

PART 2

IPFI/112/CASE3

Dear Mr Gastall,

[FOOTNOTES 1-5](#)

I was going to ask you to make an addition to the 11/19/0211 Case File whilst the Planning Search Facility was down (28 & 29 July 2020), but I noticed yesterday that it is up and running again.

That said, I see that you have made an addition to the 11/19/0211 Case File on 28 July 2020. I mention in PART 1 that the amendment and publication are defective.

Please address this yet incorrect ¹ s.106 amendment and addition.

The addition to the 11/19/0211 Case File which I had in mind was the “*Report to the Committee*”. Would you please consider adding it to the 11/19/0211 Case File?

- **REASON:** Parts of the Report to the Committee, on
 - pages 11-13 (extracts in footnotes PDF ²),
 - page 19 (screen shot, in footnotes PDF ³) and
 - pages 23 & 24 (screen shots, in footnotes PDF ⁴)

are informative insofar as the Planning Inspectorate’s investigation and observers & anyone interested (particularly in [Grampian Conditions](#)) are concerned.

Also, please be sure to scan the result in colour (the red edge referred to should be presented as a [red edge on the plan](#), but, in your 28 July 2020 amendment, [it is not](#)).

THE “RED EDGE”

In PART 1, I mentioned “*actionable discrepancies*”. With this regard, and under “*full investigation*” * by the Planning Inspectorate, the [Appeal Decision](#) falsely holds out at paragraph 9 that

- **the plan in the section 106 unilateral undertaking** (like your green-edged and yellow-highlighted 11/19/0211 Map Search plan on Draft Report page 7) **is at odds with “the red edge [†] of the submitted plans”:**

* I cannot say what this may entail, as I made no complaint or call for an investigation – the form and supporting documents speak for themselves; the Inspector has assembled a fiction.

[†] On 15 July 2020, the Inspectorate disclosed three different red-edged “*submitted plans*”. CLEARLY, the Appeal Form box 04 plan’s [red edge of the site boundary](#) is [identical](#) to that of

- (i) the previously-appealed application’s [OS Extract-526399.pdf](#) (i.e. the same PHA/042 100 plan which was cited in box 04 of the 11/18/0177 [Appeal Form-530222.pdf](#)) and
- (ii) the plan in the [9 July 2020-published](#) s.106 agreement, which is clearly a print-out of
- (iii) the “*Location Plan received on 24.7.19*” ² ([a plan withheld from the Inspectorate](#)).

If [Houldsworth Solicitors](#) are actively involved in this matter and are intent on milking this “*adjacent strip*” property and title fraud also, please consider the following when pointing out that the 28 July 2020-published s.106 amendments are defective:

- the 11/19/0211 **Certificates of Ownership** at box I of the [Appeal Form-540093.pdf](#) and [page 8](#) of the Planning Application Form

and

- the **red edges** (plural) of what Consultees were referred to by HBC as being “*the submitted plans*” within “*The appeal documents*” (your [13 December 2019](#) letter refers) – in other words, please consider all of the red edges of the following:

- (1) the [Appeal Form-540093.pdf](#) box 04-cited plan, *Site context Drawing 100 Ground plan*²,
- (2) *Location Plan received 24.7.19*² (CLEARLY an amendment of the following BLJT-00600948-based plan, due to Network Rail’s [Holding Objection](#)),
- (3) page 15 of the *Ground Contamination Survey received 24.7.19 (dated September 2017)*² and
- (4) pages 1 & 6 of the *Acoustic Report received 214.7.19 (dated April 2018)*²

In the light of the above, please get together with the Solicitors/Agent and settle on a red edge⁴ for the Appellant’s site, preferably on licenced, up-to-date OS detail, so as to sit well with (i.e. suitably [away from](#) & [adjacent to](#), respectively, the red edges of)

- (i) Network Rail’s [30 July 2020](#) licensed plan,
- (ii) my Whalley Road clients’ [forthcoming BB5 1BS](#) Freehold Title Plan and
- (iii) my Fort Will Trust client’s extensive Freehold Reversionary Interests[†].

[†] such as Back Owen Street (to Meadow Bank) and Back Whalley Road (North of 112 to Owen Street). I see (Draft Report p.7) that you noted the proposed loss of pavement and the narrowness of Back Owen Street (in yellow) along with the “[24.7.19](#)” site boundary (in green), on the 11/19/0211 Map Search Map^{*}.

^{*} albeit the land off Back Owen Street site address (by any other name) is, as mentioned in PART 1, absent from the BB5 6AU Map Search result.

SECTION 106 AGREEMENT • LOCATION PLAN • GRAMPIAN CONDITION

I do not accept that there has been a “*mistake*”. One way and another, the Consultees and the Committee have been misled by Planning Officers over what was required and what was submitted; the Planning Inspectorate has been misled by the Appellant, its Agent and the Planning Officers; and the Inspector has tried to cover up the reality of the Appeal ***Form and supporting documents***.

Furthermore, I note that the Planning Committee Supplemental Agenda 9 October 2019 ⁵ contains references to a section 106 agreement needing to be signed prior to a decision in the case of 11/19/0141 ⁵.

Furthermore,

(1) a signed s.106 agreement was an absolute requirement to make a third planning application acceptable

and

(2) the draft document published by HBC did not amount to "[a completed draft agreement or draft heads of terms](#)":

- Terms were not even ready for presentation in a submittable draft on 24 July 2020, i.e. several weeks into pre-planning discussion ^{*}.
- By the time of the 9 October 2019 Recommendation ², the Agent had a very different red edge in mind, one which – if not discovered by me, my clients and Network Rail - would overcome the previous Inspector's express requirement for a Grampian Condition ⁴ in respect of the "access road", **if the Applicant/Appellant was willing to deliver up a signed s.106 agreement before determination of the Appeal.**

^{*} presumably for the avoidance of a Grampian Condition – given that the "access road" was not included within the red edge of the location plan at that time and Planning Officers and the Agent have later been at pains to have it believed that a signed s.106 agreement had been the only obstacle to grant of Planning Permission re: 11/18/0177 by the Secretary of State during the 2018 Appeal.

Bearing in mind what happened in secret on [29 August 2019](#), I believe that my clients and Network Rail would have had a lot to object to and complain about, had they seen a **properly completed and "signed s.106 agreement"** ² in September 2019.

It therefore follows that this is a property and title fraud, concerning an application

- (a) as published on the Case File as at 9 October 2019, no more, no less,
- (b) as described to the Committee as having a "**Location plan received on 24.7.19**" and "**a signed s.106 agreement**",
- (c) as described in the "*Informatives*" – **please disclose all of them** ⁵,
- (d) as described to the Inspectorate under two Certificates of Ownership A, and
- (e) as Liz Thornber and other Planning Officers would now have it described.

Note that *the application as described by the Inspector* is not on the above list, The reason for this is that it was **his description** – and no one else’s – which gave rise to the Planning Inspectorate’s

- (1) sudden “need” on 15 July 2020 for a “full investigation” and
- (2) refusal to disclose the “SECTION 106 AGREEMENT.pdf” cited on page 7 of the [Appeal Form-540093.pdf](#)

CONCEALED PDFs • Ref: 500685 • INFORMATIVES

I believe that, with regard to the proposed “access road”*, Liz Thornber has been in concealed possession of a Grampian Condition-evading ⁴ “Amended location plan.pdf” for quite some time – but not before 29 August 2019 ([its creation date](#)).

* HBC’s understanding is expressed on page 31, at 7.4.1 & 7.4.2, of the following:

13 Jan 2020	Appeal Correspondence	Appeal Correspondence-540687.pdf / Appeal Correspondence-540687 Thumbnails	B1843 BACK OWEN ST A DAVIES HIGHWAYS WRITTEN STATEMENT APPEAL APPENDIX 1 FOR PLA
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* LLC’s policy is expressed in the following leaflet:

- [https://democracy.hyndburnbc.gov.uk/Data/Judicial Committee \(Private Hire and Hackney Carriage Licensing\)/20091216/Agenda/Unadopted Streets Leaflet.pdf](https://democracy.hyndburnbc.gov.uk/Data/Judicial%20Committee%20(Private%20Hire%20and%20Hackney%20Carriage%20Licensing)/20091216/Agenda/Unadopted%20Streets%20Leaflet.pdf)

However, you would not have been able to validate such an amended location plan in August, September or October 2019 absent (i) a properly completed and signed Certificate of Ownership, (ii) publication on the Case File and (iii) re-consultation.

And given that the red edge of “Amended Location Plan.pdf” includes Network Rail land – **about which the Inspector was notably silent** - that was not going to happen.

Houldsworth Solicitors knows this, as this applicant is not their first client to tear a strip off the neighbours ([IPFI/8DS/CASE1](#)) – or otherwise to have a strip torn off by the neighbours ([IPFI/4KT/CASE2](#)).

It does not follow that Liz Thornber did not slip this [29.8.19-amended plan](#) past the Committee on 9 October 2019 as though it was validated and published on “[24.7.19](#)”:

10 Oct 2019	Decision	Decision-538506.pdf	DECISION NOTICE
13 Jan 2020	Appeal Correspondence	Appeal Correspondence-540690.pdf / Appeal Correspondence-540690 Thumbnails	STATEMENT OF CASE HBC.DOCX

With this regard, I believe that the “Amended location plan.pdf” which you emailed to me on [24 July 2020](#) came from a database under your control – not from the Inspectorate.

- “03 LIST OF PLANS THE LPA MADE THEIR DECISION ON - 500685 - Amended location plan.pdf”

According to what the Planning Inspectorate disclosed to me on 15 July 2019, someone had exported "*Amended location plan.pdf*" and certain other plans and documents (disclosed to me on 15 July 2020 also) which have attracted the filename prefix **500685** before having a prefix description added.

You say that this was not added by HBC.

Please

- (1) tell me where you or Liz Thornber put "*Amended location plan.pdf*" on receipt from the Agent, send me the relevant email correspondence,
- (2) tell me whether you still stand by your recent suggestion that "500685" was added to PDF filenames by the Planning Inspectorate – it certainly does not appear on the [Appeal Form-540093.pdf](#).
- (3) send me and/or publish on the 11/19/0211 Case File all plans and documents which HBC sent to the Planning Inspectorate on or after 9 December 2019 – according to your [Notice of Appeal](#) letter to me dated 13 December 2019 all such documents, "*The appeal documents*", were published and open to inspection on the online 11/19/0211 Case File,
- (4) send me all of the 11/19/0211 Informatives ³,
- (5) all of the plans (including those within supporting documents) which HBC submitted to the Planning Inspectorate in relation to 11/19/0211,
- (6) your recent correspondence with the Planning Inspectorate in respect of "*the approved plans*".

Please let me know of each remedy you effect along the way towards formal proceedings – informal emails, as and when, would be acceptable.

Yours sincerely,

Andrew Hall.

Footnotes 1 – 5 accompany this email as a PDF attachment and are online at:

- http://www.ipfraud.info/IPFI-112-CASE3_EMAIL-TO-HBC-31JULY2020-FOOTNOTES_1-5.pdf