen arrived on site to dig a trench  
Building Control accepted this rough trench was a start of digging the foundations and as proof that implementation of the Planning Permission had commenced before the expiry (even though the trench was not in the correct position!)

2007 Jan. Householders apply to the County Court for an Order confirming their rights and preventing any building on the land. Order issued by the Court to this effect on 25th May. The Order also required that the defendant shall restore the surface of the trench.

Mr Barrett (who also owns 2a, b, c and d Salford Road) subsequently said he could not afford to repair the Parking Area unless he was allowed to build another property on what was formerly the garden of No. 2 Salford Road.

Aug. Mr Barrett, in the name of Cherwell Homes Ltd., applied for Planning Permission to build 4 flats, partly in the garden and partly (illegally) on the Parking Area. Planning Officer rejected this.

2008 March. Submission of a Planning Application to build a bungalow, again taking in part of the Parking Area. This was also rejected.