

WEST END GARAGE, WESTFIELDS/WEST LUND
KIRKBYMOORSIDE

THIS DEED is made the 12th day of December 2001
BY:

was Barrett ?

TAY HOMES (NORTHERN) LIMITED ("The Developer") (Company registration number 2708575) of 55 Call Lane, Leeds, LS1 7BT

031000251 FUL

And

WILLIAM HODGSON & SONS (MOTORS) LIMITED ("The Landowner") (Company registration number ...1348245...) of ...west end... Kirkbymoorside *W04*

WHEREAS

1. THE RYEDALE DISTRICT COUNCIL ("the Authority") is the Local Planning Authority for the purposes of the Planning Act and for the area within which the land is situated and is the authority by whom the obligations hereby created are enforceable.
2. The Landowner is the owner of the freehold in the land described in Schedule 1 hereto free from all encumbrances ("the land").
3. The Developer has applied to the Authority for planning permission under reference 01/00028/FUL to construct 31 dwellings upon the land.
4. The Authority has refused to grant planning permission for the 31 dwellings and the Developer has appealed against that refusal to the Secretary of State for Transport Local government and the Regions under reference APP/Y2736/A/01/1071739.
5. In the event that planning permission is granted in accordance with the Developer's appeal, both the Developer and the landowner agree and undertake with the Authority in manner hereinafter appearing in order to facilitate the provision of open space and the provision of low cost affordable housing.

NOW THIS DEED WITNESSES as follows:-

1. In this deed the following words and expressions shall have the meaning ascribed to them below:-
 - 1.1 "Commencement Date" means the date upon which a material operation in relation to development in respect of the grant of the planning permission (as defined by Section 56(2) of the Planning Act) but not including the demolition of existing buildings site clearance or decontamination) is carried out upon the land.
 - 1.2 "The grant of planning permission" means the consent issued by the Secretary of State pursuant to the Developer's appeal.
 - 1.3 "Planning Act" means the Town & Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991).
 - 1.4 "The off site commuted sum" means the sum of £15,000. *£9,218 actualy.*
 - 1.5 The on site commuted sum is £30,000.