

From:
To: [DCAdmin](#)
Cc:
Subject: Communication regarding application number 2021/91914
Date: 13 February 2023 11:40:27

Proposed development of 44 dwellings – Northorpe Lane, Mirfield – App No. 2021/91914

Further to the Strategic Planning Committee meeting on 14th December 2022, I am emailing you today to note our disappointment and concern with the decision taken at the committee meeting, to approve the development which will have a direct impact on land owned by a Charity. There was clear division between Planning Committee members and concerns were raised in the meeting about the heavy-handed approach being taken by the Council in relation to the treatment of Trust (charitable) property to facilitate this development.

We are concerned that there will be many consequences directly for the Trust, the community and the environment, none of which have been fairly reviewed or considered in the urgency to push through this decision, which once again was scheduled in haste without reasonable time and space for us and concerned residents to plan for the meeting.

As a Council you have fully acknowledged that the land in question is owned by the Trust, but your view is that we would have to take you to Court to contest the current situation in which you have placed us. This is, as Councillor Pinnock stated, riding roughshod over a charitable organisation when you are fully aware of the fact that funding constraints and our focus on services for children and young people makes legal action financially challenging for us.

In view of the Planning Department's stance and the Committee's treatment of the Trust's land we have now made enquiries of the Charity Commission whose immediate response is to confirm that charitable land should not be taken without consent and without an agreement on how any harm can be minimised, including any financial loss to the charity concerned. We await their further replies, but in the meantime the Charity Commission has offered helpful advice on seeking legal support, which we are currently pursuing.

Whilst we are exploring our options, we would like to move into a space of dialogue with the Council. So far you have failed to engage at any level with Northorpe Hall Child and Family Trust, despite your assertion that you have a right to take land owned by us to facilitate this development. Requests have been made on numerous occasions for you to demonstrate what evidence exists to support your position. The Council's Legal Officer has stated that the legal advice you hold 'is not secret', yet you seem wholly reluctant to produce this evidence to evidence your claim to the land as a part of the highway.

The Council has a duty to work in the best interests of the communities you serve. We therefore ask for you to engage with us and provide the evidence you hold to demonstrate that land owned by this charity can be taken from us without consent or recompense. We request a response to our concerns as a matter of urgency and dialogue on how you work to best effect to

minimise the impact and harm on the charity.

I am copying councillors Kendrick and Bolt into this email to ensure they are aware of the matter and request for fair and open dialogue.

Yours sincerely

Chief Executive Officer
Northorpe Hall Child and Family Trust

Our Websites: [Northorpe Hall Child and Family Trust](#)
 [The Northorpe Barn for Weddings and Events](#)
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