

Working for you

Mr Bernard Atkinson
Staveley & Copgrove P C
Danesmead
Main Street
Staveley
HG5 9JY

Our ref: RPK/RPK/031390
Your ref:
Date: 4 June, 2014

Dear Sir

FOI response – Aged persons homes at Staveley (ref: 1415-94)

Thank you for your letter, which was received by the Council on 14th May, requesting information under the Freedom of Information Act 2000. I have looked through the deed packets that the Council holds and cannot find any deeds for a transfer of land between Spellow Estates to Harrogate Borough Council for the land you refer to (between Hayway and Pear Tree Cottage) so unfortunately cannot provide a copy.

The Council does hold a copy of the title register for this land which mentions a transfer of the land on 06/07/1973 from Alice Hildegard Eva Meysey-Thompson to The Rural District Of Nidderdale (the ownership of the land vesting in Harrogate Borough Council following the restructure of local government in 1974), however we also do not hold a copy of that transfer. I can find no reference to 'Spellow Estates' in any of the title documentation that we hold. Our title register for title NYK143468 does not mention any restrictions relating to the accommodation being solely for aged persons (I attach a copy of the title register and plan that we hold – an up to date copy issued by the Land Registry on 04/06/2014).

I have checked with the Land Registry and unfortunately cannot find a copy of any of the documents relating to the transfers mentioned above.

We hope you are happy with our service. But if you are not satisfied with the way your request has been handled, please contact -

Freedom of Information Officer
Council Offices, Crescent Gardens, Harrogate, HG1 2SG

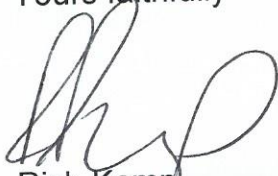
or email foi@harrogate.gov.uk

The Council has an internal appeal system. If your complaint is about the decision which has been made you will usually be entitled to have your case reviewed by an officer from a department which has not been involved in the decision previously.

If, after their decision, you are still not happy, you may appeal to-

The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 01625 545745
Fax: 01625 524510
e-mail: mail@dataprotection.gov.uk
website: www.informationcommissioner.gov.uk

Yours faithfully



Rich Kemp
for Solicitor to the Council
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Direct Dial: 01423 556148
Direct Fax: 01423 556010

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 4 JUN 2014 AT 14:47:48. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, DURHAM OFFICE.

TITLE NUMBER: NYK143468

There is no application or official search pending against this title.

A: Property Register

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

NORTH YORKSHIRE : HARROGATE

- 1 (12.07.1952) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being land adjoining on the north side of Main Street, Staveley, (HG5 9LD).
- 2 (13.09.1993) The land edged and numbered in green on the filed plan has been removed from this title and registered under the title number or numbers shown in green on the said plan.
- 3 (13.09.1993) The land has the benefit of the following rights reserved by the Transfer dated 13 August 1993 referred to in the Charges Register:-

"THE Seller reserves out of the Property the rights set out in the Second Schedule:-

.....

THE SECOND SCHEDULE Exceptions and Reservations

The Property is transferred SUBJECT TO the right to the free and uninterrupted passage and running of water soil gas and electricity from and to the Retained Land and any buildings which for the time being are on the Retained Land through the sewers drains water courses cables pipes and wires which are now or which may at any time during the period of eighty years from the date hereof (which shall be the perpetuity period applicable hereto) be laid in under or passing through the Property with the right for the Seller and its successors-in-title to enter the Property for the purpose of repairing cleaning maintaining or renewing the sewers drains water courses cables pipes and wires doing as little damage as possible to the Property and making good any damage occasioned in the exercise of this right."

- 4 (21.07.2000) The land has the benefit of the rights reserved by but is subject to the rights granted by a Transfer of the land edged and numbered NYK238381 in green on the filed plan dated 17 July 2000 made between (1) The Council of the Borough of Harrogate and (2) Brian Leonard Butler.

NOTE:-Copy in Certificate. Original filed under NYK238381.

- 5 (21.07.2000) The Transfer dated 17 July 2000 referred to above contains a provision as to boundary structures.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title number NYK143468

Title absolute

- 1 (03.11.1993) Proprietor: HARROGATE Borough Council of Council Offices, Crescent Gardens, Harrogate. HG1 2SG.
- 2 A Transfer dated 6 July 1973 made between (1) Alice Hildegard Eva Meysey-Thompson and (2) The Rural District of Nidderdale contains purchasers personal covenant(s) details of which are set out in the schedule of personal covenants hereto.

Schedule of personal covenants

- 1 The following are details of the personal covenants contained in the Transfer dated 6 July 1973 referred to in the Proprietorship Register:-

"THE Transferee so as to bind the land hereby transferred and to benefit the remainder of the land comprised in Title YK 1280 hereby covenants with the transferor as follows:-

The Transferee will within three months from the date hereof erect and forever hereafter maintain stock proof fences on all sides of the land hereby transferred."

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 The land tinted blue on the filed plan is subject to rights of way.
- 2 (13.09.1993) The land is subject to the following rights granted by a Transfer of the land edged and numbered NYK141138 in green on the filed plan dated 13 August 1993 made between (1) The Council of The Borough of Harrogate (Seller) and (2) Brian Butler:- (Buyer)

"THE Property is transferred with the benefit of the rights set out in the First Schedule

.....

THE FIRST SCHEDULE Appurtenant Rights

The right for the Buyer upon first giving to the Seller or its duly appointed agent at least seven working days notice in writing to enter upon the Retained Land to within three feet of the boundary marked B-C-D-E on the Plan for the purposes of maintaining the said boundary and to cut any hedges surrounding the said boundary marked B-C-D-E on the Plan SUBJECT TO the person exercising such right:-

- i. Causing as little damage as possible to the Retained Land;
- ii. Making good any damage to the Retained Land to the reasonable satisfaction of the Seller or other the owner or owners for the time being of the land so affected.

NOTE:- The points B-C-D-E referred to above are reproduced on the filed plan. The retained land referred to comprises the land remaining in this title.

End of register

H.M. LAND REGISTRY			TITLE NUMBER	
			NYK 1 43 46 8	
ORDNANCE SURVEY PLAN REFERENCE	SE 3662	SECTION B	Scale 1/1250 Enlarged from 1/2500	
COUNTY NORTH YORKSHIRE	DISTRICT HARROGATE	© Crown copyright 1979		

