

BRIEFING NOTE – Cropwood Estate (Registered Charity no. 1085296)

Hunters Hill College is a Birmingham City Council community special school located outside the city boundary in Bromsgrove, Worcestershire located on land held in trust known as the Cropwood Estate.

Background:

As advised previously the land was gifted for the provision of an Open-Air School which provided education to children whose schooling had suffered due to malnutrition, asthma, bronchitis and other respiratory diseases. Classes and dormitories were principally outdoor. All open-air school provision had ended in Birmingham by 1986. The site is now used by the Hunters Hill College for pupils aged 7 -11.

In total the estate is approximately 35 hectares and is held by the Trust freehold. The main area of land comprising the Cropwood Estate was gifted to the City by Barrow Cadbury and Mrs Geraldine S Cadbury on 1st June 1921 with further parcels gifted by Barrow Cadbury 28th February 1933 and on 20th May 1938. Birmingham Corporation Education Committee took over management of the site in 1936.

At that time the estate included the main house and gardens known as ‘Cropwood’, various cottages and grazing land let to provide some income for the trust. The grazing land and woods have more recently been used by the College but have now been returned. Birmingham City Council has developed the site with various additional buildings to provide normal schools facilities plus a range of residential accommodation for staff and pupils. The residential element has now ceased and while a few staff occupations continue they are being resolved.

Consultation:

The School can currently offer up to 135 places for pupils aged 11- 16 years who have an Education and Health Care Plan (EHCP) for Social, Emotional and Mental Health needs (SEMH). Birmingham City Council has been exploring the options for the future of Hunters Hill College as a direct result of being judged “inadequate” by the OfSTED inspection carried out in 2019 and the subsequent Directive Academy Order issued by the Secretary of State (no academy trust has been identified). In addition, the pupil numbers have been reducing (currently 86 pupils) and the building maintenance for the school is unsustainable. Some buildings have been closed off and boarded as they are no longer fit for purpose.

These factors had a significant impact and the school is no-longer financially viable. Birmingham City Council as the Local Authority for Birmingham is consulting on a proposal to close Hunters Hill College with effect from 31st August 2021. Officers in Education released an email to all City Council Members on 13th November 2020 alerting them to the commencement formal consultation process.

There is a process that Birmingham City Council must follow to propose and make a decision on the school closure. The key dates are:

Action	Date
Statutory Pre-publication consultation	Ended on 16 th October 2020 - complete
Statutory notice to be published	12th November 2020 - complete
Beginning of Representation period	12th November 2020 – current / live
End of 4-week representation period	10 th December 2020
Final decision to be made by Birmingham City Council no later than:	10 th February 2021
Changes implemented (if any)	31st August 2021

If closure is recommended and agreed the site will be vacated fully by 31st August 2021. It is appropriate that the trustees consider the possible ramifications from closure.

Governance:

The Trust is governed by a Scheme granted by the Charity Commission dated 12th November 1997 which provides the Trust with appropriate freedoms to better manage the estate and which also provides powers of disposal by sale and by lease. These powers have been used previously. The Trust is fully within its rights to make disposals provided it adheres to all normal requirements as set out in the Charities acts particularly s36 of the charities Act 1993 as drafted in the scheme but as re-enacted as Part 7 of the Charities Act 2011 which requires all sales to be dealt with following a formal report from a suitably qualified surveyor, advertised appropriately and disposed of only at market value though there are exceptions when dealing with other charities.

Generally, while operated with the occupation of Hunters Hill School there was no expectation of any land or buildings there being disposed of. In any case development potential may be limited. The site is outside of the City boundaries with Bromsgrove District Council being the planning authority. The site is possibly Green Belt in parts. It is assumed the current woodland and grazing areas considered to be within and substantial parts would only be able to be used for continuing agricultural purposes

Considerable further legal work will be required to determine whether any of the restrictive covenants mentioned still apply and instructions have been passed to Legal Services to determine if the earlier conveyances referred to can be found.

Other options will be to consider alternate use and occupations though the condition of some properties is reportedly poor.

An inspection of the site for Members is being organised.

Charitable objects:

The specific objects of the Cropwood Estate trust are wide ranging and are: the furtherance of any charitable purpose for the benefit of the inhabitants of the city of Birmingham including all or any of the following purposes (a) the provision and support of educational facilities (b) the provision and support of facilities for recreational and other leisure time occupation with the object of improving the conditions of life for the said inhabitants (c) the relief of the aged, impotent and poor (d) the relief of sickness. The main use of the land is for educational purposes.

Legal documents:

1921 Conveyance

This is the larger part and includes the period House 'Cropwood' and requires the land and properties to be used for "the establishment of a residential open-air school, converted by the Corporation and to be maintained as such for at least 15 years from first opening and for so long after the expiration of such period as the Corporation shall think desirable with all land being with the benefit of restrictive covenants the lands may already be subject to".

The conveyance continues that if any part ceases to be required for educational purposes it can be let (excluding that part which is known as Hunters Hill) with rent monies being applied to the maintenance of the School or other educational or charitable institution. There is a general prohibition common on Cadbury land that no part can be used for the manufacture or sale of intoxicating drinks.

The area known as Hunters Hill is also subject to a restriction against building except for the cottage now standing. This is assumed to be the current caretaker's cottage.

1933 Conveyance

Added 3.122 acres on the same principle terms and with the same 15 year minimum term for the school but imposes no restrictive covenants except two small runs of fencing obligations. This is the main area now used by the school.

1938 Conveyance

Added a further 11.4 acres of pasture land and woods. The conveyance contains the same clauses on land use, letting for agricultural purposes (but not building development) and restrictions on intoxicating liquors.. The majority is still let on an agricultural tenancy. An additional restriction prevents the letting or building on the area known then as Bluebell Woods. Further the land is also declared as subject to a restrictive covenant under a conveyance dated 20th September 1905 made between William Barton Worthington and Thomas Worthington to Barrow Cadbury which appears to impact on any proposed disposal.

Note:

For full details of the proposal and how to submit comments during the current representation period, visit: <https://www.birminghambeheard.org.uk/people-1/huntershill-part2/>