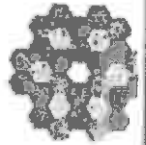


**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix A: Conveyance Plan showing the extent of the charity land.



Official copy of register of title

Title number WYK832812 Edition date 08.08.2007

- This official copy shows the entries in the register of title on 8 August 2007 at 14:39:14.
- 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 8 August 2007.
- Under s.67 of the Land Registration Act 2002, this copy is admissible in evidence to the same extent as the original.
- For information about the register of title see Land Registry website www.landregistry.gov.uk or Land Registry Public Guide 1 - *A guide to the information we keep and how you can obtain it.*
- This title is dealt with by Land Registry Nottingham (West) Office.

A: Property register

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

WEST YORKSHIRE : BRADFORD

- 1 (06.10.2006) The Freehold land shown edged with red on the plan of the above title filed at the Registry and being Land and buildings on the north side of Cherry Tree Rise, Keighley.

NOTE: The land tinted green on the title plan is not included in the title.

- 2 (06.10.2006) The land tinted pink on the title plan has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 9 April 1886 referred to in the Charges Register.
- 3 (06.10.2006) The land tinted yellow on the title plan has the benefit of the rights granted by but is subject to the rights reserved by the Conveyance dated 14 November 1892 referred to in the Charges Register.

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 (06.10.2006) PROPRIETOR: CITY OF BRADFORD METROPOLITAN DISTRICT COUNCIL of City Hall, Centenary Square, Bradford, West Yorkshire BD1 1HY.

C: Charges register

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

- 1 (06.10.2006) A Conveyance of the land tinted pink on the title plan dated 9 April 1886 made between (1) The Most Noble William Seventh Duke Of Devonshire and (2) The School Board Of The United School District Of Keithley contains restrictive covenants.

NOTE: Copy filed.

- 2 (06.10.2006) A Conveyance of the land tinted yellow on the title plan and other land dated 14 November 1892 made between (1) The Most Noble Spencer Compton Eighth Duke Of Devonshire and (2) The School Board Of The United School District Of Keithley contains restrictive covenants.

NOTE: Copy filed.

- 3 (06.10.2006) A Conveyance of the land tinted blue on the title plan and other land dated 27 September 1928 made between (1) The Most Noble Victor Christian William Duke Of Devonshire K.G. and (2) The Mayor Aldermen And Burgesses Of The Borough Of Keithley contains restrictive covenants.

NOTE: Copy filed under WYK614873.

- 4 (06.10.2006) The land is subject to the lease set out in the schedule of leases hereto.

- 5 (06.10.2006) The land is subject to the rights granted by the Lease of the land edged and numbered 1 in blue on the title plan dated 6 August 1980 made between (1) City of Bradford Metropolitan Council and (2) The Yorkshire Electricity Board referred to in the schedule of leases hereto.

NOTE: Copy filed.

Schedule of notices of leases

	Registration date and plan ref.	Property description	Date of lease and term	Lessee's title
1	06.10.2006 1 in blue	Electricity sub-station	06.08.1980 60 years from 01.06.1980	

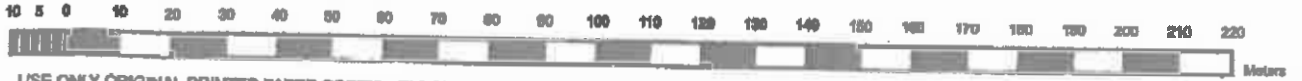
NOTE: See entry in the Charges Register regarding the rights granted by the Lease.

End of register

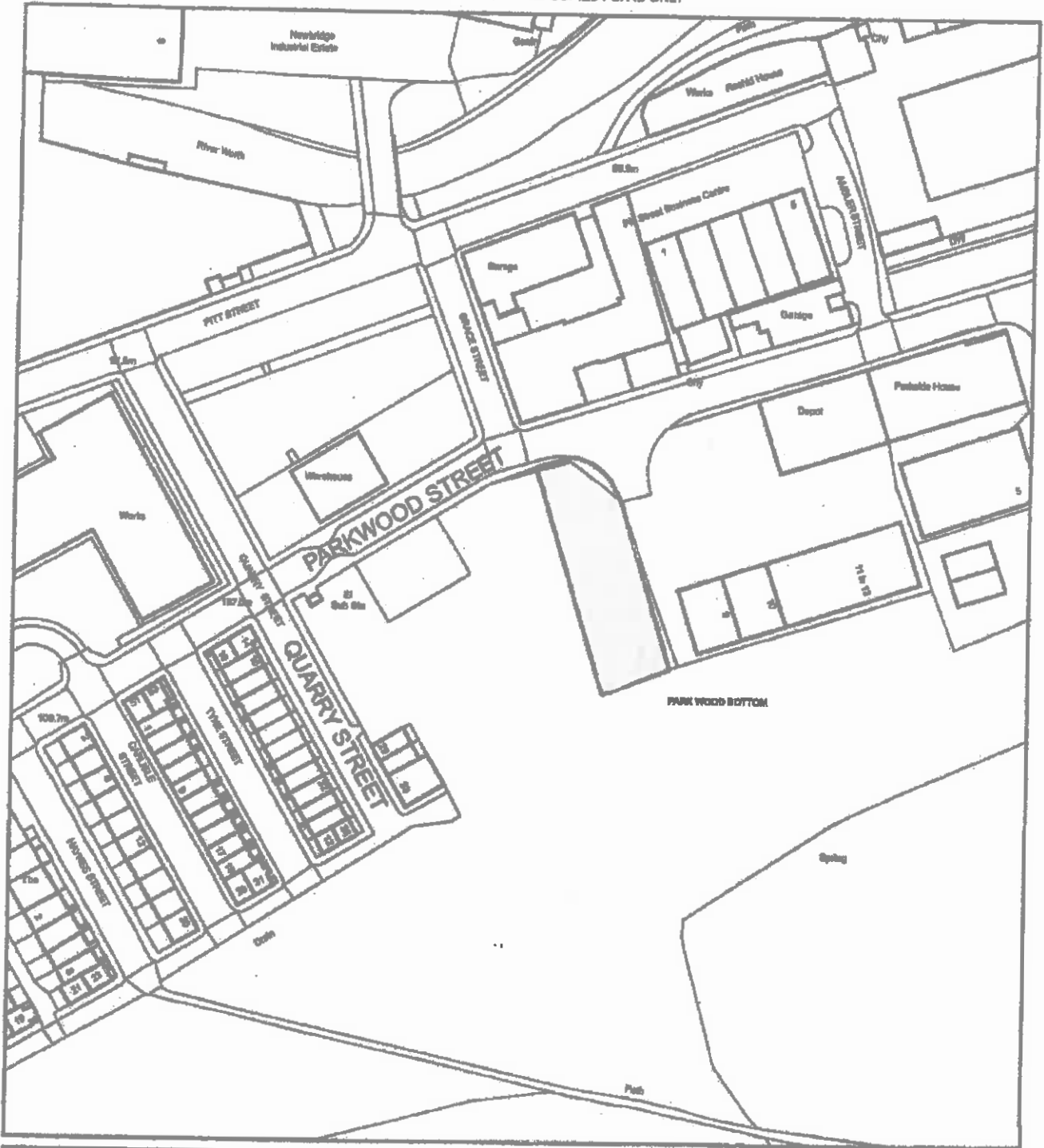
**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix B: Plan showing the area requested to be sold.



USE ONLY ORIGINAL PRINTED PAPER COPIES - ELECTRONICALLY TRANSMITTED COPIES FOR ID ONLY



City of Bradford Metropolitan District Council

Estate Management

www.bradford.gov.uk

7th Floor, Jacob's Well, Bradford, Yorkshire, BD1 5RW

Crown Copyright. Reproduced from Ordnance Survey Mapping with permission from L.A. 03/03/00. LA/07/0120

SE 0641

Scale

1/1250@A4

Date

26-04-2012

Plan No. P-005-016

DCB

BI





**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix C: Correspondence Received.

Department of Environment and Sport

6th Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel: [REDACTED]
Fax: [REDACTED]
E-mail: [REDACTED]
Website: www.bradford.gov.uk

Date: 9 July 2013

[REDACTED]
Dear [REDACTED]

RE: Land at Parkwood Street, Keighley, BD21 4PJ

Thank you for your recent letter received on 2nd July 2013.

I have sent a copy of this letter to the Council's Legal Services Team for them to consider along with your previous correspondence.

Yours sincerely

[REDACTED]
Strategic Director

Cc: [REDACTED] – Team Leader, Property & Commercial Law



Handwritten note: "Please call you deal with this case?"

[Redacted]
Director of Legal Services
City Hall

9 July 2013

Dear [Redacted]

Please find enclosed a letter from [Redacted] regarding concerns he has about ways various matters have been dealt with by the Council. I would appreciate it if you could coordinate getting me some background on this matter and let me have a briefing note as soon as possible.

I am copying in [Redacted] and [Redacted] as the Strategic Directors for the areas involved so that they are aware of my interest.

Yours sincerely

[Redacted signature block]

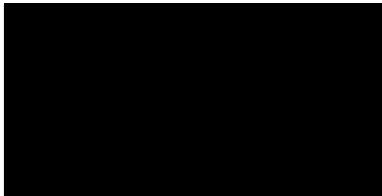
[Redacted name]

Leader of Council

Enc

cc [Redacted]

The leader of Bradford Metropolitan
District Council, The leaders Office
City Hall
Bradford BD1 1HY.



3rd July 2013.

F A O [Redacted]
The Council leader

KEIGHLEY TOWN HALL
04 JUL 2013

5 2 13
262

Dear Sir,

Re: THE ATTACHED 27th OF JUNE LETTER SENT TO BRADFORD
COUNCIL'S DIRECTOR OF ENVIRONMENT AND SPORT.

THIS IS NOT A COMPLAINT, BUT ABOUT DECISION MAKERS NOT
WANTING TO BE HELD "SATISFACTORILY" TO ACCOUNT !!

The purpose of this covering letter is courtesy and protocol. To inform you of events in your own backyard! Fifteen months ago I was given instructions by outside Agencies to follow in my correspondence with the Officers/Hierarchy of Bradford Council as Corporate Trustee in the sale off of land at Parkwood Street, Keighley. Which the Director of Environment and Sport (the relevant Corporate Department as Trustee) has now authorised the sale of. So I give notice of my going to those outside the Council Agencies as all avenues within the Council are now exhausted and having been fully documented with over twenty letters and numerous evidence. I am going round in circles!

I have been in dispute for the past 15 months over this matter with Council Officers, namely [Redacted] (Estate's Surveyor), [Redacted] (Property [Redacted]), [Redacted] (Assistant Director - Environment and Sport) and [Redacted] Director as aforesaid, as to the legality of this transaction or otherwise and the procedural governance and record keeping of a previous 1997 similar transaction.

My points of dispute are:

- (a) the primary reason why the land was required to be sold off has been negated by another player in the market place having filled the void, so there is not now the same ^{argument} as may have existed several years ago, and for the fact that by selling off the land, the Corporate Trustee would not be obliged to maintain it, i.e. getting rid of an encumbrance to pecuniary advantage (tantamount to a profit) and thereby being in Fiduciary Breach of Trust on Count 1.
- (b) the Corporate Trustee is exceeding its powers because it has 'cherry picked' which part of the relevant legislation it relies on to grant itself authority to sell the land, whilst disregarding other relevant parts of the same legislation without providing proper explanation as to why those other parts do not apply, thereby seemingly working outside the law, breaching 'the Council' Constitution.

(c) there would be, on sell off, a Breach of Trust in Equity, Court 2, on grounds that the Trust's Governing Document does not provide for Sell Off and since the Charity Commission have stated that there must be a very good reason for sell off, given that the primary reason has been superseded by events in the market place. The Corporate Trustee as Decision Maker either cannot or will not give fully transparent accountability to his Council Tax Paying Beneficiary as called for in Bradford Council Constitution.

(d) Full and Frank disclosure has not been given by the Corporate Trustee and this leads to an adverse influence being drawn. In a Democracy, nothing but full disclosure will do, to demonstrate good faith and lack of ulterior motive. It is one thing for the Bradford Council to preach and advertise its credentials of Democracy and Transparency but another thing to act or otherwise upon them.

The requested ^{information} that I sought was:

- (i) a fully detailed reasoning, step by step as to why the sell off? The answer given, I quote, "It is in the best interests of the (Parkwood) Charity" was vague and lacks substance, thus not demonstrating a plausible reason to the Public whom those relevant Officers purport to serve,
- (ii) the Independent Surrogors Report for the land in question, which has been suppressed and which as a Beneficiary of the Trust had I am entitled to see,
- (iii) the raw data of the Trusts Finances for the time window 1/4/1996 through to the 31/3/2013, by this I mean the Bank/Building Society/Investment House Annual Statements in irrefutable hard copy, i.e. as sent out by letter post by such institutions to their Clients at tax year end, and also
- (iv) the complete unredacted audit trail of certification to fulfill Charity Commission Compliance relevant to the 1997 land sell off and/or Certificates of Destruction for specific documents alleged to have been destroyed in documented claims made by [redacted] in correspondence to me.

Public Confidence in the system is supposed to be at the heart of local Government. The ignorance, vagueness and obfuscation by Decision Makers to account by answering specifically detailed questions on legal and financial matters in a satisfactory manner inspires no such confidence in the Bradford System in its Officer Contact.

On foregone grounds and the administration of the advised route of protocol with this letter to you and the two unmentioned, thus ensuring full awareness within the hierarchy of Bradford Council. I now proceed with my Statement of Case to be submitted to Authorities outside the Council for it seems to me that Decision Makers can be unaccountable and the other Council Elements close ranks to protect them!

Yours Sincerely,

abt - 27th of June letter to [redacted]
cc: [redacted] Director of Legal Services

Clr [redacted] " " Mayor
and Keighley Central Ward Councillor.

THE DIRECTOR OF ENVIRONMENT
AND SPORT
CITY OF BRADFORD METROPOLITAN
DISTRICT COUNCIL
14th FLOOR, JACOBS WELLS
BRADFORD BD1 5AW

KEIGHLEY TOWN HA
04 JUL 2013

27th JUNE 2013

For: The Attention of [REDACTED]

Dear Sir,

Re: DISPOSAL of LAND AT PARKWOOD STREET, KEIGHLEY BD21 4PJ, TITLE
NUMBER WYK832812 BEING A PART OF REGISTERED CHARITY NR1079083.

Thank you for your letter dated the 19th June 2013.

● TAKE NOTE: THIS MATTER OF PARKWOOD LAND IS STILL IN DISPUTE and
disposal of the land before the matter is settled is at the peril of the
Corporate Trustee, i.e BRADFORD COUNCIL. For Trustees cannot afterwards "any
more, we made a mistake"!

It is with dismay that Bradford Council tells me nothing new. Sir, I gave you an
illustrated example of the type of quality answer I expected from the Council's legal
Department. Instead the answer from you, not the legal Department is exactly what
your colleague [REDACTED] gave me almost a year ago. Which is very deficient
as it lacks precise explanation and the accountability the Electorate and in the
interest of Parkwood, what the Beneficiaries of that Trust are entitled to expect
from the Council Constitution and the Trust Document respectively.

The Corporate Trustee is, as any Trustee supposed to act in the best interests of the
Beneficiaries, as defined in the 1928 Trust Document. The Charitable Status of the
Parkwood land was set up to protect the Beneficiaries and it seems to me that due
to no rational or logical explanation having been forthcoming from the Corporate
Trustee over the past year, that the Trustee cannot provide one that will stand
up to cross examination. Hence the vagueness of the Corporate Trustee's answer.
I believe the Beneficiaries have been sidelined in this matter, albeit some token
procedural steps were taken. However, now, Bradford Council Officers as Corporate
Trustee are embarking to breach the Trust they undertook to uphold!

Paragraph 5 of your letter informs me of the authorized land disposal, triggering my
approach to Authorities outside the Council on completion of my statement of case.
Which will of course include matters relating to document suppression by officers

and/or alleged destruction emanating from the 1997 land disposal and the 2nd disposal now authorised and the withheld relevant documents thereof.

In one of my previous letters to [redacted] I had requested copies of the Certificates of Destruction of the alleged land Sale documents which [redacted] had informed me had been archived and subsequently destroyed. My request is still being ignored. So much for Officer accountability!

The requested Certificates of Destruction of documents recording a disposal of Charity land in 1997 is unobtainable! Such documents (if destroyed) formed part of the Permanent Record of the Charity. This is a serious matter and raises suspicions of dishonest dealings and/or cover up. Given the very recent exposure of the cover-ups in the NHS Care Quality Commission, our Politicians, recently in the Media have encouraged those with suspicions concerning Officers in the Public Sector to voice their concerns.

This I will now do, on grounds that members of the Electorate such as I (read letters to the Editor, - Keighley News 27/6/2012) have NO CONFIDENCE in our local Authority Officers save for the odd exception on grounds of accountability to no one. I have repeatedly asked for accountability and transparency in the context of Parkwood and have been reciprocated with vagueness and evasion over the past year. This is not the type of accounting that the Constitution expects of Decision Makers nor that of the Electorate that these Decision Makers purport to serve.

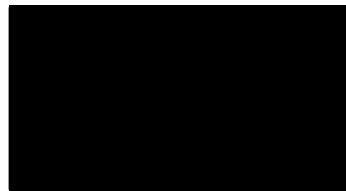
Accordingly having uncovered deficiencies in the Corporate Procedures of our local Authority, if I do nothing now, lessons cannot be learnt and improvements thereof. For example if there is Financial Impropriety in the 1997 Parkwood land disposal, hence the withheld documents I requested, then any acquiescence on my part now may lead to Officers becoming emboldened to stray in the future. It is conceivable that the proceeds from the currently authorised (in my view illegal) sale of a part of Parkwood could go in a wrong direction if transparency is not demonstrated about the previous disposal.

Too late, Officers of Bradford Council have failed to demonstrate to me that they are acting legally, transparently, constitutionally in a manner that inspires Public Confidence. On 8 August I will now take advice on my concerns regarding the withheld Parkwood Charity financial documents or destruction thereof, and if my suspicions warrant the attention of the Chief Constable of W. Yorkshire and other in Authority. So as a matter of courtesy this letter is copied to the Council's Director of Legal Services, The Elected leader of the Council and my local Keighley Ward Councillor who by coincidence is the current Mayor and a Magistrate. In due course I will prepare my Statement of Case to be forwarded to the Authorities previously mentioned in my correspondence over the last year.

Yours Sincerely,

cc: [redacted] - Director of Legal Services,
[redacted] - leader of Bradford Council, and
[redacted] - Central Ward, Kly, Cllr. 2.

The Director of Environment and Sport
6th Floor, Jacobs Well
BRADFORD
BD1 5AW



For the attention of 

3rd June 2013.

Re: LAND AT PARKWOOD STREET, KEIGHLEY, BD21 4PJ

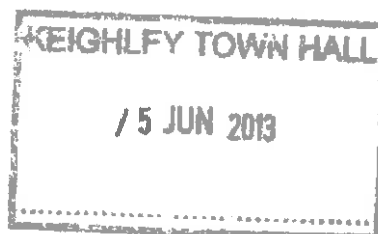
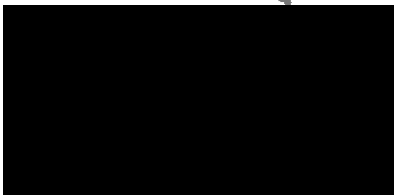
Dear Sir,

Thank you for your reply to my letter with attachment dated 18th May 2013, and for correspondence to 'the Council's legal Team'.

I now take this opportunity to commend you on your exemplary conduct in this matter too date and it sets a fine example that other Officers of the Council would do well to emulate and I feel there is scope for some re-training of some of those other Officers.

I look forward to dealing from 'the Council's legal Team' in due course!

Yours Sincerely,



Department of Environment and Sport

6th Floor, Jacob's Well
BRADFORD
West Yorkshire BD1 5RW

Tel:

Fax:

E-mail:

Website: www.bradford.gov.uk

Date: 24th May 2013

Dear [REDACTED]

RE: Land at Parkwood Street, Keighley, BD21 4PJ

Thank you for your recent letter dated 18th May 2013.

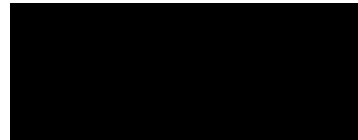
I have sent a copy of this letter to the Council's Legal Services Team for them to consider along with your previous correspondence.

Yours sincerely

[REDACTED]
Strategic Director

Cc: [REDACTED] Team Leader, Property & Commercial Law

The Director of Environment and Sport
6th Floor, Jacobs Well,
BRADFORD BD1 5AW.



18th May 2013.

For the attention of

Re: LAND AT PARKWOOD STREET, KEIGHLEY, BD21 4PJ.

Dear Sir,

Thank you for your reply of the 3rd May 2013.

KEIGHLEY TOWN HALL
20 MAY 2013

I am heartened to hear that you have moved this matter on to the Council's legal Team. I place emphasis on the word 'Team' and hope that they don't just close ranks to protect and in any wrong doing.

To recap: the alleged Officers and your I maintain are acting beyond their powers. I have provided documentary evidence from legal Text Books to corroborate my assertions and have stated that if they, the Council Officers are right, then the legal Text Books written by the learned scholars of the law may need re-writing.

To illustrate the very detailed specific response I expect from your 'Legal Team' I enclose an example of such below. Although this example is not in the context of a Land Disposal, but that of one man's right over another man's land, (a village green), i.e. an easement, it comes from a current 2012 year legal Textbook, a recent [2010] year Case Law Authority and the Supreme Court Judges interpretation of what constitutes 'force', in LATI by the name "VI".

For ease of reference I enclose sections 4-94 thro to 4-102 from the legal Text book, which within refers to a year [2010] Supreme Court judgement. I also enclose extracts from that judgement, namely paragraphs 88 thro to No 91!

Please see overleaf,

that they believed that they already possessed the right claimed.³⁰⁵ If a person with the benefit of an express grant of a right of way uses the way in a manner which is outside the scope of the express right of way but he tells the servient owner that by his use he does not intend to acquire any prescriptive rights outside the scope of the express right of way, his user will not be of such a character as to bring home to the servient owner that a continuous right of enjoyment, wider than the express right of way, is being asserted.³⁰⁷ A claim to an easement of parking failed on the facts in *Central Midlands Estates Ltd v Leicester Dyers Ltd*³⁰⁸ where the user was described as "of an occasional nature".

Knowledge of user

The effect of the enjoyment being to raise the presumption of a consent on the part of the owner of the servient tenement, it is obvious that no such inference of consent can be drawn, unless it be shown that he was aware of the user, and, being so, made no attempt to interfere with its exercise.³⁰⁹ Still less can such consent be implied, but rather the contrary, where he has contemplated the right to the user, or where, in consequence of such opposition, an interruption in the user has actually taken place. Even supposing those defects of the user not to exist, still the effect of the user would be destroyed if it were shown that it took place by the express permission of the owner of the servient tenement, for in such a case the user would not have been had with the intention of acquiring or exercising a right. The presumption, however, is that a party enjoying an easement acted under a claim of right until the contrary is shown.³¹⁰

User *res vi*, *res clam*, *res precario*

The civil law expressed the essential qualities of the user, by the clear and concise rule that it should be "*res vi*, *res clam*, *res precario*".³¹¹ The law of England, as cited by Coke,³¹² from Bracton,³¹³ exactly agrees with the civil law: what Coke said was required for prescription was:

"*Longus usus res per vim, nec clam, nec precario, etc.*"³¹⁴

The words of Coke have been repeated by modern judges in stating the present rule. Thus it was said by Willes J.:

³⁰⁵ *R. v. Oxley* (1854) 1 Cr.M. & R. 211. A decision which concerns "a right" in the Common Law Prescription Act 1965 but which also reviews the law as to easements.
³⁰⁷ *Firth Collieries Ltd v Fife Collieries Ltd* [1905] 1 Q.B. 293 (Ct. App.).
³⁰⁸ *Central Midlands Estates Ltd v Leicester Dyers Ltd* [1960] 1 Q.B. 1136.
³⁰⁹ See para 4-127 et seq. below.
³¹⁰ *Crompton v Wilson* (1863) 3 East 254.
³¹¹ Cod. 3, 34, 1, de erro; Dig. 8, 5, 10, of *serv. vind.*
³¹² *Bracton*, lib. 2, f. 516, 52a, lib. 4, f. 225b.
³¹³ Long use neither by force, nor secretly, nor by permission."

³¹⁴ *Longus usus res per vim, nec clam, nec precario, etc.*"
³¹⁵ *Bracton*, lib. 2, f. 516, 52a, lib. 4, f. 225b.
³¹⁶ *Long use neither by force, nor secretly, nor by permission.*

ESTABLISHMENT OF EASEMENTS BY PRESCRIPTION

4. QUALITIES AND CHARACTER OF THE NECESSARY ENJOYMENT

(1) IN GENERAL

Enjoyment as of right

In order that the enjoyment, which is the quasi-possession of an easement, may confer a right to it by length of time, it must have had certain qualities and been of a certain character. In delivering the judgment of the Court of Exchequer in *Right v Winter*,³¹⁵ in which a right of way was claimed under the Prescription Act 1832, and the qualities of an enjoyment necessary to clothe it with right by lapse of time were considered, Parke B. made the following general remarks³¹⁶:

"In order to establish a right of way, and to bring the case within this section,³¹⁷ it must be proved that the claimant has enjoyed it for the full period of twenty years, and that he has done so 'as of right', for that is the term in which by section 5 such a claim must be pleaded; and the like evidence would have been required before the statute to prove a claim by prescription or non-ejectment grant. Therefore, if the way shall appear to have been enjoyed by the claimant, not openly and in the manner that a person rightfully entitled would have used it, but by stealth, as a trespasser would have done—if he shall have occasionally asked the permission of the occupier of the land, so this would be required, because it was not enjoyed, 'as of right'. For the same reason it would not, if there had been only possession during all or part of the time: for such the claimant would not have enjoyed 'as of right' the easement, but the soil itself. So a man may have been employed without interruption. Again, such claim may be defeated in any other way by which the claim is now liable to be defeated; that is, by the same means by which a similar claim, arising by custom, prescription, or grant, would not be defeated; and, therefore, it may be defeated by proof of a grant, or of a license, written or oral, for a limited period, comprising the whole or part of the twenty years, or of the absence of ignorance of the parties interested in opposing the claim, and their agents, during the whole time that it was enjoyed."

The authority of this case, and the doctrine laid down by the court in it, were fully recognised in *Monmouthshire Canal Co v Harford*³¹⁸ and *Tickle v Brown*.³¹⁹

In *R. (Berresford) v Sunderland City Council*³²⁰ it was said that "as of right" did not mean "of right" but was closer to "as if of right"; user can be "as of right" even though it is not adverse to the interests of the servient owner.³²¹ "As of right" requires one to look at the quality and character of the user and to ask whether the user is of a kind which would be enjoyed by a person having such a right. The user must be such as to convey the impression that such a right is asserted; it is not relevant to inquire into the subjective beliefs of the persons carrying on the user and, in particular, it is not necessary for such persons to show

³¹⁵ *Right v Winter* (1834) 1 Cr.M. & R. 211.
³¹⁶ *Right v Winter* (1834) 1 Cr.M. & R. 211 at 219.
³¹⁷ Prescription Act 1832 s.2. See para 4-22, above.
³¹⁸ *Monmouthshire Canal Co v Harford* (1834) 1 Cr.M. & R. 614.
³¹⁹ *Tickle v Brown* (1836) 4 A. & R. 369; and see *Whitely v Whitely* (1854) 10 Ex. 5.
³²⁰ *R. (Berresford) v Sunderland City Council* [2003] UKHL 62 [2004] 1 A.C. 189 Lord Walker of

[REDACTED]

From: [REDACTED]
Sent: 31 July 2011 19:25
To: [REDACTED]
Subject: Land at SE 0641 - Park Wood

[REDACTED]
Asset Management
Bradford District Council

Dear [REDACTED]

I have noticed with dismay that Bradford Council has offered a piece of land off Parkwood Street, grid reference SE 0641 for "disposal". This is the same piece of land that planning permission is being sought for, Planning Application 11/03073/FUL for cutting down trees and making a vehicle park, submitted by Copperwaite Fleet Management of Parkwood Street.

On behalf of the people of Parkwood, and indeed of Keighley, I object to the "disposal" of this land. It is part of Parkwood. The plan I have from your Legal Services Department makes it look as though there is a barrier between it and the rest of Parkwood. I can assure you that this is not the case. I have walked in that part of the woodland and it is definitely a continuous part of Park Wood.

Park Wood (after which the settlement of Parkwood was named) was given to the people of Keighley by the then Duke of Devonshire in 1926. It is only by default that it has come into the possession of Bradford District Council. Morally it belongs to the people of Keighley. The purpose of the gift was for recreation. A vehicle park (lorry or car park) does not fit in with that intention.

There are rights of way across the piece of land. Footpaths are clearly visible on Google Maps' aerial views.

This land has been used as a play area by children for generations.

Additionally I object to the play area next to the Youth centre at Parkwood Street being offered for sale by the Parkwood Recreation Ground Charity without any consultation with Keighley Town Council. The Localism Bill which is close to being passed says that play areas should come under the jurisdiction of Town and Parish Councils.

Could you tell me what the relationship is between Bradford District Council and Parkwood Recreation Ground?

Yours sincerely
[REDACTED]

[Redacted]

From: [Redacted]
Sent: 03 August 2011 11:44
To: [Redacted]
Cc: [Redacted]
Subject: Land at Parkwood Street.

A. Woods sent

Dear [Redacted]

I refer to your email of the 31st July regarding the plot of land which abuts Parkwood Street and is situated opposite Grace Street.

The land, together with the whole of the land to the south was given to the people of Keighley in 1926 for 'recreational purposes'. I am attaching a series of recent photographs which clearly show it to be totally overgrown, has suffered from fly tipping and has fallen into disuse over at least 30 years! It therefore cannot be used for the original intended purpose, that is 'recreation'. Indeed just how anyone can presently cross this land, let alone play on it, is quite beyond me. Furthermore there are no rights of way across the land, either registered or implied, although there are signs of a footpath across the top of the land, from Kendal Street, but this area is not affected by the sale.

The land is vested in Bradford Council on behalf of the Chatsworth Estate, who will benefit from disposal along with the Charities Commission. No financial value would accrue to Bradford Council, but disposal would provide a much needed extension to a local company allowing it to expand, increase the number of employees and remove parked goods vehicles from the street thereby improving road safety in an area where there is a school and many young children. The Charity will clearly benefit from a sale as it will remove an increasing maintenance liability which falls to the Charity and provide cash for the Charity to invest. I would also add that there is possibly no other potential buyer for this land, and that the offer received from him is extremely generous. Taking all of these factors into account, I have no doubt that disposal of the land is a very sensible and constructive option, however, I do thank you for your objection to the sale, which is noted and will be considered.

Yours sincerely,

[Redacted]
Asset Manager,
Economic Development and Property.

[REDACTED]

From: [REDACTED]
Sent: 03 August 2011 21:28
To: [REDACTED]
Subject: Re: Land at Parkwood Street.

Thanks for your reply. I do not agree with it.

[REDACTED]

----- Original Message -----

From: [REDACTED]
To: [REDACTED]
Cc: [REDACTED]
Sent: Wednesday, August 03, 2011 11:43 AM
Subject: Land at Parkwood Street.

Photos attached

Dear [REDACTED]

I refer to your email of the 31st July regarding the plot of land which abuts Parkwood Street and is situated opposite Grace Street.

The land, together with the whole of the land to the south was given to the people of Keighley in 1926 for 'recreational purposes'. I am attaching a series of recent photographs which clearly show it to be totally overgrown, has suffered from fly tipping and has fallen into disuse over at least 30 years! It therefore cannot be used for the original intended purpose, that is 'recreation', indeed just how anyone can presently cross this land, let alone play on it, is quite beyond me. Furthermore there are no rights of way across the land, either registered or implied, although there are signs of a footpath across the top of the land, from Kendal Street, but this area is not affected by the sale.

The land is vested in Bradford Council on behalf of the Chatsworth Estate, who will benefit from disposal along with the Charities Commission. No financial value would accrue to Bradford Council, but disposal would provide a much needed extension to a local company allowing it to expand, increase the number of employees and remove parked goods vehicles from the street thereby improving road safety in an area where there is a school and many young children. The Charity will clearly benefit from a sale as it will remove an increasing maintenance liability which falls to the Charity and provide cash for the Charity to invest. I would also add that there is possibly no other potential buyer for this land, and that the offer received from him is extremely generous. Taking all of these factors into account, I have no doubt that disposal of the land is a very sensible and constructive option, however, I do thank you for your objection to the sale, which is noted and will be considered.

Yours sincerely,

[REDACTED]
Asset Manager,
Economic Development and Property.



Keighley Town Council

Department of Legal & Democratic Services,
Bradford M.D.C.,
City Hall,
BRADFORD,
BD1 1HY



Your Ref: DMM

29 July, 2011.

Dear [REDACTED]

RE: CHARITY NO. 1079083 – PARKWOOD RECREATION GROUND

I am writing with regard to the above recreation ground which is part of a Charity administered by Bradford Council. The charitable objects are for the provision of a public park or pleasure ground, playing fields and recreation grounds for the inhabitants of the Borough of Keighley.

I have been asked to submit the Town Council's objections to the proposal to sell this recreation ground thus removing facilities for the young people in the area. I would welcome the following information:

- Who are the Trustees (this information does not appear on the Charity Commission Website)
- Why is the land being sold without consultation particularly when it is adjacent to the new Youth centre and there are new houses close by.
- The Government's long-awaited public service reform white paper will see changes to the law giving Parish and Town Councils powers to take controls of local parks, playing fields etc. Is the Council therefore wanting to sell this land before that law comes into force thus preventing the Town Council from taking the area over?
- Presumably it will be the Charity that will benefit from the sale of the land. This goes against the charitable objects. How, therefore, can they consider this move?

I would be grateful to receive your response to this letter within ten days of receipt.

Yours faithfully,

[REDACTED]
Town Clerk

[REDACTED]

From: [REDACTED]
Sent: 06 August 2011 18:48
To: [REDACTED]
Cc: [REDACTED]
Subject: 1079083 - PARKWOOD RECREATION GROUND, KEIGHLEY

Dear [REDACTED]

1079083 -
PARKWOOD RECREATION GROUND, KEIGHLEY

Trustee: City of Bradford MBC

I object to the sale of the Recreation Ground at Parkwood Street. When the Localism Bill is passed in a few weeks' time it will state that parks and recreation grounds should preferably be taken over by town and parish councils. I am sure Keighley Town Council will wish to be involved in any such decisions about Parkwood Recreation Ground, which is in my ward.

Yours sincerely

[REDACTED]



Keighley Town Council

Assistant Manager,
Economic Development and Property,
Bradford M.D.C.
City Hall,
BRADFORD,
BD1 1HY

5 August, 2011.

Dear [REDACTED]

RE: LAND AT PARKWOOD STREET AND P/A 110003073/FUL

I refer to your email to [REDACTED] regarding the above land which she has passed on to me.

I will say to you what I have said to Democratic Services that the Town Council and the residents will fight hard to keep this land for the benefit of the community in Parkwood. There has been no consultation over the sale of this woodland and as the residents in the nearby houses have no gardens it is a valuable asset and should not be disposed of. You will be aware of the Government's long-awaited public service reform white paper which will see changes to the law giving Parish and Town Councils power to take controls of local parks, playing fields etc. The white paper clearly underpins the Government's commitment to allow communities to earmark important local green spaces for special protection and also gives them the power to protect green spaces that mean so much to them. You will no doubt be aware of the petition that will be handed to Bradford Council. People in the area feel very strongly about this land and its future.

You mention that there are no rights of way across the land. Whilst not on the definitive map there are public footpaths running across this land and three stiles. There is a variety of wildlife including, we believe, bats which are protected. This is being looked into.

You mention the present condition of the land. This will change with assistance from the community and the Town Council. It cannot be a reason to sell the land.

I will be writing again to the Chatsworth Trustees objecting to the sale of the land in question and would ask that Bradford Council consider handing over the management to the Town Council at the earliest opportunity.

Yours sincerely,

[REDACTED]

Town Clerk

Asset Management	
No.....	10754
	09 AUG 2011
Passed to.....	BT
File.....	

Q

City of Bradford Metropolitan District Council

www.bradford.gov.uk

Department of Regeneration and
Culture – making great places

Asset Management
Floor 2, Jacobs Well,
Bradford,
West Yorkshire, BD1 5RW.
DX11758 BRADFORD-1

[REDACTED]
Town Clerk,
Keighley Town Council,
Town Hall,
Bow Street,
Keighley,
West Yorkshire,
BD21 3PA.

Tel: [REDACTED]
Fax: [REDACTED]
E-Mail: [REDACTED]
Our Ref: AM/BV50189/001
Your Ref:
Date: 10th August 2011

Dear [REDACTED]

I thank you for your letter dated 5th August objecting to the proposed sale of the land at Parkwood Street, although I have a similar letter from you addressed to [REDACTED] which has already been placed on file and will be given due consideration.

Whilst I understand your concerns I do assure you that Bradford council will consider all aspects of this matter in a responsible and fair manner. I would just point out that the Localism Bill has not yet been passed. There is no guarantee that it will be passed and if it is, what form it will take. Until such time, therefore, Bradford Council will, as always, register your views as an important part of the consideration process.

I would again confirm there are no rights of way across the site, two of the stiles you mention give access to dense undergrowth and are therefore of no use to the public. This is clearly shown on the series of photographs already sent to you. The stile from Kendal Street gives access across land which forms no part of the subject land. The condition of the land, its lack of usage and abuse by way of fly tipping is also an important point to bear in mind.

I have also seen no actual proof of the presence of bats on site although I await proof from you that this is the case. In the meantime please be assured that due consideration will be given to all aspects of this case before any decision is made.

Yours sincerely,

[REDACTED]
Asset Manager,
Regeneration and Development.

b



BRADFORD

**Report of the of Director of Environment and Sport
to the meeting of Regulatory and Appeals
Committee to be held on the 9th March 2017**

Subject: Request for the Sale of Land at Parkwood Street, Keighley

Appendix D: Independent Valuation.



Independent Chartered Surveyors
& Commercial Property Agency

tel: 01274 743884
fax: 01274 743944

LAND OFF PARKWOOD STREET

KEIGHLEY

WEST YORKSHIRE

BD21

VALUATION and REPORT

FOR THE USE OF THE TRUSTEES OF THE PARKWOOD RECREATION GROUND

18TH MARCH 2015

Regulated by RICS

www.andrewidle.co.uk
3 Eldon Place, Bradford, BD1 3AZ



Andrew Idle Associates is the trading name of Andrew Idle Commercial Property Limited
Registered in England & Wales - 4461518

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1	Date of Valuation. Purpose of the valuation; Basis of Valuation; Confirmatory Matters; Valuation figure; definition of Market Value; basis of valuation
2	Assumptions; extent & circumstances of inspection; VAT and taxation; location and description; Limitations on the investigations undertaken
3	Qualifications of the Valuer; Nature and Source of information to be relied upon; Location and description
4	Location and Description; Services; Planning and statutory
5	Environmental; market conditions and general comments
6	Market conditions and general comments
7	Market conditions and general comments and summary valuation

Appendices

Photographs

Title-/Site plan

VALUATION REPORT

Date of Valuation: 18th March 2015

PURPOSE AND BASIS OF THE VALUATION

An independent opinion on the present market valuation of the Property is required as the Client has been approached by an interested party in acquiring it to add to its existing holding. Under Charities Commission law and in particular the Charities Act 1993, Section 36 as amended, the Owner has to verify by taking advice from such as Surveyor that the offer made by the interested party is above what could be obtained from other bidders and therefore the Charity is effectively gaining best value. The Report must comply with the Charities (Qualified Surveyors' Report Regulations) 1992.

The Valuation will be undertaken in accordance with the RICS Valuation-Professional Standards 2014 and International Valuation Standards.

CONFIRMATORY MATTERS

We are not aware of any conflict of interest that arises in the acceptance of the instructions.

Terms of engagement were confirmed with the Client prior to submitting this Report.

This Report is for the use only of the party to whom it is addressed. No other party may rely upon it. The Report must not be reproduced in whole or part without our express written authority.

We have taken into account the requirements of a Surveyor reporting to the Client under The Charities (Qualified Surveyors' reports) Regulations 1992 and we believe that we have complied with that legislation

VALUATION

Market value of the freehold with vacant possession:
£1,500 (one thousand five hundred pounds)

DEFINITION OF MARKET VALUE

Market Value as defined in the RICS Valuation-Professional Standards January 2014 is:

the estimated amount for which an asset or liability should exchange on the valuation date between a willing buyer and a willing seller in an arm's length transaction, after proper marketing and where the parties had each acted knowledgeably, prudently and without compulsion.

ASSUMPTIONS AND CAVEATS

The assumptions to be adopted (unless anything to the contrary is stated in our Report) are:

The property has no encumbrances on title

The property has the necessary statutory consents for the current buildings and use

The services and any associated controls or software are in working order or free from defect

The property is free of contamination and hazardous substances

The property is free of environmental factors that are an inherent feature of the property itself or the surrounding area, and could have an impact on the value of the property interest

The property is valued freehold with vacant possession

EXTENT AND CIRCUMSTANCES OF INSPECTION

An inspection took place on Wednesday 18th March 2015.

At the time of inspections, the land was unoccupied and access was gained by climbing over the wooden fence to the north-east bottom corner.

VAT TAXATION AND THE COSTS OF TRANSFER

No allowance has been made for liability for any of the above items. Normally in a case such as this where there are no buildings within a Property to be valued, the seller does not apply for waiver of the standard exemption from making any disposal subject to the charging of Value Added Tax.

LIMITS ON THE INVESTIGATIONS THAT WILL BE UNDERTAKEN

We will NOT be carrying out any kind of environmental survey and we will not be testing or certifying services in any way. We will report on any major shortcomings and defects that we observe while inspecting the Property.



Independent Chartered Surveyors
& Commercial Property Agency

tel: 01274 743884
fax: 01274 743844

QUALIFICATIONS OF THE VALUER

The Valuation will be conducted by Andrew J Idle MRICS a Registered Valuer with 30 years post-qualification experience. Mr Idle is suitably experienced to carry out this category of work. Andrew Idle Associates have not undertaken previous work for this Client and have no conflict of interest in taking on the work.

NATURE AND SOURCE OF ANY INFORMATION TO BE RELIED UPON

In preparing the valuation report Mr Idle will investigate market sales and marketing evidence and will rely upon information and data contained online on various property marketing and intelligence gathering portals and by contacting estate agents and surveying firms.

LOCATION & DESCRIPTION

Keighley is part of the Bradford, the 6th largest City in the UK by way of its Metropolitan District, the population currently numbering 500,000 or thereabouts and growing.

Keighley has its own Town Council which takes charge of some of the public services though much of the property-related issues such as Planning are still administered from Bradford.

Major activities in the Town include lift suppliers; further education; health facilities (including nearby Airedale Hospital in Steeton to the north-west); transport /distribution and building trades. A recent announcement was made about reviving work on the Worth Valley Retail Park the site of which lies within about 0.5 miles of the Land.

The Property is located in a mainly industrial area in the part of the Town known as Thwaites lying about three quarters of a mile to the east of the Town Centre and with good access to the Aire Valley Trunk Road (A650).

The area is popular with trade suppliers; engineering shops; factory shops; there are also several residential terraces dating from the Victorian or early Edwardian eras.

Parkwood Street connects with the Airedale Trunk Road at the eastern end and with Park Lane (Hainworth to Keighley route) to the west.

It comprises a piece of wooded land which moderately slopes up the side of the Worth Valley. It has no vehicular access but there is a wooden stile within the frontage fencing which appears to have once lead onto a public footpath leading up to towards the top. However there is no sign that such a right of way has been used for many years- it is overgrown. The only way we were able to get onto the land was by climbing over the post and rail wooden fence edging the highway pavings at the bottom.

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The land is not physically demarcated as seen- though the Council have provided a good quality plan showing its extent edged in red. There is a steel palisade security fence marking the apparent boundary to the east and the public highway at Parkwood Street marks the apparent boundary to the north but there is nothing obvious to the west or south.

In addition, the boundary as marked on the Council plan does not tally with the steel palisade fence; it tapers out away from it on the eastern boundary.

The land as set out in the Council's plan amounts to 967 sq. metres on Promap using the Polygon tool on this on-line software based on current OS data.

SERVICES

No services are thought to be connected to the Site but this should be confirmed by way of legal enquiry.

PLANNING AND STATUTORY

We carried out an online search on the Bradford Planning Portal. There were many historic applications for the Parkwood Street area, many of them dating back to the 1990s or before with no documentation now being held on file to be able to determine the exact locations.

The only application we could find relating to the Land itself is ref 11/05545/FUL approved 1st May 2012 for 'change of use to serve as extended service yard area for manoeuvring and parking of customer vehicles'

The Property is not Listed or in a Conservation Area.
There is no known risk of flooding in this locality. There has been past mining/quarrying in the District.

There is no right of access in favour of the owner of the Land through the adjoining industrial estate to the east as far as we are aware.

TENURE

The Property is valued freehold with vacant possession.

The definition of Market Value in the RICS Valuations- Professional Standards assumes that there are no encumbrances on title. In this case there is a restrictive covenant dating from the historic Conveyance dated 27.2.1928 made between (1) the Chatsworth Estate Company and (2) The Duke of Devonshire (3) the Mayor Aldermen and Burgesses of the Borough of Kelghley and the then Kelghley Corporation.

4

Under the Transfer, the land is to be held in trust for public use and benefit for public park or pleasure ground playing fields and recreation grounds and for the inhabitants for the Borough of Kelghley and to be used for such purpose.

There is a Restrictive Covenant for the benefit of the Chatsworth Estate not to use the pink land for any purpose other than as a public park or pleasure ground playing fields entertainment gardens lawns tennis courts bowling greens or other recreational grounds and in particular for the purposes of fairs roundabouts itinerant shows circuses or other menageries.

MARKET CONDITIONS and GENERAL COMMENTS

In compiling the valuation we have used the comparative method.

We have considered the following evidence of comparative transactions:

1. Sale of land at Infirmary Street, Bradford Bd1. Lying off Lumb Lane off the opposite side of Westgate to the land being valued this was a surfaced car park. 543 sq. metres. No planning place and subject to rights of way. Sold for £3,500 in about January 2013 following exposure at auction.

2. The site of the former Bingley Foundries, Riverside Works, Ireland Street, Bingley BD16 2DJ. Lot 381 at Eddisons auction, 11th December 2014. A parcel of riverside land, derelict buildings and woodland, extending to 4 acres. Expired planning consent from 2005 for 9 dwellings. Sold in the Room for £100,000 equating to £25,000 per acre.

3. Land at Staples Lane, Lees Moor, Kelghley, BD21 5QD. 8.17 acres of freehold agricultural land offered for sale by auction through Pugh & Co, lot 30, 24th February 2015. Subject to a short term tenancy expiring 31st March 2015 at £605 per annum. Approximately 300m north of the junction of Halifax Road and Haworth Road. Sold in the Room for £57,000 equating to just under £7,000 per acre

4. Silsden Bridge, Silsden, BD20. Cited because although far larger than the subject land the location is very close by- within circa 4 -5 miles. 32.32 acres in total. Under offer off a guide price of £140,000 equating to under £5,000 per acre. The area tends to suffer a lot with flooding problems and we have seen fields under water here for weeks on end. No doubt this disadvantage will have been reflected in the offer received at the Agent David Hill.

5. Land at Denton Road, Ilkley, West Yorkshire. 5.91 acres of agricultural grazing land surrounded by land of similar use. Offered at Pugh & Co auction on 21st October 2014 and sold at £46,000 in the Room equating to about £10,000 per acre.

We believe that the following comments are relevant to this Valuation and Report:

1. The Land being assessed for valuation purposes has no existing vehicular access; is fairly steep and not suitable for grazing. It is not capable of generating any usage or income in its current state.
2. The land is overgrown and unsuitable for recreation in its current state
3. Had this site been larger and with established good quality tree cover, it would have been worth in the region of up to £10,000 per acre equivalent. But given the small size and poor quality cover much of which is probably self-seeded and unmanaged, we think its maximum value could be expressed as being the equivalent of £5,000-£6,000 per acre. This would place its Value at £1,433 which we have rounded up to £1,500.
4. We also have to consider that there will be considerable expense involved in marking off the boundaries.
5. The existing planning consent may now be out of time
6. There are onerous conditions in the planning approval relating to tree preservation and management
7. Because of the complexity of the proposed disposal the proposed buyer has at the time we prepared this Report already incurred or committed themselves to incurring the following costs:

VAT on the purchase price which they may not be able to recover and which would certainly have been a 'dead cost' to a private buyer

Legal costs of £750.00 plus VAT

Surveyors costs of £500 plus VAT

Chatworth Estate legal and surveyors' fees of £1650 plus VAT

Advertising costs to comply with legislation £640.67 plus VAT

Bat report £635.00

Thus the total consideration by the proposed buyer is not £15,000 but £22,883.80.

In our opinion this is greatly above Market Value and truly reflects a bid from a special purchaser.

Members of the general public would normally have no way of absorbing such extra costs.



andrew idle

Independent Chartered Surveyors
& Commercial Property Agency

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8. In addition only the proposed purchaser as the adjacent owner- occupier could sensibly access the site safely for vehicles as we believe the Council would not permit a new direct access off the public highway.
9. The land was advertised as 'disposal of open space', so technically it was advertised although not exclusively 'for sale'. However in the light of the foregoing commentary it is the surveyor's opinion that the cost of advertising is not justified as the offer from the proposed purchaser with a special interest, and there are no others, is way above a figure that would be expected from the general public, hence it does not need to be advertised.
10. So we do not recommend further advertising as we do not think the Land has any significant value except to the owner of the adjacent site; it would not be in the Charity's interests to incur further expense in this regard.
11. We also note that the land was gifted to the people of Keighley in 1926 by the Chatsworth Estate who placed a covenant upon it restricting its use to recreation. We understand that the Estate are prepared to lift the covenant thus enabling the proposed buyer to apply for consent to develop the land, whereby they (the Estate) receive two thirds of the sale price and the Charities Commission the other third. Given the prices paid in similar circumstances and that the Vendor saves the time and expense of applying to the Lands Tribunal for discharge we believe this is reasonable.
12. However we have been made aware that the representatives from the Chatsworth Estate agreed their share amounting to £10,000 some considerable time ago since which it appears the disposal has become mired in local politics and objections. Hence it is a possibility that further negotiations may have to take place.
13. Our opinion is that the Parkwood Recreation Ground would be well advised to accept the offer of £15,000 plus costs

Market Valuation of the Freehold in the sum of £1,500 (one hundred five thousand pounds).

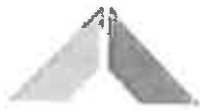
A J Idle MRICS
Registered Valuer
Andrew Idle Associates

The Land looking from Parkwood Street



Disused stile





andrew idle

**Independent Chartered Surveyors
& Commercial Property Agency**

tel. 01274 743884
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Looking west from the upper portion of the land



Looking north from the top of the land



Regulated by RICS

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3 Eldon Place, Bradford, BD1 3AZ



Andrew Idle Associates is the trading name of Andrew Idle Commercial Property Limited
Registered in England & Wales: 4461518

Looking north up from Lot 1 to the land already owned by S R M



Looking east towards the block of modern industrial units



The bottom end of the land facing Parkwood Street



The residential terraced stock to the west (though the land does not extend right up to the wooden fence shown)



Site Plan

