

Address: 1 Ingham Garth Mirfield WF14 9NR

## About the application

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|----------------------------------|---------------------------------------------------------------------------------|
| Application number: 2021/91914   |                                                                                 |
| What is the application for?:    | Demolition of one dwelling, erection of 45 dwellings with access and associated |
| Address of the site or building: | rear of, 28, Northorpe Lane, Northorpe, Mirfield, WF14 0QN                      |
| Postcode:                        |                                                                                 |

## User comments

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| Type of comment: An objection                                         |    |
| Do you wish your comments to be published on the website anonymously? | No |

You will by now be fully aware of the legal issue with the land at Northorpe Hall that Kirklees Council ('the Council') proposes to use it for the creation of a layby. The Council has already acknowledged that the land is owned by Northorpe Hall Child & Family Trust and this fact is not in dispute. However, the Council suggests that the land forms part of the public highway. As a result of the absence of any definitive information from the Highways Department to support this suggestion, the residents of Northorpe have sought the advice of a Barrister whose specialism is highways law. A detailed investigation by our Barrister has concluded that there is no evidence that this land has ever formed part of the highway. There is no documentation whatsoever to demonstrate that its status has ever changed from private land. The claim by Kirklees Highways Officers that a right to use the land for highways purposes has somehow transferred to the Council by some peculiar and imaginary means known only to the Highways Department, has no legal standing.

There is a requirement for Local Authority's to maintain accurate highway records and for the information to be publicly available. The residents of Northorpe have, on numerous occasions, requested confirmation of the Council's evidence regarding the status of this land. If the Highways Department believes that the land is part of the highway, then it should have no hesitation in providing that evidence to the public. This is not a matter on which the Council has discretion – it is a statutory obligation. To find that the Council is refusing to share this information is extremely concerning and calls into question the conduct of its officers as there is clearly a deliberate and on-going effort to conceal the information it holds. The handling of the case by both Planning and Highways officers is unacceptable.

Regrettably, it appears the advice provided to the Planning Team by its Highways colleagues in relation to this application was based on nothing more than supposition and demonstrates an extraordinary lack of diligence on the part of the officers responsible. No doubt the Council will want to investigate this catastrophic failure by the Highways Department to fulfil its obligations in respect of this application, but in the meantime, the facts of the case remain clear - the Council has no rights to use the land owned by Northorpe Hall Child & Family Trust and any attempt to do so would be unlawful.