# Homeowners on new estate raise concerns over contracts barring objections to further development



Homeowners on a new build estate in Henley-on-Thames, Oxfordshire, have raised concerns over a contractual clause that they say bars them from objecting to plans for further housing development nearby. The homeowners, who purchased properties in the Highlands Park development built by Crest Nicholson in 2020, highlight a clause in their buyer contracts which, they claim, prevents them from lodging objections or participating in public enquiries related to planning applications made by the developer on adjoining or neighbouring land.

The Highlands Park estate comprises 191 homes, with property prices currently ranging from around £495,000 for a two-bedroom house to approximately £850,000 for a four-bedroom, according to listings on Zoopla. Crest Nicholson has recently submitted a planning application to South Oxfordshire District Council seeking approval to build an additional 131 homes in a nearby field, known as the “northern field.” This expanded plan also includes proposals to relocate promised community facilities such as a community centre and football pitches, including additional amenities like toilets and parking spaces.

Residents expressed surprise and dismay when they discovered the restrictive clause in their contracts, which states that the buyer agrees not to object or cause any objection to be made to planning applications made by the seller—and not to participate in any related public enquiries. One resident, who spoke to the Daily Mail, described the clause as a "gagging order," saying, “It gives them total freedom to do what they want... People are afraid. It's intimidation.” This resident added that many buyers might have agreed to the contract without fully reading it, especially since the solicitor handling their purchase was recommended by Crest Nicholson and had not pointed out the clause. The clause only came to light for the resident several months later after being informed by a neighbour.

Despite the clause, the resident asserted that homeowners are entitled to object but noted that many were reluctant to do so for fear of potential repercussions. He remarked, “I don’t think they’re going to sue all of us for objecting, but at the same time, there are lots of people who want to object that just won’t.” He himself has raised objections related to the proposed changes to the football pitch plans but not to the housing development overall.

Other residents voiced similar views, describing the clause as an "aggressive" and "black-and-white way of doing things" that contrasts with ideals of community engagement and democracy. Some residents lamented the potential loss of green space and biodiversity, noting that the local fields serve as habitats for wildlife such as badgers, ground-nesting birds, dormice, bats, and skylarks. One wrote, “Henley has more than enough appropriate grey and brownfield sites... It is a mistake to convert this type of natural land into housing... This site, if developed, would be responsible for... loss of habitat—the main cause of nature depletion in Britain.” Others highlighted their personal conflicts, acknowledging that they chose new-build homes in the area yet wished to protect the surrounding countryside.

The housing mix proposed in the latest planning application includes one- and two-bedroom apartments, maisonettes, and houses ranging from two to five bedrooms. Additionally, land is proposed to be allocated for up to 20 dwellings under the ownership of the Henley Community Land Trust. Although a decision on the application was originally expected by 25 April, it had not yet been made by the time of reporting. Meanwhile, the local authority has received numerous objections from residents.

A spokesperson for Crest Nicholson confirmed that the contentious clause "has been included in our contracts previously" and noted that the company is currently reviewing its contractual documentation as part of its commitment to the New Homes Quality Code and forthcoming changes from the New Homes Quality Board.

South Oxfordshire District Council declined to comment directly on the contractual matter, advising that residents should seek their own legal advice.

The situation underscores tensions between a developer’s plans for expanding housing within an established community and residents’ concerns about their rights to participate in local planning processes and to protect their local environment. The contractual clause at the centre of this dispute represents a significant point of contention within this ongoing development debate.

Source: [Noah Wire Services](https://www.noahwire.com)

## Bibliography

1. <https://www.henleystandard.co.uk/news/council/181752/developer-plans-131-more-homes-and-new-charity-hq.html> - This article reports on Crest Nicholson's proposal to build 131 additional homes in Henley-on-Thames, including land for 20 homes managed under a community land trust and a new facility for the Chiltern Centre, aligning with the development plans mentioned in the article.
2. <https://www.henleytowncouncil.gov.uk/town-news/highlands-farm-plans-progress-and-public-consultation> - This source details the planning applications for Highlands Park, including provisions for a community hall, sports pitches, and affordable housing, which are part of the development plans discussed in the article.
3. <https://www.henleytowncouncil.gov.uk/town-news/highlands-farm-plans-progress-and-public-consultation> - This source mentions the public consultation for Highlands Park Phase 2 and the minor replan of part of Phase 1, which includes 131 new homes and land for a new home for the Chiltern Centre, as outlined in the article.
4. <https://www.henleytowncouncil.gov.uk/town-news/highlands-farm-plans-progress-and-public-consultation> - This source provides information on the public consultation for Highlands Park Phase 2 and the minor replan of part of Phase 1, which includes 131 new homes and land for a new home for the Chiltern Centre, as mentioned in the article.
5. <https://www.henleytowncouncil.gov.uk/town-news/highlands-farm-plans-progress-and-public-consultation> - This source details the planning applications for Highlands Park, including provisions for a community hall, sports pitches, and affordable housing, which are part of the development plans discussed in the article.
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7. <https://www.dailymail.co.uk/news/article-14660081/Weve-banned-objecting-100-homes-new-build-estate-gagging-clause-contracts-wont-silenced.html?ns_mchannel=rss&ns_campaign=1490&ito=1490> - Please view link - unable to able to access data