



# PAINSHAWFIELD

BATT HOUSE & BIRCHES NOOK

## ESTATE

Established since 1895 under a Deed of Mutual Covenants

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To: All Covenantors

4<sup>th</sup> April 2024

Dear Covenantor,

It has been another very eventful year! As well as the usual business of the Estates Committee (EC), there has also been continuing contact with the Lands Tribunal, as a result of the application by the owners of 21 Cadehill Road to modify the covenant to allow them to build two houses on their land, to replace their bungalow. The verdict was received at the end of May, 2023, with the judgement awarded to the EC.

Following receipt of the verdict, the EC submitted an application for costs, which resulted in the applicants being ordered to pay £50,000 on account of their final liability. The final date for payment was 30 September, 2023. This money has not been paid. The final sum to be paid was to be subject to a detailed assessment by the Registrar. In that respect, a second hearing was held in late January 2024, and we are now awaiting the result. When it arrives, the EC will ensure that all covenantors on the estate are informed. We had initially hoped that we would have heard from the Lands Tribunal before the AGM, however, nothing has yet been received, so we will continue with the meeting so that we can present the accounts and the EC's report as usual. We thank everyone for their continuing patience.

The agenda for the meeting is attached. You will see that the main areas for you to consider are:

- i. The number of applications received and the outcome (see below)
- ii. Election of EC members
- iii. An invitation to all covenantors to stand for election to the EC
- iv. Main challenges for the EC

To ensure the AGM runs smoothly, we suggest that questions are sent in advance of the meeting. This allows us to group questions into themes and avoids duplication. Please submit questions to [secretary@painshawfieldestate.org](mailto:secretary@painshawfieldestate.org) by no later than 6pm on Friday 19<sup>th</sup> April 2024.

We look forward to seeing you at the forthcoming AGM. If you are unable to attend, please can you complete and return the proxy voting form to the Secretary at the above email address or to our new PO BOX; Estate Committee, PO BOX 120, Stocksfield, NE34 7YS. It is important we have the views of as many Covenantors as possible.

Yours sincerely,

Helen Rae

**Chair of the Estate Committee**

**Annual General Meeting 2024 to be held at 19:30hrs on Monday 22<sup>nd</sup> April, in the Baptist Church  
Hall, Stocksfield, NE43 7DU**

**Agenda**

1. Introduction
2. Apologies for absence
3. Minutes of previous meeting – available on the website
4. Matters arising
5. Chair's report – H Rae
6. Treasurer's report – A Hall
7. Membership of the EC
  - To vote on the election of Jen Adams
8. Information booklet
9. Main Challenges for the EC
10. Consideration of a proposal to hold a community event
11. AOB

**Minutes of the Annual General Meeting of the Painshawfield Estate Committee held at Stocksfield Baptist Church at 19:30hrs on Monday 19<sup>th</sup> June 2023**

**Introduction**

<b>Present</b>		
<b>Estate Committee Members</b>	A Gladstone	Mr & Mrs Davidson
Nick Algar	M Pannell	A McGhee
David Elliott	R Platt	Mr & Mrs Harwood
Tim Gammons	Mr & Mrs T Grieveson	Mr Robson & Mrs Stoves Robson
Stephen Gilroy	Clare Byrne	G Burnett
Phil Moore	Grant Robinson	V Rooney
Maryanne Spoor	Susan and David Collins	J Kirkup
Helen Rae	B Hawksford	J Sandford
Tobias Zimmermann	Martin Hughes	E Laschet
	T Grove	B Hamer
<b>Estate Committee Positions</b>	Ian Newton	B Steenberg
Andrew Hall (Treasurer)	G Williams	Gordon Port
Gemma Maughan (Secretary)	D Allison	C Elliott
	J Newman	R Southern
	R Anderson	R Anderson
	Mr & Mrs Henderson	Judith & Trevor Meek
	Mr & Mrs Thomas	V Dawson
	S Anderson	

George Petrides introduced himself to the Covenantors as the Chair of the meeting. Everyone was welcomed to the meeting.

GP introduced the Estate Committee.

**Apologies for absence**

Apologies were presented for:

Mike Bishop	Mr & Mrs Devere	Neil Crocker
Richard Maughan	Mr & Mrs Sinclair	Barbara Braysler
Kayleigh Elliott	Carola Young	

**Land Tribunal Case – 21 Cade Hill Road**

After the agenda had been published for the AGM, the verdict from the Lands Tribunal was received. GP explained that there will be a separate meeting for objectors and contributors to the case later in the year to discuss everything about the case, once the Committee have a report to provide regarding the recovery of costs. However, the committee wanted to allow a short time in the meeting for a summary of the case to be given to bring Covenantors up to date.

Helen Rae (Chair of the Committee) summarised the events of the last 21 months, including a synopsis of the Lands Tribunal Hearing in early March. There was a delay of 19 weeks before the verdict was known. It was noted that this is a hugely important verdict for the Estate: anyone wishing to read the verdict can use the ink on the website.

Just that afternoon, HR had heard that the applicants had stated that they would not appeal, and they accept that they will have to pay some costs.

One of the most important issues was the discovery of the second covenant affecting the property. The Chair had become aware of this following receipt of the objection forms from Mrs and Mrs

Henderson and Mrs Harpin. HR explained that Mike Bishop had carried out the detailed work on this second covenant. As this was separate to the DOMC the case was allowed to continue in the Lands Tribunal.

HR commented that the EC's legal team was 'first class' prior to and during the hearing.

HR went on to thank a number of people for their work throughout the case:

- All members of the Estate Committee who had put in so much additional time throughout the case. Special thanks were paid to DE and TG
- The previous Secretary for her hard work throughout the time when objections were required to be submitted to the court
- GM for working tirelessly throughout the latter stage of the hearing.
- Contributors to the Litigation Fund
- Special thanks were given to Mr & Mrs Henderson and Mrs Harpin for the support they gave to the EC in gathering relevant information on the second covenant.
- Mike Bishop was also thanked for his hard work, research and advice and for representing the 151 Objectors.
- HR requested a special personal thanks be recorded for two people, the first is our solicitor, Charlotte McMurchie for her continuing support. Second was to her husband, Charlie for supporting HR throughout the hearing and for delivering a vast amount of the letters to Covenantors around the estate

Colin Chance proposed a vote of thanks be recorded to the Committee, this was echoed around the room.

Angela Thomas asked for an update on the recovery of costs. It was explained that an initial application had been submitted to the court for costs.

Stuart Henderson asked what will happen with the site at 21 Cade Hill Road now? HR explained that the residents can present fresh plans to the Committee at any time and the committee would help progress one property only.

Tim Grove commented that there had been mention previously about proposed Semi-Detached properties on this plot and HR clarified that this had been mentioned in the stages of trying to come to a conclusion but HR confirmed it is the view of the committee that only one property will be allowed on this site.

### **Minutes of the previous meeting**

One addition had been requested via email Paul Westbury. This was read to the meeting and stated *"Prior to the vote PW asked that candidates should provide a brief resume of themselves as in previous years. It was agreed to consider this suggestion for future meetings. The two present candidates up for election then introduced themselves prior to the in person vote."*

GP asked someone to agree the minutes for accuracy, Phil Moore agreed them.

### **Chair's report**

*Helen Rae*

HR gave a brief summary of the report which was posted to all Covenantors ahead of the meeting. She noted that applications to the Committee in 2022 were slightly less than that in 2021. HR noted that in 2023 the Committee continues to receive applications which are clear backfill and these are rejected.

HR encouraged anyone thinking of becoming a Committee Member to put themselves forward.

It was noted that apart from dealing with the Land Tribunal case another challenge the Estate Committee faced in 2022 was the role of Secretary. Elizabeth Purcell left the position in Spring 2022 and the Committee recruited Gemma Maughan in September.

### **Treasurers Report**

*Andrew Hall*

AH summarised the figures in the report of accounts which were provided to Covenantors prior to the meeting in their information pack.

It was noted that the number of subscriptions received in the first half of 2023 were higher than that at the same point last year.

General expenditure was less than predicted in 2022, meaning a good surplus was left at the end of the year.

AH stated that the Secretary costs for 2022 were lower due to the position being vacant for a few months.

Within the 2023 budget, the Committee have included provisions for a website upgrade.

The setup of the PO BOX is an annual cost to the Committee. This is working well and Covenantors are using the address. It also means that the Estate Committee members don't need to give out their addresses and everything can go to a centralised place.

AH noted that a few duplications have been made in paying subscriptions in 2023 and he will be contacted those who have paid twice.

A breakdown on the Litigation Fund was given with more details to be given at the dedicated meeting later in the year.

Paul Davidson asked how many houses are on the estate? Around 300 (AH).

**Vote to elect co-opted members Nick Algar and Kayleigh Elliott and to re-elect** Helen Rae, Tobias Zimmerman, David Elliott, Stephen Gilroy and Tim Gammons.

GP asked candidates seeking election to introduce themselves. KE had presented her apologies before the meeting but sent information ahead of the meeting to be read out.

*"I moved onto the estate in December 2021. My husband and I purchased our house primarily because of the garden and secluded feel of the estate. I'd like to support continuing the good work of the committee to continue the covenant and preserve the estate."*

Nick Algar introduced himself to the AGM and gave background to his previous time on the committee, not only as a member but as Chair for a long time. NA was co-opted on to the committee last year to provide history and background to various factors within the Painshawfield Estate.

The meeting was asked if they required any further information from the candidates seeking re-election prior to the vote.

Votes were collected in and counted with a provisional voting number of (*verified by GP after the meeting*):

65 for, 1 against the election of KW and NA

66 for, 0 against the re-election of HR, TZ, DE, SG and TG.

Covenantors were invited to put themselves forward for election on to the committee. No one presented themselves at the meeting.

*Secretary's note: Covenantors spoke to GM after the AGM asking for more information on the election process.*

### **Main Challenges to the Estate Committee in 2023**

HR spoke about the challenges the Estate Committee will face in 2023. The main challenge that the committee could foresee was recovering the costs from the Land Tribunal case. HR explained that the solicitors are currently in conversation regarding a request to extend the time to consider the costs from the other party.

Colin Harwood noted that during his time as Treasurer, the residents of 21 Cade Hill Road never paid a penny towards the running of the Estate and have only ever brought costs to us, they had the option to call an EGM to discuss the case.

Ed Laschet asked "what does it mean to be on the Estate Committee?" HR answered the question explaining the committee was a monthly meeting, sometimes extra meetings depending on what business was to discuss. Committee members are appointed at each meeting to carry out inspections on properties who have put applications in and report back to the next meeting. The committee tries to send two inspectors where possible.

### **AOB**

GM read comments submitted prior to the meeting from those who could not attend:

*Paul Westbury: I would like to formally acknowledge and thank Mike Bishop, for ALL his personal time and effort in assisting the 151 objectors, as our sole intermediary, and also the substantial support he gave to Committee and Muckles in dealing with the complexities of Land Tribunal processes and supporting documentation requirements. Without whom the outcome could have been different.*

*Muriel & Ken would like to submit their thanks to the Committee and Secretary for the considerable amount of effort put in to defend our Covenant. In this respect, mention should also be made of Mike Bishop, whose knowledge, legal and historical, was invaluable.*

*Abby French: I would like to extend my thanks to all who have worked to secure the successful outcome at the Lands Tribunal.*

These notes of thanks were confirmed throughout the room with Victoria Dawson also noting her thanks to the committee.

Paul Davidson asked what the ideal size of the committee was? It was explained that there must be 9 people to form a functioning committee but the ideal size is around 12-13 people as this would make sure the Committee could effectively carry out their normal business during periods of holiday and sickness.

The meeting was closed at 20:15.

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## Report from the Estate Committee

### Planning update

During the last year the Committee has continued to deal with all planning applications we have received.

During the year ending 31 December 2023 the decisions on decided applications were as follows:

Type of development	Pending	Approved	Refused
Resubmission		1	1
New build		1	
New sheds/greenhouses/driveways		1	
Major modification		5	1
Minor modification	1	6	

The EC has had no new applications this year to build on sites that could be considered to be backfill, i.e. new houses to be built in the garden of an existing property. We explained the history of this issue at the AGM two years ago when the decision was taken to follow the decisions of the AGMs in 1959, 1976 and 2009 not to allow backfill developments.

### Workload

As usual we have continued to meet regularly to consider plans from applicants in a timely manner. Whilst the decision of the Lands Tribunal was dated 28 May, 2023, the workload resulting from the case, alongside the normal business, again resulted in a heavy workload, requiring Committee members to put in additional time. When making a request for information, please be aware that we are all volunteers giving up our spare time to make a contribution to Estate business.

### Co-opting committee members

There are currently nine members of the EC. Sadly, Mr Algar and Mr Gammons have decided to step down, we would like to thank them both for their time and contribution to the EC's work. The Deed of Mutual Covenants requires that a minimum of nine people is needed to form a Committee. This number was decided when the number of houses on the Estate was just over 50, and we now have over 300. The EC needs more than nine people to operate effectively, so we are therefore appealing to covenantors to put their names forward to join the Committee.

### Challenge to this Committee

The major challenge to the Committee over the last 2 years has been the application to the Lands Tribunal brought by the owners of 21 Cadehill Road. The verdict was received in May, 2023, and we then proceeded to claim costs from the applicants. An interim payment of £50,000 was awarded to the Committee to be paid by 30 September 2023. No money was received. The next stage was to request the Lands Tribunal to determine the value of the full costs award: this eventually resulted in a further hearing in late January 2024. We are awaiting the decision. When it arrives, the EC will ensure that all covenantors on the estate are informed.

Finally, we would like to thank everyone for their support over the year, without this support we could not function effectively.

### Members of the Estate Committee

## **Treasurers Report**

*Andrew Hall*

### Working Account / Reserve Fund

The Committee operated at a loss of around £550 in 2023, taking into account the consolidation of funds from the Reserve Fund into the Working Account.

Thank you to the 121 households who paid their subscription. Unfortunately, due to a Barclays error, the Committee was without any bank accounts during November and December; a period when the Committee normally receives a significant proportion of subscriptions.

The accounts were re-opened in January and £350 received in compensation. Households that I was aware had tried and were unable to make payments have been contacted and have now made payment. If any other households that would normally pay during November/December have not yet caught up, the Committee would greatly appreciate your subscription. Please contact me if you would like details of your last payment date.

With £7,110 in subscriptions and £850 in planning fees, total income for the year was around £8,000. Total expenditure in 2022 came to just over £8,500 and was largely as anticipated, except for the budgeted website update being put on hold for a further year due to other priorities.

Looking forward to 2024, the Committee is budgeting for legal fees in connection with the recovery of costs from the owners of 21 Cade Hill. Please see the Litigation Fund section below for further details.

As a gentle reminder for any household yet to make their payment or with a standing order for a different amount, please note that covenantors voted at the 2021 AGM to increase the suggested subscription payment from £50 to £60.

### Litigation Fund / 21 Cade Hill Costs

Due to the exceptional circumstances of 2022 and the lead up to the 2023 AGM, the Committee decided that year's Litigation Fund accounts should incorporate relevant information from 2023 as well as 2022. There were no further transactions in the remainder of 2023, which is reflected in the "2023" column in this year's accounts showing no activity.

To date, the Committee, Secretary and I have been able to avoid further legal expenditure by carrying out necessary work in pursuing a full costs award against the owners of 21 Cade Hill in-house. I would like to personally thank the Secretary, Gemma, for her support in preparing the complex schedule of costs we were required to submit to the Land Tribunal.

The Committee has obtained an interim costs award of £50,000 and is awaiting a final costs award from the Land Tribunal detailing the total amount payable. The final award was expected around 9 February 2024, but despite the Secretary following up we have not received this at the time of writing.

The owners of 21 Cade Hill have failed to make the payment required of them under the interim award. The Committee requires legal support with enforcement action and has lined up Nicholson Morgan to commence proceedings as soon as the final award is made. The budgeted expenditure in the Working Account represents the fee cap agreed with the firm for planned work. Given conduct to date, the Committee is not budgeting to recover any money in 2024. They hope to have a clearer picture after Nicholson Morgan's work.



## 2023 COMMITTEE ACCOUNTS

WORKING ACCOUNT	2022	2023	2024 (Budget)	Notes
<b>Income</b>				121 subscribers in 2023 - affected by closed account during Nov / Dec
Subscriptions	£8,540.00	£7,110.00	£9,000.00	
Planning fees	£1,600.00	£850.00	£1,000.00	
Book sales	£20.00	£15.00	£50.00	
Common land planting donations				
Transfer from Reserve Fund		£901.95		Recorded as income for simplicity
Bank compensation			£350.00	For account closure in error
<b>Total income</b>	<b>£10,160.00</b>	<b>£8,876.95</b>	<b>£10,400.00</b>	
<b>Expenditure</b>				
Storage	-£61.20	-£42.00	-£100.00	
Gardening	-£750.00	-£1,350.00	-£1,000.00	
Hall rental	-£75.00		-£200.00	
Secretarial services	-£3,750.01	-£5,000.04	-£5,000.00	
Secretarial expenses		-£6.95	-£100.00	
Insurance	-£616.00	-£616.00	-£1,000.00	Budget for potential increase
Legal fees		-£600.00	-£3,000.00	21CH costs recovery efforts budgeted
Website fees	-£288.00	-£309.60	-£1,000.00	Website/email upgrade budgeted
Printing	-£333.09	-£273.85	-£500.00	Budget includes info booklet costs
PO Box	-£300.00	-£330.00	-£400.00	
<b>Total expenditure</b>	<b>-£6,173.30</b>	<b>-£8,528.44</b>	<b>-£12,300.00</b>	
<b>Income less expenditure</b>	<b>£3,986.70</b>	<b>£348.51</b>	<b>-£1,900.00</b>	
<b>Starting balance</b>	<b>£10,434.41</b>	<b>£14,421.11</b>		
<b>Closing balance</b>	<b>£14,421.11</b>	<b>£14,769.62</b>		

LITIGATION FUND	2022/2023*	2023*	Notes
<b>Income</b>			*To provide full details of income/expenditure for 21CH litigation, 2022 Reserve/Litigation Fund figures included relevant 2023 transactions 2023 column covers remainder of year only
Contributions			
- General			
- First 21CH fund-raise	£35,136.00		
- Second 21CH fund-raise	£18,050.00		
- Supplementary loan fund-raise	£45,800.00		Assumed no costs recovered from 21CH in 2024 due to slow Land Tribunal progress and 21CH conduct
Transfer from Reserve Fund	£112.08		
<b>Total income</b>	<b>£99,098.08</b>	<b>£0.00</b>	
<b>Expenditure</b>			
Legal costs			
- Solicitors (Muckle LLP)	-£25,224.20		
- Counsel (Charles Morgan)	-£9,360.00		
- Counsel (Simon Goldberg KC)	-£36,000.00		
- Expert (Andrew Entwistle)	-£33,600.00		
Printing	-£359.57		
<b>Total expenditure</b>	<b>-£104,543.77</b>	<b>£0.00</b>	
<b>Starting balance</b>	<b>£5,445.69</b>	<b>£0.00</b>	
<b>Closing balance</b>	<b>£0.00</b>	<b>£0.00</b>	

RESERVE FUND	2022/2023*	2023*	Notes
<b>Income</b>			
Interest	£2.16	£5.75	
<b>Expenditure</b>			
Transfer to other accounts	-£112.08	-£901.95	Consolidated into Working Account on closure
<b>Starting balance</b>	<b>£1,006.12</b>	<b>£896.20</b>	
<b>Closing balance</b>	<b>£896.20</b>	<b>£0.00</b>	