

IN PARLIAMENT  
HOUSE OF COMMONS  
SESSION 2013–14

## HIGH SPEED RAIL (LONDON – WEST MIDLANDS) BILL

Against – on Merits – By Counsel, &c.

To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament assembled.

THE HUMBLE PETITION of MR K PATEL AND MRS H PATEL

SHEWETH as follows:-

- 1 A Bill (hereinafter referred to as “the bill”) has been introduced and is now pending in your honourable House intituled “A Bill to Make provision for a railway between Euston in London and a junction with the West Coast Main Line at Handsacre in Staffordshire, with a spur from Old Oak Common in the London Borough of Hammersmith and Fulham to a junction with the Channel Tunnel Rail Link at York Way in the London Borough of Islington and a spur from Water Orton in Warwickshire to Curzon Street in Birmingham; and for connected purposes.”
- 2 The Bill is presented by Mr Secretary McLoughlin.
- 3 Objection is made to Volume 1, Clauses 1 to 65 and Schedules 1 to 4 and Volume 2, Schedules 5 to 31 of the Bill.
- 4 Your Petitioners are leasehold owners of residential properties at 15 Ainsdale, Harrington Street, London, NW1 3SD and 31 Ainsdale, Harrington Street, London, NW1 3SD (the ‘Properties’). The Properties are identified in the HS2 Environmental Statement for demolition.
- 5 Your Petitioners and their rights, interests and property are injuriously affected by the Bill, to which your Petitioners object for reasons amongst others, hereinafter appearing.
- 6 **Compensation**
  - 6.1 Your Petitioners purchased the Properties as investments. They are let out under Assured Shorthold Tenancy agreements. As non-resident owners your Petitioners’ compensation rights are limited which is likely to cause unreasonable damage and financial loss.
  - 6.2 As non-resident owners your Petitioners’ do not qualify for Statutory Blight, Express Purchase or the various other Discretionary Purchase schemes.
  - 6.3 As the Properties are identified for demolition in the Environmental Statement, they are now effectively unsaleable. Your Petitioners are therefore unable to release their equity in these Properties if needed, nor to time their sale according to their judgement of when the market is best (an essential requirement for property investment). Your Petitioners capital is effectively trapped in the Properties until compensation is agreed following Compulsory

Purchase.

- 6.4 The valuation date for compensation is the date HS2 take occupation. This is outside your Petitioners' control and may coincide with a period in the property market when a sale would cause financial loss or less gain. A compulsory sale of both Properties simultaneously is likely to result in an unfavourable tax burden for your Petitioners, compared to a planned and voluntary sale in a normal market.
- 6.5 Your Petitioners' interest in the Properties will ultimately be subject to Compulsory Purchase Orders under the Bill. The basis of compensation (in accordance with the Compensation Code) is insufficient and inequitable. Compensation will be based on the Market Value of the Properties, plus 7.5% Basic Loss Payments, plus limited Disturbance compensation and professional fees.
- 6.6 Due to the rapid increase of London house prices, a claimant having property acquired under Compulsory Purchase is subject to a very significant risk of falling behind the market, and being unable to purchase an equivalent replacement property. Compensation is decided by negotiation (with ultimate recourse to the Courts at the Upper Tribunal (Lands Chamber)). A value agreed at negotiation is based on historical comparable evidence. It is likely to be under (and possibly significantly under) the value achieved by actually marketing the Property in a rapidly rising housing market.
- 6.7 In the absence of agreement on price your Petitioners' only alternative recourse would be the expense and enormous stress of the Courts. Unlike for HS2 or their agents this would be a life changing and intimidating decision and process of which your Petitioners have no experience.
- 6.8 *Form of Relief Sought*
- 6.9 The compensation provisions as they affect investment owners are inequitable and in the London housing market puts your Petitioners at significant risk of financial loss and damage.
- 6.10 It is inequitable that your Petitioners cannot time the sale of the Properties to their best advantage due to Blight caused by the HS2 proposals. Your Petitioners ask that the Express Purchase scheme be opened up to non-resident owners of residential property.
- 6.11 Your Petitioners ask that the Basic Loss Payment should be increased to a minimum of 10%, with no maximum amount.
- 6.12 Your Petitioners recourse to the Courts in absence of agreement is inequitable and stacked against the claimant in every way. Your Petitioners ask that alternative resolution and arbitration procedures be introduced as a matter of policy for HS2 claims, making justice more easily accessible to claimants.
- 6.13 For the foregoing and connected reasons your Petitioners respectfully submit that, unless the Bill is amended as proposed above, Volume I, Clauses 1 to 65 and Schedules 1 to 4 and Volume 2, Schedules 5 to 31, so far affecting your Petitioners, should not be allowed to pass into law.
- 6.14 There are other clauses and provisions of the Bill which, if passed into law as

they now stand will prejudicially affect your Petitioners and their rights, interests and property and for which no adequate provision is made to protect your Petitioners.

YOUR PETITIONERS therefore humbly pray your Honourable House that the Bill may not be allowed to pass into law as it now stands and that they may be heard by their Counsel, Agents and witnesses in support of the allegations of this Petition against so much of the Bill as affects the property, rights and interests of your Petitioners and in support of such other clauses and provisions as may be necessary or expedient for their protection, or that such other relief may be given to your Petitioner in the premises as your Honourable House shall deem meet.

AND your Petitioners will ever pray, &c.

Signature of Agent for the Petitioner

A rectangular area that has been redacted, obscuring the signature of the agent for the petitioner.

**Mark Warnett MRICS FAAV**

BACKSHEET:

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AGENT:

~~MARK WATSON~~ ~~MARK WATSON~~