

THRINGS

SOLICITORS

FAO: Mr M Goldsworthy

Vale of Glamorgan

Civic Offices

Holton Road

Barry

CF63 4RU

Also by email: developmentcontrol@valeofglamorgan.gov.uk 10 July 2015

Your Reference:

Direct Line: 0117 9309575

Our Reference: AM/H7549-1

Direct Fax: 0117 9293369

Email: amadden@thrings.com

Dear Sirs

Property: Lettons House, Lettons Way, Dinas Powys, Vale of Glamorgan CF64 4BY ("the Property")

Advice in connection with the proposed removal of an Occupancy Condition in respect of the Property

Application Reference: 2014/01033/FUL ("the 2014 Application")

Thank you for your emails of 5 and 11 June 2015.

We have now taken our clients' further instructions and set out below our response. We have numbered the following paragraphs for ease of future reference:

1. The vast majority of your letter of 5 June 2015 simply sets out why the occupancy condition was placed on the property. We are unsure as to why you have chosen to do this as we are fully aware of the same;
2. The tenth paragraph of your unnumbered letter is disingenuous. Paragraphs 1 to 6 of our letter of 26 March 2015 address the clear absence of any policy basis for the mechanism to remove the occupancy condition proposed by Marcus Goldsworthy in his email to Laurence Forse of 1 December 2014;
3. In the eleventh paragraph of your unnumbered letter of 5 June 2015 you state that there is a clear evidence-based need for more affordable housing with the Vale of Glamorgan. In addition, you also state in your email of 11 June 2015 that "We have also had firm interest from an affordable housing provider, though there was no successful negotiation for the house price." This statement is, with respect, manifestly misleading for the following reasons:
 - a. As you are aware, United Welsh Housing Association (UWHA) were the only Housing Association (HA) to respond to our clients' awareness letters that were sent to all HAs in the locality. Not coincidentally in our client's view, UWHA only showed an interest after our clients' initial application had been submitted and not in response to our clients' letter.
 - b. UWHA have openly admitted that they had been asked by the Council to show an interest and see if they could use the property for one of their schemes. They were not looking at any

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other site in the locality, they were asked by the Council to specifically look at our property; this was stated by Helen Galsworthy (UWHA) during a meeting at Harmers offices where our client was present.

- c. Particulars of the property were initially circulated on 17 December 2012 to the four main Housing Associations in the area; Wales and West confirmed via email on 22 January 2013 that they were not interested in the property. This email was the only email received from any of the Housing associations.
 - d. Of particular interest is the lack of response from UHWA, although they did express interest direct to the selling agent at a later date. On the back of this interest, planning application 2012/01193/FUL was refused on 12 April 2013.
 - e. UWHA made an offer in 2013 which they eventually retracted on 30th October 2013 (by email to Watts Morgan) and was not refused in any way by our client.
 - f. UWHA came to view the Property again in early 2014 which coincided with the date of our client's next application following the previous refusal. This was for a different scheme to the one they had tried previously;
 - g. UWHA eventually conceded (email of 6 June 2014 refers) that their client was not interested and they (UWHA) had no further interest in the property; and
 - h. Our client has, in total, contacted all HAs on three separate occasions and there is clearly no interest in the property from any HA.
4. It follows, and for the avoidance of any doubt, that there was never any negotiation over price and to suggest otherwise is a falsehood. UWHA made an offer and withdrew it after speaking to their funding providers. They did not come back with a lower offer or negotiate in any way but simply withdrew their speculative interest.
 5. In your email of 11 June 2015, you seek to distinguish the Appeal Decision (ref: 2229039) from the current circumstances surrounding the Property on the basis that the application (i) relates to a property which is on the edge of a relatively large settlement, in what we would consider a sustainable location and (ii) you have also had firm interest from an affordable housing provider, though there was no successful negotiation for the house price. The second point has been addressed and dismissed in paragraphs 3 and 4 above. The first point though does not address the crux of the issue which is dealt with by the Inspector at paragraph 18 of the Appeal Decision. That is to say, there is little likelihood of this relatively large and recently renovated house being within the range of rural enterprise workers or as an **affordable dwelling** (our emphasis); and
 6. You state that any detailed discussion on this application and any correspondence on this application will in future be between your office and Mr Forse. Please be advised that we also represent the applicant and any unreasonable behaviour on your part, such as, refusing to correspond with us will seek only to prolong the process and add to our client's costs unnecessarily. In the circumstances, we propose a without prejudice meeting at the Property to discuss this matter further and look forward to receiving your convenient dates for July 2015.

We look forward to receiving a response from you. Should you have any queries in the meantime please do not hesitate to contact the writer, Alex Madden, on 0117 9309575 or amadden@thrings.com.

Yours faithfully

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