

KELVEDON HATCH VILLAGE HALL CHARITABLE TRUST  
Registered No. 301350

CONSULTATION  
BRENTWOOD BOROUGH COUNCIL LOCAL PLAN PREFERRED OPTIIONS.

Re : LAND BELONGING TO KELVEDON HATCH VILLAGE HALL  
CHARITABLE TRUST  
POORS' FIELD, SCHOOL ROAD, KELVEDON HATCH  
CM15 0DL

Throughout the Consultation document mention is made of "protected Open Space", but it is not clear in either the written text or the indecipherable maps provided where the Open Spaces exist or which land has "protected" status. As there is no indication in the proposed Local Plan that these areas have been reclassified since the previous Local Plan, where these spaces are identifiable on a map, the Trustees of the Kelvedon Hatch Village Hall Charitable Trust (KHHVCT) assume the protected Open Spaces remain unchanged. This being the case KHHVCT objects to Brentwood Borough Council's (BBC) identification of the Charity's property as a protected Open Space.

Kelvedon Hatch Village Hall has been in existence since 1903 and the, approximately, 5 acres of land at School Road, Kelvedon Hatch, was bought in 1952 by the Kelvedon Hatch Village Hall Management Committee with money owned by Kelvedon Hatch Village Hall, to site a "new" Village Hall. In 1964 the Village Hall Management Committee gifted the property to all the inhabitants of Kelvedon Hatch who became beneficiaries of the above Trust. The stated aim of the Trust is to provide a Village Hall for education, meetings etc; therefore, the Trust's purpose is Charitable.

Contrary to BBC's one decipherable map of Kelvedon Hatch the land belonging to KHHVCT is NOT a Playing Field nor as asserted on PMP's (2007) map a "sports field" or "pitches" and does not comply with PMP's own criteria for inclusion in its report. PMP did not contact the Trustees to ascertain the veracity of their designation. The land is rented out to various organisations in the Village and monies from the rental augment the income of the Village Hall. KHHVCT does not provide outdoor sports facilities as the Trust Deed does not make any provision for maintaining the land as recreational land, a playing field, sports pitches or "open space" so to provide these at any expense to the Charity would be a breach of trust. The Trust does not provide land for any other purpose than to site a Village Hall. The land is, and was intended to be when gifted, an investment asset providing an income for the Charity to provide

and maintain a Village Hall. Neither the beneficiaries nor public have a legal right to access the land, the land is private.

The designation as an Open Space is misleading and could (has?) lead to the Charity's asset supplementing the requirement of developers to provide open or recreation space within Kelvedon Hatch (Local Authority provision does not comply with BBC's standards). Obviously, the Trustees could not legally allow such a use of the Charity's assets for a number of reasons not least being that a commercial organisation would be gaining monetary benefit from the Charity (obviously illegal) and such an arrangement would not benefit the beneficiaries. Unfortunately, Councillors and Officers have, in the recent past, also misunderstood the legal status of the land and misconstrued their powers to require the Charity to provide services, without agreement or monetary consideration, on their behalf. The designation of the land as a Protected Urban Open Space was used in an attempt to control the Charity and the way the Charity's assets (including income) were applied and required the intervention of the Charity Commission to support the Trustees legal position. This situation has now been resolved, but the Trustees must do everything within their power to ensure that the misunderstanding does not persist or recur.

The Trustees have concluded that to ensure the Community/beneficiaries and Trustees retain control of this asset so that it can be used as intended when gifted, the identification of KHVHCT's land as an Open Space be removed and if necessary an more appropriate designation given in consultation with the Trustees. This will also ensure that non-beneficiaries of the Trust, i.e. the Local Authority or developers are left in no doubt as to the ownership of the land and do not benefit or attempt to benefit from the charity.

The designation of KHVHCT's land as "protected" is inappropriate and redundant. Before the whole or part of the property, including the land, can be sold the Trustees must hold a ballot, the conduct of which is detailed in the Trust Deed. All the inhabitants of Kelvedon Hatch have a legal right to participate and if their decision is to sell all or part of the land this decision is passed to the Official Custodian of Charities to sign the legal documents and make sure that the ballot conformed to the instructions in the Trust Deed. The reason Kelvedon Hatch has an architecturally designed Village Hall is because the Community of Kelvedon Hatch decided to sell some of the Trust's land for housing to afford a better Village Hall. The outline planning application for the housing was taken to appeal and the Inspector upheld the decision of the Community and granted the Planning Application.

It has been clearly demonstrated that the Community already has legally binding decision making powers with regard to the future of the land and can and will use this power to benefit itself in the way intended. It is difficult to see

whom the protected Open Space designation benefits other than BBC and Developers, a benefit that is not intended or legal.

The inhabitants of Kelvedon Hatch have already provided and continue to provide themselves with a Village Hall and have had the foresight to provide land as an asset to help maintain it. It is difficult to see why, because the Local Authority has failed to provide adequate recreational space, BBC, by the use of planning policies, requires this Community to provide it's own Open Space/Informal Recreational land by misappropriation of an investment asset of the Kelvedon Hatch Village Hall Charitable Trust.

The Trustees believe that the designation was originally a mistake that can easily be rectified by removal of the designations as outlined below. This would also ensure that BBC or Councillors are not tempted to acquire a benefit from the Charity to which they are not entitled.

#### Objection

The designation of KHVHCT's land as a "protected Open Space" is inappropriate and misleading.

The designation gives BBC a controlling interest in the land, a benefit to which it is not legally entitled.

The designation restricts the Community's legal right to determine the future of the land.

#### Remedy

Remove the designation of KHVHCT's land as a "protected Open Space" or any other similar designation.

#### Objection

The identification of KHVHCT's land as an Outdoor Sports Facility providing "pitches" is misleading and not factual.

#### Remedy

Remove the designation and identification on all maps showing KHVHCTs land.

We must apologise for the length of this objection, but as you will realise this has been and is a complex situation with much confusion and misunderstanding. If you wish to clarify any of the above matters please contact the Trustees and we will be more than willing to meet and discuss our objections or Trust and Charity Law.

Yours faithfully

On behalf of the Trustees.