



UTLC Case Number: LC-2024-288



LC-2024-000288

**IN THE MATTER OF AN APPLICATION UNDER
SECTION 84 OF THE LAW OF PROPERTY ACT 1925**

Re: Land lying to the west of Moor Road, Chesham Bois, Amersham HP5 1SE

registered at HM Land Registry under the number BM284778

Applicant: Jadeplant Forest Ltd

FINAL ORDER

The Tribunal having read:

- (a) The application dated 24 April 2024 under section 84 of the Law of Property Act 1925 ('the Act') by Jadeplant Forest Ltd ('the applicant') the registered freehold proprietor of the land described in the **First Schedule**
- (b) The title documents making reference to a conveyance and an indenture referred to in the **Second Schedule** containing the restrictions set out in the **Third Schedule** ('the restrictions')
- (c) the certificate of compliance dated 24 July 2024 by which the applicant satisfied the Tribunal that the application was advertised and notice given to persons who appeared to be entitled to the benefit of the restriction.

And no objections having been made to the application and no claims for compensation having been made

And the applicant having applied to the Tribunal for the discharge of the restrictions under paragraph (a) of section 84(1) of the Act, to be determined without a hearing

And the Tribunal being satisfied that the restrictions should be discharged under paragraph (a) of section 84(1) of the Act

It is Ordered that the application be determined without a hearing

And it is Ordered that the restrictions be discharged wholly under paragraph (a) of section 84(1) of the Act

First Schedule – The application land

Land lying to the west of Moor Road, Chesham Bois, Amersham HP5 1SE registered at HM Land Registry under the number BM284778

Second Schedule – The Conveyance and the Indenture

A Conveyance of the land in this title dated 24 July 1858 made between (1) George Rose and (2) Frederick Charsley and an Indenture dated 2 October 1860 made between (1) Frederick Charsley and (2) James Howard

Third Schedule - The restrictions described in the Charges Register of the title

1. (12.09.2003) A Conveyance dated 24 July 1858 made between (1) George Rose and (2) Frederick Charsley contains restrictive covenants but no verified particulars were produced on first registration. An Indenture dated 2 October 1860 made between (1) Frederick Charsley and (2) James Howard contain the following covenants that purports to be the said covenants:-

“...that the said Frederick Charsley his heirs or assigns should not nor would at any time thereafter make or cause or permit to be made any watercress beds or other ditches (except ditches of the ordinary depth and width for fences) in or about (amongst other hereditaments) the land and premises intended to be hereby conveyed nor do any other act to diminish the supply of waters to the said Mill and that in the event of the said Frederick Charsley disposing of any part of such lands and hereditaments that he would take a like covenant against making or causing or permitting to be made any watercress beds or other ditches from the person or persons to whom such meadows or either of them or any part thereof should be sold and disposed of And it was part of the Agreement on the date to the said James Howard that he should enter into such covenant as hereafter contained”

2. (12.09.2003) A Indenture dated 2 October 1860 made between (1) Frederick Charsley and (2) James Howard contains the following covenants:-

“Now this Indenture further witnesseth that in pursuance of the said Agreement and in consideration of the premises he the said James Howard doth hereby for himself his heirs executors administrators and assigns covenant and agree with and to the said Frederick Charsley his heirs and assigns that he and they shall not nor will at any time or times hereafter make or cause or permit to be made any watercress beds or ditches other than the watercress bed and ditches now in existence (Except ditches of the ordinary depth and width for fences) in or about any part of the said lands hereditaments and premises hereby conveyed or intended so to be or not do any act to diminish the supply of water to the said mill called “Lords Mill”

**Mrs Diane Martin TD MRICS FAAV
Member, Upper Tribunal (Lands Chamber)
6 August 2024**