

POLICE RESPONSE

IPFI/112/CASE3

From: **Barton, Sarah** <Sarah.Barton@lancashire.pnn.police.uk>

Date: 31 October 2018 at 07:17

Subject: Whalley Road

To: "R

Good Morning Richard

I am e-mailing you as I will not be in the office today and did not want you to think I had ignored your phone call yesterday.

I have e-mailed the officer in charge of the case again and have received a response from her – she is currently on nights at the moment and is then off on leave for 2 weeks, or she would have contacted you herself. She did not want to call you at 11 o'clock at night, so she sent me an update via e-mail.

PC 6846 Devereux confirms to me that at no point did the Police padlock the gate/nor direct anyone to do that on either occasion. She has reviewed the letter and map and states that this is a civil matter and needs to be addressed with 110.

The only thing we have boarded up is the burnt building which was subject two criminality on two occasions during the last few months. The police have not been on scene and erected any walls or partition, this has nothing to do with the police and perhaps the issue needs to be addressed with **local land registry /council**.

She does state that 110 were fed up with youths cutting through her garden to that building so it is assumed she has placed the lock on the gate. This is therefore not a police matter.

I hope this helps with your situation – if you need any further information, you will need to speak to PC Devereux when she returns from her leave. This can be done via e-mail at 6846@lancashire.pnn.police.uk.

Kind Regards, Sarah

Sarah Barton

East Lancs Transforming Lives

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Email: sarah.barton@lancashire.pnn.police.uk

SEE PAGE 3 FOR THE LAND REGISTRY'S POSITION AS TO WHO OWNS WHAT LAND

SEE PAGE 2 FOR THE LOCAL COUNCIL'S POSITION AS TO WHO OWNS WHAT LAND

LOCAL COUNCIL'S POSITION IPFI/112/CASE3

From: J [REDACTED]
Sent: 01 November 2018 11:28
To: andrew hall
Subject: Fwd: Back Owen Street 11/17/0480

Hi Andrew,

This is the second email I sent to the planning office. I had no acknowledgement from them. I also sent one to them the first time questioning why we hadn't received a letter of application. I was told we were not adjacent to the land in question. Julie

28 Nov 2017	Correspondence	Correspondence-522111.pdf / Correspondence-522111 Thumbnails	AGENT RESPONSE TO NETWORK RAIL HOLDING OBJECTION
28 Nov 2017	CAD drawing	CAD drawing-522109.pdf	17-11-27 PHA042100A BACK OWEN STREET SITE CONTEXT

On Wed, 6 Dec 2017 at 08:41, Mark Glover <Mark.Glover@hyndburnbc.gov.uk> wrote:

Dear Mr and Mrs Fi [REDACTED]

Thank You for your email. The application is to be considered by the Planning Committee on 13 December with an officer recommendation that the proposal be refused. A report for the planning committee has highlighted a number of issues with the application including the poor access to the site, potential congestion around the site and inadequate parking. In addition the local highway authority have objected to the application and it is for this reason that the proposal is being recommended for refusal.

As regards you not being consulted directly about the application, the council is obliged to **either** notify individuals directly adjacent to the property **or** put up a site notice close to the site. While the council did notify some residents, in your case your property was not considered to be immediately adjacent to the land in question so you were not notified of the application. Given the local interest that the application it was felt the application would generate, a notice was placed near the site and a notice placed in the local paper thus more than complying with the governments requirements to publicise the application.

Kind regards

Mark Glover

Mark Glover | Planning Officer
Development Management
Hyndburn Borough Council | Scaitcliffe House | Ormerod Street |

SINCE THIS TIME, the owners of "112" have tried to have their cobbled & paved land adjacent to the site included within the red edge of the site and to have their landownership acknowledged in the planning applicant's Certificates of Ownership (2019 Report to the Committee, p.11 refers). **For certain, their names were not included in the planning applicant's Certificates of Ownership and yet the Applicant and Secretary of State tried to make it appear that "112"'s cobbled & paved land was "within the red edge of the submitted plans" when permission was refused in October 2019.**

LAND REGISTRY'S POSITION IPFI/112/CASE3

HM Land Registry (HMLR) created a *first registration* red-edged Title Plan for “110” in 2001 and a *replacement* red-edged Title Plan for “112” (Whalley Rd, BB5 1BS) in 2002.

The *replacement* did not correct red-edge errors in *first registration* of “112” (in 1985).

Neither property has a correct red edge. More to the point, neither Title Plan, when created by HMLR was “*based on the latest revision of the Ordnance Survey Map*”.

Accusations of having materially altered OS MasterMap detail when creating Title Plans have already been denied by the executive of HMLR in [IPFI/8DS/CASE1](#) (aided by the Independent Complaints Reviewer and OS) and in [IPFI/4KT/CASE2](#).

However, the IPFI/112/CASE3 investigation has exposed further evidence of HMLR’s amendment of OS MasterMap detail on the “BMP” (an in-house map, amended to record the discoveries of HMLR site visits and surveys). **Clearly (now), the “BMP” – not the true OS MasterMap detail of the “CMS” - is the source of the officially-substituted mapping detail in HMLR’s Title Plans for “110” & “112”.**

Furthermore, the IPFI/112/CASE3 investigation has benefited from another long-suffering victim’s **troublesome-but-eventual FOI-exposure of HMLR’s internal Litigation & Indemnity Desk Notes** instructing officers not to “*be tempted*” to investigate such “*mapping errors*” when dealing with a complainant – i.e. **not to alert anyone outside HMLR that the mapping detail on a Title Plan at issue does not match the OS Detail of the day on the *historical section* of the “CMS”.**

Clearly, the owners of “112” would not have an easy time trying to get HMLR to present the true position with regard to the extent of the leasehold property “112” and the extent of the significantly-much-smaller leasehold property “110”, so “112”’s attention was turned to (i) acquiring ownership of the Freehold Reversionary Interest and (ii) having the land registered other than on falsely-purported “*current OS detail*”.

With this regard, it was discovered that similar criminality to that dealt with by the Police & Fire Service in 2018 ([hindered by 110’s tenant’s blocking of access](#)) had led to (1) the Council demolishing, in 2003, all of the former Borough Laundry buildings on Fort Will Trust and Network Rail land to the East of “112” and (2) the FRI-owner’s (FWT) 2004 HMLR registration, on determination of the relevant Leases, resulting in a red-edged Title Plan - [LA951006](#) - based on the latest revision of the OS Map.

On 21 August 2019 the owners of “112” acquired the freehold corresponding with the 1890 Lease of “112”. When the Council refused Planning Permission ([Oct. 2019](#)) and gave Notice of Appeal ([Dec. 2019](#)) **their land was not within the red edge of the site.**

THE ISSUE: In December 2018 the Planning Inspectorate, the Local Council’s planning officers and the Applicant knew ¹ that, as the cobbled & paved land was not within the red edge of the site and as social housing was proposed, **a resubmission of the 2018 application would not be acceptable for grant absent a “Grampian Condition” ¹ and a “signed s.106” ¹:**

¹ http://www.ipfraud.info/IPFI-112-CASE3-SUMMARY-OF-DETERMINATIONS-&-APPEALS_2018-2020.pdf p.8