

Aurora Properties Limited - APP/C1950/W/22/3307844

Bradmore Way Planning Inquiry

Appellant Note for the Inspector clarifying Title Position

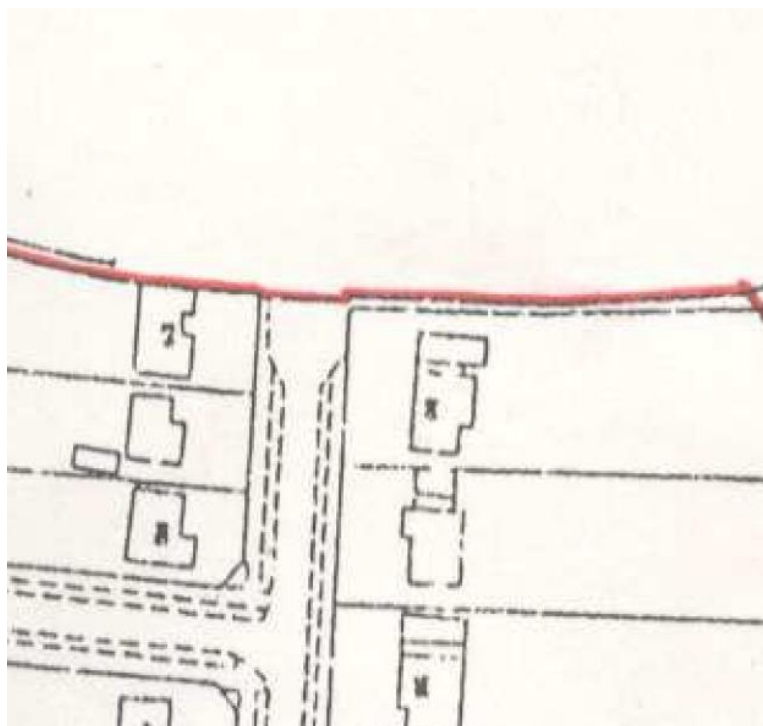
Introduction and Background

- 1.1 On Wednesday 25 January 2023, [REDACTED], a resident of Bradmore Way, wrote to the case officer and to the Council’s planning officer for this Appeal alleging that there is a privately owned, non-adopted, strip of land between the access point to the appeal site on Bradmore Way and the end of the adopted highway.
- 1.2 The Appellant was not notified of the above correspondence until Tuesday 7 February 2023 and has prepared this brief note to demonstrate to the Inspector and to the other parties that this is a non-issue.

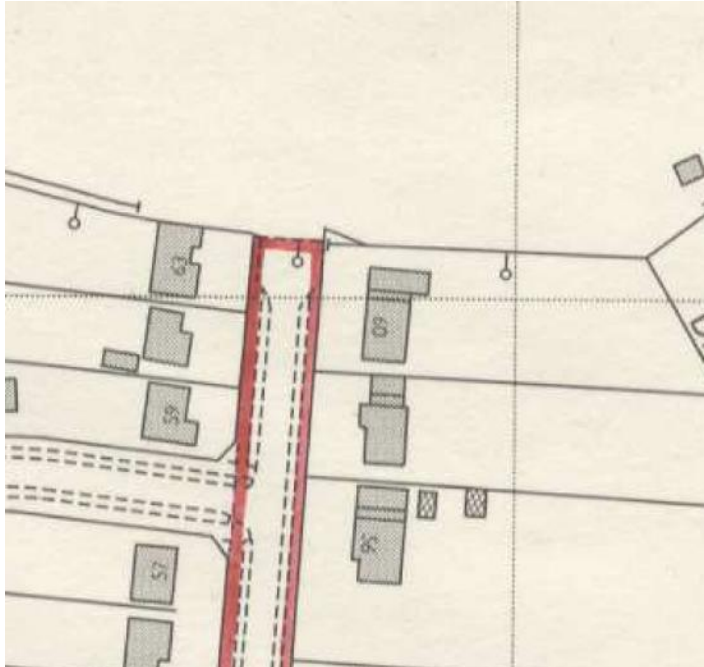
Clarification of the position regarding the land in question

- 2.1 The Appellant’s investigations of this issue have confirmed there is no gap between the title for the appeal site (HD3004) and the end of the adopted highway (registered under HD46041). The two abut one another.
- 2.2 The registered title plans for the relevant title numbers – being HD3004 and HD46041 - clearly show that the two titles abut one another, as can be seen from the extracts shown on the following page:

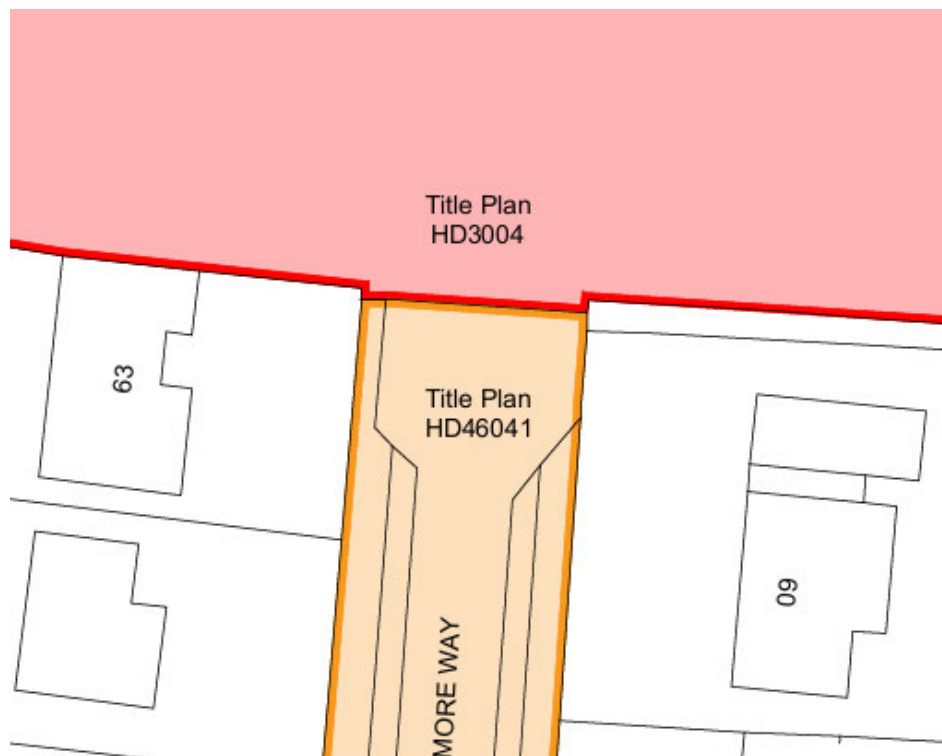
(a) Extract from Title Plan HD3004



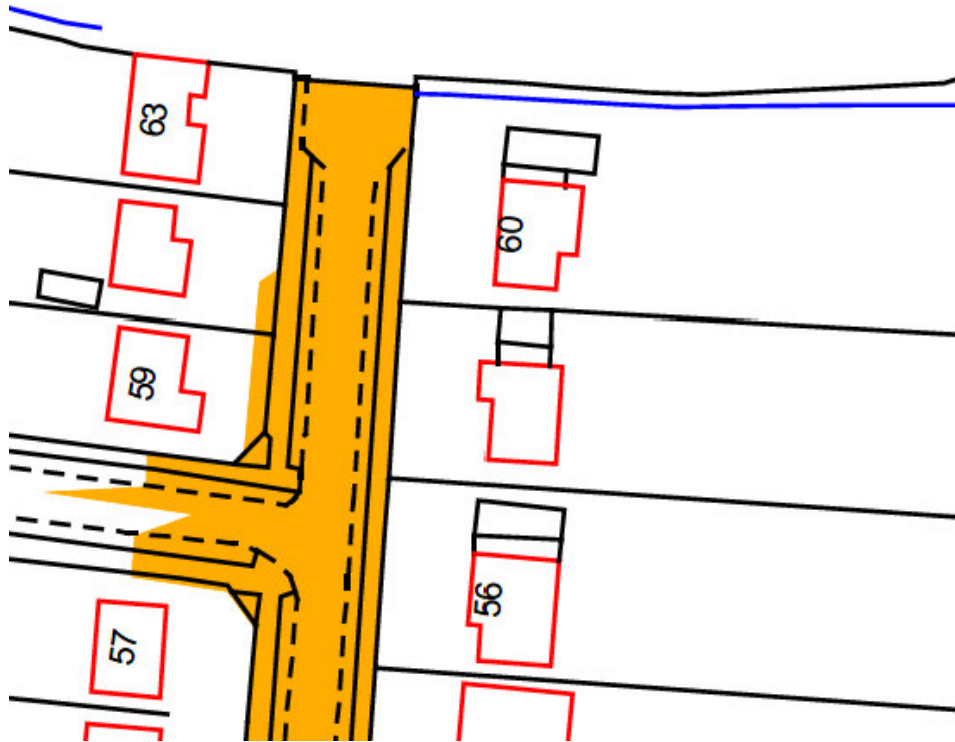
(b) Extract from Title Plan HD46041



(c) Extract from composite plan showing the two titles to assist the understanding of how they relate to each other:



- 2.3 Furthermore, Hertfordshire County Council’s adopted highway map for Bradmore Way also clearly shows that the highway extends as far as, and abuts, the appeal site boundary, covering the entirety of the relevant part of HD46041, until it adjoins HD3004 at the ‘kink’ shown in the HD3004 extract at 2.3(a) above. This can be seen on the following extract taken from HCC’s adopted highways map:



- 2.4 Where highway has been adopted by, and dedicated to, the local highways authority, the party who dedicated the land - in this case Brookmans Park Roads Ltd – only retain ownership over the *subsoil* of that land. As such, Brookmans Park Roads Ltd do not retain any legal right of control over the surface of the highway. If they were to build a fence, or allow a fence to be built, over the adopted highway, they would be doing so unlawfully.

Conclusion

- 3.1 This note demonstrates that the land in question and the issues raised by ██████ pose no impediment to constructing the necessary access to the appeal site. It follows that there are therefore no effects upon the deliverability of the scheme.

Town Legal LLP
13 February 2023