



*Jayne Brearley & Co*  
**SOLICITORS**

Our ref: JEB/NDAL

7<sup>th</sup> April 2022

Secretary of State for Transport,  
c/o The National Transport Casework Team,  
Department for Transport,  
Tyneside House,  
Skinnerburn Road,  
Newcastle Business Park,  
NEWCASTLE UPON TYNE.  
NE4 7AR

Dear Sirs,

### **LETTER OF OBJECTION**

**Re: The Borough Council of Calderdale (Elland Station and West Vale Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund)(Side Roads) Order 2022 ("Side Roads Order")**

**The Borough Council of Calderdale (Elland Station and West Vale Access Package) (West Yorkshire Plus Transport Fund, Transforming Cities Fund) Compulsory Purchase Order 2022 ("the CPO")**

I have been instructed to act on behalf of North Dean Automotive Limited who own the premises known as North Dean Garage, Stainland Road, Halifax – title being registered at HM Land Registry under title number WYK342809 ("the Premises").

Under the suggested scheme, the Premises are subject to both the Side Roads Order and the CPO with the private access to be stopped up being the access from the B6112 Stainland Road over a width of 7 metres

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My client would ask that you consider the following objections:-

Firstly, the land which the Council proposes to provide to my client in lieu of the land to be taken is already used by my client and has been for a long number of years.

For background, Heath Rugby Club acquired some funding and wanted to reconfigure their site which involved creating a new access from Stainland Road. Calderdale MBC would not approve this without an access being stopped up from my client's premises which, having been a garage forecourt, had two entry points. It was agreed with Heath Rugby Club that in return, my client would have some additional land from them as consideration. This is the land which Calderdale are now proposing to provide to my client and which is already within their usage. I presume that you will be able to confirm this with Heath Rugby Club.

Consequently my client has not been given sufficient compensation – if, in fact, any at all.

Furthermore, not only is the compensation insufficient, the scheme will actually devalue the Premises and my client's business turnover significantly.

The area where the new access is proposed is currently used for parking and storage of vehicles. My client sells and buys cars at auction and they are stored on site. The new access would mean that this would significantly reduce the number of vehicles which could be acquired thus affecting the business turnover.

My client had previously applied for planning permission to operate a MOT centre. However, this was refused on the basis that there was insufficient parking. The proposals reduce this even further.

The new access is also likely to be inadequate for my client's business. This requires an access which can accommodate recovery vehicles and wider loads. The new access will make this extremely difficult, if not impossible.

I also do not believe that Calderdale MBC have taken on board the amount of land to be compulsory purchased. As you will appreciate, the land abuts the river and, of course, this will be subject to Riparian Ownership thus increasing the extent of land owned by my client.

Part of the land to be acquired also forms part of a current planning application - 22/00086/OUT. If the scheme is to go ahead, this would have an impact on this or any other development.

My client's business would be significantly affected by the approval of the Side Roads Order and CPO and it is averred that the acquisition is not justified when considering the impact on the Premises and my client's business.

There are also a number of other considerations which should be borne in mind.

The proposed access will be on a busy stretch of road where there have been very serious accidents and is very near a bend. There are already problems with traffic congestion at West Vale and the new crossing proposed is likely to add to this.

Traffic idling could also affect the air quality of nearby business' including a local school.

Finally, there are other routes which would appear viable.

In summary, therefore, the following objections need to be considered:-

- Land proposed to be given has already been given by Heath Rugby Club and is used by Client
- Insufficient or no compensation given
- New access will be on land already used and result in a substantial reduction in parking.
- New Access not fit for purpose
- Business turnover will substantially be reduced
- Extent of land not considered correctly
- Accident Prevention and Environmental Concerns
- There is not a compelling case in the public interest when considering the detriment to the Premises and Business

I trust that you will give the objections the serious consideration they require.

If you require any further information at this stage, please do let me know.

Kind Regards.

Yours faithfully,

*J. Brearley*

**Jayne E. Brearley**  
SOLICITOR & BARRISTER (NP)