



Kirklees Local Plan Examination

**Matter 30: H2684a - Lepton
Council Response to Inspector's Requests**

May 2018

Planning Policy Group
Investment and Regeneration Service
Kirklees Council
PO Box B93
Civic Centre III
Huddersfield
HD1 2JR

Matter 30: H2684a/H2730a - Land to the east of Woodsome Drive, Lepton

Inspector's request for:

- Note to clarify the land ownership position of H2684a and H2730a following information raised at the hearing session.

Council note on land ownership of the sites:

- **H2730a** – this site has a willing landowner and is being actively promoted by Redrow Homes
- **H2684a** – the Council has recently received confirmation that all of the land (title number – WYK249301) is in ownership of Farnley Estates. See attached letter dated 26th March 2018, title deeds and land registry map below. This confirms the caution in favour of Alfred MacAlpine Homes Limited has been removed. This precedes the information presented by GAIL at the examination hearing session and subsequent email correspondence:



WALKER FOSTER
SOLICITORS

John Sykes Esq

Our ref: PCW/JEW/15018.166

Your ref:

Date: 26 March 2018

Dear John

**Re: Transfer of Land at Penistone Road Fenay Bridge
Farnley Estates Limited to Farnley Estates (No. 1) LLP**

Just a note to confirm I have now concluded the registration of title WYK249301 from Farnley Estates Limited to Farnley Estates (No. 1) LLP. I am happy to confirm that at the conclusion of that registration the caution in favour of Alfred MacAlpine Homes Limited had been removed, as we had hoped and expected. I have notified Chris Creighton that the title is now unblemished.

For your use, information and file I attach a copy of the completion of registration for title WYK249301, up to date office copy entries and copy filed plan. I can also confirm that the balance of land you intend to place within the east fork development is registered under title YY35124.

If you have any queries concerning this letter or its enclosure please feel free to contact me.

~~Yours sincerely~~

Peter Walker
Walker Foster
Enc.



WALKER FOSTER LIMITED
DX18553
BARNOLDSWICK

Date
26 March 2018

Your Ref
PCW/15018.166 FARNLEY

Our Ref
RCS/WYK249301

HM Land Registry
Nottingham Office
PO Box 75
Gloucester
GL14 9BD

DX 321601
Gloucester 33

Tel 0300 006 0008
nottingham.office@
landregistry.gov.uk

www.gov.uk/land-registry

Completion of registration

Title number	WYK249301
Property	Land And Buildings Lying To The East Of Penist...
Registered proprietor	Farnley Estates (No.1) LLP

Your application lodged on 16 February 2018 has been completed. An official copy of the register is enclosed. No amendment has been made to the title plan.

The official copy shows the entries in the individual register of title as at the date and time stated on it. You do not need to reply unless you think a mistake has been made in completing your application.

An owner's property is probably their most valuable asset so it's important to protect it from the risk of fraud. Please read our property fraud advice at www.gov.uk/protect-land-property-from-fraud

Important information about the address for service

If we need to write to an owner, a mortgage lender or other party who has an interest noted in the register, we will write to them at their address shown in the register. We will also use this address if we need to issue any formal notice to an owner or other party as a result of an application being made. Notices are often sent as a safeguard against fraud so it is important that this address is correct and up-to-date. If it is not, the property owner or other party may not receive our letter or notice and could suffer a loss as a result.

Up to three addresses for service can be entered in the register. At least one of these must be a postal address, but this does not have to be in the United Kingdom; the other two may be a DX address, a UK or overseas postal address or an email address.

Please let us know at once of any changes to an address for service.

For information on how a property owner can apply to change their contact details or add an address, please see www.gov.uk/government/publications/updating-registered-owners-contact-address on GOV.UK (or search for "COG1") or contact HM Land Registry Customer Support (0300 006 0411) (0300 006 0422 for Welsh speakers service) from Monday to Friday between 8am and 6pm.

If you require this correspondence in an alternative format, please let us know.



Official copy
of register of
title

Title number WYK249301

Edition date 16.02.2018

- This official copy shows the entries on the register of title on 26 Mar 2018 at 07:15:02.
- This date must be quoted as the "search from date" in any official search application based on this copy.
- The date at the beginning of an entry is the date on which the entry was made in the register.
- Issued on 26 Mar 2018.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- This title is dealt with by HM Land Registry Nottingham Office.

A: Property Register

This register describes the land and estate comprised in the title.

WEST YORKSHIRE : KIRKLEES

1 (05.02.1982) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land and buildings lying to the east of Penistone Road, Lepton.

2 The land has the benefit of the rights granted by but is subject as mentioned in the Transfer dated 18 January 1982 referred to in the Charges Register in the following terms:-

"TOGETHER with the benefit of a right of way (in common with the Vendor and all other persons now or hereafter entitled to use the same) at all times and for all purposes and with or without vehicles over and along the track or roadway coloured brown on the said plan annexed hereto or over and along such other alternative roadway as the Vendor shall stipulate and provide at the Vendor's cost and expense provided always that such alternative roadway shall provide as easy an access to the said land as that previously existing subject to the payment of a proper and proportionate part according to user of the cost of maintaining repairing renewing and cleansing the said track or roadway or any alternative roadway as hereinbefore provided"

.....
..

SUBJECT to but with the benefit of the following exception and reservations for the Vendor and its successors in title or other the owners and occupiers for the time being of the adjoining and neighbouring land of the Vendor (edged blue and in part hatched blue) on the plan annexed hereto situate adjoining the north westerly boundary of the property hereby transferred namely:

(a) the right to the free passage and running of water soil gas and electricity from the adjoining or adjacent property through the drains channels pipes wires cables in or under the property hereby transferred and the right to enter onto the property hereby transferred at all reasonable times to inspect alter add to or repair the same provided that any damage caused in the exercise of this right shall be made good to the reasonable satisfaction of the Council

(b) the right to use develop rebuild extend increase alter or

Title number WYK249301

A: Property Register continued

reconstruct any adjoining or neighbouring property of the Vendor for such purposes and to such extent and generally in such manner as the Vendor shall think fit

(c) the right to lay or construct (but within a period of eighty years from the date hereof hereinafter called "the perpetuity period" which period shall be the perpetuity period applicable hereto) and thereafter to maintain repair renew and cleanse such electric gas water drainage telephone and other service pipes wires cables or drains in on over or under the strip of land approximately six metres wide coloured pink on the plan annexed hereto as shall be necessary to provide such electric gas water drainage telephone and other services as the Vendor shall deem expedient or necessary in connection with their use of the land edged blue as private dwellinghouses."

NOTE: Copy plan filed.

- 3 (16.09.1998) The land edged and numbered in green on the title plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (16.02.2018) PROPRIETOR: Farnley Estates (No.1) LLP (LLP Regn. No. OC398486) of Wood View Barn, Manor Road, Farnley Tyas, Huddersfield HD4 6UL.
- 2 (16.02.2018) The value stated as at 16 February 2018 was £25,000.
- 3 (16.02.2018) The Transfer to the proprietor contains a covenant to observe and perform the covenants referred to in the Charges Register and of indemnity in respect thereof.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title and other land dated 8 January 1969 made between (1) The Right Honourable Gerald Humphry Ninth Earl of Dartmouth (Vendor) and (2) William Shaw & Sons (Huddersfield) Limited (Company) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 A Transfer of the land in this title dated 18 January 1982 made between (1) William Shaw & Sons (Huddersfield) Limited and (2) The Council of The Borough of Kirklees contains covenants details of which are set out in the schedule of restrictive covenants hereto.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 8 January 1960 referred to in the Charges Register:-

"THE Company hereby covenants with the Vendor and as a separate covenant with the Vendor and his successors in title and the persons deriving title under him or them to the Dartmouth Estate in the County of York (of which the Vendor is not estate owner) that the Company and its successors in title will at all times hereafter observe and perform all and singular the restrictions and stipulations contained in the Fifth Schedule hereto TO THE INTENT that each of the said restrictions and stipulation shall enure for the benefit of and be enforceable by the owner and occupier of any and every part of the Dartmouth Estate aforesaid which that restriction or stipulation may touch or concern

Schedule of restrictive covenants continued

THE FIFTH SCHEDULE

Particulars of Restrictions and Stipulations

.....
..

THE Purchaser will not use exercise or carry on or suffer to be used exercised or carried on upon the said piece of land or any part thereof or in or upon any message or tenement or other buildings for the time being erected and standing thereon any noisy noisome hazardous obnoxious or offensive trade business or act whatsoever or anything which may be a nuisance or an annoyance to the Vendor or his successors in title entitled for the time being to the Dartmouth Estate aforesaid or any part thereof or his or their Tenants.

2 The following are details of the covenants contained in the Transfer dated 18 January 1982 referred to in the Charges Register:-

"For the benefit and protection of so much of the adjoining and neighbouring property of the Vendor as is hatched blue on the plan annexed hereto ("the Retained Property") or any part or parts thereof and so as to bind the property hereby conveyed into whosoever hands the same may come the Council hereby covenants with the Vendor that the Council and persons deriving title under it will at all times hereafter observe and perform the restrictions and stipulations set out hereunder but so that neither the Council nor those deriving title under it shall be liable for a breach of this covenant occurring on or in respect of the property hereby transferred or any part or parts thereof after it or they shall have parted with all interest therein:

(a) within six months from the date hereof at its own expense and in a proper and workmanlike manner and in the satisfaction of the Vendor to erect or build (in so far as the same are not already erected or built) and for ever hereafter to maintain and keep in good repair and condition a substantial cattleproof boundary wall or fence with substantial cattleproof gateways as necessary (and in particular a gateway and gate twelve feet wide in the boundary marked with double internal "T" marks on the plan annexed hereto) along such of the boundaries of the property hereby transferred as are indicated by inward "T" marks

(b) Subject as herein otherwise provided not to build erect or cause to be built erected or placed anything in on over or under the said property and in particular not to do anything to the surface of the said strip of land coloured pink on the plan annexed hereto which would increase the depth of soil over the said drains pipes wires or cables laid or to be laid therein or which might make access to the said drains pipes wires or cables more difficult.

(c) within five years from the date hereof to reclaim the said property to the intent that it shall henceforth be suitable for use as agricultural land Provided that the Council shall not develop or do any works whatsoever on the property hereby transferred unless the prior written approval of the Vendor or its Agent shall have been first obtained to the specifications and/or plans for such development or works

(d) At all times hereafter to pay a proper and proportionate part according to user of the costs of maintaining repairing renewing and cleansing the roadway coloured brown on the said plan such proportion to be determined by the Vendor's agent and if a dispute should arise then such dispute shall be referred to arbitration in accordance with the provisions of the Arbitration Act 1950

(e) Not to let the said property or any part or parts thereof within a period of seven years from the date hereof provided that this clause shall not preclude the Council from entering into any grazing agreement (for a period of less than one years) in respect of the said property or any part or parts thereof"

Title number WYK249301

End of register

H.M. LAND REGISTRY

TITLE NUMBER

WYK 249301

ORDNANCE SURVEY
PLAN REFERENCE

SE 1814 SE 1914

Scale
1/2500

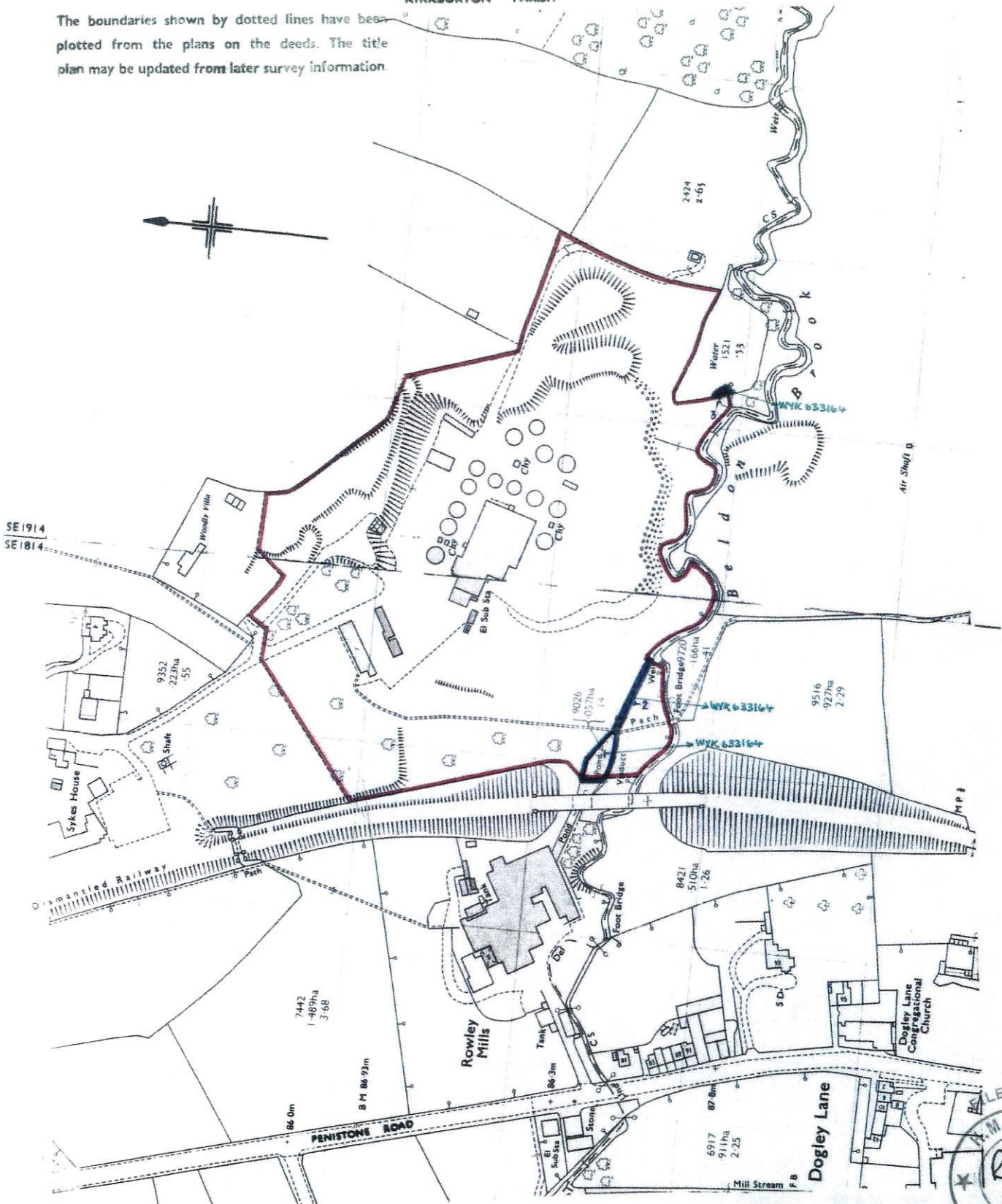
COUNTY WEST YORKSHIRE

DISTRICT KIRKLEES

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KIRKURTON PARISH

The boundaries shown by dotted lines have been plotted from the plans on the deeds. The title plan may be updated from later survey information.



REGISTERED PLAN
H.M. LAND
REGISTRY
2/82