

HERITAGE NORTH APPENDIX 4

Procuring Services in the Natural and Built Environment

4 Linwood Grove Darlington Co Durham DL3 8DP

Tel: 07973 442727 Fax: 01325 467324

Email : jim@gordon111hn.freemove.co.uk

Durham County Council
Legal and Democratic Services
Civic Centre
Crook
Co Durham
DL15 9ES

4 November 2009

For the attention of Jill Parker

Dear Ms Parker

Commons Act 2006 – Section 15

Application to Register Land as Village Green at Witton Park

I refer to our recent telephone discussion, after which you sent me a copy of your letter dated 12 October 2009 with enclosures addressed to Mr F Wilson regarding the above. I must express concern that we as Agents for Landowner were not included in the original correspondence distribution.

I am instructed to inform you that some of the 'Evidence' presented to the Inspector at the recent Hearing was not correct. To support this statement I am attaching evidence that the Land in question was not open for the past 20 years, and in our Client's case their Building was standing and the demised premises was walled around its perimeter. Consequently, I am attaching the following for your further consideration:-

- The Official Copy from the Land Registry showing that the building and walled boundary was in existence as at 2 August 1991 – proving that the land was not open and vacant as suggested in evidence by some of the Applications
- Correspondence from Jacksons Solicitors confirming the above
- Copy of the Planning Permission, dated 23 September 1992, from the LPA – Wear Valley District Council for approval to *demolish Existing Buildings and Build New Nursing Home*
- Letter dated 30 December 1992, from Tarn Bainbridge, Chartered Surveyors confirming the above details

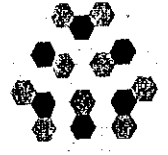
Our Clients are intending to hand deliver this letter today and would be grateful of a formal receipt on delivery. Would you be good enough to inform me when the Application is to be considered by Committee and send me a copy of the officers' report? Many thanks in anticipation.

Yours sincerely



Dr James Gordon

Enc.



30 October 2009

Official copy/copies

Your ref
CARTWOOD WEST DEVELOPMENT

Our ref
DU170132 /OC/148

The official copy/copies of the document(s) you applied for is/are enclosed.

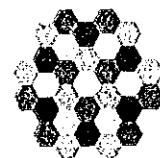
Land Registry
Durham Office
Southfield House
Southfield Way
Durham
DH1 5TR

Please contact the Land Registry office named if you have any questions about the enclosed official copy/copies.

DX 60200 Durham 3
Tel 0191 301 3500
Fax 0191 301 0020
Email durham.office@landregistry.gsi.gov.uk
www.landregistry.gov.uk

CARTWOOD WEST DEVELOPMENT

K BELTON
6
RIDLEY COURT
NORTON



Official copy of register of title

Title number DU170132 Edition date 27.04.2009

- This official copy shows the entries in the register of title on 30 October 2009 at 10:55:18.
- 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 30 October 2009.
- 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 Durham Office.

A: Property register

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

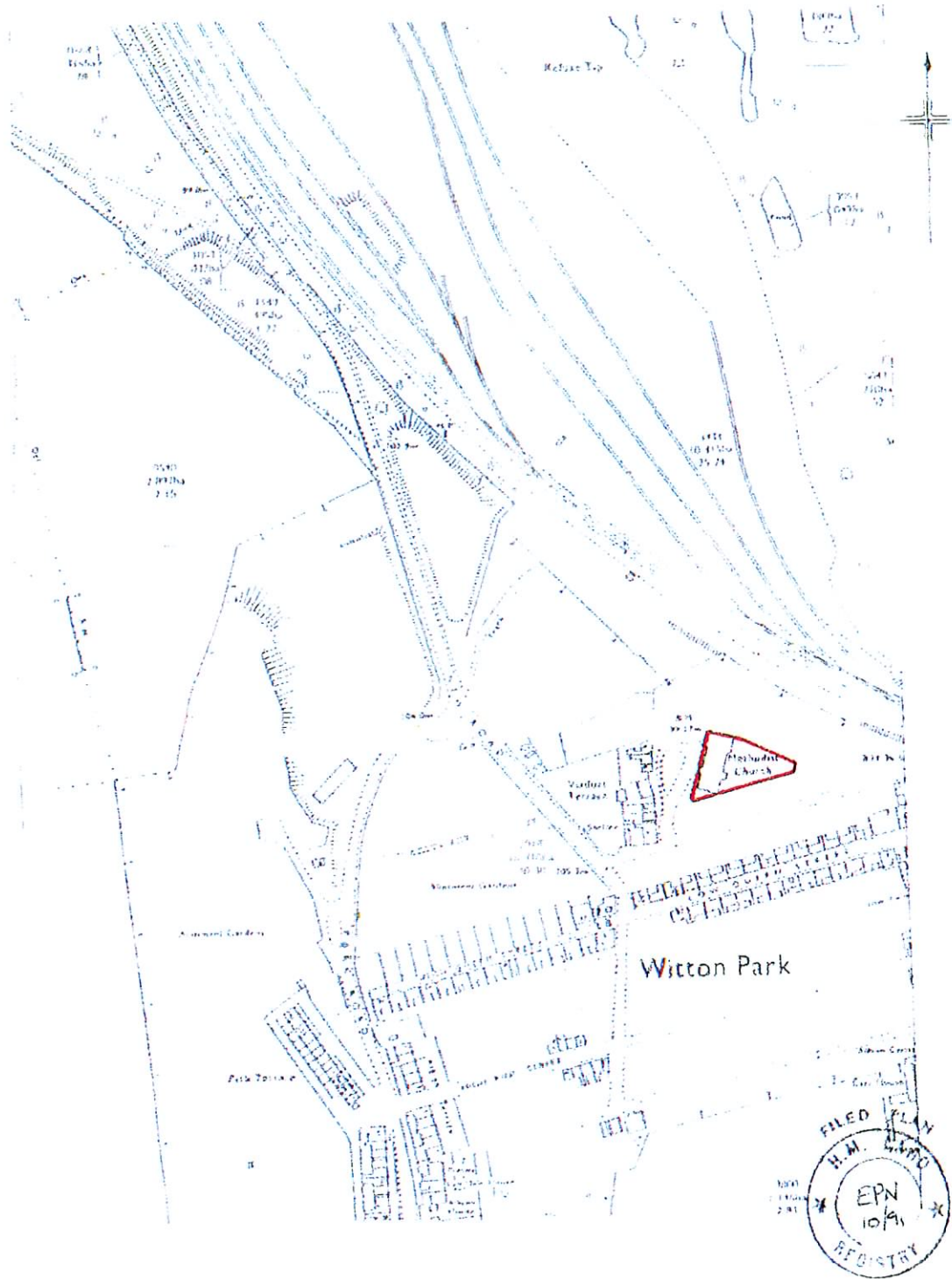
COUNTY DURHAM

- 1 (02.08.1991) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being Methodist Church, Witton Park, Bishop Auckland.
- 2 (02.08.1991) The land was formerly copyhold of the Manor of Bondgate in Auckland and the rights saved to the lord by the 12th Schedule of the Law of Property Act, 1922 are excepted from the registration.
- 3 (25.11.1991) A Deed dated 8 September 1859 made between (1) Henry William Ferdinand Bolckow and John Vaughan and (2) Matthew Braithwaite and others is expressed to grant the following rights:-

"Together with a right of way for the said parties hereto of the second part their heirs Sequels in right and assigns and their Tenants Servants and workmen Owners and Occupiers of the plot of ground hereby covenanted to be Surrendered and the buildigns at any time thereon and any persons authorised by them or any of them as well on foot as with horses cattle carts carriages loaden or unloaden for all manner of purposes incidental to the proper use and enjoyment of the said plot of ground and buildings at any time thereon over and along the said Streets called Market Street and West Parade respectively and from and into and over and along any other road or roads Street or Streets exceeding the width of thirteen feet communicating with and leading into and from the said above mentioned Streets respectively and into and from and out of the Road or Highway leading from Witton Park to Bishop Auckland"

NOTE: Copy plan filed.

H.M. LAND REGISTRY		TITLE NUMBER DU170132	
ORDNANCE SURVEY PLAN REFERENCE	NZ 1730	Scale 1:2500	
COUNTY	DURHAM	DISTRICT	WEAR VALLEY
			© Crown Copyright 19



This official copy is issued, and shows the state of this title plan, on 30 October 2009 at 10:55:18.
It is admissible in evidence to the same extent as the original (s.67 Land Registration Act 2002).

This title plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground. See Land Registry Public Guide 19 - Title Plans and Boundaries.

This title is dealt with by Land Registry, Durham Office.

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JACKSONS SOLICITORS

5-7 Coniscliffe Road, Darlington, Co Durham DL3 7EE
Telephone: 0325 466545/481142

Mr. Jowett

36/B116W/DJ/1

Mr. K. Belton,
c/o 6 Ridley Court,
Norton,
Stockton on Tees,
Cleveland.

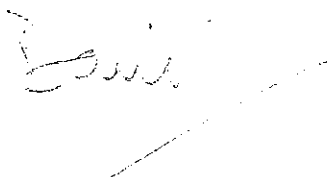
8th August 1991

Dear Keith,

Re: Chapel at Witton Park

I enclose a copy of the draft Planning Permission which I have received from Wear Valley and of the letter from Punch Robson. Can you arrange to let me have the documents which are required, including perhaps an up to date drawing of the site itself. ~~With~~ reference to Durham County Council is a point which I myself would take which I will raise with Wear Valley as soon as we are in a position to do that.

Yours sincerely,



encs.



**WEAR
VALLEY**

DISTRICT COUNCIL

MRS. E. M. ASHNESS, LL.B., Solicitor
Legal Director
Directorate of Finance and Management

Civic Centre,
CROOK,
County Durham,
DL15 9ES

Telephone: Bishop Auckland (0388) 765555
Fax: Bishop Auckland (0388) 766660

Our Ref: 17/00/93 30

Your Ref: DFJ/JF

Date: 7 August 1991

Telephone enquiries to: Mrs. C. Prest Ext: 306

Messrs. Jacksons,
Solicitors,
5-7 Coniscliffe Road,
DARLINGTON,
Co. Durham.
DL8 7EE.

Dear Sirs.

CARWOOD WEST DEVELOPMENTS LIMITED -
APPLICATION FOR PLANNING PERMISSION NO. 1701/93
FOR CAR PARK AND ACCESS TO NURSING HOME AT WITTON PARK

Thank you for your letter dated the 5th August 1991, the contents of which I note.
As requested, I enclose herewith draft planning permission for your perusal.

I would confirm that the Council's Director of Planning has no objection to the proposed draft Agreement and I look forward to hearing from you with draft Agreement duly approved as soon as ever possible.

Yours faithfully,

ASSISTANT DIRECTOR (LEGAL)



WEAR VALLEY

DISTRICT COUNCIL

Town & Country Planning Act 1990
Town and Country Planning General Development Order 1988 (as amended)

DRAFT

FORM P2 (Durham)

PLANNING PERMISSION

3/91/352

APPLICATION NUMBER:

Applicant(s) Carwood West Developments Ltd
Name: 12 Princess Street
Address Bishop Auckland

Agent (if any) to whom
correspondence should be sent:
Name: Carwood West Development Ltd
Address: 12 Princess Street
Bishop Auckland

PART 1 - Particulars of Application

Date of Application: 19.6.91

Date(s) of submission of amended plans (if any):
22.6.91

Particulars and location of development: Proposed
Car Park & Access Road to ~~Provide~~ Nursing Home
Chapel & Adjoining Land Witton Park

PART 2 - Particulars of Decision

The WEAR VALLEY DISTRICT COUNCIL hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that planning permission has been granted for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

1. The development should not be begun later than the expiration of five years from the date of this permission.
2. The vehicular access road and car parking spaces hereby approved shall be constructed to the satisfaction of the local planning authority before the nursing home approved by planning permission Ref 3/89/91 dated 10th April 1989 is brought into use and thereafter they shall be used and maintained in such a manner as to ensure their availability at all times for the movement of vehicles and the parking of private cars.
3. Before site works are commenced details of the following shall be submitted to and approved in writing by the local planning authority, namely:-
 - a) colour(s) of the proposed blocks for the top surfaces of the access road and parking spaces.
 - b) the exact position of the proposed passing place.

The reasons for the conditions are:

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. In the interests of road safety : to ensure that satisfactory access is available to the car park and that an adequate supply of off-street private car parking is maintained.
3. To achieve a satisfactory and acceptable form of development.

~~Background documents - application files, DCS~~

Date: 31st July 1991
Council Offices, Civic Centre, CROOK Co. Durham.

Signed: _____
Director of Planning

IMPORTANT

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.
2. Failure to adhere to the details of approved plans or to comply with conditions attached to this permission is a contravention of the provisions of the Town and Country Planning Act 1990 in respect of which enforcement action may be taken.

3. **APPEALS TO THE SECRETARY OF STATE**

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from the Department of the Environment at Tollgate House, Houlton Street, Bristol BS2 9DJ.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based its decision on a direction given by him.

4. **PURCHASE NOTICES**

If either the local planning authority or the Secretary of State for the Environment refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

5. **COMPENSATION**

In certain circumstances compensation may be claimed from the local planning authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in section 114 and related provisions of the Town and Country Planning Act 1990.

6. **PUBLIC RIGHTS OF WAY**

This planning permission does not convey any rights to stop up, divert, obstruct or otherwise affect public rights of way, and appropriate orders must be sought for these purposes before any development starts.

A copy of the Definitive Map of Public Rights of Way is on deposit and may be inspected at the Council Offices of The Director of the Environment, County Hall, Durham and at offices of the appropriate District Council.

Punch Robson Gilchrist Smith

Solicitors

35 Albert Road,
Middlesbrough,
Cleveland,
TS1 1NU.
Telephone: (0642) 230700

DX: 60501 Middlesbrough
Fax: (0642) 218923

Also at:
Regency West Mall, Prince Regent Street, Stockton
and 27 Norfolk Place, Berwick Hills Middlesbrough

Our Ref: BW A296 amb Your Ref: 36/B116W/DJ

Date 7th August 1991

Messrs Jacksons
Solicitors
DX 60102
DARLINGTON

Dear Sirs,

Former Methodist Chapel
Proposed Nursing Home at Whitton Park

We are much obliged by your letter of 5th August and its enclosures.

We really cannot properly consider the enclosures without :-

- a) a draft planning consent.
- b) A copy of plan 'b' referred to.
- c) Full details of the two applications to enable us to understand the second schedule.

However, perhaps we could remark that plan 'A' is really not acceptable. It is very much out of date and shows the site only in the broadest possible sense.

Perhaps we could also mention that it seems to us that clause 4 of the agreement is neither desirable nor necessary. It is simply repeating what is the normal law and we would not advise our client to accept that clause.

Clause 3 seems to leave the covenantor at the mercy of Durham County Council both in terms of time and in terms of cost. The only way to get round that problem is to join in Durham County Council to the extent of specifying the exact signage and road markings in question, the cost of them and the fact that they will carry them out within some limited time after commencement of the development.

Yours faithfully,



PUNCH ROBSON GILCHRIST SMITH



WEAR VALLEY

DISTRICT COUNCIL

PLANNING APPLICATION

Part A

Part A to be completed in all cases

Please complete in block letters

1A. NAME AND ADDRESS OF APPLICANT

CARWOOD WEST DEVELOPMENT LTD.
 12, PRINCES STREET
 BISHOP AUCKLAND.
 Tel. No. 0388 663458

1B. NAME AND ADDRESS OF AGENT

(If form completed by agent)
 K. BELTON M.B.I.A.T.
 6, RIDLEY COURT
 NORION, CLEVELAND, TS20 1HU
 Tel. No. 0642 550135
 (Personal contact name kaith.belton)

Please complete in block letters

2. FULL POSTAL ADDRESS OF THE APPLICATION SITE

FORMER CARWOOD METHODIST CHURCH
 ADJACENT VIADUCT TERRACE, WITTON PARK, BISHOP AUCKLAND.

Please complete in block letters

3. BRIEF DESCRIPTION OF PROPOSED DEVELOPMENT

TO DEMOLISH EXISTING BUILDINGS AND BUILD NEW NURSING HOME TO A SIZE SIMILAR TO THAT ALREADY GRANTED PERMISSION AS A CONVERSION.

Please tick one box

4. TYPE OF APPLICATION

- A. This is an application for a change of use only and does not involve any building works at present
- B. This is an application for new building works
- C. This is an outline application (Answer Ques. 5)
- D. This is a reserved matters application (Answer Ques. 6)
- E. This is an application for removal of a condition

If you tick C in Ques. 4, please tick one or more boxes in Part A and complete Part B

5. OUTLINE APPLICATION

- A. The following matters are reserved for future consideration

Siting <input checked="" type="checkbox"/>	Design <input checked="" type="checkbox"/>	Means of Access <input type="checkbox"/>	External Appearance <input checked="" type="checkbox"/>
			Landscaping <input checked="" type="checkbox"/>
- B. Site Area 13 (Hectares) ALREADY GRANTED PERMISSION

If you tick D in Ques. 4, please complete

6. RESERVED MATTERS

- A. Please state Reference Number of outline permission
- B. Please state which reserved matters are dealt with in this application _____

Please tick one box

7. ACCESS TO ROADS AND PUBLIC RIGHTS OF WAY

A. There will be no new access to a public road, no alteration to any existing access to a public road, and no alteration to any existing public right of way.

B. There will be a new or altered access to a public road or public right of way

(Name of road(s)) IMPROVEMENT TO FORMER GARDEN & GARAGE STREET

Please tick one box

8. TREES

A. There are no trees on the site.

B. The proposal does not involve the felling of any trees.

C. The proposal does involve the felling of one or more trees.

Please complete A and B

9. EXISTING USES AND BUILDINGS

A. Please state existing or, if vacant, the last use(s) of site

METHOD CHURCH

If residential, state existing number of dwellings

B. Will any building be demolished

YES

NO

Please complete Part A and tick one box in Part B

10. DRAINAGE

A. Please state how stormwater will be disposed of

INTO EXISTING SURFACE WATER DRAIN

B. Foul sewage will be disposed of to:

Main Sewer

Cesspit

Septic Tank

Other

Please tick one box

11. WATER SUPPLY

A. Water supply is not required to this development

B. There will be mains water supply to the development

C. There will be a private water supply and I have the permission of the owner of that supply

Please complete

12. I attach the necessary plans

and I attach a completed Section 66 Certificate

* and I enclose Part B of this form (shop, business or industrial development only)

and I enclose the fee of £150 By Cheque/P.O. No.

Signed: Keith Butler (Applicant/Agent) Date: 15/7/92 * delete if not applicable

CERTIFICATE A

13. UNDER SECTION 66 OF THE TOWN AND COUNTRY PLANNING ACT

I hereby certify

- (1) No person other than the applicant was an owner of any part of the land to which this application relates at the beginning of the period of 20 days before the date of the accompanying application.
(2) None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed

Keith Butler

On behalf of

OSWOOD WEST DEVELOPMENTS LTD

Date

15/7/92

* If not applicable, please complete Certificate B enclosed, or contact the Planning Officer.

PIApN



Town & Country Planning Act 1990
Town & Country Planning General Development Order 1988 (as amended)
OUTLINE PLANNING PERMISSION

**WEAR
VALLEY**

DISTRICT COUNCIL

Applicant(s)

Name:

Address: Carwood West Developments Ltd
12 Princes Street
Bishop Auckland

APPLICATION NUMBER: 3/92/571

Agent (if any) to whom
correspondence should be sent:

Name:

Address: K Belton
6 Ridley Court, Norton
Cleveland

PART 1 - Particulars of Application

Date of Application:

3.8.92

Date(s) of submission of amended plans (if any):

Particulars and location of development:

Demolish Building and Erect Building
Former Carwood Methodist Church, Adj. Viaduct Terrace Witton Park

PART 2 - Particulars of Decision

The WEAR VALLEY DISTRICT COUNCIL hereby give notice in pursuance of the provisions of the Town and Country Planning Act 1990 that outline planning permission has been granted for the carrying out of the development referred to in Part 1 hereof in accordance with the application and plans submitted subject to the following conditions:

1. The siting, design and external appearance of the buildings, the means of access to the building, and the landscaping of the site are reserved matters in relation to this permission.
2. Application for approval of reserved matters should not be made later than the expiration of three years beginning with the date of this permission and the development should not be begun later than whichever is the later of the following dates:
 - a) the expiration of five years from the date of this permission; or
 - b) the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

See attached sheet.


The reasons for the conditions are:

1. Requested by applicant:
2. Required to be imposed pursuant to section 92 of the Town and Country Planning Act 1990.

See attached sheet.

Date: 23rd September 1992
Council Offices, Civic Centre, CROOK, Co. Durham.

Signed: _____


Director of Planning

Partners:

P. T. BAINBRIDGE, F.R.I.C.S. F.A.A.V.
F. I. CALDER, B.Sc. (Est. Man.), F.R.I.C.S.
S. P. T. BAINBRIDGE, B.Sc. (Surv.), A.R.I.C.S.

Chartered Building Surveyor

M. D. GRIFFITHS, B.Sc., A.R.I.C.S.



**Tarn
Bainbridge**

Chartered Surveyors

NORTHERN ROCK HOUSE,
HIGH ROW, DARLINGTON DL3 7QN
Telephone 0325 462633 / 462553

Fax 0325 33

YOUR REF MT/KMR

OUR REF FIC/PAC

30th December, 1992

Barclays Bank Plc,
45/49 Beveridge Way,
NEWTON AYCLIFFE,
Co. Durham,
DL5 4DT.

Dear Sirs,

RE: CARWOOD WEST DEVELOPMENTS LIMITED (GAVIN BELTON)
METHODIST CHAPEL, WITTON PARK, BISHOP AUCKLAND, CO. DURHAM

We refer to your letter of the 17th December and we would confirm that Mr. Belton has now had a meeting with our Mr. Calder and he has outlined your customers' revised proposals with regard to this site.

The proposed scheme which was put forward in 1991, and was referred to in our letter of the 9th July, 1991, has been abandoned and your customers have now obtained outline planning permission for the demolition of the existing Methodist Chapel, and for the erection of a purpose built residential Nursing Home providing forty single bed units. The total site area extends to over a quarter of an acre and is shown coloured red on the enclosed plan. It should be noted that no further inspection has been made of the site and although your customer has indicated there are no onerous conditions attaching to the outline planning permission this planning approval has not been inspected.

After consideration and investigation of the somewhat specialised Nursing Home market we would make the following points:-

- (a) All the opinions canvassed definitely agree that the future for Nursing Homes lies in the purpose built unit and the proposed scheme is undoubtedly likely to prove more commercially viable than the conversion scheme previously put forward in 1991.
- (b) The market for Nursing Homes, and sites with planning permission for Nursing Homes, however, is particularly difficult and with the new Community Care Bill coming into force in April 1993, and it is understood creating doubts as to which Nursing Home the Social Services will in future use for non-private residents, the development of any site for a residential Nursing Home in the present climate has to be regarded as a somewhat speculative venture and any scheme, from a lending point of view, should be viewed with extreme caution.

- c) In the context of the above, and taking into account the unfashionable location, we would have to say that we would doubt whether this site would be readily realisable if put on the market and if viewed in isolation, as it stands at the present, we would certainly not be prepared to recommend it as a suitable security for Bank lending.
- (d) Mr. Belton in his presentation of your customers' proposals to us, however, was able to point out that the Local Authority are at present putting forward proposals for Witton Park village. These proposals are shown on the enclosed drawing and it will be seen that further sheltered housing, surrounding the Nursing Home site, is proposed together with a number of new dwellings, for sale or to rent, in the immediate area.
- (e) If the Nursing Home project is viewed as part of the proposals put forward by the Council for the village the concept does, in our opinion, improve significantly. These proposals would immediately upgrade the surrounding environment and do much to remove the old stigma attached to this area. The proposed Nursing Home site would seem to compliment the development as a whole and the site seems considerably more attractive if viewed in this context.
- (f) From the above it will be seen that our opinion with regard to this site, and the proposals thereon, to a large extent depend on the feasibility of the redevelopment proposals of the surrounding area and without this further development taking place the site we feel can only have limited value.
- (g) It would seem that much of the surrounding area is in multiple ownership and as such it will probably take the Local Authority, armed with Compulsory Purchase powers, to put the scheme together and there is some doubt in the present economic climate whether this could happen.
- (h) In our opinion the Nursing Home site should only be considered as a suitable security for Bank lending purposes if the redevelopment scheme takes effect and in these circumstances we could see the value of this site being something in the £80,000.00 plus region with the surrounding development and infrastructure in place. Because of the difficulties outlined above, however, and the unlikelihood of this scheme getting off the ground in the present climate, our advice to the Bank would have to be to postpone any decision on proposed lending arrangements until it is clear what is happening on the surrounding area.

In view of the nature of this report our account is enclosed herewith which shows a 50% reduction in the fee we discussed initially with Mr. Belton.

Yours faithfully,
per pro TARN BAINBRIDGE

