

## MacAndrew's Playing Field

### Ivybridge

#### Frequently Asked Questions about the use of the land

##### **1. How and when did Ivybridge Town Council acquire the playing field?**

The land (previously called Lower Abbots field) was conveyed by Mr Stephen MacAndrew to the Council on 24 June 1938.

##### **2. Were there any restrictions imposed on the use of the land?**

The conveyance imposed a restrictive covenant on the land that it should not at any time after the date of the conveyance be used for any purpose other than that of a public recreation ground.

##### **3. How can the Council now change the use of the land?**

The restrictive covenant was imposed on the land for the benefit of Mr MacAndrew's neighbouring property. In 1955, the Council sought to release the land from the covenant, so that the land could be used for other purposes. Mr MacAndrew's successors, William and Annie Matthews, signed a deed of release dated 2 December 1955 by which they released the Council and its successors in title to the land from the restrictive covenant.

##### **4. What about the current residents of Ivybridge, can they enforce the covenant?**

The covenant was imposed for the benefit of Mr MacAndrew's neighbouring land, so that he, as owner of the land (and his successors) would be the ones able to enforce the covenant. The covenant was later released by Mr and Mrs Matthews, as successors to Mr MacAndrew. The covenant was not imposed so that it could be enforced by members of the public in general.

##### **5. What do the Land Registry entries state about the covenant?**

The land is registered under title number DN580294. Entry 3 of the charges register of the title states that by the deed dated 2 December 1955, the covenant contained in the 1938 conveyance was expressed to be released.

##### **6. Are there any other restrictions affecting use of the land?**

The Land Registry entries and property deeds held by the Council's solicitors do not contain any other restrictions on the use of the land.

##### **7. Can I, as a resident of Ivybridge, object to the change in use?**

If any resident does have evidence suggesting that use of the land is restricted, the Council's solicitors would be happy to consider it. However, the restrictive covenant on use imposed in the 1938 conveyance has now been released.

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