

## **TITLE SUMMARY**

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**Property:- Allotments Gardens  
Weaveland Road  
Tisbury  
WiltshireSP7 9LG**

**Wiltshire Council**

**12<sup>th</sup> May 2011**

Chris Wootten  
Principal Legal Executive  
Legal Unit  
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Department of Resources

## **1. Summary**

The Council has received a request from Tisbury Parish Council for a Community Asset Transfer of the Allotment Gardens, Weaveland Road Tisbury SP7 9LG. This Report is prepared at the request of Mark Hunnybun, Strategic Projects and Development Manager in connection with the proposed disposal.

The purpose of this Report is to summarise the matters contained in the freehold title to the Property and highlight any title issues which may have an impact on the proposed disposal of the Property including restrictions on use, rights affecting the Property, or other matters adversely affecting the Property. However, the scope of this Report is limited to matters contained in the registered freehold title to the Property.

In preparing this Report we have not carried out any commercial searches against the property, which might have revealed other issues, for example, access issues, public footpaths, road proposals, planning issues, environmental issues etc. I would usually expect any such searches to be carried out by the Parish Council's solicitor. However, if further investigations are required, please let us know.

Please therefore check the plan attached carefully to ensure that the Report covers the correct areas for the disposal under consideration.

## **2. The Properties**

### **Site Plans**

2.1 The Property is as shown edged red on the plan attached.

### **Title**

2.2 The freehold title to the Property is registered at the Land Registry under title number WT118869.

### **Title Summary**

2.3 I attach at Schedule 1 a summary of the title issues affecting the Property.

### **Third Party Rights**

2.4 The deeds packets for the Property contains a, lease of the allotment site to Tisbury Parish Council and also a Lease to the Sutton ( Hastoe)

Housing Association Limited of the small housing site north east of Weaveland Road now known as The Corry.

However, as I have not inspected the Property I cannot be certain as to whether or not there are any other third parties in occupation of the Property (or any part) whether by way of a formal lease or otherwise. In the circumstances, I would advise you to carry out an inspection of the Property (if this has not already been done) to ascertain whether or not there are any such third party rights, which would need to be considered on any disposal of the Property. If there are any such third party rights, please advise me as soon as possible, so that we can advise the Council further on this point.

**Dated:12<sup>th</sup> May 2011**

**Chris Wootten  
Department of Resources – Legal Unit**

## SCHEDULE 1

### [Property]

<b>Registered Proprietor</b>	Wiltshire Council
<b>Rights affecting the Property</b>	The title deeds state that the Property has the benefit of the right to lay sewers, gas and water pipes and electrical conduits in on under or through the rear garden of The Cottage, Hindon Lane, Tisbury by virtue of rights granted in a Transfer dated 12 <sup>th</sup> May 1995 as well as a right of support.
<b>Restrictions affecting the Property</b>	The Property was acquired for the purposes of Small Holdings under the Agriculture Act 1970
<b>Tenancies and Lettings</b>	The Property is subject to the tenancy of Tisbury Parish Council by virtue of a Lease dated 29 <sup>th</sup> December 1938, as varied by a Deed of Surrender dated 3 <sup>rd</sup> May 1995.
<b>Other Matters</b>	<ol style="list-style-type: none"><li>1. The owner of The Cottage, Hindon Lane, Tisbury has to maintain the rear boundary fence as required by the Transfer dated 12<sup>th</sup> May 1995. The deeds are silent as to the responsibility for the other boundaries.</li><li>2. In clause 4 of the Lease dated 11<sup>th</sup> March 1994 the Council has a right subject to planning requirements to construct a vehicular access to the Property via land between 2 and 3 The Corry, providing the existing car parking spaces are relocated. This right has not been exercised as access is via Weaveland Road over the Council's access track shown coloured yellow on the plan attached.</li><li>3. The Housing Association also has the right to connect to the foul sewer that crosses the Property with rights of access for repair and maintenance.</li></ol>