

STATEMENT OF CASE

Made on behalf of
Ashdale Land & Property Company Limited

By Ian G Cox of
Dacre, Son & Hartley Limited

Arising as a result of the application made by Network Rail for the
proposed Network Rail (Leeds to Micklefield Enhancements) Order

Objection Reference: TWA/23/APP/03/OBJ/6

STATEMENT OF CASE

1. INSTRUCTIONS

- 1.1 My name is Ian G Cox and I am a Fellow of the Royal Institution of Chartered Surveyors. I have been employed by Dacre, Son & Hartley Limited since 1981, am a Director of the Company and head the Agriculture, Land and Development Division.
- 1.2 Dacre, Son & Hartley are appointed as Property Consultants by Ashdale Land & Property Company Limited of the Zurich Centre, 3000 Parkway, Whitely, Fareham, PO15 7JY ("Ashdale") in relation to their land holdings at Micklefield, Nr. Leeds in the County of West Yorkshire.

2. BACKGROUND

- 2.1 Ashdale are the owners of land at Micklefield, Nr. Leeds identified on the attached plan from Title No. WYK 788662 marked Plan 1 and shown shaded purple on the attached plan marked Plan 2.
- 2.2 Ashdale received notification from Network Rail by letter dated 17th July 2023 that an application had been made to the Secretary of State for Transport under Section 6 of the Transport & Works Act 1992 for the — Network Rail (Leeds to Micklefield Enhancements) Order 2023.
- 2.3 The notification by Network Rail to Ashdale indicated an intention to compulsorily acquire two plots of land identified as Plot No.s 12-001 and 12-002 comprising a grass verge and a private road, Pit Lane, (also known as Lower Peckfield Lane) which we are subsequently advised are allegedly required to enable the construction of passing places and to upgrade the private road.
- 2.4 Pit Lane is a private access road and is used for access to land and two cottages, known as Railway Cottages, and will become the principal means of access to those properties should Network Rail proceed with the closure of a level crossing over the adjacent railway line.
- 2.5 Having requested clarification from Agents acting for Network Rail, we are advised that they are applying for permanent acquisition powers over Plots 12-001 and 12-002, which are indicated on the attached plan marked Plan 2.

3. REASON FOR OBJECTION

- 3.1 Ashdale have agreed terms with a national house builder for the grant of an Option over the whole of the land shown shaded pink on the attached plan marked Plan 2 with a view to sale of that land to the house builder for construction of residential dwellings. The adjacent land to the north was sold to the same house builder for residential development in 2021 and it is envisaged that there is a strong prospect that the subject land will be released for development.
- 3.2 In order to facilitate development of the subject land it is of the utmost importance that full ownership and the ability to install services over Pit Lane are retained by Ashdale in order to ensure that satisfactory access and services can be provided for the proposed development.
- 3.3 Permanent acquisition of Plots 12-001 and 12-002 by Network Rail would jeopardize the potential development of Ashdale's Land.


4. ASHDALE'S CONTENTION

- 4.1 Given that Pit Lane is already used as a means of access to Railway Cottages and given also that Network Rail's stated intention is merely to upgrade and construct passing places adjacent to Pit Lane, it is Ashdale's contention that permanent acquisition of Pit Lane is unnecessary and is an abuse of power.
- 4.2 It is Ashdale's contention that Network Rail's requirements can be adequately satisfied by merely obtaining rights to undertake the construction of passing places on Ashdale's land and to carry out any necessary upgrading works to Pit Lane.
- 4.3 To permanently acquire Plots 12-001 and 12-002 is wholly unnecessary and could potentially frustrate Ashdale's attempts to release their adjacent land for development. Furthermore, acquisition of permanent title to Ashdale's land by Network Rail could put Network Rail in a position of being able to ransom Ashdale in the event of their adjacent land being released for development.

5. ASHDALE'S RECOMMENDATION

Ashdale request that the proposed permanent acquisition of Plot No.s 12-001 and 12-002 should be rejected and that, instead, Network Rail should acquire rights to construct passing places and carry out any necessary

upgrading works to Pit Lane, such that the freehold title to Plot No.s 12-001 and 12-002 remains with Ashdale, leaving them able to construct access and provide services for the development of their adjacent land.

Signed:.....

Ian G Cox

Dacre, Son & Hartley Ltd

17 Albert Street, Harrogate, HG1 1JX

Date: *14th November 2023*

HM Land Registry
Official copy of
title plan

Title number WYK788662
Ordnance Survey map reference SE4433SW
Scale 1:2500
Administrative area West Yorkshire: Leeds



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Plan 1



YY120138

This official copy issued on 25 September 2019 shows the state of this title plan on 25 September 2019 at 16:47:16.

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.

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

WYK788662

Land on the West side of Old Great North Road,
Micklefield.

CONTACT DETAILS:

Address:

c/o Ian Cox, Dacre, Son & Hartley, 17 Albert Street,
Harrogate, HG1 1JX

RIGHT/ COVENANT/ EASEMENT/ AGREEMENT
in respect of subsoil rights up to the centreline of
the public highway (Great North Road)

CONTACT DETAILS IF INCORRECT:

PLEASE IDENTIFY ANY OTHER INTERESTS
ON THIS PARCEL

Please Identify any of the Below:

- ☐ Owner
- ☐ Tenant
- ☐ Mortgage
- ☐ Trust
- ☐ Leasehold
- ☐ Option
- ☐ Wayleave
- ☐ Owner Occupier
- ☐ Tenant
- ☐ Secured Loan Provider
- ☐ Restrictive Covenant
- ☐ Mineral Interests
- ☐ Right of Way
- ☐ Promotion Agreement
- ☐ Trustee
- ☐ Manorial Interest
- ☐ ITA Interests
- ☐ Shooting Rights
- ☐ Share Farming or Contract Farming

Does their Interest cover the entire Parcel?

YES / NO - If NO, Please Highlight their Extent on the Plan

Their Details (Name, Address & Contact Information):

SOME ELECTRICITY WAYS ARE - NO MORE POWER

FOR TERM CARE LIVES ON PAGE - 2. H. 1000000

ANNUAL FRET ON PART - T. CLARE

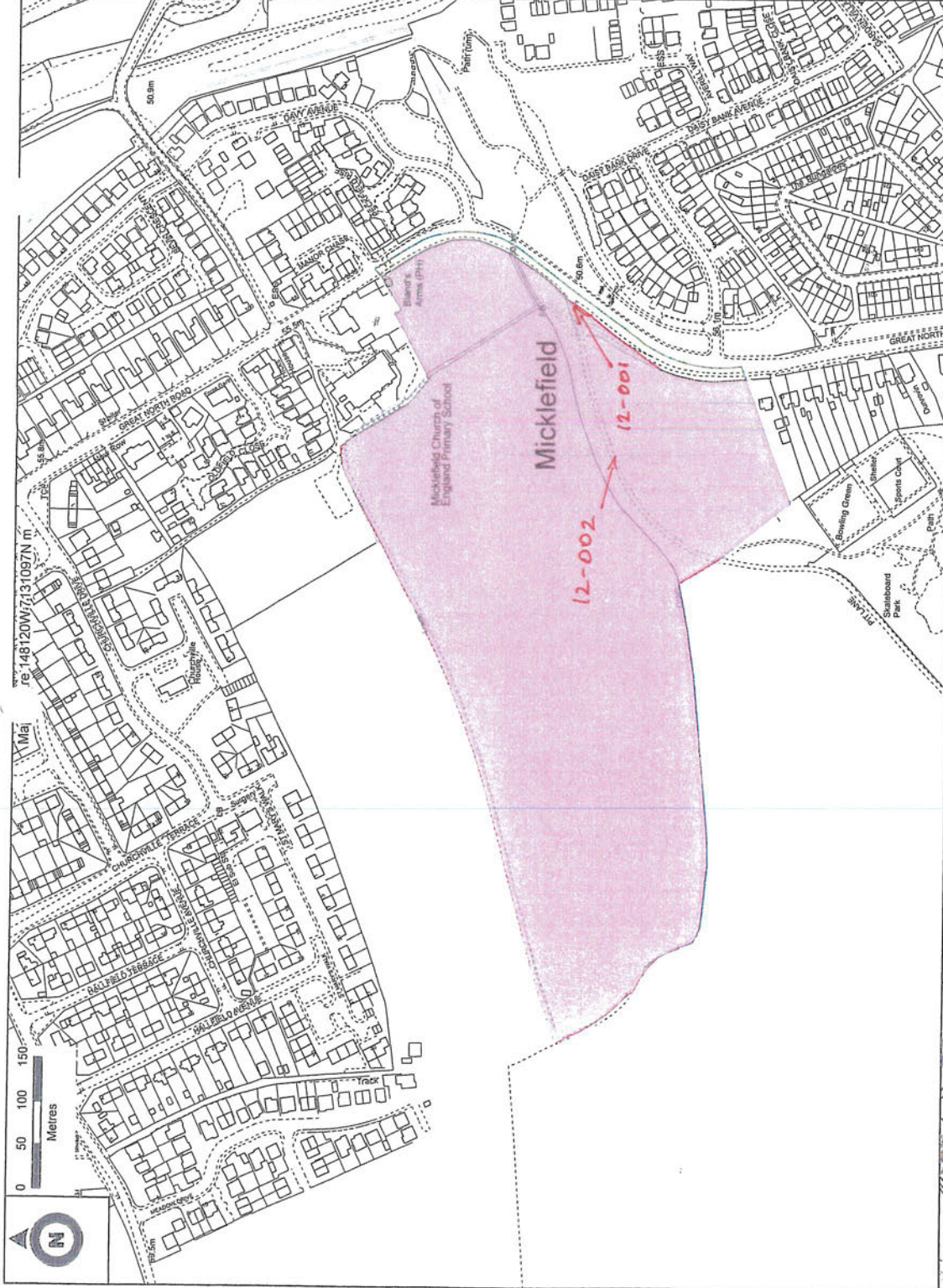
If Occupier, Please Confirm Occupation Type:

- ☒ Agricultural Tenancy (FBT/AHA)
☐ Grazing Licence
☐ Informal Agreement
☐ Other.....
☐ Commercial Tenancy
☐ Assured Shorthold Tenancy
☐ Other Residential Tenancy
☐ Licence Agreement

Agreement Length Left:

Please Confirm Land Use:

- ☐ Residential (R)
- ☐ Farmland (F)
- ☐ Pasture (P)
- ☐ Woodland (W)
- ☐ Commercial (C)
- ☐ Road/Track/Rail (RT)
- ☐ Golf Course/Sports Ground (GC/SC)
- ☐ Extended garden /amenity land (G)
- ☐ Public Open Space (POS)
- ☐ Nature Reserve (NR)
- ☐ Water/River/Lake/Reservoir (WT)
- ☐ Other (O)



(Please mark on the plan if incorrect).

(Please mark on the plan if incorrect).
Please also mark on the plan if you hold

Please also mark on the plan if you hold another interest not shown which falls within

the proposed scheme
(Subject to Change)

Signed: 

Print Name: ...145 & COX

Date: 26th May 2023

Land Extents

Subsoil rights up to the centreline of the public highway

Two Snow Hill, Birmingham B4 6GA
T. 0121 794 6250

Project: Transpennine Route Upgrade

Scale: 1:5,000 @A3 Date: 24/05/2023

Drawn by: SC
Dwg no: J0042938-22-01

