



Thorley Lane East Woods Action Group

legal@thorleygreenbelt.com

F.A.O: Amiee Bryett
Director
Barney Estates Limited
(trading as Barney Estates & Auctioneers)
16 Baltimore House
Juniper Drive
Battersea
London SW18 1TS

30th August 2022

By email and special delivery

Land at Thorley Lane East, Bishop's Stortford, Hertfordshire CM23 4BH ("the Property")

Dear Ms Bryett,

We refer to the plot (currently marketed as lot 41 in your online auction catalogue) at the above Property, which you are auctioning on Thursday 8th September 2022 and our previous letter dated 15th August, to which we did not receive a reply.

As you know, we reminded you of your responsibility to bring to the attention of any prospective bidders any material fact or untrue statement which induces a party to enter into a contract thereby causing loss. This requirement is in accordance with the law, your profession's Code of Ethics, the Property Redress Scheme's Terms of Reference (of which you are a member) and your general obligation to treat all parties to the transaction fairly. *"The agent must describe the property as accurately as possible and not misrepresent the details. Agents are legally bound under the Consumer Protection from Unfair Trading Regulations 2008 to describe a property truthfully and provide material information to allow potential buyers to make an informed transactional decision"*.

The Property currently comprises an historic and established woodland site within a single registered title. We note that you are marketing it as a sub lot of 1.6 acres, at a guide price of £150,000. We are reliably instructed that, on the basis of its current amenity use as a woodland, each plot would be worth, at most, £20,000-£30,000. Furthermore, there are inconsistent listings on your website with a further listing for the same site (under the All Listings tab when one conducts a search against Bishop's Stortford) for £40,000 for 0.3 of an acre.

As stated in our previous letter, the Property is currently subject to tree preservation orders across its entire site and falls within protected Green Belt, where there operates a



presumption against development. We remind you again that the Property is also designated as a natural, semi-natural and other green space for the purposes of the local and district plan. Discussions also continue with the Head of Planning at East Herts Council as regards the possibility of an Article 4 Direction being registered against the Property. Further exchanges have also taken place with the local MP, as well as the Minister of State for Housing, as regards the Property's protected status. We invite you to visit our website www.thorleywoods.org where you will find detailed particulars on all of these designations under our Documents tab.

Your promotional plan identifies the Property, with red edging around its boundary. This, together with the inflated guide price, would intimate to any reasonable third-party bidder that the Property has development potential. By contrast, all relevant authorities with whom we have liaised have clearly asserted that it does not. In fact, there has been a consensus amongst local councillors and the local MP that any proposed change of use will be opposed wholeheartedly. The issue of access is also not clear-cut, with a ransom strip running round the Property boundary so as to separate it from the public highway.

We are also concerned that you are not allowing sufficient time for comprehensive legal and sales packs to be dispatched to interested parties. Given the nature of an auction, where the fall of the auctioneer's hammer constitutes exchange and the creation of a legally binding contract, we submit that the gravity of this outcome requires greater transparency from you (particularly when full details of the Property's protected status have been directly provided to you by means of our website). This information is now in the public sphere and should be highlighted by you to avoid charges of misrepresentation.

Notwithstanding the above, we remain hopeful that your company will be good to its ethos and that you will, at least, let any potential bidder be aware of the high-profile local action group, the specially designated status of the Property, continuing negative press coverage and the contents of our comprehensive website at www.thorleywoods.org. We are also attaching a copy of the signage that is being displayed around the Property too.

We are currently taking advice as to whether further action can be taken through The Property Redress Scheme, the Property Ombudsman or through submitting a formal complaint to your company. Please supply us with full details of your complaints procedure to the email address below.

We look forward to receiving your response at legal@thorleygreenbelt.com.

Many thanks in anticipation of your co-operation.

Yours sincerely,

Thorley Lane East Woods Action Group