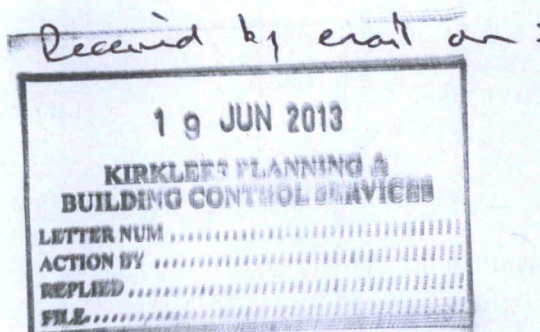


Our Ref : JMC/SHP/211630-1
Your Ref : 872/1/49/GC

23 May, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR



Fax only to: 01484 221 613

Dear Sir

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

We are instructed by Mr Ina Bragg in respect of the above matter and have had sight of your letter dated 20th May 2013.

We note the proposed date for enforcement is 4th June 2013.

Given that the current situation has existed for many years. In our client's case possibly over 32 and indeed in the light of the August 1992 Public Inquiry we would ask that a further period of time be allowed to enable us to take full instructions and investigate the position.

This will include meeting our client on site and considering the voluminous paperwork he has provided us with.

It may well be that a meeting between our respective offices will also be of assistance. The individual dealing with this case, Jeremy Cook, is away w/c 27th May 2013 and in those circumstances we ask that your initial proposed date for triggering enforcement be put back 14 days to 18th June 2013.

Yours faithfully

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 469299
DX: 23360 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Helen Thewlis
Jeremy Cook
Joanne L Coen
David F Garsed
David Hofton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amies
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds

Consultant
Tim Gregory

Associates
Jane Auty
Jonathan Cornes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Continued.....

Page 2 of 2

Doc Ref : **2159606004**

Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

Ramsdens Whitfield Hallam

Our Ref : JMC/SHP/211630-1
Your Ref : 872/1/49/GC

18 June, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Fax only to: 01484 221 613

Dear Sir

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

Further to our letter 23rd May 2013 we have now had the opportunity of visiting the site and considering the background information including the plans contained within your letter 20th instant and indeed the further information emanating from the 1992 Inquiry and the subsequent application dating from 1997.

In short we do not accept that the information summarised in your letter 20th May or indeed the enclosures referred to show any evidence that the footpath (no 49) is or has ever been situated between points A to B as shown on your plan dated 1st March 2013.

We note that you rely upon that plan which has clearly been self-generated in the recent past together with a description of path numbers, number 44 to number 57 which includes a description of number 49 and thirdly our clients planning application upon which the Local Authority have endorsed the position of a footpath.

The only other document appears to be an undated copy OS map with a series of footpath's marked by number in the Heybeck Farm area.

Our client has been resident in the property for over 30 years and the previous owner was there for 20 years. The high point of your assertions appear to be that in 1952 a footpath may or may not have crossed the area of land prior to the erection of the current structures.

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 468299
DX: 23360 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Helen Thewlis
Jeremy Cook
Joanne L Coen
David F Garsed
David Hifton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amies
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds
Consultant
Tim Gregory

Associates
Jane Aulry
Jonathan Comes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Continued.....

Page 2 of 3

Doc Ref : 2159609823

This was at a time when for a significant proportion of the land to the North of Heybeck Lane was under single ownership and it is possible that the footpath was re-routed at that stage.

We make no concessions in respect of this. However, we should point out at this stage that the suggestion that enforcement proceedings are reasonable or proportionate given the time that has elapsed and taking into account the intervening Inquiry is wholly inappropriate.

We do not accept your contention (2nd paragraph, 2nd page) that the appointed Inspector made a serious error in the 1992 Inquiry and moreover point you to your own department's subsequent understanding and contention of the position in relation to the application to vary the position 23rd January 1997 and indeed correspondence of our own client and his previous solicitors dated 28th June 1994.

We anticipate that you are in receipt of the full file in relation to the 1997 application and in due course will require sight of the same.

However, to assist you in your tracing of the 1994 correspondence we attach a copy of Sandra Haigh's letter to Hewison & Nixon 28th June 1994 together with attached plan showing the existing footpath and the proposed variation at that stage.

We have barely scratched the surface yet in relation to the body of documentation which clearly shows that for over 6 decades there is not a shred of evidence that Public Footpath 49 has existed or did exist between points A to B as you contend in your letter.

Conversely a vast body of evidence points entirely against this contention.

At the risk of litigating matters by correspondence one example appears from your own description of footpath number 49 which records it has 2 stiles which are clearly visible to the rear of our clients property that position tying up with the existing pathway as shown on the plan attached to the letter 28th June 1994.

We can well see why, pursuant to discussions with our client, you might have wished to investigate this matter and indeed consider the information available to you. The fact that you would proceed to make a threat of enforcement (or prosecution) is wholly disproportionate in the circumstances and in our submission a complete waste of public funds.

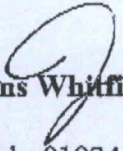
We are instructed to oppose any proceedings that the Local Authority intends to take whether or a civil or criminal nature. However, as a result of reviewing the files and in particular the 1994 correspondence (arising out of the 1992 Inquiry) and the 1997 application you will adjust your conclusions accordingly.

Yours faithfully

Continued.....

Page 3 of 3

Doc Ref : 2159609823



Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

**Kirklees**
METROPOLITAN COUNCIL

Solicitor to the Council
Michael R G Vause
Legal Services

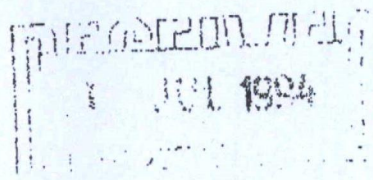
2nd Floor
Civic Centre III
Huddersfield HD1 2TG

Tel: 0484 422193
DX: 712986 Huddersfield
Fax: 0484 442231

28th June, 1994

All lines have Direct Dialling - prefix extension number with 44
If calling please ask for Miss S. J. Haigh Extn. 2982
Our Ref: P&H/SJH/22PAT/HDV.142
Your Ref: JN.AS

Hewison and Nixon
24 Station Lane
Featherstone
Nr. Pontefract
West Yorkshire
WF7 5BE

FOR THE ATTENTION OF MR. NIXON

Dear Sirs

**KIRKLEES METROPOLITAN COUNCIL PUBLIC FOOTPATH NO. 49 BATLEY
(PART) - HIGH BARN, HEYBECK LANE, BATLEY - PUBLIC PATH DIVERSION
ORDER 1992**

I write in response to your letter of May and apologise for the delay in replying.

However, I can inform you that Public Footpath 49 has now been inspected by one of the Council's Footpaths Officers, who agrees that the footpath sign does not point precisely along the definitive path line, nor along the alternative path, but somewhere between the two. The Footpaths Officer has therefore arranged for the correct route to be reinforced by the provision of waymark arrows in the next waymarking programme, which should be later this summer.

The Footpaths Officer is of the opinion that the definitive route is clearly visible as a well used line of tread across the grassed area. Also, that the stile at the field boundary mid way between X and Y (on the Order Plan) is clearly visible as a point to aim for from the farm track and the signpost at X is equally visible from the opposite direction, whilst in contrast the "alternative" route is totally obscured by overgrown vegetation and appeared not to be used at all.

Since there is at present a perfectly adequate gap stile between the fence and the gatepost and, in addition, the gate is openable and not locked, the Council believes that it is not necessary for the stile to be replaced.

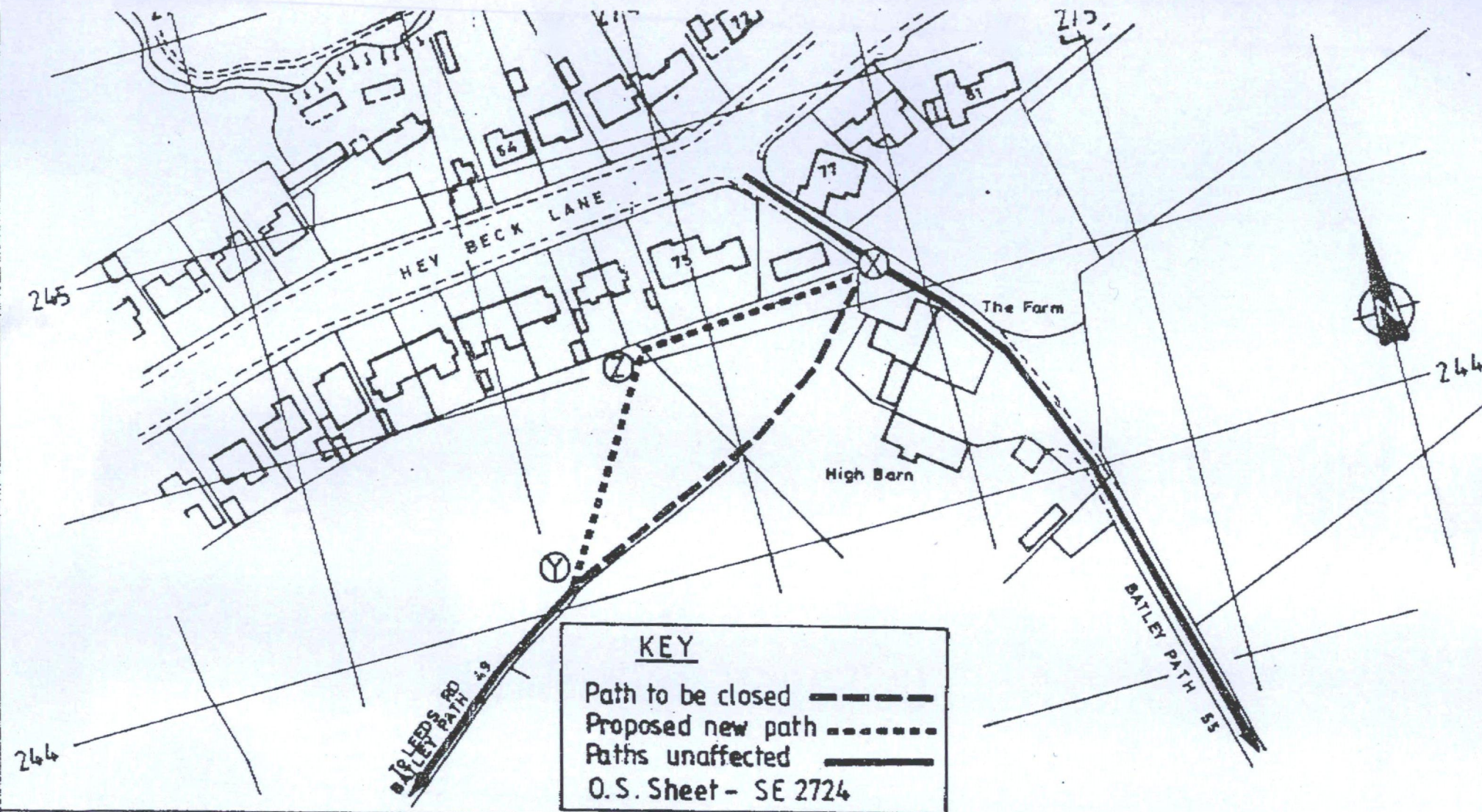
I have on the 23rd June received a further letter from you which I have now passed to our Footpaths Officer for comments and I will reply to you as soon as I can.

In the meantime, if you have any queries on this matter please do not hesitate to contact either Mrs. Windett on extension 6541 or myself on extension 2892.

Yours sincerely

Sandra J Haigh

Sandra J. Haigh
for Solicitor to the Council



Kirklees

**TRAFFIC AND HIGHWAY
DEVELOPMENT MANAGER**

P. J. JARROLD
C. ENG. TECH. UNIT. ENGL.
CLIMATE UNIT, LONDON,
ENGLAND, ENGL.

Tab

**PROPOSED DIVERSION OF BATLEY PATH 49 (part)
at HIGH BARN, HEY BECK LANE.**

Scale

approx. 1 / 1250

Drawn

E N

Checked

Section

D.C.

Date

July 1992

Dwg / Ref No.

Giles Cheetham

From: Giles Cheetham
Sent: 19 June 2013 17:17
To: 'jeremy.cook@ramsdens.co.uk'
Cc: Sandra Haigh; Justin Roche; Rob Dalby; Paul Hawkins; Andrew Leader; Chris Read
Subject: Public footpath Batley 49, Hey Beck Lane - your client Mr & Mrs I Bragg
Attachments: 1985 dm zoom as published SE22SE.pdf; 1985 dm statement.pdf

From: Jeremy Cook [mailto:Jeremy.Cook@ramsdens.co.uk]
Sent: 19 June 2013 11:47
To: Giles Cheetham; Rebecca Townsend
Cc: Justin Roche
Subject: RE: Mr & Mrs I Bragg - JMC/SHP/211630-1

Dear Mr Cheetham ,

I am unable to meet this Friday 21st .How are you fixed for next week , possibly the following Friday ?

Regards

Jeremy

Public footpath Batley 49, Hey Beck Lane - your client Mr & Mrs I Bragg

Your ref: JMC/SHP/211630-1

Dear Mr Cook,

Thank you for your above email, please let me know as soon as possible your availability for a meeting at these offices next Friday, 28 June. I am happy to discuss this matter in person but would first ask you to consider again, carefully and fully, the contents of my letter and enclosures of 20 May, as well as the notes below.

The Ramsdens correspondence indicates certain misunderstandings regarding public rights of way and highway law, including the recording of public rights of way and the operation of public path orders and definitive map modification orders. In addition, it demonstrates confusion between recorded public rights of way and paths made available on the ground; they are often not the same thing. I trust that these notes help clarify things. I would recommend that you also look at the documents and DEFRA link referred to.

Specialist advice may be sought from independent consultants. The Institute of Public Rights of Way and Access Management (IPROW) is the professional body which represents individuals involved in the management of public rights of way and other access.

IPROW holds a list on its website of consultants, including expert witnesses, advocates and solicitors, at the following page. This is not a recommendation and is noted only for your information.

<http://www.iprow.co.uk/index.php?page=page&catId=77>

Thank you for your faxed letter of 18 June. In summary, it appears that you do not accept the existence of public footpath 49 over certain land at Hey Beck. It also appears to suggest that you consider any council action to re-open a footpath across your client's land would not be reasonable, proportionate or appropriate. We did not receive your letter dated 23 May until this morning (19 June by email).

Evidence of existence of path Batley 49 and its definitive alignment

For your further information and to clarify the contents of our letter of 20 May 2013. The enclosed plan marked A B was for clarification, giving the information on a modern base map and the council does not rely on it.

As clearly described in our letter of 20 May (1st paragraph, page2), the letter enclosures included a copy extract of the 1985 modified definitive map and statement for the Kirklees area. I herewith attach pdf copies of same. Your letter of 18 June merely refers to these copies of important formal documents as "description of path numbers" and "undated copy OS map".

As described in our letter of 20 May,

"I would note for your attention the conclusive nature of the definitive map and statement as recognised in Section 56 of the Wildlife & Countryside Act 1981."

I also included a web link for information in the letter of 20 May 2013. Here is the link again, and an extract from paragraph 2.2 of that DEFRA government guidance on public rights of way for local authorities, which is self-explanatory.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69304/pb13553-rowcircular1-09-091103.pdf

"Definitive maps and statements

2.2 Definitive maps and statements are documentary records of public rights of way. They indicate where the public may lawfully walk, ride or drive. Section 56 of the 1981 Act makes it explicit that the definitive map and statement, taken together, are legally conclusive evidence of the existence of the highways of the description shown and of the rights and limitations existing over those highways at the relevant date assigned to each definitive map, unless there is a subsequently confirmed legal order amending those rights."

The definitive map and statement of public rights of way is held by this council as surveying authority. I am not aware of any subsequent legal order which has changed any of the path concerned since the definitive map and statement's publishing in 1985.

Reasonable/appropriate/proportionate

I can understand that your client may not wish to have a public footpath across his land, however the letter of 20 May clearly stated the council's duties as highway authority under section 130 of the Highways Act 1980.

"I should note that the council has a duty under Section 130 of the Highways Act 1980 to protect and assert the public right of way." (5th paragraph, page 2)

On these points you may also consider further that:

- the council informed your client nearly 10 years ago about the actual definitive alignment of path 49.
- Your client has taken no steps to regularise the position in the intervening period, and indeed the obstructions to path Batley 49 at his property have since been added to, with the construction of an electric gate.
- Council officers have worked with landowners over some years, providing information, answering questions, discussing the issues at hand and dealing with formal applications, all in an effort to deal with this matter without resort to enforcement.
- The alignment of the public right of way Batley footpath 49 is unchanged since the time of your client's purchase of his property.
- More recent acts to preclude public passage at Hey Beck have generated complaint and brought this matter to a head.
- We have a number of outstanding requests from members of the public regarding obstructions.
- This officer has consulted in detail on this matter with colleagues, managers and the council's legal service.
- Kirklees ward councillors have been informed and also support the current and proposed action.

It is now over 3 ½ months since our letter to your client of 1 March brought these recent matters to your client's attention. A telephone conversation and subsequent site discussion took place with your client. Since our further letter of 20 May 2013, 14 days after the given date, the only reply received was your faxed letter of 18 June. We have now received and taken into account your letter dated 23 May requesting an extension. Throughout, officers have continued to make themselves available to landowners. Again, this demonstrates that the council has shown and continues to show patience and reasonableness, giving your client opportunity to make a meaningful response, formal application or re-open the path. I have now offered to meet with you next week, which is a date of your choosing, again showing patience and reasonableness given that at a site meeting over 3 months ago Mr Bragg expressed his refusal to address the issues and his intention to seek legal advice.

Other matters raised in your letter

- Other papers have been supplied to your client for information. This includes a 1956 Ordnance Survey which clearly showed the surveyed physical route at that time and the physical separation of property at 75 Hey Beck Lane from the additional land carrying path 49 subsequently incorporated into the curtilage.
- Additionally, the first definitive map, a formal legal record of public rights of way with a relevant date in 1952 showed the path in the position identified i.e. across Mr Bragg's current landholding. The 1952 document was superseded by the attached 1985 map and statement. The public footpath has been formally recorded in the location as identified in our letter for decades prior to Mr Bragg's ownership. Please let me know if you would like copies of these documents for information.
- Your client's own planning submission extract was enclosed simply because it is evidence that your client concurs with the council's position regarding the alignment of path 49. I note your assertion that the council "*have endorsed the position of a footpath*", I would confirm that the council received the plan as a planning submission with the footpath 49 already marked upon it.
- You refer to documents from the 1990's. Representation of the alignment of path 49 is incorrect in a number of papers from this time. The errors apparent regarding the perceived alignment of footpath 49 in the 1990's processes have already been clearly accepted by the council and all this has been noted and discussed in detail with your client; again I note that this was clearly stated in the letter of 20 May 2013.
- To be clear, none of those 1990's processes or the paperwork connected to them in any way either move the recorded footpath, or change the definitive alignment of path Batley 49 or affect the council's duties as highway authority to protect and assert the public's rights over path 49.
- One particular point I would note is that the 1997 diversion application process you refer to also did not lead to any confirmed public path order which has come into effect. As mentioned above, the definitive map and statement are conclusive, unless you have a relevant confirmed order which has come into effect to produce in evidence.
- Not that it is relevant to the alignment of path 49 or Mr Bragg's situation, but the 2 stiles described in the definitive statement extract do not refer to any current or previous structure at the rear of Mr Bragg's property. These two stiles are elsewhere on the definitive footpath. In any case, the mere presence of a modern stile, gate or other structure, whether open or blocked, is no evidence to challenge public right shown in relevant formal documents to exist over six decades.

Other than highlighting your instructions to "oppose any proceedings", your letter does not bring to light any point or issue that has not already been investigated and considered. It repeats questions, points and allegations that have already been considered and answered. Additionally, it does not recognise the formally recorded alignment of footpath Batley 49.

I note your suggestion that "it is possible that the footpath was re-routed at that stage" (1st sentence, page 2). It is apparent that at whichever point in time the definitive footpath 49 at Hey Beck was obstructed, no formal diversion of the recorded public footpath took place and the council's responsibilities are unchanged. Your client has clearly stated to officers his intention not to apply to the council for public path order. Alternative avenues for discussion appear to have come to nothing and the footpath remains on its original alignment, as indicated in our enclosures of

20 May 2013. With a lack of alternatives, your client's stated stance and with our S130 duty in mind, enforcement would appear not only reasonable, but also appropriate and proportionate.

I trust that you would accept that the council has considered and responded to all of your and your client's stated concerns and continues to provide information and assistance, such as this email and its detailed contents.

As stated above, I am willing to meet you (and your client if desired) to discuss this matter next week at these offices. I will consider any points, documents and information you may wish to offer. However, I would not wish you to misunderstand the situation; this matter has been carefully considered in full and with the information currently at hand, I am not convinced that I should not simply repeat in full the informal requests stated in our letter of 20 May.

If that does remain the case then your client would again be requested to take all relevant action to make footpath 49 across land within his control fully open and available to the public before the council commences formal enforcement action. The council has common law powers to abate obstructions over public footpaths maintainable at public expense such as Batley 49 by removal without notice; alternatively, procedures to re-open the footpath involving statutory notice, default works and recharge to your client may be commenced. Recharge would generally include all administration and works costs including officer time and journey time, including contractor's costs as necessary.

Regards,
Giles

Giles Cheetham

Definitive Map Officer – Public Rights of Way
Investment and Regeneration Service

Kirklees Council, PO Box B93, Civic Centre III, Huddersfield, HD1 2JR

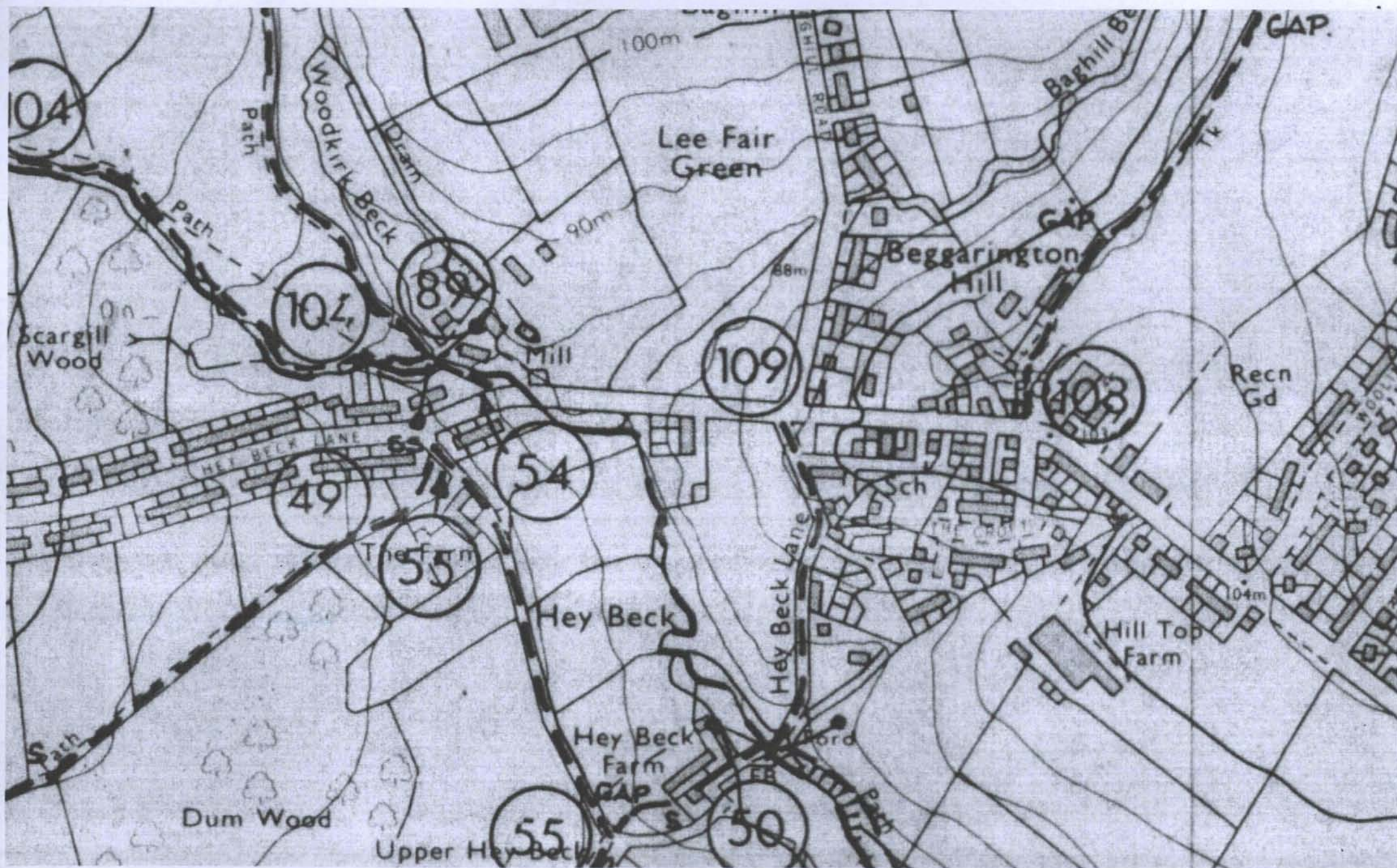
■ 01484 225575

✉ giles.cheetham@kirklees.gov.uk

Ű www.kirklees.gov.uk/



The information contained in this e-mail, and any files transmitted with it, is confidential to the intended recipient(s). The dissemination, distribution, copying or disclosure of this message or its contents is prohibited unless authorised by the sender. If you receive this message in error, please immediately notify the sender and delete the message from your system.



Batley

Path Number	Map Reference	Description of Route	Nature Of Surface	Length (M)	Width (M)	General
044	SE 22SE / 2523	Bridleway known as Sykes Lane commencing at its junction with Fort Ann Road and proceeding southeastward via Soothill Grange to the Dewsbury Boundar.	Green Lane	756	3.7	2 Field Gates
045	SE 22SE / 2624	Bridleway and footpath commencing at its junction with Soothill Lane (B6124) at Croft House Farm and proceeding in a southwesterly direction to its junction with High Street, Hanging Heaton at two points with a branch connection to Path No. 44.	Arable Green Lane	640 821	1.2 3	4 Field Gates 1 Gap 1 Step 6 Stiles
046	SE 22SE / 2623	Footpath commencing at its junction with Path No. 45 at its junction with Grange Road and proceeding in a southerly and easterly direction to the Dewsbury Boundary.	Arable	290	1.2	
047	SE 22SE / 2624	Footpath commencing at its junction with Soothill Lane (B6124) opposite Croft House Farm proceeding northward to the Morley Boundary.	Pasture	531	1.2	
048	SE 22SE / 2624	Footpath commencing at its junction with Soothill Lane (B6124) and proceeding in a northwesterly thence northeasterly direction turning in a southerly direction to join Woodkirk Gardens then recommencing off Woodkirk Gardens opposite No. 40 it proceeds in a northeasterly direction to Leeds and Dewsbury County Road (A653).	Pasture	435	1.2	1 Gap 2 Stiles
049	SE 22SE / 2624	Footpath commencing at its junction with the Leeds Road adjoining No. 1062 and proceeding in a southeasterly and northeasterly direction to its junction with Hey Beck Lane.	Pasture	740	1.2	2 Stiles
050	SE 22SE / 2623	Footpath commencing at the Dewsbury Boundary east of Lees House Farm and proceeding in a northeasterly direction to its junction with Hey Beck Lane.	Arable	1014	1.2	1 Field Gate 1 Foot Bridge 2 Gaps 2 Stiles
051	SE 22SE / 2623	Footpath commencing at its junction with Leeds Road at Lees House Farm and proceeding eastward thence northward to its junction with Path No. 50.	Arable	1223	1.2	5 Field Gates 1 Gap 2 Stiles
052	SE 22SE / 2723	Footpath commencing at its junction with Path No. 51 and proceeding in a southwesterly direction to the Dewsbury Boundary.	Arable	225	1.2	1 Gap 1 Stile
053	SE 22SE / 2823	Footpath commencing at the Morley Boundary at Hey Beck Footbridge and proceeding in a southeasterly direction to the Ossett Boundary with a branch proceeding westward to Dewsbury Boundary.	Pasture	1142	1.2	1 Foot Bridge 3 Stiles
054	SE 22SE / 2724	Footpath commencing at its junction with Hey Beck Lane and proceeding in a northwesterly direction to the Morley Boundary.	Pasture	32	1.2	2 Stiles
055	SE 22SE / 2724	Footpath commencing at its junction with Hey Beck Lane and proceeding southward to its junction with Path No. 50.	Pasture	354	1.2	1 Gap 1 Step
056	SE 22SW / 2324	Footpath known as Towngate Road commencing at the south end of Path No. 27 and proceeding south and southwest into Healey Lane, with a branch path running east and northeast into Arncliffe Road.	Earth Roughly Metalled Tarmac	64 64 32	1.8 1.8 1.8	
057	SE 22SE / 2523	Byway open to all traffic known as Grange Road commencing at the adopted part opposite No. 182A and proceeding in a generally easterly direction to the Dewsbury Boundary.	Roughly Metalled	805	6.1	

Ramsdens Whitfield Hallam

Our Ref : JMC/RJT/211630-1
Your Ref : 872/1/49/GC

20 June, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR



Dear Sir

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

Thank you for your email 19th June 2013 clarifying your understanding of the position in relation to footpath number 49.

Two preliminary points arise:-

- i. Our suggestion with regard to a meeting was that an onsite meeting take place to view the position in relation to the current footpath and to clarify your understanding of its position/location before and since 1952.
- ii No concessions whatsoever are made with regard to your interpretation of the actual (or previous) position of the public right of way.

The evidence that you have sought to disclose in support of your contention(s) specifically the 1985 extract plan (with descriptive statement) is wholly inadequate in supporting your position. This is particularly disappointing in a case where you make an express threat of enforcement by statutory or 'common law powers' (we shall revert to this latter point further on).

Substantively,

Insofar as any documents which you have not disclosed previously in the correspondence the answer to your question is 'yes'. We do require sight of any evidence you intend to rely upon. The evidence you rely upon now is insufficient to refute, on any standard of

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 469299
DX: 23360 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Helen Thewlis
Jeremy Cook
Joanne L Coen
David F Garsed
David Hofton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amies
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds

Consultant
Tim Gregory

Associates
Jane Auty
Jonathan Cornes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Continued.....

Page 2 of 3

Doc Ref : **2159610392**

proof, the findings of the 1992 Inquiry and the basis of the 1997 application to vary. Moreover both of the judicial processes (1992 and 1997) relied heavily on information provided by Local Authority which you seem to simply dismiss as being incorrect.

We agree that the substance of this case is probably set out in the bullet points correcting paragraph 4 of your email. However, given the Draconian action you now propose these bold assertions are wholly unsupported by a shred of evidence. We make the following non-exhaustive comments:-

1. "The Council informed your client nearly 10 years ago that the action definitive alignment of path number 49" This is your interpretation of the position.

The evidence you have disclosed does no such thing.

2. That the status quo dates back to 1952 and prior to our client's ownership.
3. This matter was considered in 1997 when the application to vary was made. The fact that it was not determined does not alter the position in regard to the validity of the application itself. We require sight of the planning file in respect of this application specifically including the Local Authority's evidential review.
4. "More recent acts to preclude public passage at Heybeck Lane have generated a complaint and brought this matter to a head".

Please let us have details in accordance with the Concordat on enforcement.

5. "We have a number of outstanding requests from members of the public regarding obstructions".

A site visit will assist you in understanding exactly where these obstructions occur and how they fit in with the 1992 Inquiry and the 1997 application.

6. We reserve our position with regard to any privileged advice your department has taken pending sight of the relevant Committee Minutes and/or Resolution(s).
7. "The Kirklees Ward Council have been informed and also support the current and proposed action".

Continued.....

Page 3 of 3

Doc Ref : 2159610392

If that is the case we suggest that they strongly review the entirety of the evidence rather than your interpretation. The 1985 documentation does not support your correct position and predates the Inquiry in any event.

8. We do not believe that any adequate or proper consideration has been given to the proportionality of your stance . In this economic climate we are staggered that such time and resources who have expended on a matter which flies in the face of common sense, the actual position on the ground and any reasonable assessment of the situation.

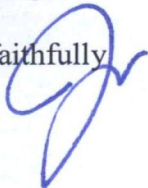
Your approach seeks to bypass entirely the Public Inquiry of judicial standing dating back over 20 years.

We are instructed to seek immediate injunctive release should any action be taken on notice or without notice. We dispute entirely the threat that common law powers to which you refer have any less evidential burden placed upon them for the Local Authority or any other body.

The suggestion that public funds be spent on such threatened action without first obtaining a declaration from the Court with a view to having an independent assessment of your evidence and understanding. It does little to satisfy our concerns nor will it satisfy the Court on the question of damages attributable to any such action (or indeed the Planning Inspectorate) and that you seek to dismiss out of hand the findings an expensive and lengthy Public Inquiry.

If your wholly misguided approach remains open ended we are instructed to immediately seeking an ex parte Order that no steps whether Civil, Criminal, Statutory or Common-law provisions (your words) are taken by the Local Authority without (seeking a declaration) and proceeding on Notice.

Yours faithfully



Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

Giles Cheetham

From: Giles Cheetham
Sent: 24 June 2013 18:31
To: 'jeremy.cook@ramsdens.co.uk'
Cc: 'Rebecca.Townsend@ramsdens.co.uk'; Sandra Haigh; Paul Hawkins; Rob Dalby
Subject: Batley footpath 49 - Mr & Mrs I Bragg - JMC/SHP/211630-1

Mr Cook,
[Batley footpath 49 Mr & Mrs I Bragg - JMC/SHP/211630-1](#)

Thank you for your Ramsdens letter dated 20 June.

Meeting

On your preliminary point (i); I note my email of 19 June at 10:56.

*"If you still consider that a meeting would be of assistance, please contact me to arrange an appointment **at this office**. I would advise that you do this as soon as possible. I have some availability on Friday this week, 21 June."*

Your reply (19 June at 11:47) indicated availability this Friday (28 June), but did not mention it being on site.

"I am unable to meet this Friday 21st. How are you fixed for next week, possibly the following Friday?"

I offered and agreed to a meeting this Friday, which you are yet to confirm. I do not at present see the purpose in meeting on site.

The location of the path affecting your client's land is shown on plans already provided and has been explained and shown to your client on site a number of times over the years since December 2003. I attach a photo for your information, which is taken from the current southern property boundary with neighbouring landholdings, towards Hey Beck Lane. The brick wall visible would appear to delineate the earlier curtilage of the property 75 Hey Beck Lane. You may also find it helpful that I also described the obstructions to the path 49 over your client's land in my letter of 20 May in some detail. I also attach a copy of the 1956 Ordnance Survey previously noted. I will also send under separate email for your information scanned extracts from the 1907, 1922 and 1933 Ordnance Survey, indicating a path of over 100 years standing, albeit it unofficially diverted and obstructed over recent decades.

You are still welcome to attend a meeting at this office this Friday as offered. Again, as noted above, I would ask that you confirm this as soon as possible.

The 1996/1997 application & consultation - Mr R Lilley appears to have made an application in February 1996 for an order to be made under Section 119 of the Highways Act 1980. After preliminary consultation in January 1997, the applicant/agent was asked by the council to respond on some of the consultation comments received. No responding proposal was forwarded and so no progress was made at that time. No report was taken to committee on this 1996 application. As previously noted, the consultation in January 1997 incorrectly identified the alignment of path 49 and the diversion application had no subsequent order and no subsequent legal effect on the alignment of path 49 or the definitive map and statement.

The 1994 inquiry considered a proposal to move a footpath from one place to another. The proposal was refused and the order was not confirmed. As previously noted, the proposal partly concerned and showed a path which did not and does not run on the definitive route of path 49; instead reflecting a route then available on the ground. The inspector considered the proposal before him, however the proposal was incorrect as it compared the proposed new route to a route that was partly not the definitive alignment of path 49. I do not "bypass entirely" this process. I simply note the error therein and that the process had no effect on the alignment of path 49 and that no order was confirmed.

Please let me know as soon as possible if you wish to meet on Friday.

Regards,
Giles

Giles Cheetham

Definitive Map Officer – Public Rights of Way
Investment and Regeneration Service
Kirklees Council, PO Box B93, Civic Centre III, Huddersfield, HD1 2JR

■ 01484 225575

e giles.cheetham@kirklees.gov.uk

W www.kirklees.gov.uk/



The information contained in this e-mail, and any files transmitted with it, is confidential to the intended recipient(s). The dissemination, distribution, copying or disclosure of this message or its contents is prohibited unless authorised by the sender. If you receive this message in error, please immediately notify the sender and delete the message from your system.

Giles Cheetham

From: Giles Cheetham
Sent: 25 June 2013 11:46
To: 'Jeremy Cook'
Cc: Rob Dalby; Paul Hawkins; Sandra Haigh
Subject: RE: Batley footpath 49 - Mr & Mrs I Bragg - JMC/SHP/211630-1
Attachments: 1952 Prov extract 343 233 SW 92 of 171.pdf; 1952 Prov extract 342 232 SE 91 of 171.pdf; 1952 Draft extract 342 232 SE 12 of 171.pdf; 1952 Draft extract 343 233SW 13 of 171.pdf; 1952 provisional title page and seal 82 of 171.pdf; 1952 DM 22SE 155 of 171.pdf; 1952 DM title page and seal 125 of 171.pdf; 1952 Draft title page 1 of 171.pdf

Mr Cook

Thank you for your email.

Further to your Ramsdens letter of 20 June:

Information regarding the recording of public rights of way and associated documentation from the West Yorkshire Archive Service

Following the National Parks and Access to the Countryside Act 1949, local authorities were required to produce definitive maps of public rights of way.

Please find attached extracts of scanned copies of documents from the West Yorkshire Archive Service in Wakefield in connection with the subsequent formal processes which took some years. These processes resulted in the production of a legal record of public rights of way, the '1952' definitive map and statement. Each attached copy page has been named, the 'n of 171' refers to the page on the scan from which the extract is taken. NB "page 1 of 171" is the title page of the scan itself and is not a copy of a WYAS document.

This mainly 1950's process included surveys by district councils, production of a *draft map* by West Riding County Council, public consultation, production of a *provisional map* by WRCC, further consultation, with those with an interest in land having an additional opportunity to lodge representations.

Outstanding representations were then considered, including up to quarter sessions, before the publishing by WRCC of a *definitive map and statement* with a relevant date in 1952; i.e. that the rights shown existed on that date.

Following a review process, West Yorkshire Metropolitan County Council published the modified definitive map in 1985 which updated the '1952' document.

Changes to paths shown on the definitive map require legal orders to be made, confirmed and to come into effect. I am not aware of any such order for Bat49, whether before or after 1985.

If the alignment of the path on the ground has been amended by any works in the intervening period (whether 1960's, 70's, 80's 90's or 00's) it has no legal effect on footpath 49 unless it is accompanied by a relevant legal order which has come into effect.

I trust this information is useful.

Regards,
Giles

From: Jeremy Cook [mailto:Jeremy.Cook@ramsdens.co.uk]
Sent: 25 June 2013 09:20
To: Giles Cheetham

Cc: Sharon Potter

Subject: RE: Batley footpath 49 - Mr & Mrs I Bragg - JMC/SHP/211630-1

I acknowledge receipt of your two e mails and am taking my clients instructions MR Cheetham .

Jeremy Cook

From: Giles Cheetham [mailto:Giles.Cheetham@kirklees.gov.uk]

Sent: 24 June 2013 18:31

To: Jeremy Cook

Cc: Rebecca Townsend; Sandra Haigh; Paul Hawkins; Rob Dalby

Subject: Batley footpath 49 - Mr & Mrs I Bragg - JMC/SHP/211630-1

Mr Cook,

Batley footpath 49 Mr & Mrs I Bragg - JMC/SHP/211630-1

Thank you for your Ramsdens letter dated 20 June.

Meeting

On your preliminary point (i); I note my email of 19 June at 10:56.

"If you still consider that a meeting would be of assistance, please contact me to arrange an appointment at this office. I would advise that you do this as soon as possible. I have some availability on Friday this week, 21 June."

Your reply (19 June at 11:47) indicated availability this Friday (28 June), but did not mention it being on site.

"I am unable to meet this Friday 21st .How are you fixed for next week , possibly the following Friday ?"

I offered and agreed to a meeting this Friday, which you are yet to confirm. I do not at present see the purpose in meeting on site.

The location of the path affecting your client's land is shown on plans already provided and has been explained and shown to your client on site a number of times over the years since December 2003. I attach a photo for your information, which is taken from the current southern property boundary with neighbouring landholdings, towards Hey Beck Lane. The brick wall visible would appear to delineate the earlier curtilage of the property 75 Hey Beck Lane. You may also find it helpful that I also described the obstructions to the path 49 over your client's land in my letter of 20 May in some detail. I also attach a copy of the 1956 Ordnance Survey previously noted. I will also send under separate email for your information scanned extracts from the 1907, 1922 and 1933 Ordnance Survey, indicating a path of over 100 years standing, albeit it unofficially diverted and obstructed over recent decades.

You are still welcome to attend a meeting at this office this Friday as offered. Again, as noted above, I would ask that you confirm this as soon as possible.

The 1996/1997 application & consultation - Mr R Lilley appears to have made an application in February 1996 for an order to be made under Section 119 of the Highways Act 1980. After preliminary consultation in January 1997, the applicant/agent was asked by the council to respond on some of the consultation comments received. No responding proposal was forwarded and so no progress was made at that time. No report was taken to committee on this 1996 application. As previously noted, the consultation in January 1997 incorrectly identified the alignment of path 49 and the diversion application had no subsequent order and no subsequent legal effect on the alignment of path 49 or the definitive map and statement.

The 1994 inquiry considered a proposal to move a footpath from one place to another. The proposal was refused and the order was not confirmed. As previously noted, the proposal partly concerned and showed a path which did not and does not run on the definitive route of path 49; instead reflecting a route then available on the ground. The inspector considered the proposal before him, however the proposal was incorrect as it compared the proposed new route to a route that was partly not the definitive alignment of path 49. I do not "bypass entirely" this process. I

simply note the error therein and that the process had no effect on the alignment of path 49 and that no order was confirmed.

Please let me know as soon as possible if you wish to meet on Friday.

Regards,
Giles

Giles Cheetham

Definitive Map Officer – Public Rights of Way
Investment and Regeneration Service
Kirklees Council, PO Box B93, Civic Centre III, Huddersfield, HD1 2JR

■ 01484 225575
e giles.cheetham@kirklees.gov.uk
W www.kirklees.gov.uk/



The information contained in this e-mail, and any files transmitted with it, is confidential to the intended recipient(s). The dissemination, distribution, copying or disclosure of this message or its contents is prohibited unless authorised by the sender. If you receive this message in error, please immediately notify the sender and delete the message from your system.

This e-mail is confidential and may be subject to legal professional privilege. It is for the use of the named recipient(s) only. If you have received this e-mail in error, please notify us immediately. Furthermore, you are expressly prohibited from copying or disclosing its contents to any third party, and should delete it from your computer systems immediately. Please note that information sent by e-mail may be intercepted in transmission and may be altered without our knowledge. You are advised to verify any advice given before acting upon it.

Ramsdens Solicitors LLP is authorised and regulated by the Solicitors Regulation Authority (00440420).

The Solicitors Regulation Authority Rules can be accessed by visiting the SRA website at <http://www.sra.org.uk/solicitors/code-of-conduct/>

We use the word 'partner' to refer to a member of the LLP or an employee or consultant with equivalent standing and qualifications. A list of the Members of the LLP can be inspected at the Firms Office at Oakley House, 1 Hungerford Road, Edgerton, Huddersfield, HD3 3AL and at www.ramsdens.co.uk

This footnote also confirms that this email message has been swept by Fusion IT for the presence of computer viruses

This is one example of
8 pages sent with email
25 June 2013 11:46.
Copy with attachments on
G Drive.

Giles Cheetham

From: Jeremy Cook [Jeremy.Cook@ramsdens.co.uk]
Sent: 25 June 2013 09:20
To: Giles Cheetham
Cc: Sharon Potter
Subject: RE: Batley footpath 49 - Mr & Mrs I Bragg - JMC/SHP/211630-1

I acknowledge receipt of your two e mails and am taking my clients instructions MR Cheetham .

Jeremy Cook

From: Giles Cheetham [mailto:Giles.Cheetham@kirklees.gov.uk]
Sent: 24 June 2013 18:31
To: Jeremy Cook
Cc: Rebecca Townsend; Sandra Haigh; Paul Hawkins; Rob Dalby
Subject: Batley footpath 49 - Mr & Mrs I Bragg - JMC/SHP/211630-1

Mr Cook,
Batley footpath 49 Mr & Mrs I Bragg - JMC/SHP/211630-1

Thank you for your Ramsdens letter dated 20 June.

Meeting

On your preliminary point (i); I note my email of 19 June at 10:56.

"If you still consider that a meeting would be of assistance, please contact me to arrange an appointment at this office. I would advise that you do this as soon as possible. I have some availability on Friday this week, 21 June."

Your reply (19 June at 11:47) indicated availability this Friday (28 June), but did not mention it being on site.

"I am unable to meet this Friday 21st .How are you fixed for next week , possibly the following Friday ?"

I offered and agreed to a meeting this Friday, which you are yet to confirm. I do not at present see the purpose in meeting on site.

The location of the path affecting your client's land is shown on plans already provided and has been explained and shown to your client on site a number of times over the years since December 2003. I attach a photo for your information, which is taken from the current southern property boundary with neighbouring landholdings, towards Hey Beck Lane. The brick wall visible would appear to delineate the earlier curtilage of the property 75 Hey Beck Lane. You may also find it helpful that I also described the obstructions to the path 49 over your client's land in my letter of 20 May in some detail. I also attach a copy of the 1956 Ordnance Survey previously noted. I will also send under separate email for your information scanned extracts from the 1907, 1922 and 1933 Ordnance Survey, indicating a path of over 100 years standing, albeit it unofficially diverted and obstructed over recent decades.

You are still welcome to attend a meeting at this office this Friday as offered. Again, as noted above, I would ask that you confirm this as soon as possible.

The 1996/1997 application & consultation - Mr R Lilley appears to have made an application in February 1996 for an order to be made under Section 119 of the Highways Act 1980. After preliminary consultation in January 1997, the applicant/agent was asked by the council to respond on some of the consultation comments received. No responding proposal was forwarded and so no progress was made at that time. No report was taken to committee on this 1996 application. As previously noted, the consultation in January 1997 incorrectly identified the alignment of path 49 and the diversion application had no subsequent order and no subsequent legal effect on the alignment of path 49 or the definitive map and statement.

The 1994 inquiry considered a proposal to move a footpath from one place to another. The proposal was refused and the order was not confirmed. As previously noted, the proposal partly concerned and showed a path which did not and does not run on the definitive route of path 49; instead reflecting a route then available on the ground. The inspector considered the proposal before him, however the proposal was incorrect as it compared the proposed new route to a route that was partly not the definitive alignment of path 49. I do not "bypass entirely" this process. I simply note the error therein and that the process had no effect on the alignment of path 49 and that no order was confirmed.

Please let me know as soon as possible if you wish to meet on Friday.

Regards,
Giles

Giles Cheetham
Definitive Map Officer – Public Rights of Way
Investment and Regeneration Service
Kirklees Council, PO Box B93, Civic Centre III, Huddersfield, HD1 2JR

■ 01484 225575
e giles.cheetham@kirklees.gov.uk
W www.kirklees.gov.uk/



The information contained in this e-mail, and any files transmitted with it, is confidential to the intended recipient(s). The dissemination, distribution, copying or disclosure of this message or its contents is prohibited unless authorised by the sender. If you receive this message in error, please immediately notify the sender and delete the message from your system.

This e-mail is confidential and may be subject to legal professional privilege. It is for the use of the named recipient(s) only. If you have received this e-mail in error, please notify us immediately. Furthermore, you are expressly prohibited from copying or disclosing its contents to any third party, and should delete it from your computer systems immediately. Please note that information sent by e-mail may be intercepted in transmission and may be altered without our knowledge. You are advised to verify any advice given before acting upon it.

Ramsdens Solicitors LLP is authorised and regulated by the Solicitors Regulation Authority (00440420).

The Solicitors Regulation Authority Rules can be accessed by visiting the SRA website at <http://www.sra.org.uk/solicitors/code-of-conduct/>

We use the word 'partner' to refer to a member of the LLP or an employee or consultant with equivalent standing and qualifications. A list of the Members of the LLP can be inspected at the Firms Office at Oakley House, 1 Hungerford Road, Edgerton, Huddersfield, HD3 3AL and at www.ramsdens.co.uk

This footnote also confirms that this email message has been swept by Fusion IT for the presence of computer viruses

Ramsdens Whitfield Hallam

Our Ref : JMC/SHP/211630-1
Your Ref : 872/1/49/GC

18 July, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Email (sent by)

Dear Mr Cheetham

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

We refer to previous correspondence:-

1. We had suggested a site meeting because we think it would be helpful of both parties to carry out measurements with the appropriate equipment and qualified surveyors on site. We saw little purpose to meeting at your offices to go through the plans that you are currently relying upon.
2. With this in mind we met with Hearl Lenton of Holroyd Miller who has been retained by our clients in respect of this matter and carried out a site survey on 17th July 2013.
3. In short we disagree with your interpretation of the plans. Even if your understanding is correct either in terms of the chronology or the original siting of the footpath (under the 1952 survey or otherwise) your contentions with regard to its current location are incorrect.
4. In many respects that point is superfluous. Our clients have carried out further enquiries in relation to the purchase file of the property in 1981 and information held by Wakefield Deeds Registry.

The following points are recorded and no doubt your own enquiries will confirm the same:-

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 469299
DX: 23380 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Heien Thewlis
Jeremy Cook
Joanne L. Coen
David F Garsed
David Hofton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amies
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds

Consultant
Tim Gregory

Associates
Jane Auty
Jonathan Comes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Continued.....

Page 2 of 3

Doc Ref : 2159615684

- i) There is documentary evidence from a planning permission 26th May 1951 up to a search 8th December 1965 showing a public footpath on land adjacent to the site then owned by Saville Estates.
- ii) On 23rd January 1966 there is a Conveyance from Saville Estates to Mr Buckley. He was the then owner of the site of our client's bungalow. He purchased an additional 310 sq. yds. i.e. the triangular land at the side.
- iii) In disposing of that land Saville Estates have realigned the footpath (over their own land).

In view of the records kept by the Estate Department and Mr Roger Preston Jones we have little doubt that notwithstanding your own failure to locate any application to relocate (or decision) the position, if not self-evident from the chronology, will be recorded by Saville Estates.

- iv) However, subsequently the Land Registry OS Maps from 1971 clearly show that there is no footpath recorded in the position for which you contend or indeed the original 1952 position. By that date it had been relocated by Saville Estates with an express or implicit agreement from the predecessor Local Authority and/or abandoned. We shall come to this latter point subsequently in terms of our arguments in relation to an Estoppel.
5. Our clients in purchasing the property carried out a Local Land Charge search through (then) Kirklees on 18th September 1981 which shows no footpath but states specifically (page 2 of the search) that there is a footpath on the road (un-adopted) on the side of the site. National Grid Reference SE2724.

During our clients ownership of the property there is a Building Consent dated 15th October 1982 for the erection of a detached garage.

6. Thereafter we have the July 1992 proposed diversion of footpath no 49 by Mr R Liley which was dealt with to conclusion by the Local Authority culminating in an Inspectors Inquiry.

As there is no suggestion whatsoever that our client altered the position of the footpath personally during his occupation of the property and an Estoppel clearly arises.

Any enforcement proceedings taken by the Local Authority as alluded by you at all will be strenuously defended.

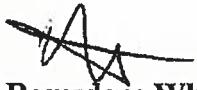
Continued.....

Page 3 of 3

Doc Ref : 2159615684

Indeed our client has been put to such significant time, expense and distress as a result of your continued misguided approach towards this whole issue that we are referring this matter to the Ombudsman and we will seek an Order that his legal professional costs to date are met by the Department as a result of the on-going misguided and ill-founded threats of enforcement.

Yours faithfully,



Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

Ramsdens Whitfield Hallam

Our Ref : JMC/SHP/211630-1
Your Ref : 872/1/49/GC

22 July, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Email (sent by)

Dear Mr Cheetham

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

Further to our letter 18th July 2013 we note the contents of your emailed response 19th July 2013 (11:41).

1. We have referred to a 1981 Kirklees Local Land Charge Search.

We assume that this will be readily available to you from your archives.

If not please confirm whereupon we shall provide a copy.

2. We have referred to additional documentation readily available from variously:-

- i) Ordinance Survey Maps
- ii) Land Registry Searches
- iii) Wakefield (West Riding) Deeds Registry.

The fact that this information is apparently not readily available to you, or the fact that you have not previously seen it, given your reference to your exhaustive enquiries exacerbates our concern with regard to your approach to this issue.

In particular we note your previous reference to the complete audit of all Public Path Applications (to vary or otherwise) from 1952 to date.

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 469299
DX: 23360 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Helen Thewlis
Jeremy Cook
Joanne L Coen
David F Garsed
David Hofton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amies
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds
Consultant
Tim Gregory

Associates
Jane Auly
Jonathan Cornes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Continued.....

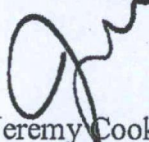
Page 2 of 2

Doc Ref : 2159616343

We expected that specifically the information set out in the 1981 Local Search that our clients commissioned prior to purchasing the property would have formed part of your enquires into this matter.

We await your written explanation as to what information you have in fact viewed and what archive material is available to you whereupon we shall review this point further.

Yours sincerely



Jeremy Cook

Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

Giles Cheetham

From: Giles Cheetham
Sent: 22 July 2013 16:38
To: 'Sharon Potter'
Cc: Jeremy Cook; Tom Ghee; Rob Dalby; Paul Hawkins; Sandra Haigh; ChiefExecutiveSecretaries
Subject: RE: Our client Mr and Mrs I Bragg. 75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Attachments: Cook letter 22 7 2013 dewsburyoffice@ramsdens.co.uk_20130722_130327.pdf

Ms Potter, Mr Cook,

Thank you for your blank email below with the attachment of Mr Cook's Ramsdens letter, dated 22 July 2013.

I am informed by colleagues that the council does not hold local land charges data for September 1981.

You have previously made a number of points based on documentation and information that you have considered, yet you appear unwilling to provide copies to us.

I note your apparent concern about our approach to this issue. I also note that one of the things that we will need to consider is the relevance of any documentation; indeed, whether its content is material to consideration of the public footpath matter at hand.

1. Please let me have a copy by return of all documentation and information that you refer to in your letter of 18 July, and that you appear to rely on.

This is so that we can consider its relevance and the weight that ought to be attached to it as evidence. On receipt of your submissions, we may be better placed to provide a fuller response to your letters dated 18 July 2013 and 22 July 2013.

Regards,
Giles

Giles Cheetham
Definitive Map Officer – Public Rights of Way
Investment and Regeneration Service
Kirklees Council, PO Box B93, Civic Centre III, Huddersfield, HD1 2JR

■ 01484 225575
e giles.cheetham@kirklees.gov.uk
W www.kirklees.gov.uk/



The information contained in this e-mail, and any files transmitted with it, is confidential to the intended recipient(s). The dissemination, distribution, copying or disclosure of this message or its contents is prohibited unless authorised by the sender. If you receive this message in error, please immediately notify the sender and delete the message from your system.

From: Sharon Potter [<mailto:Sharon.Potter@ramsdens.co.uk>]
Sent: 22 July 2013 14:02
To: Giles Cheetham

Cc: Jeremy Cook

Subject: Our client Mr and Mrs I Bragg. 75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU

This e-mail is confidential and may be subject to legal professional privilege. It is for the use of the named recipient(s) only. If you have received this e-mail in error, please notify us immediately. Furthermore, you are expressly prohibited from copying or disclosing its contents to any third party, and should delete it from your computer systems immediately. Please note that information sent by e-mail may be intercepted in transmission and may be altered without our knowledge. You are advised to verify any advice given before acting upon it.

Ramsdens Solicitors LLP is authorised and regulated by the Solicitors Regulation Authority (00440420).

The Solicitors Regulation Authority Rules can be accessed by visiting the SRA website at <http://www.sra.org.uk/solicitors/code-of-conduct/>

We use the word 'partner' to refer to a member of the LLP or an employee or consultant with equivalent standing and qualifications. A list of the Members of the LLP can be inspected at the Firms Office at Oakley House, 1 Hungerford Road, Edgerton, Huddersfield, HD3 3AL and at www.ramsdens.co.uk

This footnote also confirms that this email message has been swept by Fusion IT for the presence of computer viruses

Ramsdens Whitfield Hallam

Our Ref : JMC/SHP/211630-1

Your Ref : 872/1/49/GC

23 July, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Email (sent by)

Dear Mr Cheetham

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

We acknowledge receipt of your emailed response 22nd July 2013 (16:38). As we are forwarding this letter by email we are taking the opportunity to copy in those named on your circulation list in your most recent response.

We are copying the documentation referred to. Some of it is historic as you will have noted from the dates and will not copy well.

Facilities will be made available for you to inspect the originals.

We note, with some surprise, that you do not have any Local Land Charge data from September 1981.

This brings into question the matter alluded to in our earlier letter as to what extent you have been able to carry out any meaningful enquiries with regard to applications to re-locate the public footpath, in the area of our clients property or at all, since 1952.

We understood from your earlier emails that enquiries had been carried out that allegedly concluded that no application had been made to vary the location of this footpath until the early 1990's.

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 469299
DX: 23360 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Helen Thewlis
Jeremy Cook
Joanne L Coen
David F Garsed
David Hofton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amies
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds

Consultant
Tim Gregory

Associates
Jane Auly
Jonathan Cornes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Offices also at: Huddersfield, Skelthwaite, Edgerton, Elland, Halifax, Dewsbury, Mirfield, Wakefield

Registered Office: Oakley House, Edgerton, Huddersfield, HD3 3AL. LLP Registration Number CC316582. Authorised and regulated by the Solicitors Regulation Authority (SRA) (00441420)

Doc Ref:
2105G16000

Continued.....

Page 2 of 2

Doc Ref : 2159616808

We would appreciate your clarification on this point as if there is very little information say before 1981 or at all it negates the need for us to make a Freedom of Information Act Subject Data request.

Regardless of the outcome of any consideration of such information this does not take away from our preliminary point that there is an abandonment of the footpath by express action and implied relocation and an estoppel arises given the developments of the last 20 years in particular the Public Inquiry.

Finally, our clients on-going expense and professional fees is a matter of continuing concern.

We are instructed to seek a full indemnity in respect of our costs either by agreement with the Local Authority or as a consequence of our clients complaint to the Local Government Ombudsman.

Copies of searches and previous conveyances that we have been able to locate through our clients exhaustive and expensive enquiries to date will be sent under separate cover.

Yours sincerely



Jeremy Cook
Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

Ramsdens Whitfield Hallam

Our Ref : JMC/KMO/211630-1
Your Ref : 872/1/49/GC

29 July, 2013

Giles Cheetham
Kirklees Council
Investment and Regeneration Service
PO Box B93
Civic Centre 3
Off Market Street
Huddersfield
HD1 2JR

Dear Mr Cheetham

Our client: Mr and Mrs I Bragg
75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU
Re: Proposed enforcement of alleged public rights of way (Batley 49)

Your approach towards this case is wholly misguided.

We suggest that you take immediate legal advice.

You raised this issue and referred in so doing to evidence you seek to rely on.

Amongst this evidence was confirmation that you had searched Local Authority archives (since 1952); specifically applications to relocate this footpath. This contention has to be seen in the context of the fact that subsequently you confirmed on open basis that you cannot trace Land Charge searches administered by your own department, going back to 1981.

In the light of the same we attach copy local searches dated 18th September 1981, 27th January 1995 and 11th May 1998.

Where there is reference to the footpath the position is entirely consistent with the plan that our client has relied upon throughout. Moreover, we refer you specifically to the July 1992 plan, exhibited in the 1995 search.

Finally, we attach Statutory Declaration of Stanley Brian Buckley with attached exhibit plan dated 13th December 1981.

Please acknowledge receipt and confirm that your allegations and threats of enforcement are withdrawn in their entirety.

Ramsdens Solicitors LLP
28 Bond Street
Dewsbury
WF13 1AU
Tel: 01924 455391
Fax: 01924 469299
DX: 23360 Dewsbury
www.ramsdens.co.uk

John M. Fryer
Paul Joyce
Karen James
Steven G Singh
Helen Thewlis
Jeremy Cook
Joanne L Coen
David F Garsed
David Hofton

Mark Hepworth
Greg Dolan
Michael J Roberts
Jill McCurdy
Lynda Shackleton
Simon Mills
Malcolm Parkinson
David Amles
Deborah Kaye
Julia Lees

Manager
Christopher Reynolds
Consultant
Tim Gregory

Associates
Jane Auly
Jonathan Cornes, Notary Public
Gareth Dando
Veronica Mullins
Heather Nuttall
Emma Serjeant
Laura Smith
Rachael Sykes
Jan Walters

Lexcel
Practice Management Standard
Law Society Accredited

Continued.....

Page 2 of 2

Doc Ref : **2159617796**

Yours sincerely



Jeremy Cook

Ramsdens Whitfield Hallam

Direct Tel : 01924 431783

Direct Fax : 01924 469299

Jeremy.Cook@ramsdens.co.uk

The duplicate of this form must also be completed;
a carbon copy will suffice

For directions, notes and fees see overleaf

Insert name and address of registering authority in space below

KIRKLEES D.C.
DIRECTOR OF ADMINISTRATION
LOCAL LAND CHARGES
MARKET STREET
HUDDERSFIELD
HD1 2TG

Register of local land charges

Requisition for search and official certificate of search

Requisition for search

(A separate requisition must be made in respect of each parcel of land except as explained overleaf)

An official search is required in Part(s) of the register of local land charges kept by the above-named registering authority for subsisting registrations against the land [defined in the attached plan and] described below.

Description of land sufficient to enable it to be identified

75 Heybeck Lane, Woodkirk.

SE 273244 & 274244

Name and address to which certificate is to be sent

CHRISTOPHER HEWSON
SOLICITOR
45 STATION LANE
FEATHERSTONE
PONTEFRACT
WEST YORKSHIRE

Signature of applicant (or his solicitor)

Date

18/9/81

Telephone number

Pontefract 700705

Reference

CH / BRAGG

Enclosure

Cheque/Money Order/Postal Order/Giro

Official certificate of search

It is hereby certified that the search requested above reveals
~~no subsisting registrations~~

or the one registration described in the Schedule hereto³ up to and including the date of this certificate.

Signed

On behalf of

KIRKLEES M.C.

Date

13 OCT 1981

To be completed by
authorised officer

- 1 Delete if inappropriate. Otherwise insert Part(s) in which search is required.
- 2 Delete if inappropriate. (A plan should be furnished in duplicate if it is desired that a copy should be returned.)

- 3 Delete if applicable words. (The Parts of the Schedule should be securely attached to the certificate and the number of registrations disclosed should be inserted in the space provided. Only Parts which disclose subsisting registrations should be sent.)
- 4 Insert name of registering authority.

Received the sum of £10.20 p.p.

Authenticated by

L. Richards

[illegible]

10. (A) Yes
10. (B) (i) Yes
- (ii) Yes - Heavy Woollen Area Development Plan.
- (iii) No
- (iv) No
10. (C) (i) Approved by the Secretary of State.
Operative from the 9th August, 1980.
- (ii) Draft proposals published for comment.
- (iii) -
- (iv) -
10. (D) (i and ii) The Structure Plan does not contain detailed
reference to sites and precise effects on
specific or individual properties cannot
therefore be stated.
- (i) Town Map - Green Belt
- Draft -
- (ii) No
10. (E) No.

A copy of the Structure Plan can be inspected at the following locations :-

The Information Offices of the District Councils.

The Reception Desk, West Yorkshire County Council, County Hall, Wood Street, Wakefield.

The Department of Planning, Engineering and Transportation, Bishopgarth, Westfield Road, Wakefield.

The Planning Aid Centre of Leeds City Council, Merrion Centre, Leeds.

The Divisional Liaison Office, Department of Planning, Engineering and Transportation, Newton Bar, Wakefield.

The Divisional Liaison Office, Department of Planning, Engineering and Transportation, Alexandra Buildings, King Edward Street, Halifax.

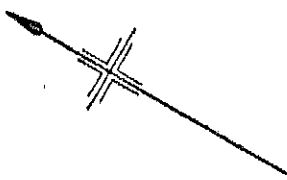
The Divisional Liaison Office, Department of Planning, Engineering and Transportation, 3rd Floor, Princess House, Bradford.

The Divisional Liaison Office, Department of Planning, Engineering and Transportation, Department of Technical Services, Civic Centre, Huddersfield.

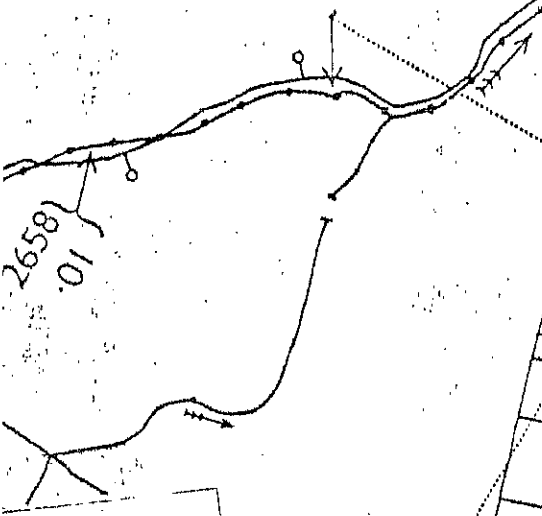
Copies may be purchased price £2.50 per copy from the Public Relations Officer, Department of Administration, County Hall, Wakefield or from the Executive Director of Strategic Planning, Bishopgarth, Wakefield.

Information to Question 14 (A) set out below:-

<u>Application No.</u>	<u>Date of Decision</u>	<u>Application For</u>	<u>Decision</u>
418	23/7/51	Bungalow and Garage	Granted

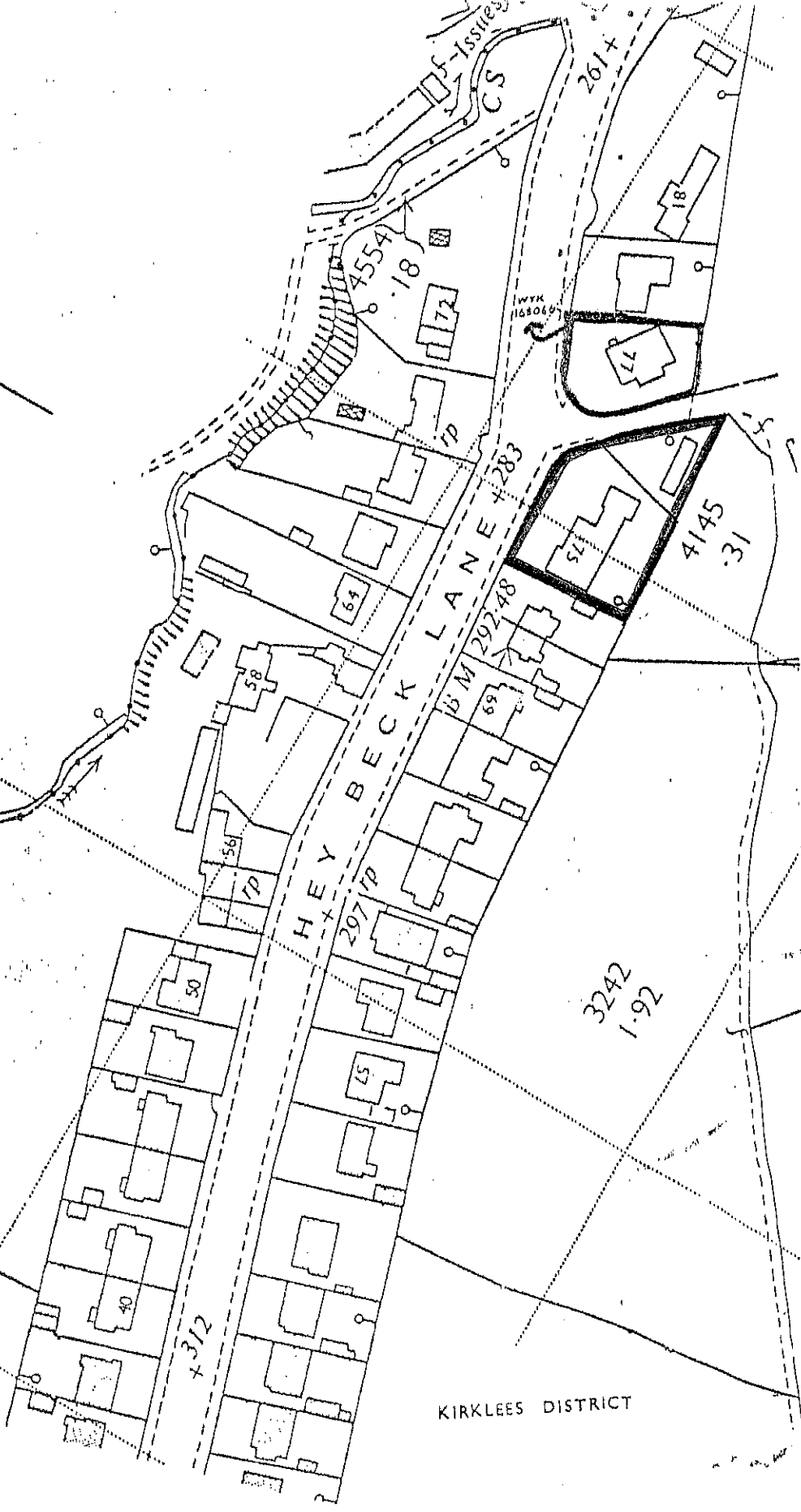


LEEDS DISTRICT



2658
01

HEY BECK LANE



KIRKLEES DISTRICT



ENQUIRIES OF DISTRICT COUNCILS (NOT LONDON BOROUGHS)

NAME AND ADDRESS OF DISTRICT COUNCIL (IN BLOCK LETTERS) TO WHICH THIS FORM IS TO BE SENT

KIRKLEES D.C.
DIRECTOR of ADMINISTRATION
LOCAL LAND CHARGES
MARKET STREET
HUDDERSFIELD
HD1 2TG

RE 75 Heybeck Lane
Worsbick

(Insert short description of property and its nature e.g. dwellinghouse, shop, office, etc.)

Fees* of £10.20 are enclosed, including fees for an Official Search.

Signed B. Hewison Solicitors.

Dated 18 / 9 / 81

(1) This form of enquiry is approved by The Law Society, the Association of Metropolitan Authorities, the Association of County Councils and the Association of District Councils and is published by their authority.

(2) Under arrangements made between the District Council and the County Council the replies below to certain enquiries cover knowledge and actions of both the District Council and the County Council. The replies below are furnished after appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the respective Councils, but on the distinct understanding that neither the District Council nor the County Council, nor any officer of either Council, is legally responsible therefor, except for negligence. Any such liability for negligence shall extend not only to the person by or on whose behalf these enquiries are made but also to a person (being a purchaser for the purposes of Section 10 (3) of the Local Land Charges Act 1975) who or whose agent had knowledge, before the relevant time as defined in the said Section, of the Replies to these Enquiries.

(3) It is pointed out that so far as the replies may relate to proposals they may yet change.

(4) References to the property concerned in the enquiries and replies are intended to include reference, where appropriate, to any part of the property.

(5) References to any Act, Regulation or Order are intended to include reference to (i) any statutory provision replaced thereby and (ii) any amendment or re-enactment thereof.

(6) References to "the Council" are intended to include reference to a predecessor Council and to a committee or sub-committee of the Council or of a predecessor Council acting under delegated powers, and to any other body or person taking action under powers delegated by the Council or a predecessor Council.

(7) References to any Town and Country Planning Act, Order or Regulation are abbreviated, e.g. "T. & C.P. Act 1971".

(8) References to any Community Land Act, Order or Regulation are abbreviated, e.g. "C.L. Act 1975".

(9) Where no plan of the property is furnished with the requisition for official search or this form of enquiry, neither the District Council nor the County Council can be expected to know the boundaries of the property, and the replies are given on the basis of the information as to these available to the Councils in their offices. The furnishing of a plan in duplicate will help the Councils to give accurate replies and may save time. The Councils must reserve the right in any particular case to call for a plan in duplicate sufficient to enable the boundaries of the property to be identified on the ordnance survey map before furnishing replies.

*The fees for answering the enquiries are as follows:—

PART I ENQUIRIES:—

- | | | | |
|--|-----|-----|------|
| (a) Where relating to one parcel of land only, as defined in Rule 2 (2) of the Local Land Charges Rules, 1977 | ... | ... | £p |
| (b) Where relating to several parcels of land (which a single Requisition for an Official Search would cover) and delivered on a single form:— | | | 8.00 |
| For the first parcel of land | ... | ... | 8.00 |
| For each additional parcel of land | ... | ... | 2.00 |
| provided that where the fee on that basis would exceed £100, the amount is to be fixed by arrangement between the solicitors and the proper officer of the District Council. | | | |
| The above fees cover all the enquiries in Part I. | | | |

PART II ENQUIRIES:—

- | | | |
|---|-----|------|
| Where relating to one parcel of land only or to several parcels (as above-mentioned) and delivered on a single form:— | | |
| For each printed enquiry numbered in the form | ... | 0.60 |
| For any and each further enquiry added by solicitors and which the proper officer of the Council is willing to answer | ... | 1.50 |
| No maximum fee. | | |

NAME AND ADDRESS (IN BLOCK LETTERS) TO WHICH THIS FORM IS TO BE RETURNED

C. HEWISON
SOLICITOR
45 STATION LANE
FEATHERSTONE
PONTEFRAC
WEST YORKSHIRE

SOLICITORS' REFERENCE

CH / BRAGG

TELEPHONE NUMBER

Pontefract 700705

TELEX

ENQUIRY

PART I

NOTE.—*Inappropriate Enquiries should be deleted.*

1. (A) Are all the roadways (including footpaths) known
as
abutting on the property maintained at the public expense?
[N.B. All roadways including paths and passages must be named or identified, unless indicated on a plan supplied in duplicate.]
(B) If not, please state whether the Council have passed any resolution to:—
(i) make them up at the cost of the frontagers, or
(ii) adopt them without cost to the frontagers.
(C) (i) Has any agreement under s. 40 of the Highways Act 1959, been made in respect thereof which is still operative?
(ii) If so, is the agreement supported by a bond?
2. Have the Council approved any road proposals (other than such as are referred to in Enquiries 3 and 10 below) which involve the acquisition of any land within 50 yards from any boundary of the property?
[N.B. See headnote (9) as to furnishing plans.]
3. (A) Has any order, draft order or scheme, under the Trunk Roads Act 1936, the Trunk Roads Act 1946, the Special Roads Act 1949, or Part II of the Highways Act 1959, relating to a road or proposed road, the centre line of which is within 200 yards of the property, been notified to the Council by the appropriate Secretary of State, or have the Council made, or resolved to make, or requested, or resolved to request, the Secretary of State to make, a scheme under any such statutory provision in respect of such a road or proposed road?
(B) Apart from the matters disclosed by the replies to Enquiries 2 and 10, have the Council (i) resolved to construct a subway, underpass, flyover or elevated road, the centre line of which is within 200 yards of the property, or (ii) been notified that the appropriate Secretary of State proposes to construct any such works?
[N.B. See headnote (9) as to furnishing plans.]
4. (A) Is the property controlled land within the meaning of the First Schedule to the Public Utilities Street Works Act 1950?
(B) If so, have the Council authorised or have they under consideration an application to authorise any undertakers to execute works on, under or affecting the property in pursuance of that Act?
5. Are there any outstanding statutory or informal notices (other than notices shown in the Official Certificate of Search and notices served consequent on an order made or a resolution passed to acquire the property recorded in reply to Enquiry 16), which have been issued by the Council under the Public Health Acts, Housing Acts or Highways Acts? If so, please give particulars.
- *6. (A) Is the property drained into a sewer?
(B) If so, do the provisions of s. 24 or s. 38 of the Public Health Act 1936 apply to any part of the drainage of the property?
(C) If the property is not connected to a sewer, is there a public sewer within 100 ft. of the property?
(D) Do the Council know that physically the property can be drained by gravity into that sewer?
[N.B. If the Council cannot answer in the affirmative, the applicant must make his own survey.]
- †7. Have the Council passed any resolution affecting the property:—
(A) under s. 12 or s. 13 of the Public Health Act 1961?
(B) under any local Acts as to the recovery from frontagers of the expense of sewerage highways?
8. Have the Council authorised any proceedings in respect of an infringement of the building regulations?
9. Has any enforcement or stop notice under s. 87 or s. 90 of the T. & C.P. Act 1971, been authorised by the Council for service, save as indicated in Part 3 of the Register?

REPLY

- 1.(A) Road at Side - No
Heybeck Lane - Yes
- (B)
- (i) No
- (ii) No
- (c) (i) No
- (ii) No
2. No
- 3.(A) No
- (B)
- (i) No
- (ii) No
- 4.(A) No
- (B) No
5. No
- *6.(A) Yes as far as can be ascertained
without investigation.
- (B) Section 24 - Not Known
Section 38 - No
- (C)
- (D)
- †7
- (A) No
- (B) No
8. No
9. No

*This Enquiry will be answered unless that would necessitate an inspection by the Council's agents. It will be so stated, if it is the case.

†If the Council cannot answer, enquiry should be made of the Regional Water Authority.

ENQUIRY

REPLY

- *10. (A) Is an old type development plan in force in the area which includes the property?
 (B) Have any proposals for, or by way of,
 (i) a structure plan
 (ii) a local plan
 (iii) any non-statutory plan
 (iv) alterations to any such plan
 for the area which includes the property been published for purposes of public participation?
 (c) If the reply to (B) is Yes, please state in the case of (i), (ii) and (iv) what stage, if any, has been reached in the statutory procedure and in cases (iii) and (iv) whether the Council have approved the plan.
 (D) If the reply to (A) or (B) is Yes, do the plan's current proposals—
 (i) indicate the primary use for the area in which the property is situated; or
 (ii) include any provisions for the property?
 If so, please give short particulars.
 (E) Is the property indicated in a plan (not being a development plan) approved by resolution of the Council for purposes of development control powers as land which may be required for the purposes of any functions of a government department, local authority or statutory undertaker, or which is otherwise safeguarded for such purposes by resolution of the Council or direction notified to the Council by a Secretary of State?
11. Is there in force any direction referred to in Article 4 of the T. & C.P. General Development Order 1977 (relating to the restriction of permission to develop), which may affect the property?
12. Have the Council made an Order, or passed any resolution for the making of an Order, under s. 45, s. 51 or s. 60 of the T. & C.P. Act 1971, in relation to the property?
13. Has compensation been paid by the Council under s. 169 of the T. & C.P. Act 1971?
14. (A) Are there any, and, if so, what, entries relating to the property in Part I or Part II of the register kept under s. 34 of the T. & C.P. Act 1971?
 (B) If there are any entries in Part I, where can the application(s) be inspected?
15. (A) Are there any entries relating to the property in the register kept by the Council under the T. & C.P. (Control of Advertisements) Regulations 1969?
 (B) Has any notice been given by the Secretary of State or served under Regulation 15 of such Regulations?
 (C) Is there any notice served under Regulation 16 of such Regulations outstanding?
 (D) Has any order been made or have the Council passed a resolution to make an order defining the area in which the property is situated as an area of special control under Regulation 26 of such Regulations?
16. Have the Council made any order whether or not confirmed by the appropriate Secretary of State (other than an order referred to in Enquiry V (B) (i) in Part II) or passed any resolution which is still capable of being implemented for the compulsory acquisition of the property?
17. Is the property within a Conservation Area designated under s. 277 of the T. & C.P. Act 1971?
18. Is there in force in relation to the property an order under s. 18 of the C.L. Act 1975 and, if so, what are the designated descriptions of relevant development and the relevant date or dates?
19. Is any authority other than the county council and the district council (or, in Wales, other than the Land Authority for Wales) an authority for the purposes of the C.L. Act 1975 as defined in Part I of the Act in relation to the property? If so, please specify.

- *10.(A) See attached sheet
- (B)
 (i)
 (ii)
 (iii)
 (iv)
- (c) (i)
 (ii)
 (iii)
 (iv)
- (D)
 (i)
 (ii)
- (E) See attached sheet
11. No
12. No
13. No
- 14.(A) Yes - See attached sheet
 (B) Planning Office, Huddersfield
- 15.(A) No
 (B) No
 (C) No
 (D) No
16. No
17. No
18. ANSWERS RELATING TO QUESTIONS
 18 TO 23
 The Community Land Act was repealed in November, 1980.
- 19.

*N.B.—The plan/proposals may be altered or modified.

ENQUIRY

20. (A) Has a notice of election been served in respect of the property under s. 19 of the C.L. Act 1975 and, if so, when?
(B) If so, has any notice been served under para 4 (1) of Schedule 7 to the C.L. Act 1975 and, if so, when and by what authority?
(C) If a notice has been served under para 4 (1) of Schedule 7 indicating an intention not to acquire the property, have conditions been imposed under para 7 (1)? If so, please specify.
21. (A) Has any notice been served under para 5 (1) of Schedule 7 to the C.L. Act 1975 in respect of an application for planning permission, or as a result of enforcement action, relating to the property to which s. 20 of the Act applies and, if so, when and by what authority?
(B) If a notice has been served under the above-mentioned para 5 (1) indicating an intention not to acquire the property, have any conditions been imposed under para 7 (1)? If so, please specify.
22. If a notice has been served under para 4 (1) or para 5 (1) of Schedule 7 to the C.L. Act 1975 indicating an intention to acquire the property, has any notice been served under para 6 (1) of Schedule 7 of a subsequent decision not to acquire the property? If so, when and by what authority and, what conditions, if any, have been imposed on it?
23. If the property is within a disposal notification area, has any counter-notice been served by the authority under s. 23 (7) (b) of the C.L. Act 1975 stating that it is proposed to purchase the same?
24. (A) Is the property included in a programme of slum clearance which has been submitted or been the subject of a resolution to submit to the Department of the Environment, or has otherwise been adopted by resolution of the Council?
(B) Have the Council resolved to define the area in which the property is situated as a general improvement area?
25. (A) If any smoke control area order under s. 11 of the Clean Air Act 1956, or any similar order under any local Act, has been made affecting the property, has the Secretary of State confirmed the order with or without modifications, and, if so, on what day did or does it come into operation?
(B) Has any order been made under s. 11 (5), (7) or (8) of the Act, and, if so, has it, where necessary, been confirmed?
26. Is a resolution in force bringing into operation Schedule 1 to the General Rate Act 1967, as to rating of unoccupied property?
27. Is the property situated in an area where registration of title under the Land Registration Acts is compulsory on sale? If so, in the area of which District Registry?

PART II

NOTE.—If the applicant wishes to make any of the following enquiries, he should place his initials clearly against those concerned. Enquiries not initialled will not be answered. For fees, see first page.

- I. Has any public path or road used as a public path or byway over the property been shown in a draft, provisional or definitive map, or a draft revision or revised map, whichever may be the later, prepared under Part IV of the National Parks and Access to the Countryside Act 1949, or Schedule 3 to the Countryside Act 1968?
[N.B. See heading (9) as to furnishing plans.]

REPLY

- 20.(A)
- (B)
- (C)
- 21.(A)
- (B)
- 22.
- 23.
- 24.(A) No
- (B) No
- 25.(A) Yes - See attached sheet
- (B) No
26. No
27. YES

NOTTINGHAM DISTRICT LAND REGISTRY

CHALFONT ROAD

NOTTINGHAM

I.

ENQUIRY

- II. Has any land policy statement been made publicly available for the purposes of the C.L. Act 1975? If so, please supply a copy.
- III. (A) Has any building on the property been listed under s. 54 of the T. & C.P. Act 1971?
(b) If so:—
(i) have the Council or the Secretary of State granted or refused any listed building consents under s. 55 of the T. & C.P. Act 1971?
(ii) has, to the knowledge of the Council, the service of a listed building enforcement notice under s. 96 or s. 100 of the T. & C.P. Act 1971, been authorised?
- IV. Have the Council authorised the service of a building preservation notice under s. 58 of the T. & C.P. Act 1971?
- V. (A) Has, to the knowledge of the Council, the service of a repairs notice under s. 115 of the T. & C.P. Act 1971, been authorised?
(b) If so:—
(i) have the Council or the Secretary of State authorised the making of an order for the compulsory acquisition of the property under s. 114 of the T. & C.P. Act 1971?
(ii) is a "minimum compensation" provision included in that order?
- VI. Have the Council resolved to terminate any of the planning permissions in force by means of a completion notice under s. 44 of the T. & C.P. Act 1971?
- VII. Has any order under s. 87 of the National Parks and Access to the Countryside Act 1949, been made relating to an area which includes the property?
- VIII. Please specify whether any of the plans or proposals referred to in Enquiry 10 above define a "Green Belt area" within which the property is situated.
- IX. Has a map been deposited under s. 35 of the Pipe-lines Act 1962, or s. 39 of the Gas Act 1972 showing a pipeline within 100 feet of the property?
- X. Have the Council issued and is there still in force:—
(A) any Certificate of disrepair under para 4 of Schedule 9 to the Rent Act 1968?
(B) any Certificate under para 8 (2) of Schedule 9 to the Rent Act 1968?
- XI. Is the property included in a registration of houses scheme (houses in multiple occupation) under s. 22 of the Housing Act 1961, containing control provisions as authorised by s. 64 of the Housing Act 1969?
- *XII. Have any entries been made in respect of the property in the register kept under s. 74 of the Rent Act 1968?
- XIII. (A) Have the Council made, or resolved to make, any noise abatement zone order under s. 63 of the Control of Pollution Act 1974 for the area which includes the property?
(B) Is there any entry in relation to the property recorded in the noise level register kept under s. 64 of this Act?

REPLY

- II.
- III.(A)
(b)
(i)
(ii)
- IV.
- V.(A)
(b)
(i)
(ii)
- VI.
- VII.
- VIII.
- IX.
- X.
(A)
(B)
- XI.
- *XII.
- XIII.(A)
(B)

Dated 13 OCT 1981

Signed.....

Proper Officer.

*The reply given will be "Yes" or "No". Search should then be made as necessary in the statutory register.

The duplicate of this form must also be completed:
a carbon copy will suffice

For directions, notes and fees see overleaf

Register of local land charges

Requisition for search and official certificate of search

Insert name and address of registering authority in space below

KIRKLEEDS COUNTY COUNCIL

TOWN HALL

RAMSDEN STREET

HUDDERSFIELD

WEST YORKSHIRE

LOCAL LAND CHARGES
COUNCIL OFFICES
HOLMFIRTH

Requisition for search

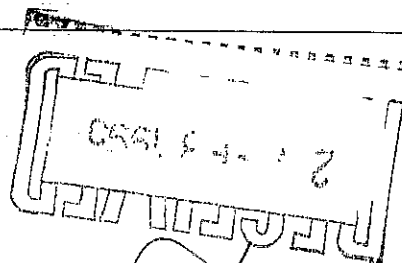
(A separate requisition must be made in respect of each parcel of land except as explained overleaf)

An official search is required in Part(s) _____ of the register of local land charges kept by the above-named registering authority for subsisting registrations against the land [defined in the attached plan]² described below.

fold

Description of land sufficient to enable it to be identified

75 HEYBECK LANE
WOODKIRK
DEWSBURY
WEST YORKSHIRE



Name and address to which certificate is to be sent

Hewison & Nixon
24 Station Lane
Featherstone
Pontefract
West Yorkshire
WF7 5BE

Signature of applicant (or his solicitor)

HEWISON, & NIXON

Date

27th January 1995

Telephone number

(0977) 700705

Reference

N/BRAGG

Enclosure

Cheque/Money Order/Postal Order/Coin

Official certificate of search

It is hereby certified that the search requested above reveals
no subsisting registrations³

or the three registrations described in the Schedule
hereto³ up to and including the date of the certificate.

Signed

On behalf of

KIRKLEES M. C.

Date

23 FEB 1995

To be completed by
authorised officer

1 Delete if inappropriate. Otherwise insert Part(s) in which search is required.

2 Delete if inappropriate (A plan should be furnished in duplicate if it is desired that a copy should be returned.)

3 Delete inapplicable words. (The Parts of the Schedule should be securely attached to the certificate and the number of registrations disclosed should be inserted in the space provided. Only Parts which disclose subsisting registrations should be sent.)


4 Insert name of registering authority.

KIRKLEES METROPOLITAN COUNCIL
LOCAL LAND CHARGES SERVICE

Received the sum of
Authorised by:

SCHEDULE OF LOCAL LAND CHARGES SEARCH

MAP REF. NO. SE 2724

Part 3 a) Notices deposited under Section 158 of the L. & C.P. Act 1971	Description of charge (including particulars of planning decision)	1	Originating Authority	2	Particulars of compensation and apportionment	3	Place where relevant documents may be inspected	4	Date of registration
b) Other planning charges	Description of charge (including reference to appropriate statutory provision) 82/62/03422/A1 - Conditional Consent Granted on the 15/10/1982 for Erection of detached garage. TOWN AND COUNTRY PLANNING ACT, 1971 Enforcement Notice under Section 87 served on the 31st May, 1984. Operative from the 30th June, 1984. 	1		Originating Authority	2	3	Place where relevant documents may be inspected		Date of registration 2/11/1982 29/6/84
Part 4 Miscellaneous charges	Description of charge (including reference to appropriate statutory provision)	1		Originating Authority	2	3	Place where relevant documents may be inspected		Date of registration
	Batley No.12 Smoke Control Order operative 1/11/1982.						Kirklees House, Market Street, Huddersfield.		1/11/1982

For clarification or further information on the answers given in the CON 29 direct contact can be made with the departments listed below:

- 1] Planning Enquiries - Economic Development & Planning Service
P.O.Box B93
Civic Centre Phase III
High Street
Huddersfield

Telephone: 01484 422133
- 2] Highways Enquiries - Highways Registry
Oldgate House
2 Oldgate
Huddersfield

Telephone: 01484 422133 Ext 6540/6778
- 3] Building Regulations Enquiries - Building Control
Civic Centre Phase III
High Street
Huddersfield

Telephone: 01484 422133
- 4] Sewer Enquiries - Yorkshire Water Services Limited
P.O.Box 500
Western House
Western Way
Halifax Road
Bradford
BD6 2LZ

Telephone: 01274 692569/692296

If we can be of any further assistance please do not hesitate to contact us, quoting the search number on all correspondence, at:

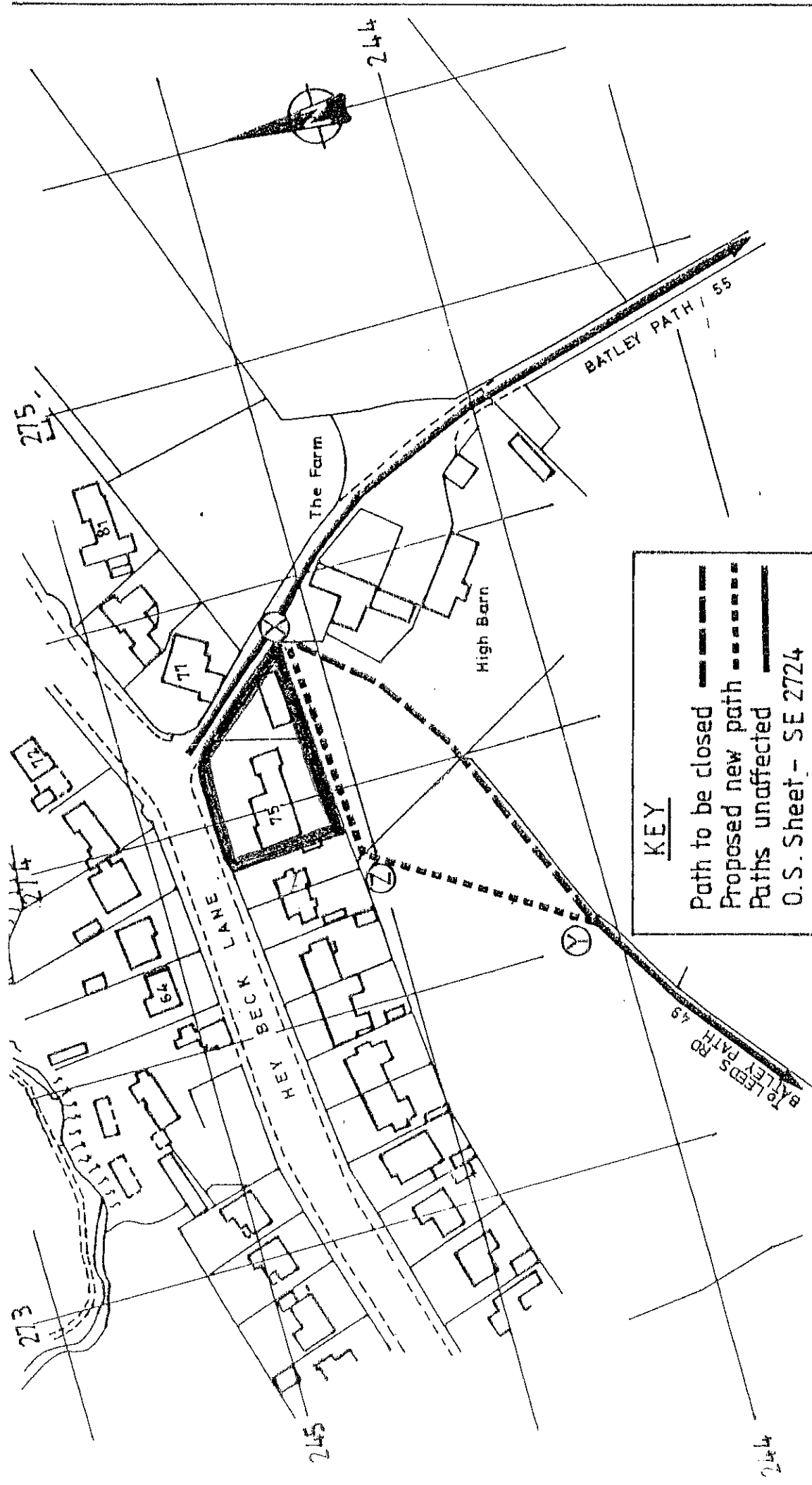
Local Land Charges
Council Offices
49/51 Huddersfield Road
Holmfirth HD7 1JP


Tel: 01484 689900
Fax: 01484 689795

DX: 708620 Holmfirth

Information relating to Question 1.6.

The property is located within an area identified as Green Belt



 Kirklees TRAFFIC AND HIGHWAY DEVELOPMENT MANAGER P. J. JAMESON C. 2724, BRICE, BRIT. 2724. BRUCE, BRICE, BRIT. 2724. BRUCE, BRICE, BRIT. 2724.	Title PROPOSED DIVERSION OF BATLEY PATH 49 (part) at HIGH BARN, HEY BECK LANE.			
	Scale	approx. 1 / 1250		
	Drawn	E N	Checked	
	Section	D.C.	Date	July 1992
Dwg / Ref No.				

PART I—STANDARD ENQUIRIES (Applicable in every case)

DEVELOPMENT PLANS PROVISIONS

Structure Plan¹

- 1.1.1. What structure plan is in force?
- 1.1.2. Have any proposals been made public for the alteration of the structure plan?

Local Plans^{1,2}

- 1.2.1. What Stage has been reached in the preparation of a local plan?
- 1.2.2. Have any proposals been made public for the alteration or replacement of a local plan?

Old Style Development Plan

- 1.3. What old style development plan is in force?

Unitary Development Plan¹

- 1.4.1. What stage has been reached in the preparation of a unitary development plan?
- 1.4.2. Have any proposals been made public for the alteration or replacement of a unitary development plan?

Non-Statutory Plan

- 1.5.1. Have the Council made public any proposals for the preparation or modification of a non-statutory plan?
- 1.5.2. If so, what stage has been reached?

Policies or Proposals for the Property

- 1.6. Do any of the above plans (including any proposed alterations or replacements) indicate:
(a) a designation of primary use or zoning for the property or the area, or
(b) a specific proposal which includes the property?

Land required for Public Purposes

- 1.7. Is the property included in any of the categories of land specified in Schedule 13 paras 5 and 6 of the T&CP Act 1990?

DRAINAGE

Foul Drainage

- 2.1.1. To the Council's knowledge, does foul drainage from the property drain to a public sewer?^{3,4}
- 2.1.2. If yes, does the property drain into the public sewer through:
(a) a private drain alone, or
(b) a private drain and then a private sewer?^{3,4,5}

Surface Water Drainage

- 2.2.1. To the Council's knowledge, does surface water from the property drain to:
(a) a public sewer, or
(b) a highway drain?^{3,4,5}
- 2.2.2. If the answer to 2.2.1 (a) or (b) is yes, does the surface water drain to it through:
(a) a private drain alone, or
(b) a private drain and then a private sewer?^{3,4,5}

Statutory Agreements and Consents

- 2.3.1. Is there in force an agreement under s.22 of the Building Act 1984 for drainage of any part of the property in combination with another building through a private sewer?
- 2.3.2. Except as shown in the Official Certificate of Search, is there in force an agreement or consent under s.18 of the Building Act 1984 for the erection of a building or extension of a building over or in the vicinity of a drain, sewer or disposal main?⁴

Adoption Agreement

- 2.4.1. To the Council's knowledge, is any sewer serving, or which is proposed to serve, the property the subject of an agreement under s.104 of the Water Industry Act 1991 for the sewer to become vested in the sewerage undertaker?^{5,6}
- 2.4.2. If so, is such an agreement supported by a bond or other financial security?⁶

Sewerage Undertaker

- 2.5. Please state the name and address of the sewerage undertaker.

MAINTENANCE OF ROADS, ETC.

Publicly Maintained

- 3.1. Are all the roadways, footpaths and footways referred to in Boxes B and C on page 1 maintainable at the public expense within the meaning of the Highways Act 1980?⁷

Resolutions to Make up or Adopt

- 3.2. If not, have the Council passed any resolution to:
(a) make up any of those roadways, footpaths or footways at the cost of the frontagers, or
(b) adopt any of them without cost to the frontagers?
If so, please specify.

Adoption Agreements

- 3.3.1. Have the Council entered into any subsisting agreement relating to the adoption of any of those roadways, footpaths or footways? If so, please specify.⁸
- 3.3.2. Is any such agreement supported by a bond or other financial security?⁶

ROAD SCHEMES

Trunk and Special Roads

- 4.1.1. What orders, draft orders or schemes have been notified to the Council by the appropriate Secretary of State for the construction of a new trunk or special road, the centre line of which is within 200 metres of the property?
- 4.1.2. What proposals have been notified to the Council by the appropriate Secretary of State for:
(a) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road or dual carriageway, the centre line of which is within 200 metres of the property, or
(b) the construction of a roundabout (other than a mini roundabout⁹), or the widening of an existing road by the construction of one or more additional traffic lanes, the limits of construction of which are within 200 metres of the property?

Other Roads

- 4.2. What proposals of their own⁹ have the Council approved for any of the following, the limits of construction of which are within 200 metres of the property:
(a) the construction of a new road, or
(b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout⁹), or the widening of an existing road by the construction of one or more additional traffic lanes?

Road Proposals Involving Acquisition

- 4.3. What proposals have the Council approved, or have been notified to the Council by the appropriate Secretary of State, for highway construction or improvement that involve the acquisition of the property?

Road Proposals at Consultation Stage

- 4.4. What proposals have either the Secretary of State or the Council published for public consultation relating to:
(a) the construction of a new road indicating a possible route the centre line of which would be likely to be within 200 metres of the property, or
(b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout⁹), or the widening of an existing road by the construction of one or more additional traffic lanes, the limits of construction of which would be likely to be within 200 metres of the property?

- (1) The present development plan system requires structure plans by the County Council in the non-metropolitan areas, as well as local plans by District Councils. County Councils also deal with minerals and waste plans. In Greater London and the metropolitan areas, Unitary Development Plans are prepared by the relevant London Borough or metropolitan district council.
- (2) Local plan includes action area plan.
- (3) Any reply will be based on the statutory sewer map provided to the Council by the sewerage undertaker and any other records which the Council may hold.
- (4) If the reply is "Not known", the enquiry should be raised directly with the sewerage undertaker.
- (5) The sewerage undertaker is not responsible for the maintenance of private drains or private sewers connecting a property to the public sewer.
- (6) An adoption or vesting agreement requires adoption or vesting to take place only when the developer complies with his obligations under that agreement and the enquirer should make separate enquiries as to such compliance and should satisfy himself as to the adequacy of any bond or other financial security for such compliance.
- (7) An affirmative answer does not imply that the public highway directly abuts the boundary of the property.
- (8) A mini roundabout is a roundabout having a one-way circulatory carriageway around a flush or slightly raised circular marking less than 4 metres in diameter and with or without flared approaches.
- (9) This enquiry refers to the Council's (including where appropriate the County Council's) own proposals but not those of other bodies or companies; the latter are covered by Enquiry 17 in Part II.

OUTSTANDING NOTICES

5. What outstanding statutory notices or informal notices have been issued by the Council under the Public Health Acts, Housing Acts, Highways Acts, Building Acts¹⁰ or Part III of the Environmental Protection Act 1990?

(This enquiry does not cover notices shown in the Official Certificate of Search or notices relating to matters covered by Enquiries 13 or, if raised, 31, 34 or 35.)

BUILDING REGULATIONS

6. What proceedings have the Council authorised in respect of an infringement of the Building Regulations?

PLANNING APPLICATIONS AND PERMISSIONS

Applications and Decisions

- 7.1. Please list:
(a) any entries in the Register of planning applications and permissions,
(b) any applications, and decisions in respect of listed building consent, and
(c) any applications, and decisions in respect of conservation area consent.

Inspection and Copies

- 7.2. If there are any entries:
(a) how can copies of the decisions be obtained?
(b) where can the Register be inspected?

NOTICES UNDER PLANNING ACTS

Enforcement and Stop Notices

- 8.1.1. Please list any entries in the Register of enforcement notices and stop notices.
8.1.2. If there are any entries:
(a) how can copies of the notices be obtained?
(b) where can that Register be inspected?

Proposed Enforcement or Stop Notice

- 8.2. Except as shown in the Official Certificate of Search, or in reply to Enquiry 8.1.1., has any enforcement notice, listed building enforcement notice, or stop notice been authorised by the Council for issue or service (other than notices which have been withdrawn or quashed)?

Compliance with Enforcement Notices

- 8.3. If an enforcement notice or listed building enforcement notice has been served or issued, has it been complied with to the satisfaction of the Council?

Other Planning Notices

- 8.4. Have the Council served, or resolved to serve, any breach of condition or planning contravention notice or any other notice or proceedings relating to a breach of planning control?

Listed Building Repairs Notices, etc.

- 8.5.1. To the knowledge of the Council, has the service of a repairs notice been authorised?
8.5.2. If the Council have authorised the making of an order for the compulsory acquisition of a listed building, is a 'minimum compensation' provision included, or to be included, in the order?
8.5.3. Have the Council authorised the service of a building preservation notice?¹¹

DIRECTIONS RESTRICTING PERMITTED DEVELOPMENT

9. Except as shown in the Official Certificate of Search, have the Council resolved to make a direction to restrict permitted development?

ORDERS UNDER PLANNING ACTS

Revocation Orders, etc.

- 10.1. Except as shown in the Official Certificate of Search, have the Council resolved to make any Orders revoking or modifying any planning permission or discontinuing an existing planning use?

Tree Preservation Order

- 10.2. Except as shown in the Official Certificate of Search, have the Council resolved to make any Tree Preservation Orders?

COMPENSATION FOR PLANNING DECISIONS

11. What compensation has been paid by the Council under s.114 of the T&CP Act 1990 for planning decisions restricting development other than new development?

CONSERVATION AREA

12. Except as shown in the Official Certificate of Search, is the area a conservation area?

COMPULSORY PURCHASE

13. Except as shown in the Official Certificate of Search, have the Council made any order (whether or not confirmed by the appropriate Secretary of State) or passed any resolution for compulsory acquisition which is still capable of being implemented?¹²

AREAS DESIGNATED UNDER HOUSING ACTS, ETC.

Clearance

- 14.1. Has any programme of clearance for the area been:
(a) submitted to the Department of the Environment, or
(b) resolved to be submitted, or
(c) otherwise adopted by resolution of the Council?

Housing

- 14.2. Except as shown in the Official Certificate of Search, have the Council resolved to define the area as designated for a purpose under the Housing Acts? If so, please specify the purpose.

SMOKE CONTROL ORDER

15. Except as shown in the Official Certificate of Search, have the Council made a smoke control order or resolved to make or vary a smoke control order for the area?

RAILWAYS

16. What proposals have been notified to the Council, and what proposals of their own have the Council approved, for the construction of a railway (including light railway or monorail) the centre line of which is within 200 metres of the property?

PART II—OPTIONAL ENQUIRIES (Applicable only as indicated on page one)

ROAD PROPOSALS BY PRIVATE BODIES

17. What proposals by others¹³ have the Council approved for any of the following, the limits of construction of which are within 200 metres of the property:
(a) the construction of a new road, or
(b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits of a subway, underpass, flyover, footbridge, elevated road, dual, carriageway, the construction of a roundabout (other than a mini roundabout¹⁴), or the widening or an existing road by the construction of one or more additional traffic lanes?

PUBLIC PATHS OR BYWAYS

18. Is any public path, bridleway or road used as a public path or byway which abuts on¹⁵ or crosses the property shown in a definitive map or revised definitive map prepared under Part IV of the National Parks and Access to the Countryside Act 1949 or Part III of the Wildlife and Countryside Act 1981?
If so, please mark its approximate route on the attached plan.¹⁴

PERMANENT ROAD CLOSURE

19. What proposals have the Council approved for permanently stopping up or diverting any of the roads or footpaths referred to in Boxes B and C on page 1?

TRAFFIC SCHEMES

20. In respect of any of the roads referred to in Boxes B and C on page 1, what proposals have the Council approved, but have not yet put into operation, for:-
(a) waiting or loading restrictions,
(b) one-way streets,
(c) prohibition of driving,
(d) pedestrianisation, or
(e) vehicle width or weight restrictions?

(10) For property in Greater London, this includes the London Building Acts.

(11) The Historic Buildings and Monuments Commission also have power to issue this type of notice for buildings in London Boroughs, and separate enquiry should be made of them if appropriate.

(12) This enquiry refers to the Council's own compulsory purchase powers and not those of other bodies.

(13) This enquiry refers to proposals by bodies or companies (such as private developers) other than the Council (and where appropriate the County Council) or the Secretary of State.

(14) A plan of the property must be supplied by the enquirer if this enquiry is to be answered.

ADVERTISEMENTS

Entries in Register

- 21.1.1. Please list any entries in the Register of applications, directions and decisions relating to consent for the display of advertisements.
- 21.1.2. If there are any entries, where can that Register be inspected?

Notices, Proceedings and Orders

- 21.2. Except as shown in the Official Certificate of Search:
- (a) has any notice been given by the Secretary of State or served in respect of a direction or proposed direction restricting deemed consent for any class of advertisement?
- (b) have the Council resolved to serve a notice requiring the display of any advertisement to be discontinued?
- (c) if a discontinuance notice has been served, has it been complied with to the satisfaction of the Council?
- (d) have the Council resolved to serve any other notice or proceedings relating to a contravention of the control of advertisements?
- (e) have the Council resolved to make an order for the special control of advertisements for the area?

COMPLETION NOTICES

22. Which of the planning permissions in force have the Council resolved to terminate by means of a completion notice under s.94 of the T&CP Act 1990?

PARKS AND COUNTRYSIDE

Areas of Outstanding Natural Beauty

- 23.1. Has any order under s.87 of the National Parks and Access to the Countryside Act 1949 been made?

National Parks

- 23.2. Is the property within a National Park designated under s.7 of the National Parks and Access to the Countryside Act 1949?

Pipe-lines

24. Has a map been deposited under s.35 of the Pipe-lines Act 1962, or Schedule 7 of the Gas Act 1986, showing a pipe-line laid through or within 100 feet (30.48 metres) of the property?

HOUSES IN MULTIPLE OCCUPATION

25. Is the property included in a registration of houses scheme (houses in multiple occupation) under s.346 of the Housing Act 1985, containing control provisions as authorised by s.347 of that Act?

NOISE ABATEMENT

Noise Abatement Zone

- 26.1. Have the Council made, or resolved to make, any noise abatement zone order under s.63 of the Control of Pollution Act 1974 for the area?

Entries in Register

- 26.2.1. Has any entry been recorded in the Noise Level Register kept pursuant to s.64 of the Control of Pollution Act 1974?
- 26.2.2. If there is an entry, how can copies be obtained and where can that Register be inspected?

URBAN DEVELOPMENT AREAS

- 27.1. Is the area an urban development area designated under Part XVI of the Local Government, Planning and Land Act 1980?
- 27.2. If so, please state the name of the urban development corporation and the address of its principal office.

ENTERPRISE ZONES

28. Is the area an enterprise zone designated under Part XVIII of the Local Government, Planning and Land Act 1980?

INNER URBAN IMPROVEMENT AREAS

29. Have the Council resolved to define the area as an improvement area under s.4 of the Inner Urban Areas Act 1978?

SIMPLIFIED PLANNING ZONES

- 30.1. Is the area a simplified planning zone adopted or approved pursuant to s.83 of the T&CP Act 1990?
- 30.2. Have the Council approved any proposal for designating the area as a simplified planning zone?

LAND MAINTENANCE NOTICES

31. Have the Council authorised the service of a maintenance notice under s.215 of the T&CP Act 1990?

MINERAL CONSULTATION AREAS

32. Is the area a mineral consultation area notified by the county planning authority under Schedule 1 para 7 of the T&CP Act 1990?

HAZARDOUS SUBSTANCE CONSENTS

- 33.1. Please list any entries in the Register kept pursuant to s.28 of the Planning (Hazardous Substances) Act 1990.
- 33.2. If there are any entries:
- (a) how can copies of the entries be obtained?
- (b) where can the Register be inspected?

ENVIRONMENTAL AND POLLUTION NOTICES

34. What outstanding notices or informal notices have been issued by the Council under the Environmental Protection Act or the Control of Pollution Act?
- (This enquiry does not cover notices under Part III of the EPA, to which Enquiry 5 applies.)

FOOD SAFETY NOTICES

35. What outstanding statutory notices or informal notices have been issued by the Council under the Food Safety Act?

RADON GAS PRECAUTIONS

- 36.1. Is the property in an area where radon precautions are required for new dwellings?
- 36.2. If so, are full or secondary precautions required?

SEWERS WITHIN THE PROPERTY^{3 14}

37. Does the statutory sewer map show, within the boundaries of the property as depicted on the attached plan, a public sewer or disposal main, a sewer in respect of which a vesting declaration has been made but which has not yet come into force, or a drain or sewer which is the subject of an agreement under s.104 of the Water Industry Act 1991?

NEARBY SEWERS^{3 14}

38. Please either:
- (a) state whether the statutory sewer map shows public foul and surface water sewers within 100 feet (30.48 metres) of the property¹⁵, or
- (b) supply a copy extract from the statutory sewer map showing any public sewers in the vicinity of the property.¹⁶

(15) The sewer map does not show the relative levels of the sewers and the property.

(16) If the Council supplies an extract from the sewer map, the notation should be carefully checked and any queries should be clarified with the Council or the sewerage undertaker.

GENERAL NOTES

- (A) Unless otherwise indicated, all these enquiries relate to the property as described in Box B on page 1, and any part of that property, and "the area" means any area in which the property is located.
- (B) References to "the Council" include references to a predecessor Council and to a Committee or Sub-Committee of the Council acting under delegated powers, and to any other body or person taking action under powers delegated by the Council or a predecessor Council. The replies given to certain enquiries addressed to District Councils cover knowledge and actions of both the District Council and the County Council.
- (C) References to an Act, Regulation or Order include reference to (i) any statutory provision which it replaces and (ii) any amendment or re-enactment of it.
- (D) References to any Town and Country Planning Act, Order or Regulation are abbreviated, e.g. "T&CP Act 1990".
- (E) The replies will be given after the appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the replying Council(s), but on the distinct understanding that none of the Councils, nor any Council officer, is legally responsible for them, except for negligence. Any liability for negligence shall extend for the benefit of not only the person by or for whom these Enquiries are made but also a person (being a purchaser for the purposes of s.10(3) of the Local Land Charges Act 1975) who or whose agent had knowledge, before the relevant time (as defined in that section), of the replies to these Enquiries.
- (F) This form of Enquiries is approved by the Law Society, the Association of County Councils, the Association of District Councils and the Association of Metropolitan Authorities and is published by their authority.



Kirkdees
NATIONAL WATER RESOURCE

LOCAL LAND CHARGES SERVICE

PART 1 - STANDARD ENQUIRIES

SEARCH NO. 7780

ANSWERS

DEVELOPMENT PLANS PROVISIONS

Structure Plan

- 1.1 The West Yorkshire County Structure Plan, operative from 9/8/1980.
1.2 YES - First alterations submitted to the Secretary of State on 2/11/84.

Local Plans

- 2.1 { Heavy Woollen Dist. Local Plan adopted 25/9/85.
Huddersfield Local Plan adopted 13/8/86.
Colne Valley Local Plan adopted 9/3/88.
2.2 YES - see 1.4.2.

Old Style Development Plan

- 3 County of West Riding of Yorkshire Development Plan/NONE.

Unitary Plan

- 4.1 Deposit Draft approved.
4.2 NO

Non-Statutory Plan

- 5.1 NO
5.2 N/A

Policies or Proposals for the Property

Unitary Plan

- 3 (a) none
(b) Greenbelt
Local Plan/Old Style Plan

(a) none

(b) See attached sheet

Land required for Public Purposes

- 7 NO/YES

DRAINAGE

Foul Drainage

- 1.1 NO/YES - as far as can be ascertained without investigation/
Not known

- 1.2 (a) { Not known without
(b) { detailed investigation

Surface Water Drainage

- 2.1 (a) NO/YES - as far as can be ascertained without investigation/
Not known
(b) No such agreement known

- 2.2 (a) { Not known without
(b) { detailed investigation

Statutory Agreements and Consents

- 3.1 No such agreement known
3.2 NO

Adoption Agreement

- 4.1 NO/YES/Awaiting preparation of agreement

- 4.2 NO/YES/Provision will be made

Sewerage Undertaker

Yorkshire Water Services Ltd, PO Box 500, Western House,
Western Way, Halifax Road, BRADFORD BD6 2LZ

ANSWERS

MAINTENANCE OF ROADS ETC

Publicly Maintained

- 3.1

Heybeck Lane - Yes
Side Access - NO

Resolutions to make up or adopt

- 3.2

(a)

(b)

NO

Adoption Agreements

- 3.3.1

- 3.3.2

NO

ROAD SCHEMES

Trunk and Special Roads

- 4.1.1

NONE

- 4.1.2

(a) NONE

(b) NONE

Other Roads

- 4.2

(a) NONE

(b) NONE

Road Proposals Involving Acquisition

- 4.3

NONE

Road Proposals at Consultation Stage

- 4.4

(a) NONE

- 4.4

(b) NONE

OUTSTANDING NOTICES

- 5.

NONE

BUILDING REGULATIONS

- 6.

NONE

PLANNING APPLICATIONS AND PERMISSIONS

Applications and Decisions

- 7.1

(a)

(b)

(c)

SEE ATTACHED

Inspection and Copies

- 7.2

- (a) Written application to Economic Development & Planning Service, PO Box B93, Civic Centre Phase III, Huddersfield
(b) Civic Centre III, Huddersfield

ANSWERS

NOTICES UNDER PLANNING ACTS Enforcement and Stop Notices

1.1.1 *Yes see attached schedule*

1.2. (a) } Application in writing to Economic Development & Planning
Service, PO Box B93, Civic Centre Phase III, Huddersfield
(b) } Civic Centre III, Huddersfield

2. Proposed Enforcement or Stop Notice
NO

Appeal dismissed 4/6/85

Compliance with Enforcement Notices

3. *Yes*

Other Planning Notices

4. NO/YES

Listed Buildings Repairs Notices etc

5.1. NO

5.2. NO

5.3. NO

DIRECTIONS RESTRICTING PERMITTED DEVELOPMENT NO

ORDERS UNDER PLANNING ACTS Revocation Orders etc

0.1. NO

Tree Preservation Order

0.2. NO

ANSWERS

COMPENSATION FOR PLANNING DECISIONS NONE

11. NONE

CONSERVATION AREA

12. NO

COMPULSORY PURCHASE

13. NO

AREAS DESIGNATED UNDER HOUSING ACTS etc Clearance

14.1 (a) }
(b) } NO
(c) }

14.2 Housing
NO

SMOKE CONTROL ORDER

15. NO

RAILWAYS

16. NONE

These replies are given after the appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the Council, but on the distinct understanding that neither the Council nor any Council officer is legally responsible for them, except for negligence.

Signed

A. J. [Signature]

Proper Officer

Date

23rd Feb 95

The duplicate of this form must also be completed:
a carbon copy will suffice

For directions, notes and fees see overleaf

Register of local land charges

Insert name and address of registering authority in space below

KIRKLEES COUNCIL
LOCAL LAND CHARGES
COUNCIL OFFICES
49/51 HUDDERSFIELD ROAD
HOLMARTH
HD7 1JP

Requisition for search and official certificate of search

Requisition for search

(A separate requisition must be made in respect of each parcel of land except as explained overleaf)

An official search is required in Part(s) _____ of the register of local land charges kept by the above-named registering authority for subsisting registrations against the land [defined in the attached plan]² described below.

Description of land sufficient to enable it to be identified

75 HEYBECK LANE, WOODKIRK, DEWSBURY

Name and address to which certificate is to be sent

HEWISON & NIXON
24 STATION LANE
FEATHERSTONE
NEAR PONTERRACT
WEST YORKSHIRE
WF7 5BE

Signature of applicant (or his solicitor)

Date

1-5-98

Telephone number

(01977) 700705

Reference

N/BRAGG

Enclosure

Cheque/Money-Order/Postal-Order/Giro

Official certificate of search

It is hereby certified that the search requested above reveals
~~no subsisting registrations~~

Signed

KIRKLEES M.C.
20 MAY 1998

or the Three registrations described in the Schedule
hereto³ up to and including the date of the certificate.

On behalf of

KIRKLEES METROPOLITAN COUNCIL
LOCAL LAND CHARGES SERVICE

Date

12 MAY 1998

- 1 Delete if inappropriate. Otherwise insert Part(s) in which search is required.
- 2 Delete if inappropriate. (A plan should be furnished in duplicate if it is desired that a copy should be returned.)

- 3 Delete inapplicable words. (The Parts of the Schedule should be securely attached to the certificate and the number of registrations disclosed should be inserted in the space provided. Only Parts which disclose subsisting registrations should be sent.)

4 Insert name of registering authority.

75 Hey Beck Lane,
Batley.

GRID REF. SE 274 244

MAP REF. NO. SE 2724

SCHEDULE OF LOCAL-LAND CHARGES SEARCH

Part 3 Notices deposited under section 158 of the T. & C.P. Act 1971	Description of charge (including particulars of planning decision)		1	2	Particulars of compensation and apportionment	3	Place where relevant documents may be inspected	4	Date of registration
	Description of charge (including reference to appropriate statutory provision)								
Other planning charges	DOCUMENTS LISTED FOR INSPECTION AT KIRKLEES HOUSE ARE NOW AVAILABLE AT COUNCIL OFFICES, 49/51 HUDDERSFIELD ROAD, HOLMEARTH.								
	82/62/03422/A1 - Conditional Consent Granted on the 15/10/1982 for Erection of detached garage. TOWN AND COUNTRY PLANNING ACT, 1971 Enforcement Notice under Section 87 served on the 31st May, 1984. Operative from the 30th June, 1984.						Kirklees House, Market Street, Huddersfield.		2/11/1982 29/6/84
Part 4 Miscellaneous charges	Description of charge (including reference to appropriate statutory provision)		1	2	Originating Authority	3	Place where relevant documents may be inspected	4	Date of registration
	Description of charge (including reference to appropriate statutory provision)								
Miscellaneous charges	Batley No.12 Smoke Control Order operative 1/11/1982.								
							Kirklees House, Market Street, Huddersfield.		1/11/1982

For clarification or further information on the answers given in the Con 29, direct contact can be made with the departments listed below:

- | | | | |
|----|---|---|--|
| 1} | <u>PLANNING</u>
(All areas) | - | Economic Development &
Planning Service
P.O.Box B93
Civic Centre Phase III
High Street, Huddersfield
DX 712986
Tel: 01484 221587 |
| 2} | <u>HIGHWAYS</u>
(All areas) | - | Highways Registry
Flint Street
Huddersfield HD1 6LG
Tel: 01484 225564 |
| 3} | <u>BUILDING REGULATION
DRAINAGE ETC.</u>
(Huddersfield/Agbrigg Areas) | - | Building Control
Civic Centre Phase III
High Street, Huddersfield
DX 712986
Tel: 01484 221550 |
| | <u>BUILDING REGULATION
DRAINAGE ETC.</u>
(Heavy Woollen area) | - | Building Control
Victoria Centre
Wellington Road West
Dewsbury WF13 1HN
Tel: 01924 324078 |
| 4} | <u>ENVIRONMENTAL HEALTH</u>
(All areas) | - | Environmental Health
Victoria Centre
Wellington Road West
Dewsbury WF13 1HN
Tel: 01924 324072 |
| 5} | <u>URBAN RENEWAL</u>
(Heavy Woollen Area) | - | Private Sector Housing
Yorkshire House
South Street
Dewsbury WF13 1JT
Tel: 01924 324331/324311 |
| | <u>URBAN RENEWAL</u>
(Huddersfield/Agbrigg Areas) | - | Private Sector Housing
Civic Centre Phase III
High Street
Huddersfield HD1 2PR
Tel: 01484 221392/221394 |

If we can be of any further assistance, please do not hesitate to contact us.
Kindly quote the search number on all correspondence.

Information relating to Question 1.6.

The property is located within an area identified as Green Belt.

CON 29 - Question 7.1 (a) (b) (c)
NON DISCLOSURE OF INFORMATION

The information given below in answer to Question 7.1 only, includes details of all planning decisions relating to the property made since the 1st January 1986.

Should a pre 1986 record be required, the Planning Register is, of course, open for public inspection during normal office hours at: Economic Development & Planning, Civic Centre Phase 111, High Street, Huddersfield. Please telephone: 01484 221587 for an appointment, alternatively a written request may be made.

Please Note: There are no post 1st January 1986 planning decisions detailed in the Planning Register.

PART II OPTIONAL ENQUIRY 18

This property is within an area of land which may be affected by footpaths under the National Parks and Access to the Countryside Act 68 or the Wildlife and Countryside Act 81, which are not disclosed in Part 1, Q.3.1.

It is respectfully suggested that Part 2, Q.18 should be asked in respect of this property. There is no need to return your search to us, a letter of request including fee and plan is sufficient. If you use our sundry debtor account system for payment of your searches, this can if you wish be included. Please quote the Official Search Number.

The fee for a Part 2 enquiry is £7:20. As this enquiry was not raised initially there will also be an administration charge of £5:00, making a total of £12:20.

ENQUIRIES OF LOCAL AUTHORITY (1994 EDITION)

Please type or use BLOCK LETTERS

Search No.....

The Replies are given on the attached sheet(s)

Signed.....

Proper Officer

Date

A To KIRKLEES COUNCIL
LOCAL LAND CHARGES
COUNCIL OFFICES
49/51 HUDDERSFIELD ROAD
HOLMFIRTH
H07 13P

B Property
75 HEYBECK LANE
WOODKIRK
DEWSBURY

C Other roadways, footpaths and footways

D A plan in duplicate is attached YES/NO
Optional Enquiries are to be answered (see Box G) YES/NO
Additional Enquiries are attached in duplicate on a separate sheet YES/NO

E Fees of £ 103-50 are enclosed.

Signed:

Date: 11-5-98

Reference: N/BRAGG

Tel. No.: (01977) 700705

F Reply to HEWISON NIXON
24 STATION LANE
FEATHERSTONE
NEAR PONTFRACT
WEST YORKSHIRE
WF7 5BE

- A. Enter name and address of District or Borough Council for the area. If the property is near a local authority boundary, consider raising certain Enquiries (e.g. road schemes) with the adjoining Council.
- B. Enter address and description of the property. A plan in duplicate must be attached if possible and is insisted upon by some Councils. Without a plan, replies may be inaccurate or incomplete. A plan is essential for Optional Enquiries 18, 37 and 38.
- C. Enter name and/or location of (and mark on plan, if possible) any other roadways footpaths and footways (in addition to those entered in Box B) for Enquiry 3 and (if raised) Enquiries 19 and 20.
- D. Answer every question. Any additional enquiries must be attached on a separate sheet in duplicate and an additional fee will be charged for any which the Council is willing to answer.
- E. Details of fees can be obtained from the Council or The Law Society.
- F. Enter name and address of the person or firm lodging this form.
- G. Tick which Optional Enquiries are to be answered.

PLEASE READ THE NOTES ON PAGE 4.

G

Optional Enquiries

- | | |
|--------------------------|---|
| <input type="checkbox"/> | 17. Road proposals by private bodies |
| <input type="checkbox"/> | 18. Public paths or byways |
| <input type="checkbox"/> | 19. Permanent road closure |
| <input type="checkbox"/> | 20. Traffic schemes |
| <input type="checkbox"/> | 21. Advertisements |
| <input type="checkbox"/> | 22. Completion notices |
| <input type="checkbox"/> | 23. Parks and countryside |
| <input type="checkbox"/> | 24. Pipe lines |
| <input type="checkbox"/> | 25. Houses in multiple occupation |
| <input type="checkbox"/> | 26. Noise abatement |
| <input type="checkbox"/> | 27. Urban development areas |
| <input type="checkbox"/> | 28. Enterprise zones |
| <input type="checkbox"/> | 29. Inner urban improvement areas |
| <input type="checkbox"/> | 30. Simplified planning zones |
| <input type="checkbox"/> | 31. Land maintenance notices |
| <input type="checkbox"/> | 32. Mineral consultation areas |
| <input type="checkbox"/> | 33. Hazardous substance consents |
| <input type="checkbox"/> | 34. Environmental and pollution notices |
| <input type="checkbox"/> | 35. Food safety notices |
| <input type="checkbox"/> | 36. Radon gas precautions |
| <input type="checkbox"/> | 37. Sewers within the property |
| <input type="checkbox"/> | 38. Nearby sewers |

**PART I — STANDARD ENQUIRIES
(APPLICABLE IN EVERY CASE)**

DEVELOPMENT PLANS PROVISIONS

Structure Plan (1)

- 1.1.1. What structure plan is in force?
- 1.1.2. Have any proposals been made public for the alteration of the structure plan?

Local Plans (1,2)

- 1.2.1. What stage has been reached in the preparation of a local plan?
- 1.2.2. Have any proposals been made public for the alteration or replacement of a local plan?

Old Style Development Plan

- 1.3. What old style development plan is in force?

Unitary Development Plan (1)

- 1.4.1. What stage has been reached in the preparation of a unitary development plan?
- 1.4.2. Have any proposals been made public for the alteration or replacement of a unitary development plan?

Non-Statutory Plan

- 1.5.1. Have the Council made public any proposals for the preparation or modification of a non-statutory plan?
- 1.5.2. If so, what stage has been reached?

Policies or Proposals for the Property

- 1.6. Do any of the above plans (including any proposed alterations or replacements) indicate -
 - (a) a designation of primary use or zoning for the property or the area, or
 - (b) a specific proposal which includes the property?

Land required for Public Purposes

- 1.7. Is the property included in any of the categories of land specified in Schedule 13 paras 5 and 6 of The T&CP Act 1990?

DRAINAGE

Foul Drainage

- 2.1.1. To the Council's knowledge, does foul drainage from the property drain to a public sewer? (3,4)
- 2.1.2. If yes, does the property drain into the public sewer through-
 - (a) a private drain alone, or
 - (b) a private drain and then a private sewer? (3,4,5)

Surface Water Drainage

- 2.2.1. To the Council's knowledge, does surface water from the property drain to-
 - (a) a public sewer, or
 - (b) a highway drain? (3,4,5)
- 2.2.2. If the answer to 2.2.1(a) or (b) is yes, does the surface water drain to it through -
 - (a) a private drain alone, or
 - (b) a private drain and then a private sewer? (3,4,5)

Statutory Agreements and Consents

- 2.3.1. Is there in force an agreement under s.22 of The Building Act 1984 for drainage of any part of the property in combination with another building through a private sewer?
- 2.3.2. Except as shown in the Official Certificate of Search, is there in force an agreement or consent under s.18 of The Building Act 1984 for the erection of a building or extension of a building over or in the vicinity of a drain, sewer or disposal main? (4)

Adoption Agreement

- 2.4.1. To the Council's knowledge, is any sewer serving, or which is proposed to serve, the property the subject of an agreement under s.104 of The Water Industry Act 1991 for the sewer to become vested in the sewerage undertaker? (5,6)
- 2.4.2. If so, is such an agreement supported by a bond or other financial security? (6)

Sewerage Undertaker

- 2.5. Please state the name and address of the sewerage undertaker.

MAINTENANCE OF ROADS etc.

Publicly Maintained

- 3.1. Are all the roadways, footpaths and footways referred to in Boxes B and C on page 1 maintainable at the public expense within the meaning of The Highways Act 1980?(7)

Resolutions to make up or adopt

- 3.2. If not, have the Council passed any resolution to:
 - (a) make up any of those roadways, footpaths or footways at the cost of the frontagers, or
 - (b) adopt any of them without cost to the frontagers?
 If so, please specify.(7)

Adoption Agreements

- 3.3.1. Have the Council entered into any subsisting agreement relating to the adoption of any of those roadways, footpaths or footways? If so, please specify.(6)
- 3.3.2. Is any such agreement supported by a bond or other financial security?(6)

ROAD SCHEMES

Trunk and Special Roads

- 4.1.1. What orders, draft orders or schemes have been notified to the Council by the appropriate Secretary of State for the construction of a new trunk or special road, the centre line of which is within 200 metres of the property?
- 4.1.2. What proposals have been notified to the Council by the appropriate Secretary of State for-
 - (a) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road or dual carriageway, the centre line of which is within 200 metres of the property, or
 - (b) the construction of a roundabout (other than a mini roundabout(8)), or the widening of an existing road by the construction of one or more additional traffic lanes, the limits of construction of which are within 200 metres of the property?

Other Roads

- 4.2. What proposals of their own(9) have the Council approved for any of the following, the limits of construction of which are within 200 metres of the property:-
 - (a) the construction of a new road, or
 - (b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout(8)), or the widening of an existing road by the construction of one or more additional traffic lanes?

Road Proposals Involving Acquisition

- 4.3. What proposals have the Council approved, or have been notified to the Council by the appropriate Secretary of State, for highway construction or improvement that involve the acquisition of the property?

Road Proposals at Consultation Stage

- 4.4. What proposals have either the Secretary of State or the Council published for public consultation relating to:-
 - (a) the construction of a new road indicating a possible route the centre line of which would be likely to be within 200 metres of the property, or
 - (b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout(8)), or the widening of an existing road by the construction of one or more additional traffic lanes, the limits of construction of which would be likely to be within 200 metres of the property?

OUTSTANDING NOTICES

5. What outstanding statutory notices or informal notices have been issued by the Council under The Public Health Acts, Highways Acts, Building Acts(10) or Part III of The Environmental Protection Act 1990? (This enquiry does not cover notices shown in the Official Certificate of Search or notices relating to matters covered by Enquiries 13 or, if raised, 31, 34 or 35).

- (1) The present development plan system requires structure plans by the County Council in the non-metropolitan areas, as well as local plans by District Councils. County Councils also deal with minerals and waste plans. In Greater London and the metropolitan areas, Unitary Development Plans are prepared by the relevant London Borough or Metropolitan District Council.
- (2) Local plan includes action area plan.
- (3) Any reply will be based on the statutory sewer map provided to the Council by the sewerage undertaker and any other records which the Council may hold.
- (4) If the reply is "Not known", the enquiry should be raised directly with the sewerage undertaker.
- (5) The sewerage undertaker is not responsible for the maintenance of private drains or private sewers connecting a property to the public sewer.

- (6) An adoption or vesting agreement requires adoption or vesting to take place only when the developer complies with his obligations under that agreement and the enquirer should make separate enquiries as to such compliance and should satisfy himself as to the adequacy of any bond or other financial security for such compliance.
- (7) An affirmative answer does not imply that the public highway directly abuts the boundary of the property.
- (8) A mini roundabout is a roundabout having a one-way circulatory carriageway around a flush or slightly raised circular marking less than 4 metres in diameter and with or without flared approaches.
- (9) This enquiry refers to the Council's (including where appropriate the County Council's) own proposals but not those of other bodies or companies: the latter are covered by Enquiry 17 in Part II.
- (10) For property in Greater London, this includes The London Building Acts.

BUILDING REGULATIONS

6. What proceedings have the Council authorised in respect of an infringement of the Building Regulations?

PLANNING APPLICATIONS AND PERMISSIONS

Applications and Decisions

- 7.1. Please list-
- (a) any entries in the Register of planning applications and permissions.
 - (b) any applications and decisions in respect of listed building consent, and
 - (c) any applications and decisions in respect of conservation area consent.

Inspection and Copies

- 7.2. If there are any entries:
- (a) how can copies of the decisions be obtained?
 - (b) where can the Register be inspected?

NOTICES UNDER PLANNING ACTS

Enforcement and Stop Notices

- 8.1.1. Please list any entries in the Register of enforcement notices and stop notices.
- 8.1.2. If there are any entries:
- (a) how can copies of the notices be obtained?
 - (b) where can that Register be inspected?

Proposed Enforcement or Stop Notice

- 8.2. Except as shown in the Official Certificate of Search, or in reply to enquiry 8.1.1., has any enforcement notice, listed building enforcement notice, or stop notice been authorised by the Council for issue or service (other than notices which have been withdrawn or quashed)?

Compliance with Enforcement Notices

- 8.3. If an enforcement notice or listed building enforcement notice has been served or issued, has it been complied with to the satisfaction of the Council?

Other Planning Notices

- 8.4. Have the Council served, or resolved to serve, any breach of condition or planning contravention notice or any other notice or proceedings relating to a breach of planning control?

Listed Building Repairs Notices, etc.

- 8.5.1. To the knowledge of the Council, has the service of a repairs notice been authorised?
- 8.5.2. If the Council have authorised the making of an order for the compulsory acquisition of a listed building, is a "minimum compensation" provision included, or to be included in the order?
- 8.5.3. Have the Council authorised the service of a building preservation notice?(11)

DIRECTIONS RESTRICTING PERMITTED DEVELOPMENT

9. Except as shown in the Official Certificate of Search, have the Council resolved to make a direction to restrict permitted development?

ORDERS UNDER PLANNING ACTS

Revocation Orders etc.

- 10.1. Except as shown in the Official Certificate of Search, have the Council resolved to make any Orders revoking or modifying any planning permission or discontinuing an existing planning use?

Tree Preservation Order

- 10.2. Except as shown in the Official Certificate of Search, have the Council resolved to make any Tree Preservation Orders?

COMPENSATION FOR PLANNING DECISIONS

11. What compensation has been paid by the Council under s.114 of The T&CP Act 1990 for planning decisions restricting development other than new development?

CONSERVATION AREA

12. Except as shown in the Official Certificate of Search, is the area a conservation area?

COMPULSORY PURCHASE

13. Except as shown in the Official Certificate of Search, have the Council made any order (whether or not confirmed by the appropriate Secretary of State) or passed any resolution for compulsory acquisition which is still capable of being implemented?(12)

AREAS DESIGNATED UNDER HOUSING ACTS etc.

Clearance

- 14.1. Has any programme of clearance for the area been-
- (a) submitted to the Department of the Environment, or
 - (b) resolved to be submitted, or
 - (c) otherwise adopted by resolution of the Council?

Housing

- 14.2. Except as shown in the Official Certificate of Search, have the Council resolved to define the area as designated for a purpose under the Housing Acts? If so, please specify the purpose.

SMOKE CONTROL ORDER

15. Except as shown in the Official Certificate of Search, have the Council made a smoke control order or resolved to make or vary a smoke control order for the area?

RAILWAYS

16. What proposals have been notified to the Council, and what proposals of their own have the Council approved, for the construction of a railway (including light railway or monorail) the centre line of which is within 200 metres of the property?

PART II — OPTIONAL ENQUIRIES (APPLICABLE ONLY AS INDICATED ON PAGE 1)

ROAD PROPOSALS BY PRIVATE BODIES

17. What proposals by others(13) have the Council approved for any of the following, the limits of construction of which are within 200 metres of the property:-
- (a) the construction of a new road, or
 - (b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout(8)), or the widening of an existing road by the construction of one or more additional traffic lanes?

PUBLIC PATHS OR BYWAYS

18. Is any public path, bridleway or road used as a public path or byway which abuts on(7) or crosses the property shown in a definitive map or revised definitive map prepared under Part IV of The National Parks and Access to The Countryside Act 1949 or Part III of The Wildlife and Countryside Act 1981?
- If so, please mark its approximate route on the attached plan.(14)

PERMANENT ROAD CLOSURE

19. What proposals have the Council approved for permanently stopping up or diverting any of the roads or footpaths referred to in Boxes B and C on page 1?

TRAFFIC SCHEMES

20. In respect of any of the roads referred to in Boxes B and C on page 1, what proposals have the Council approved, but have not yet put into operation, for:-
- (a) waiting or loading restrictions.
 - (b) one way streets.
 - (c) prohibition of driving.
 - (d) pedestrianisation, or
 - (e) vehicle width or weight restrictions?

ADVERTISEMENTS

Entries in Register

- 21.1.1. Please list any entries in the Register of applications, directions and decisions relating to consent for the display of advertisements.
- 21.1.2. If there are any entries, where can that Register be inspected?

Notices, Proceedings and Orders

- 21.2. Except as shown in the Official Certificate of Search:
- (a) has any notice been given by the Secretary of State or served in respect of a direction or proposed direction restricting deemed consent for any class of advertisement?
 - (b) have the Council resolved to serve a notice requiring the display of any advertisement to be discontinued?
 - (c) if a discontinuance notice has been served, has it been complied with to the satisfaction of the Council?
 - (d) have the Council resolved to serve any other notice or proceedings relating to a contravention of the control of advertisements?
 - (e) have the Council resolved to make an order for the special control of advertisements for the area?

(7) An affirmative answer does not imply that the public highway directly abuts the boundary of the property.

(11) The Historic Buildings and Monuments Commission also have power to issue this type of notice for buildings in London Boroughs, and separate enquiry should be made of them if appropriate.

(12) This enquiry refers to the Council's own compulsory purchase powers and not those of other bodies.

(13) This enquiry refers to proposals by bodies or companies (such as private developers) other than the Council (and where appropriate the County Council) or the Secretary of State.

(14) A plan of the property must be supplied by the enquirer if this enquiry is to be answered.

COMPLETION NOTICES

22. Which of the planning permissions in force have the Council resolved to terminate by means of a completion notice under s.94 of The T&CP Act 1990?

PARKS AND COUNTRYSIDE

Areas of Outstanding Natural Beauty

- 23.1. Has any order under s.87 of The National Parks and Access to Countryside Act 1949 been made?

National Parks

- 23.2. Is the property within a National Park designated under s.7 of The National Parks and Access to The Countryside Act 1949?

PIPE LINES

24. Has a map been deposited under s.35 of The Pipe-lines Act 1962, or Schedule 7 of The Gas Act 1986, showing a pipe-line laid through, or within 100 feet (30.48 metres) of, the property?

HOUSES IN MULTIPLE OCCUPATION

25. Is the property included in a registration of houses scheme (houses in multiple occupation) under s.346 of The Housing Act 1985, containing control provisions as authorised by s.347 of that Act?

NOISE ABATEMENT

Noise Abatement Zone

- 26.1. Have the Council made, or resolved to make, any noise abatement zone order under s.63 of The Control of Pollution Act 1974 for the area?

Entries in Register

- 26.2.1. Has any entry been recorded in the Noise Level Register kept pursuant to s.64 of The Control of Pollution Act 1974?
26.2.2. If there is an entry, how can copies be obtained and where can that Register be inspected?

URBAN DEVELOPMENT AREAS

- 27.1. Is the area an urban development area designated under Part XVI of The Local Government, Planning and Land Act 1980?
27.2. If so, please state the name of the urban development corporation and the address of its principal office.

ENTERPRISE ZONES

28. Is the area an enterprise zone designated under Part XVIII of The Local Government Planning and Land Act 1980?

INNER URBAN IMPROVEMENT AREAS

29. Have the Council resolved to define the area as an improvement area under s.4 of The Inner Urban Areas Act 1978?

SIMPLIFIED PLANNING ZONES

- 30.1. Is the area a simplified planning zone adopted or approved pursuant to s.83 of The T&CP Act 1990?
30.2. Have the Council approved any proposal for designating the area as a simplified planning zone?

LAND MAINTENANCE NOTICES

31. Have the Council authorised the service of a maintenance notice under s.215 of The T&CP Act 1990?

MINERAL CONSULTATION AREAS

32. Is the area a mineral consultation area notified by the county planning authority under Schedule 1 para 7 of The T&CP Act 1990?

HAZARDOUS SUBSTANCE CONSENTS

- 33.1. Please list any entries in the Register kept pursuant to s.28 of The Planning (Hazardous Substances) Act 1990.
33.2. If there are any entries:
(a) how can copies of the entries be obtained?
(b) where can the Register be inspected?

ENVIRONMENTAL AND POLLUTION NOTICES

34. What outstanding notices or informal notices have been issued by the Council under The Environmental Protection Act or The Control of Pollution Act?
(This enquiry does not cover notices under Part III of the EPA, to which Enquiry 5 applies)

FOOD SAFETY NOTICES

35. What outstanding statutory notices or informal notices have been issued by the Council under The Food Safety Act?

RADON GAS PRECAUTIONS

- 36.1. Is the property in an area where radon precautions are required for new dwellings?
36.2. If so, are full or secondary precautions required?

SEWERS WITHIN THE PROPERTY (3,14)

37. Does the statutory sewer map show, within the boundaries of the property as depicted on the attached plan, a public sewer or disposal main, a sewer in respect of which a vesting declaration has been made but which has not yet come into force, or a drain or sewer which is the subject of an agreement under s.104 of The Water Industry Act 1991?

NEARBY SEWERS (3,14)

- Please either -
38. (a) state whether the statutory sewer map shows public foul and surface water sewers within 100 feet (30.48 metres) of the property (15), or
(b) supply a copy extract from the statutory sewer map showing any public sewers in the vicinity of the property. (16)

(3) Any replies will be based on the statutory sewer map provided to the Council by the sewerage undertaker and any other records which the Council may hold.

(13) This enquiry refers to proposals by bodies or companies (such as private developers) other than the Council (and where appropriate the County Council) or the Secretary of State.

(14) A plan of the property must be supplied by the enquirer if this enquiry is to be answered.

(15) The sewer map does not show the relative levels of the sewers and the property.

(16) If the Council supplies an extract from the sewer map, the notation should be carefully checked and any queries should be clarified with the Council or the sewerage undertaker.

GENERAL NOTES

(A) Unless otherwise indicated, all these enquiries relate to the property as described in Box B on page 1, and any part of that property, and "the area" means any area in which the property is located.

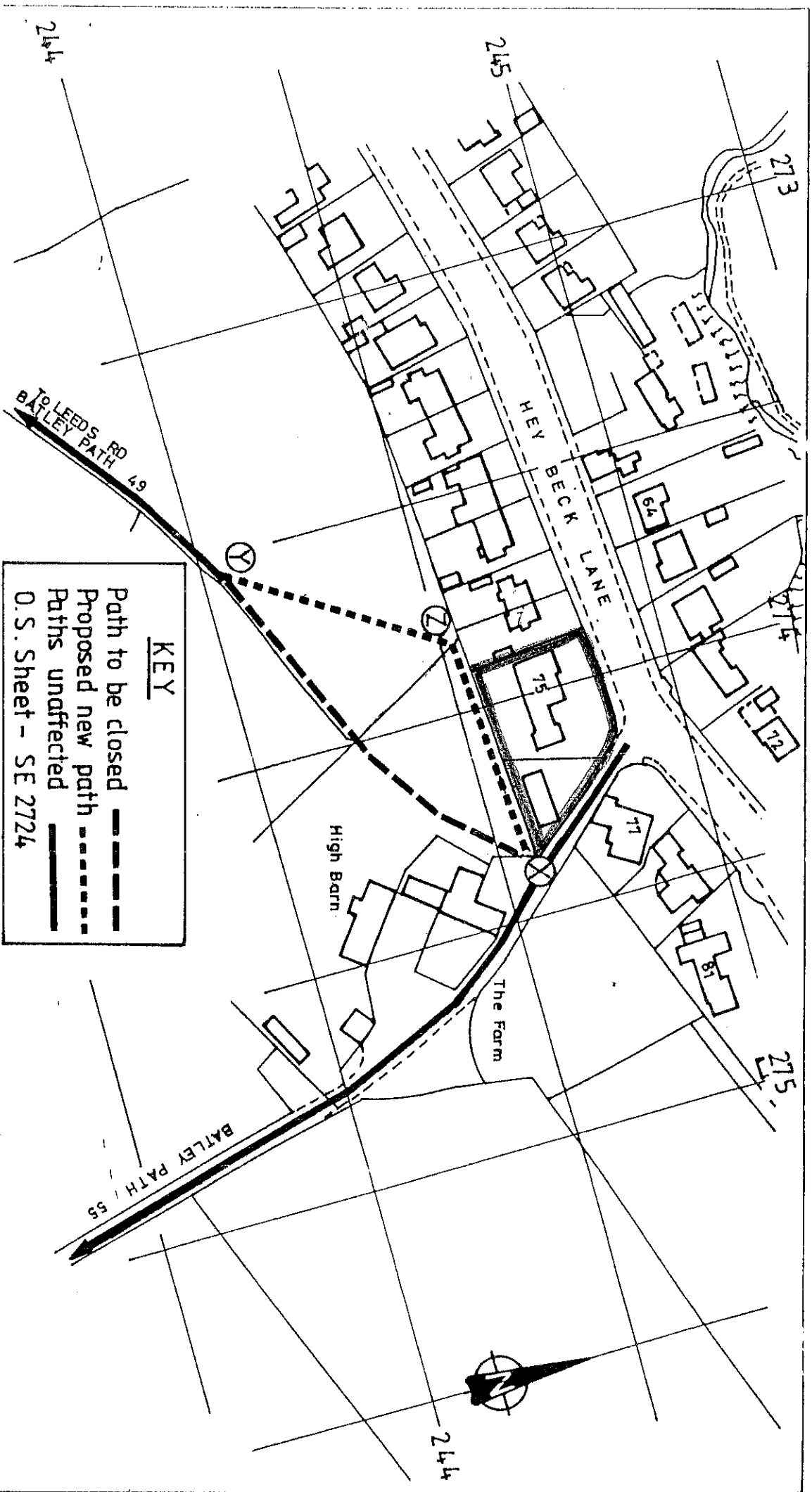
(B) References to "the Council" include references to a predecessor Council and to a Committee or Sub-Committee of the Council acting under delegated powers, and to any other body or person taking action under powers delegated by the Council or a predecessor Council. The replies given to certain enquiries addressed to District Councils cover knowledge and actions of both the District Council and the County Council.

(C) References to an Act, Regulation or Order include reference to (i) any statutory provision which it replaces and (ii) any amendment or re-enactment of it.

(D) References to any Town and Country Planning Act, Order or Regulation are abbreviated, e.g. "T&CP Act 1990".

(E) The replies will be given after the appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the replying Council(s), but on the distinct understanding that none of the Councils, nor any Council officer, is legally responsible for them, except for negligence. Any liability for negligence shall extend for the benefit of not only the person by or for whom these Enquiries are made but also a person (being a purchaser for the purposes of s.10(3) of The Local Land Charges Act 1975) who or whose agent had knowledge, before the relevant time (as defined in that section), of the replies to these Enquiries.

(F) This form of Enquiries is approved by The Law Society, the Association of County Councils, the Association of District Councils and the Association of Metropolitan Authorities and is published by their authority.



Kirklees
TRUE STAND HIGHWAY
DEVELOPMENT MANAGER

P.J. JAMESON
CLERK, BRICK, BUILT, BUILT
MANUALITY BUILT, CLERK, BUILT

KEY
 Path to be closed ———
 Proposed new path - - - - -
 Paths unaffected
 O.S. Sheet - SE 2724

PROPOSED DIVERSION OF BATLEY PATH 49 (part)
at HIGH BARN, HEY BECK LANE.

Scale
approx. 1 / 1250

Drawn
E N

Section
D.C.

Date
July 1992



Kirklees
METROPOLITAN COUNCIL

LOCAL LAND CHARGES SERVICE
PART 1 - STANDARD ENQUIRIES

SEARCH NO

1129/98/99

ANSWERS

DEVELOPMENT PLANS PROVISIONS

Structure Plan

1.1.1 The West Yorkshire County Structure Plan, operative from 9/8/1980

1.1.2 YES - First alterations submitted to the Secretary of State on 2./11/84

Local Plans

1.2.1 }Heavy Woollen Dist. Local Plan Adopted 25/9/85

1.2.2 YES - see 1.4.2

Old Style Development Plan

1.3 NONE

Unitary Plan

1.4.1 Deposit Draft approved.

1.4.2 NO

Non-Statutory Plan

1.5.1 NO

1.5.2 N/A

Policies or Proposals for the Property

Unitary Plan

1.6 (a) None
(b) Green Belt

Local Plan

(a) None
(b) See attached sheet.

Land required for Public Purposes

1.7 NO

DRAINAGE

Foul Drainage

2.1.1 Information can be obtained from Yorkshire Water Services Ltd

2.1.2 (a) } The Council have no information on this connection
(b) }

ANSWERS

2.2.1 (a) }Information can be obtained from
}Yorkshire Water Services Ltd

2.2.2 (a) }
}The Council have no information
(b) }on this connection

Statutory Agreements and Consents

2.3.1 No such agreement known

2.3.2 NO

Adoption Agreement

2.4.1 }Information can obtained from

2.4.2 }Yorkshire Water Services Ltd

Sewerage Undertaker

2.5 Yorkshire Water Services Ltd, Land
Charges Searches Unit, PO Box 15,
Bradford BD1 5XB

**MAINTENANCE OF ROADS
ETC**

Publicly Maintained

3.1 Heybeck Lane - Yes
Side Access - No

Resolutions to make up or adopt

3.2 (a) }
}No
(b) }

Adoption Agreements

3.3.1 }
}No

3.3.2 }


ANSWERS		ANSWERS	
ROAD SCHEMES		Compliance with Enforcement Notices	
Trunk and Special Roads		8.3 YES	
4.1.1	NONE	Other Planning Notices	
4.1.2	(a) }	8.4 NO	
	} NONE	Listed Buildings Repairs Notices etc.	
	(b) }	8.5.1 NO	
Other Roads		8.5.2 NO	
4.2	(a) }	8.5.3 NO	
	} NONE	DIRECTIONS RESTRICTING PERMITTED DEVELOPMENT	
	(b) }	9. NO	
Road Proposals Involving Acquisition		ORDERS UNDER PLANNING ACTS	
4.3	NONE	Revocation Orders etc.	
Road Proposals at Consultation Stage		10.1 NO	
4.4	(a) }	Tree Preservation Order	
	} NONE	10.2 NO	
	(b) }	COMPENSATION FOR PLANNING DECISIONS	
OUTSTANDING NOTICES		11. NONE	
5	NONE	CONSERVATION AREA	
BUILDING REGULATIONS		12. NO	
6	NONE	COMPULSORY PURCHASE	
PLANNING APPLICATIONS AND PERMISSIONS		13. NO	
Applications and Decisions		AREAS DESIGNATED UNDER HOUSING ACTS etc.	
7.1	(a) }	Clearance	
	(b) } SEE ATTACHED	14.1 (a) }	
	(C) }	(b) } NO	
Inspections and Copies		(c) }	
7.2	(a) Written application to Economic Development & Planning Service, PO BOX B93, Civic Centre Phase 111, Huddersfield	Housing	
	(b) Civic Centre 111, Huddersfield	14.2 NO	
NOTICES UNDER PLANNING ACTS		SMOKE CONTROL ORDER	
Enforcement and Stop Notices		15. NO	
8.1.1	YES - See attached schedule.	RAILWAYS	
8.1.2	(a) } Application in writing to Economic Development & } Planning Service, PO Box B93, Civic Centre Phase 111	16. NONE	
	(b) } Civic Centre Phase 111, Huddersfield		
Proposed Enforcement or Stop Notice			
8.2	NO		

These replies are given after the appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the Council, but on the distinct understanding that the Council nor any Council officer is legally responsible for them, except for negligence.

SEARCH NO

1129/98/99

Signed


KIRKLEES M. C.
20 MAY 1998



Kirklees
METROPOLITAN COUNCIL

PLANNING SERVICES.

PO Box B93, Civic Centre, Huddersfield, HD1 2JR
Tel: 01484 221000 Fax: 01484 221613

Keith Faragher B.Sc. (Hons), Dip.T.P., M.R.T.P.I.
Head of Planning Services

The Officer dealing with this matter is :- Miss A Hever
Tel: (01484) 221864 (direct dialling)

Our Ref: DCE/AH/ENF/GEN

Your Ref: JN.AS.BRA.CV348

21 July 1998

Messrs Hewison & Nixon
Solicitors
24 Station Lane
Featherstone
Nr Pontefract
West Yorkshire
WF7 5BE

Dear Sirs

75 HEYBECK LANE, WOODKIRK, DEWSBURY

I refer to your letter dated 17 July 1998.

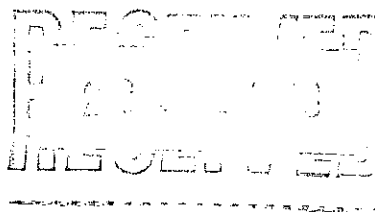
I confirm that the Enforcement Notice issued on the 31 May 1984 has been complied with.

I trust the above information is satisfactory to you but should you wish to discuss the matter further please do not hesitate to contact the above-named officer.

Yours faithfully

A Hever

PN E G WILLS
AREA PLANNING OFFICER



KIRKLEES METROPOLITAN COUNCIL

**Town and Country Planning Act
1971**

**Town and Country Planning General Development Order
1977**

PLANNING PERMISSION FOR DEVELOPMENT

Application No. 82/62/3422/A1

**To: J.C. Design & Planning Consultant
77 Mill Lane
Hanging Heaton
Batley**

For: Mr and Mrs. I. Bragg

In pursuance of its powers under the above-mentioned Act and Order the KIRKLEES METROPOLITAN COUNCIL (hereinafter called "the Council") as Local Planning Authority hereby permits:-

Erection of detached garage

75 Heybeck Lane, Dewsbury

In accordance with the plan(s) and applications submitted to the Council on 23rd June 1982 subject to the condition(s) specified hereunder-

- 1 The development shall be begun not later than the expiration of five years beginning with the date on which permission is granted.**
- 2 This permission shall relate to the amended plan(s) submitted on 6th October 1982**
- 3 Except insofar as otherwise provided by these conditions, the development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications unless otherwise agreed in writing by the District Planning Authority.**
- 4 The garage shall be used for the garaging of private motor vehicles or for uses ancillary to the enjoyment of the dwellinghouse as such and for no other purpose unless otherwise agreed in writing by the District Planning Authority.**
- 5 The roofing sheets shall be coloured a dark neutral colour to the satisfaction of the District Planning Authority and thereafter retained. Detail of the proposed colour shall be submitted to and approved in writing by the District Planning Authority before development commences.**
- 6 The render shall be local natural stone coloured unless otherwise agreed in writing by the District Planning Authority.**

The reasons for the Council's decision to grant permission for the development subject to compliance with the conditions specified are:-

- 1 Pursuant to Section 41 of the Town and Country Planning Act 1971.
- 2 For the avoidance of doubt since amended plans have been received.
- 3 So as to ensure the satisfactory appearance of the development on completion.
- 4 So as not to detract from the amenities of the adjoining property arising from uses inappropriate within a residential area
- 5 So as to ensure that the development shall harmonise with its surroundings.
- 6 So as to ensure that the development shall harmonise with its surroundings.

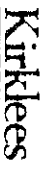
DATED 15th day of October 1982

Signed.....(Director of Technical Services)

Address to which all communications should be sent:-

Directorate of Technical Services
P.O.Box 895
Civic Centre
Buddersfield
WD1 2NA

~~IMPORTANT - YOUR ATTENTION IS DRAWN TO THE NOTES ATTACHED~~



TRAC AND HIGHWAY DEVELOPMENT MANAGER

P. J. LAMBERTSON

11

Time

PROPOSED DIVERSION OF BATLEY PATH 49 (part)
at HIGH BARN, HEY BECK LANE.

Scale

approx. 1 / 1250

Drawn	Checked
EN	

Section

Section 1 Date July 1997

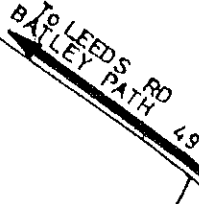
Drug / Proj No.

KEY

Path to be closed -----

Proposed new path
Paths unaffected -----

O.S. Sheet - SE 2724



High Barn

The Form



244

CON 29 (1994)

To be submitted in duplicate

ENQUIRIES OF LOCAL AUTHORITY (1994 edition)

Please type or use BLOCK LETTERS

A To

KIRKLEES METROPOLITAN COUNCIL
LOCAL LAND CHARGES
COUNCIL OFFICES
49/51 HUDDERSFIELD ROAD
HOLMFIRTH HD7 1JP

B Property

75 HEYBECK LANE
WOODKIRK
DEWSBURY

C Other roadways, footpaths and footways

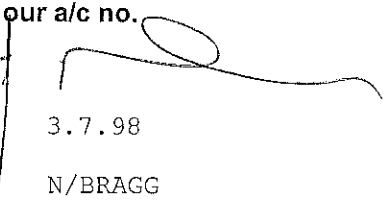
D A plan in duplicate is attached YES

Optional Enquiries are to be answered (see Box G) ~~NO~~ YES

Additional Enquiries are attached in duplicate on a separate sheet NO

E Fees of £ 12.20 are enclosed

Please debit our a/c no.

Signed: 

Date: 3.7.98

Reference: N/BRAGG

Tel. No: (01977) 700705

F Reply to:

Hewison & Nixon
24 Station Lane,
Featherstone,
Nr. Pontefract,
West Yorkshire,
WF7 5BE.

Search No. _____

The Replies are given on the attached sheet(s)

Signed _____
Proper officer

Date _____

- A** Enter name and address of District or Borough Council for the area. If the property is near a local authority boundary, consider raising certain Enquiries (e.g. road schemes) with the adjoining Council.
- B** Enter address and description of the property. A plan in duplicate must be attached if possible, and is insisted upon by some Councils. Without a plan, replies may be inaccurate or incomplete. A plan is essential for Optional Enquiries 18, 37 and 38.
- C** Enter name and / or location (and mark on plan, if possible) any other roadways, footpaths and footways (in addition to those entered in Box B) for Enquiry 3 and (if raised) Enquiries 19 and 20.
- D** Answer every question. Any additional enquiries must be attached on a separate sheet in duplicate, and an additional fee will be charged for any which the Council is willing to answer.
- E** Details of fees can be obtained from the Council or from the Law Society.
- F** Enter name and address of person or firm lodging this form.
- G** Tick which Optional Enquiries are to be answered.

Please read the Notes on page 4.

1/29/98/99

Optional Enquiries

- ☐ 17 Road proposals by private bodies
- ☒ 18 Public paths or byways
- ☐ 19 Permanent road closure
- ☐ 20 Traffic schemes
- ☐ 21 Advertisements
- ☐ 22 Completion notices
- ☐ 23 Parks and countryside
- ☐ 24 Pipe lines
- ☐ 25 Houses in multiple occupation
- ☐ 26 Noise abatement
- ☐ 27 Urban development areas
- ☐ 28 Enterprise zones
- ☐ 29 Inner urban improvement areas
- ☐ 30 Simplified planning zones
- ☐ 31 Land maintenance notices
- ☐ 32 Mineral consultation areas
- ☐ 33 Hazardous substance consents
- ☐ 34 Environmental and pollution notices
- ☐ 35 Food safety notices
- ☐ 36 Radon gas precautions
- ☐ 37 Sewers within the property
- ☐ 38 Nearby sewers

PART I-STANDARD ENQUIRIES (Applicable in every case)

DEVELOPMENT PLANS PROVISIONS

Structure Plan ¹

- 1.1.1. What Structure plan is in force?
1.1.2. Have any proposals been made public for the alteration of the structure plan?

Local Plans ¹²

- 1.2.1. What stage has been reached in the preparation of a local plan?
1.2.2. Have any proposals been made public for the alteration or replacement of a local plan?

Old Style Development Plan

- 1.3. What old style development plan is in force?

Unitary Development Plan ¹

- 1.4.1. What stage has been reached in the preparation of a unitary development plan?
1.4.2. Have any proposals been made public for the alteration or replacement of a unitary development plan?

Non-Statutory Plan

- 1.5.1. Have the Council made public any proposals for the preparation or modification of a non-statutory plan?
1.5.2. If so, what stage has been reached?

Policies or Proposal for the Property

- 1.6. Do any of the above plans (including any proposed alterations or replacements) indicate:-
(a) a designation of primary use or zoning for the property or the area, or
(b) a specific proposal which includes the property?

Land required for Public Purposes

- 1.7. Is the property included in any of the categories of land specified in Schedule 13 paras 5 and 6 of the T&CP Act 1990?

DRAINAGE

Foul Drainage

- 2.1.1. To the Council's knowledge, does foul drainage from the property drain to a public sewer? 3 4
2.1.2. If yes, does the property drain into the public sewer through:
(a) a private drain alone, or
(b) a private drain and then a private sewer? 3 4 5

Surface Water Drainage

- 2.2.1. To the Council's knowledge, does surface water from the property drain to:
(a) a public sewer, or
(b) a highway drain? 3 4 5
2.2.2. If the answer to 2.2.1(a) or (b) is yes, does the surface water drain to it through:
(a) a private drain alone, or
(b) a private drain and then a private sewer? 3 4 5

Statutory Agreements and Consents

- 2.3.1. Is there in force an agreement under s.22 of the Building Act 1984 for drainage of any part of the property in combination with another building through a private sewer?
2.3.2. Except as shown in the Official Certificate of Search, is there in force an agreement or consent under s.18 of the Building Act 1984 for the erection of a building or extension of a building over or in the vicinity of a drain, sewer or disposal main? 4

Adoption Agreement

- 2.4.1. To the Council's knowledge, is any sewer serving, or which is proposed to serve, the property the subject of an agreement under s.104 of the Water Industry Act 1991 for the sewer to become vested in the sewerage undertaker? 5 6
2.4.2. If so, is such an agreement supported by a bond or other financial security? 6

- 2.5. **Sewerage Undertaker**
Please state the name and address of the sewerage undertaker.

MAINTENANCE OF ROADS, ETC.

Publicly Maintained

- 3.1. Are all the roadways, footpaths and footways referred to in Boxes B and C on page 1 maintainable at the public expense within the meaning of the Highways Act 1980? 7

Resolutions to Make up or Adopt

- 3.2. If not, have the Council passed any resolution to:
(a) make up any of those roadways, footpaths or footways at the cost of the frontagers, or
(b) adopt any of them without cost to the frontagers?
If so, please specify.

Motion Agreements

- 3.3.1. Have the Council entered into any subsisting agreement relating to the adoption of any of those roadways, footpaths or footways? If so, please specify. 6
3.3.2. Is any such agreement supported by a bond or other financial security? 6

ROAD SCHEMES

Trunk and Special Roads

- 4.1.1. What orders, draft orders or schemes have been notified to the Council by the appropriate Secretary of State for the construction of a new trunk or special road, the centre line of which is within 200 metres of the property?
4.1.2. What proposals have been notified to the Council by the appropriate Secretary of State for:
(a) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road or dual carriageway, the centre line of which is within 200 metres of the property, or
(b) the construction of a roundabout (other than a mini roundabout 8), or the widening of an existing road by the construction of one or more additional traffic lanes, the limits of construction of which are within 200 metres of the property?

Other Road

- 4.2. What proposals of their own 9 have the Council approved for any of the following, the limits of construction of which are within 200 metres of the property:
(a) the construction of a new road, or
(b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout 8), or the widening of an existing road by the construction of one or more additional traffic lanes?

Road Proposals Involving Acquisition

- 4.3. What proposals have the Council approved, or have been notified to the Council by the appropriate Secretary of State, for highway construction or improvement that involve the acquisition of the property?

Road Proposals at Consultation Stage

- 4.4. What proposals have either the Secretary of State or the Council published for public consultation relating to:
(a) the construction of a new road indicating a possible route the centre line of which would be likely to be within 200 metres of the property, or
(b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits, of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout 8), or the widening of an existing road by the construction of one or more additional traffic lanes, the limits of construction of which would be likely to be within 200 metres of the property?

- (1) The present development plan system requires structure plans by the County Council in the non-metropolitan areas, as well as local plans by District Councils. County Councils also deal with minerals and waste plans. In Greater London and the metropolitan areas, Unitary Development Plans are prepared by the relevant London Borough or metropolitan district council.
(2) Local plan includes action area plan.
(3) Any reply will be based on the statutory sewer map provided to the Council by the sewerage undertaker and any other records which the Council may hold.
(4) If the reply is "Not known", the enquiry should be raised directly with the sewerage undertaker.
(5) The sewerage undertaker is not responsible for the maintenance of private drains or private sewers connecting a property to the public sewer.
(6) An adoption or vesting agreement requires adoption or vesting to take place only when the developer complies with his obligations under that agreement and the enquirer should make separate enquiries as to such compliance and should satisfy himself as to the adequacy of any bond or other financial security for such compliance.
(7) An affirmative answer does not imply that the public highway directly abuts the boundary of the property.
(8) A mini roundabout is a roundabout having a one-way circulatory carriageway around a flush or slightly raised circular marking less than 4 metres in diameter and with or without flared approaches.
(9) This enquiry refers to the Council's (including where appropriate the County Council's) own proposals but not those of other bodies or companies: the latter are covered by Enquiry 17 in Part II.

OUTSTANDING NOTICES

5. What outstanding statutory notices or informal notices have been issued by the Council under the Public Health Acts, Housing Acts, Highways Acts, Building Acts 10 or Part III of the Environmental Protection Act 1990?
(This enquiry does not cover notices shown in the Official Certificate of Search or notices relating to matters covered by Enquiries 13 or, if raised, 31, 34 or 35.)

BUILDING REGULATIONS

6. What proceedings have the Council authorised in respect of an infringement of the Building Regulations?

PLANNING APPLICATIONS AND PERMISSIONS

Applications and Decisions

- 7.1 Please list:
(a) any entries in the Register of planning applications and permissions,
(b) any applications, and decisions in respect of listed building consent, and
(c) any applications, and decisions in respect of conservation area consent.

Inspection and Copies

- 7.2. If there are any entries:
(a) how can copies of the decisions be obtained?
(b) where can the Register be inspected?

NOTICES UNDER PLANNING ACTS

Enforcement and Stop Notices

- 8.1.1. Please list any entries in the Register of enforcement notices and stop notices,
8.1.2. If there are any entries:
(a) how can copies of the notices be obtained?
(b) where can that Register be inspected?

Proposed Enforcement or Stop Notice

- 8.2. Except as shown in the Official Certificate of Search, or in reply to Enquiry 8.1.1., has any enforcement notice, listed building enforcement notice, or stop notice been authorised by the Council for issue or service (other than notices which have been withdrawn or quashed)?

Compliance with Enforcement Notices

- 8.3. If an enforcement notice or listed building enforcement notice has been served or issued, has it been complied with to the satisfaction of the Council?

Other Planning Notices

- 8.4. Have the Council served, or resolved to serve, any breach of condition or planning contravention notice or any other notice or proceedings relating to a breach of planning control?

Listed Building Repairs Notices, etc.

- 8.5.1. To the knowledge of the Council, has the service of a repairs notice been authorised?
8.5.2. If the Council have authorised the making of an order for the compulsory acquisition of a listed building, is a 'minimum compensation' provision included, or to be included, in the order?
8.5.3. Have the Council authorised the service of a building preservation notice? 11

DIRECTIONS RESTRICTING PERMITTED DEVELOPMENT

9. Except as shown in the Official Certificate of Search, have the Council resolved to make a direction to restrict permitted development?

ORDERS UNDER PLANNING ACTS

Revocation Orders, etc.

- 10.1 Except as shown in the Official Certificate of Search, have the Council resolved to make any Orders revoking or modifying any planning permission or discontinuing an existing planning use?

Tree Preservation Order

- 10.2 Except as shown in the Official Certificate of Search, have the Council resolved to make any Tree Preservation Orders?

COMPENSATION FOR PLANNING DECISIONS

11. What compensation has been paid by the Council under s.114 of the T&CP Act 1990 for planning decisions restricting development other than new development?

CONSERVATION AREA

12. Except as shown in the Official Certificate of Search, is the area a conservation area?

COMPULSORY PURCHASE

13. Except as shown in the Official Certificate of Search, have the Council made any order (whether or not confirmed by the appropriate Secretary of State) or passed any resolution for compulsory acquisition which is still capable of being implemented?

AREAS DESIGNATED UNDER HOUSING ACTS. ETC.

Clearance

- 14.1 Has any programme of clearance for the area been:
(a) submitted to the Department of the Environment, or
(b) resolved to be submitted, or
(c) otherwise adopted by resolution of the Council?

Housing

- 14.2 Except as shown in the Official Certificate of Search, have the Council resolved to define the area as designated for a purpose under the Housing Acts? If so, please specify the purpose.

SMOKE CONTROL ORDER

15. Except as shown in the Official Certificate of Search, have the Council made a smoke control order or resolved to make or vary a smoke control order for the area?

RAILWAYS

16. What proposals have been notified to the Council, and what proposals of their own have the Council approved, for the construction of a railway (including light railway or monorail) the centre line of which is within 200 metres of the property?

PART II-OPTIONAL ENQUIRIES

(Applicable only as indicated on page one)

ROAD PROPOSALS BY PRIVATE BODIES

17. What proposals by others 13 have the Council approved for any of the following, the limits of construction of which are within 200 metres of the property:
(a) the construction of a new road, or
(b) the alteration or improvement of an existing road, involving the construction, whether or not within existing highway limits of a subway, underpass, flyover, footbridge, elevated road, dual carriageway, the construction of a roundabout (other than a mini roundabout 8), or the widening of an existing road by the construction of one or more additional traffic lanes?

PUBLIC PATHS OR BYWAYS

18. Is any public path, bridleway or road used as a public path or byway which abuts on 7 or crosses the property shown in a definitive map or revised definitive map prepared under Part IV of the National Parks and Access to the Countryside Act 1949 or Part III of the Wildlife and Countryside Act 1981?
If so, please mark its approximate route on the attached plan. 14

PERMANENT ROAD CLOSURE

19. What proposals have the Council approved for permanently stopping up or diverting any of the roads or footpaths referred to in Boxes B and C on page 1?

TRAFFIC SCHEMES

20. In respect of any of the roads referred to in Boxes B and C on page 1, what proposals have the Council approved, but have not yet put into operation, for:-
(a) waiting or loading restrictions,
(b) one-way streets,
(c) prohibition of driving,
(d) pedestrianisation, or
(e) vehicle width or weight restrictions?

(10) For property in Greater London, this includes the London Building Acts.

(11) The Historic Buildings and Monuments Commission also have power to issue this type of notice for buildings in London Boroughs, and separate enquiry should be made of them if appropriate.

(12) This enquiry refers to the Council's own compulsory purchase powers and not those of other bodies.

(13) This enquiry refers to proposals by bodies or companies (such as private developers) other than the Council (and where appropriate the County Council) or the Secretary of State.

(14) A plan of the property must be supplied by the enquirer if this enquiry is to be answered.

ADVERTISEMENTS

Entries in Register

- 21.1.1. Please list any entries in the Register of applications, directions and decisions relating to consent for the display of advertisements.
- 21.1.2. If there are any entries, where can that Register be inspected?

Notices, Proceedings and Orders

- 21.2. Except as shown in the Official Certificate of Search:
- (a) has any notice been given by the Secretary of State or served in respect of a direction or proposed direction restricting deemed consent for any class of advertisement?
- (b) have the Council resolved to serve a notice requiring the display of any advertisement to be discontinued?
- (c) if a discontinuance notice has been served, has it been complied with to the satisfaction of the Council?
- (d) have the Council resolved to serve any other notice or proceedings relating to a contravention of the control of advertisements?
- (e) have the Council resolved to make an order for the special control of advertisement for the area?

COMPLETION NOTICES

22. Which of the planning permissions in force have the Council resolved to terminate by means of a completion notice under s.94 of the T&CP Act 1990?

PARKS AND COUNTRYSIDE

Areas of Outstanding Natural Beauty

- 23.1. Has any order under s.87 of the National Parks and Access to the Countryside Act 1949 been made?

National Parks

- 23.2. Is the property within a National Park designated under s.7 of the National Parks and Access to the Countryside Act 1949?

Pipe-lines

24. Has a map been deposited under s.35 of the Pipe-lines Act 1962, or Schedule 7 of the Gas Act 1986, showing a pipe-line laid through or within 100 feet (30.48 metres) of the property?

HOUSES IN MULTIPLE OCCUPATION

25. Is the property included in a registration of houses scheme (houses in multiple occupation) under s.346 of the Housing Act 1985, containing control provisions as authorised by s.347 of that Act?

NOISE ABATEMENT

Noise Abatement Zone

- 26.1. Have the Council made, or resolved to make, any noise abatement zone order under s.63 of the Control of Pollution Act 1974 for the area?

Entries in Register

- 26.2.1. Has any entry been recorded in the Noise Level Register kept pursuant to s.64 of the Control of Pollution Act 1974?
- 26.2.2. If there is an entry, how can copies be obtained and where can that Register be inspected?

URBAN DEVELOPMENT AREA

- 27.1. Is the area an urban development area designated under Part XVI of the Local Government, Planning and Land Act 1980?
- 27.2. If so, please state the name of the urban development corporation and the address of its principal office.

ENTERPRISE ZONES

28. Is the area an enterprise zone designated under Part XVIII of the Local Government, Planning and Land Act 1980?

INNER URBAN IMPROVEMENT AREAS

29. Have the Council resolved to define the area as an improvement area under s.4 of the Inner Urban Areas Act 1978?

SIMPLIFIED PLANNING ZONES

- 30.1. Is the area a simplified planning zone adopted or approved pursuant to s.83 of the T&CP Act 1990?
- 30.2. Have the Council approved any proposal for designating the area as a simplified planning zone?

LAND MAINTENANCE NOTICES

31. Have the Council authorised the service of a maintenance notice under s.215 of the T&CP Act 1990?

MINERAL CONSULTATION AREAS

32. Is the area a mineral consultation area notified by the county planning authority under Schedule I para 7 of the T&CP Act 1990?

HAZARDOUS SUBSTANCE CONSENTS

- 33.1. Please list any entries in the Register kept pursuant to s.28 of the Planning (Hazardous Substances) Act 1990.
- 33.2. If there are any entries:
- (a) how can copies of the entries be obtained?
- (b) where can the Register be inspected?

ENVIRONMENTAL AND POLLUTION NOTICES

34. What outstanding notices or informal notices have been issued by the Council under the Environmental Protection Act or the Control of Pollution Act?
- (This enquiry does not cover notices under Part III of the EPA, to which Enquiry 5 applies.)

FOOD SAFETY NOTICES

35. What outstanding statutory notices or informal notices have been issued by the Council under the Food Safety Act?

RADON GAS PRECAUTIONS

- 36.1. Is the property in an area where radon precautions are required for new dwellings?
- 36.2. If so, are full or secondary precautions required?

SEWERS WITHIN THE PROPERTY ^{3 14}

37. Does the statutory sewer map show, within the boundaries of the property as depicted on the attached plan, a public sewer or disposal main, a sewer in respect of which a vesting declaration has been made but which has not yet come into force, or a drain or sewer which is the subject of an agreement under s.104 of the Water Industry Act 1991?

NEARBY SEWERS ^{3 14}

38. Please either:
- (a) state whether the statutory sewer map shows public foul and surface water sewers within 100 feet (30.48 metres) of the property, 15, or
- (b) supply a copy extract from the statutory sewer map showing any public sewers in the vicinity of the property. 16

(15) The sewer map does not show the relative levels of the sewers and the property.

(16) If the Council supplies an extract from the sewer map, the notation should be carefully checked and any queries should be clarified with the Council or the sewerage undertaker.

GENERAL NOTES

- (A) Unless otherwise indicated, all these enquiries relate to the property as described in Box B on page 1, and any part of that property, and "the area" means any area in which the property is located.
- (B) References to "the Council" include references to a predecessor Council and to a Committee or Sub-Committee of the Council acting under delegated powers, and to any other body or person taking action under powers delegated by the Council or a predecessor Council. The replies given to certain enquiries addressed to District Councils cover knowledge and actions of both the District Council and the County Council.
- (C) References to an Act, Regulation or Order include reference to (i) any statutory provision which it replaces and (ii) any amendment or re-enactment of it.
- (D) References to any Town and Country Planning Act, Order or Regulation are abbreviated, e.g. "T&CP Act 1990".
- (E) The replies will be given after the appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the replying Council(s), but on the distinct understanding that none of the Councils, nor any Council officer, is legally responsible for them, except for negligence. Any liability for negligence shall extend for the benefit of not only the person by or for whom these Enquiries are made but also a person (being a purchaser for the purposes of s. 10(3) of the Local Land Charges Act 1975) who or whose agent had knowledge, before the relevant time (as defined in that section), of the replies to these Enquiries.
- (F) This form of Enquiries is approved by the Law Society, the Association of County Councils, the Association of District Councils and the Association of Metropolitan Authorities and is published by their authority.



Kirklees
METROPOLITAN COUNCIL

LOCAL LAND CHARGES SERVICE

SEARCH NO

1129/98/99

PART 11 OPTIONAL ENQUIRIES (APPLICABLE ONLY AS REQUESTED)

17.	ROAD PROPOSALS BY PRIVATE BODIES	27.	URBAN DEVELOPMENT AREAS 1. 2.
18.	PUBLIC PATHS OR BYWAYS Batley Footpath Nos 49 & 55 as shown in crossed And in purple on attached plan.	28.	ENTERPRISE ZONES
19.	PERMANENT ROAD CLOSURES	29.	INNER URBAN IMPROVEMENT AREAS
20.	TRAFFIC SCHEMES (a) } (b) } (c) } (d) } (e) }	30.	SIMPLIFIED PLANNING ZONES 1. } 2. }
21.	ADVERTISEMENTS Entries in Register 1.1 1.2 Economic Development & Planning Service, Civic Centre Phase 111 Huddersfield Notices, Proceedings and Orders 2. (a) } (b) } (c) } (d) } (e) }	31.	LAND MAINTENANCE NOTICES YES/NO
22.	COMPLETION NOTICES	32.	MINERAL CONSULTATION AREAS
23.	PARKS AND COUNTRYSIDE Areas of Outstanding Natural Beauty 1. NO Natural Parks 2. YES/NO	33.	HAZARDOUS SUBSTANCE CONSENTS 1. 2. (a) } (b) }
24.	PIPE LINES	34.	ENVIRONMENTAL AND POLLUTION NOTICES
25.	HO USES IN MULTIPLE OCCUPATION	35.	FOOD SAFETY NOTICES
26.	NOISE ABATEMENT Noise Abatement Zone 1. Entries in Register 2.1 2.2	36.	RADON GAS PRECAUTIONS 1. 2.

PLEASE NOTE: Optional Enquires 37 & 38 relating to sewers can be obtained from Yorkshire Water Services

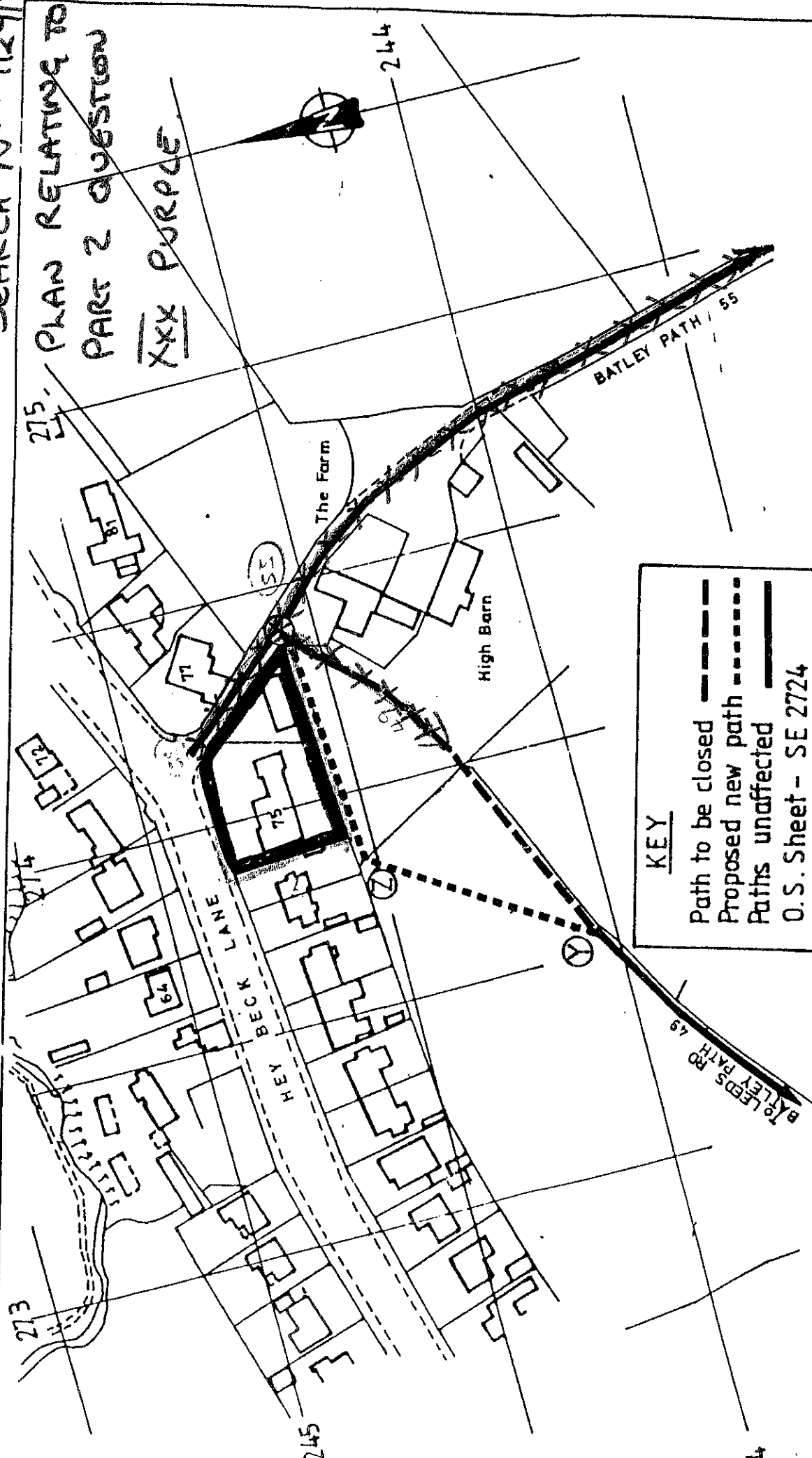
These replies are given after the appropriate enquiries and in the belief that they are in accordance with the information at present available to the officers of the Council, but on the distinct understanding that neither the Council or any officer is legally responsible for them, except for negligence.

[Signature]
KIRKLEES M. C.
- 0 JUL 1998

SEARCH NO. 1129/98/99

PLAN RELATING TO
PART 2 QUESTION 127

XXX PURPLE



Scale	approx. 1/1250		
Drawn	E N	Checked	
Section	D.C.	Date	July 1992
Dwg / Ref No.			

PROPOSED DIVERSION OF BATLEY PATH 49 (part)
at HIGH BARN, HEY BECK LANE.

Kirklees
THE COUNCIL
DEVELOPMENT MANAGER

P.P. JAMES
THE COUNCIL
TO THE COUNCIL

DATED

13th November 1981

STANLEY BRIAN BUCKLEY ESQ.

STATUTORY DECLARATION

HELLEWELL, PASLEY & BREWER

BIRSTALL, BATLEY.

I. STANLEY BRIAN BUCKLEY of 75 Hey Beck Lane

Woodkirk Dewsbury West Yorkshire do solemnly and sincerely declare as follows:

1. I am the owner of the dwellinghouse and premises situate and being Number 75 Hey Beck Lane Woodkirk Dewsbury West Yorkshire (hereinafter called "the property") delineated on the plan now produced and shown to me and marked "A" and thereon coloured pink and the leasehold interest in the property was assigned to me by an Assignment dated the 26th day of June 1953 and made between Henry Ingham Broadfield of the one part and myself of the other part and the freehold reversionary interest in the property was conveyed to me by a Conveyance dated the 21st day of March 1973 and made between Airways Pension Fund Trustees Limited of the one part and myself of the other part

2. ON the North Easterly side of the property there is an occupation road leading from Heybeck Lane aforesaid to The Farm Heybeck Lane aforesaid which occupation road is shown on the said plan and thereon coloured brown

3. I have occupied the property for 28 years and the said plan is to my knowledge an accurate plan of the land and premises thereon delineated

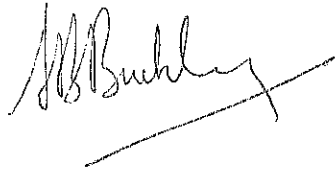
4. THE occupation road has been used by me and my agents servants and friends since the year 1953 as of right without the consent of any person and without interruption and without payment of any kind to any person whatsoever from the said year 1953 until the present time

5. THE said use has been to pass and repass along the said occupation road by day or night with or without vehicles of any description and with or

without animals for all puposes connected with the
use and enjoyment of the property

6. I depose as above of my own knowledge as owner
of the property AND I make this solemn declaration
conscientiously believing the same to be true and
by virtue of the provisions of the Statutory
Declarations Act 1835

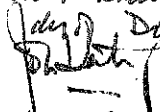
DECLARED at *Babington*
the County of West Yorkshire
this *12th* day of
November 1981



Before me



Commissioner for Oaths/Solicitor

This is the plan marked 'A' referred to in the
Declaration of George Brown regarding direct steps
on Nov 13th (day) Dec 1961

ASOLKITOR

Giles Cheetham

From: Giles Cheetham
Sent: 31 July 2013 16:19
To: 'Rebecca Townsend'
Cc: Jeremy Cook; Sandra Haigh; Tom Ghee; Paul Hawkins; Chris Read; ChiefExecutiveSecretaries; Rob Dalby
Subject: RE: Our client: Mr and Mrs I Bragg 75 Heybeck Lane

Mr Cook, Ms Townsend,

Batley public footpath 49, your clients Mr & Mrs Bragg

Thank you for your email below. Thank you for clarifying the reference to the 1971 OS plan extract.

For the avoidance of doubt, the information that you have provided us with so far does not change our position with regard to the recorded alignment of public footpath Batley 49 over your client's land, nor does it affect the council's duties under section 130 of the Highways Act 1980 to protect and assert the rights of the public.

I note your comment:

"it takes matters little further at that stage"

As previously, we wish to provide you and your client with every opportunity to provide any information you wish to offer in support of their position on this matter. On that basis, yesterday we asked two questions, as this would assist in providing a full response to your letter of 18 July.

- "[...] could you let me know if you intend to provide the council with copies [...]"
- Do you have copy for us of your page 1 of the 1995 CON29 form, which in the pdf chronology would logically sit before page 18 of 50?

If you answer, then we will then be in a better position to respond. If you do not answer, we will respond in any case; either of these options will take matters further.

If we do not receive a response to these questions, or we do not receive the copies, by close of business tomorrow (1 August 2013), then we will take your answers to these two questions be "no", and will respond further on that basis.

Regards,
Giles

Giles Cheetham

Definitive Map Officer – Public Rights of Way
Investment and Regeneration Service
Kirklees Council, PO Box B93, Civic Centre III, Huddersfield, HD1 2JR

■ 01484 225575
✉ giles.cheetham@kirklees.gov.uk
Ŵ www.kirklees.gov.uk/



From: Rebecca Townsend [mailto:Rebecca.Townsend@ramsdens.co.uk]
Sent: 31 July 2013 11:14
To: Giles Cheetham
Cc: Jeremy Cook
Subject: Our client: Mr and Mrs I Bragg 75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU Re: Proposed enforcement of alleged public rights of way (Batley 49)

Ramsdens Solicitors LLP

Date : 31/07/2013

Your Ref : 872/1/49/GC
Our Ref : JMC/RJT/211630-1

Dear Mr Cheetham

Re : Our client: Mr and Mrs I Bragg 75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU Re: Proposed enforcement of alleged public rights of way (Batley 49)

I refer to your emails 30th July 2013 (13.33). I infer from the same that you have not had the opportunity of considering the contents of the Local Land Charges Searches provided and their impact on the claim that you seek to bring.

I make that point because the further documentary evidence referred to really goes to the background and your earlier emails contention that you had checked sources available to you with regard to applications to relocate public footpaths including but not limited to footpath number 49.

Given that you have not produced any further evidence on this point it takes matters little further at that stage to consider the information summarised in your most recent email.

Suffice to say that the documentation and records are readily available to you as a public source.

Additionally, you will see, if you consider the information sent under cover of my most recent letter, the ordinance survey extract from 1971 attached to the Statutory Declaration.

My client's case is simply and unequivocally set out based on documentation in part received from the Local Authority.

From: Rebecca Townsend [mailto:Rebecca.Townsend@ramsdens.co.uk]

Sent: 31 July 2013 11:14

To: Giles Cheetham

Cc: Jeremy Cook

Subject: Our client: Mr and Mrs I Bragg 75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU Re: Proposed enforcement of alleged public rights of way (Batley 49)

Ramsdens Solicitors LLP

Date : 31/07/2013

Your Ref : 872/1/49/GC

Our Ref : JMC/RJT/211630-1

Dear Mr Cheetham

Re : Our client: Mr and Mrs I Bragg 75 Heybeck Lane, Woodkirk, Dewsbury WF12 7QU Re: Proposed enforcement of alleged public rights of way (Batley 49)

I refer to your emails 30th July 2013 (13.33). I infer from the same that you have not had the opportunity of considering the contents of the Local Land Charges Searches provided and their impact on the claim that you seek to bring.

I make that point because the further documentary evidence referred to really goes to the background and your earlier emails contention that you had checked sources available to you with regard to applications to relocate public footpaths including but not limited to footpath number 49.

Given that you have not produced any further evidence on this point it takes matters little further at that stage to consider the information summarised in your most recent email.

Suffice to say that the documentation and records are readily available to you as a public source.

Additionally, you will see, if you consider the information sent under cover of my most recent letter, the ordinance survey extract from 1971 attached to the Statutory Declaration.

My client's case is simply and unequivocally set out based on documentation in part received from the Local Authority.

Yours sincerely

Jeremy Cook
Ramsdens Whitfield Hallam

Direct Tel : 01924 431783
Direct Fax : 01924 469299
Jeremy.Cook@ramsdens.co.uk

Yours sincerely

Rebecca Townsend | Receptionist
28 Bond Street, Dewsbury, WF13 1AU
Tel: 01924 455391 or Fax: 01924 469299 Web: www.ramsdens.co.uk:

Ramsdens Solicitors LLP

Leeds & Yorkshire Lawyer Awards 2011-12 – Law Firm of the Year

This e-mail is confidential and may be subject to legal professional privilege. It is for the use of the named recipient(s) only. If you have received this e-mail in error, please notify us immediately. Furthermore, you are expressly prohibited from copying or disclosing its contents to any third party, and should delete it from your computer systems immediately. Please note that information sent by e-mail may be intercepted in transmission and may be altered without our knowledge. You are advised to verify any advice given before acting upon it.

Ramsdens Solicitors LLP is authorised and regulated by the Solicitors Regulation Authority (00440420).

The Solicitors Regulation Authority Rules can be accessed by visiting the SRA website at <http://www.sra.org.uk/solicitors/code-of-conduct/>

We use the word 'partner' to refer to a member of the LLP or an employee or consultant with equivalent standing and qualifications. A list of the Members of the LLP can be inspected at the Firms Office at Oakley House, 1 Hungerford Road, Edgerton, Huddersfield, HD3 3AL and at www.ramsdens.co.uk

This footnote also confirms that this email message has been swept by Fusion IT for the presence of computer viruses
