

Policy SA29 – Land behind St Stephen’s Church, Hamsland, Horsted Keynes

First Statement from: Paul Fairweather, [REDACTED]

Matter - Guidance Note 3.3 (ii) (v) & (vi)

My statement submits that safe and secure access cannot be provided within the ownership of the allocated site and does rely upon the acquisition of off-site land.

My statement does refer to the documentation of Planning Application DM/20/4692 but solely in order to better illustrate the situation and to demonstrate the limitations of the site. This statement has six Appendices A to E.

Situation: My home is immediately next to SA29 along its western border, the boundary being a single strand of barbed wire nailed to the trees on my side decades ago and as they have grown, their increasing girth has resulted in some small variations from the original.

This site is unusual in that there exists only one possible access that leads at right angles off Hamsland and continues south-easterly for 35+ meters along a narrow strip of land between my property and that of the Church of St. Stephen tapering from 7 to 6.5 meters wide before opening out to the building area of the site. At the junction with the highway there is restricted width for the essential large-vehicle access to be achieved and safe lines-of-sight cannot be delivered, both considerations due to the existence of the evergreen low-level foliage of two small but healthy trees growing close to the pavement adjacent to the western corner of the site access.

Submission

Safe and secure access can only be provided by action not within the ownership of the site

As the site’s western boundary terminates at the existing farm gate post, both these trees grow on land not within the ownership of the site. **(Appendix A – 6 x photos illustrate the relationship of the two trees to the field gate post, the mutual boundary termination point, the pavement edge, their effect on sight-lines, and the two boundary fences).**

This situation was only brought to light by the drawings submitted with current Planning Application DM/20/4692 which illustrated that, after the width of Hamsland itself has been increased, the only method of achieving safe and secure access is by widening the point of entry to the site, and to do this it is proposed that the two trees be removed. This recognises that (a) widening the access is essential and that (b) these trees prevent this. **(Appendix B – ‘Access – Refuse’ and their ‘Swept Path Analysis’ detail is taken from that application and is included to illustrate this).** Due to the cul-de-sac nature of the site’s access to the national road network, by far the majority of traffic entering and leaving the site will be from and to the West, making lines-of-sight to that direction critical – ref: Appendix A (iii).

The applicant’s response to my pointing out in January that these trees were not within the site was to commission a survey of that area in order to establish the true location and extent of the site boundary. Without challenging my assertion regarding the mutual boundary, they then used those results to claim that these trees are growing on WSCC Highway’s land **(Appendix C – Applicant’s detail drawing with the true site boundary shown).** WSCC have stated that Highways’ land ends at the tarmac edge of the existing pavement and although one tree does grow close to that, the other is over a metre from it and neither is within the site boundary, the position of which was confirmed by the Applicant’s own survey results – ref: Appendix A (vi). **(Appendix D – Applicant’s inaccurate detail drawing corrected by me to show the true situation and the various boundaries).**

Faced with this, the Applicant then changed their position entirely to claim that the trees grow on 'Unregistered land'. However, because it has access from the garden of my property, it can be verified by neighbours that historically it has been used and maintained by its occupiers as part of its land, and I continue to do so. **(Appendix E - Land Registry Title Nos. WSX296301 and WSX296299 illustrate this. N.B. formerly my property was called "Tonsberg")**. As this occupancy has continued for decades, Adverse Possession would apply, successive owners having to carry out bi-annual pruning of the vigorous holly in order to prevent it obstructing the pavement.

Conclusion

In either event it has been shown that the trees are not on land within the applicants' control (i.e. Site SA29) and as they do not fall within the site boundary, are not available for removal, without which suitable access cannot be achieved.

This demonstrates that safe and secure access cannot be provided within the ownership of the allocated site and therefore the site must be regarded as undeliverable.

Note: Horsted Keynes Parish Council was informed of this issue and it was a factor included in its decision to place a holding objection on the Planning Application. Having expressed concern over the preservation of the tree Root Plate Areas and stated reservations over the ability to provide adequate safe vehicular access on such a limited width of land. Subsequent to lodging this holding objection, Horsted Keynes Parish Council re-examined the situation and voted to withdraw its support for this site from MSDC's draft SADP.

Appendix A

(i) Showing the size & extent of the two trees & their location relative to the site gate post (i.e. boundary point). The distance between the two gates is 2.5 metres.



(ii) Closeup view of site's gate post showing the termination point of the barbed wire boundary fence where it encircles and is stapled to the smaller post to its right.



(iii) Poor sight Lines due to the foliage – the approach to the site entrance from the West



(iv) Poor sight Lines due to the foliage – the approach to the site entrance from the East



(v) Location of the nearest tree (Holly) rooted behind the tarmac pavement edge.



(vi) View from the pavement showing the substation enclosure and the two boundary fences, with the two trees growing to the front left.



Appendix B – 1

1. 'Access – Refuse' drawing from Planning Application DM/20/4692.

09 Access - Refuse

As illustrated in figure 29, the proposed layout facilitates entry into, and movement around, the site for an 11.997m refuse vehicle.

The layout allows for the refuse vehicle to drive to within close proximity of all dwellings. Consequently this allows for convenient and subtle refuse collection points and prevents the need for storage and collection points to be a significant distance from dwellings.

This strategy ensures that residents do not have to carry waste more than 30m to any refuse collection point whilst also ensuring that waste collection vehicles are able to get to within 25m of all waste collection points, in accordance with Building Regulations 2010, Part 'H' (Drainage and Waste Disposal).

Tree works

To facilitate access of refuse vehicles into the site works to the canopies of trees/hedges G3, G7, T2, T4 and T5, as identified on the tree survey produced by Broad Oak Tree Consulting, are also required as illustrated in fig 28.



Fig 28: Tree works required to facilitate refuse vehicle access.

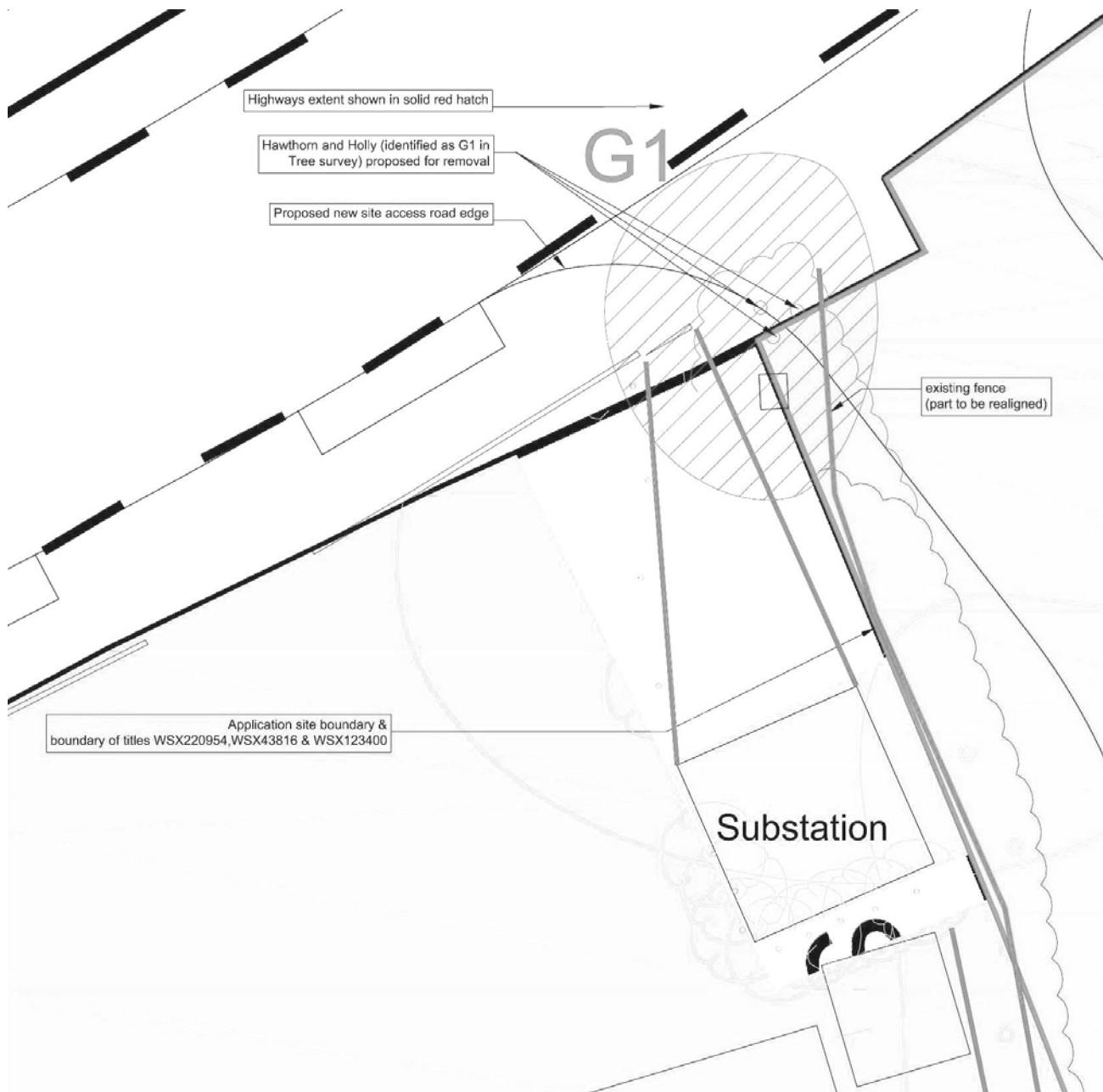


2. Detail from the 'Swept Path Analysis' detail from Planning Application DM/20/4692.



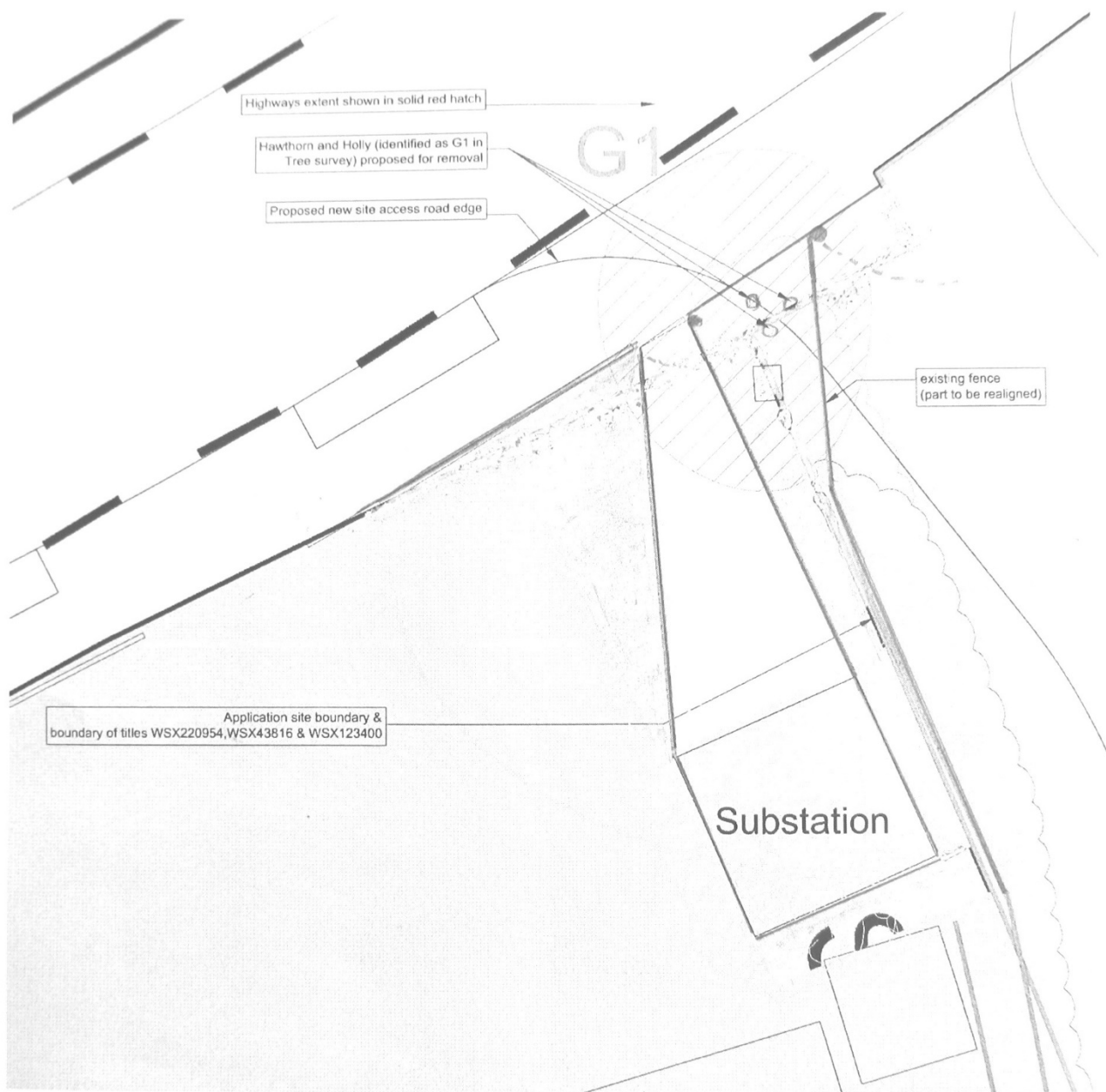
Appendix C

Detail from Applicant's drawing showing the results of their survey that confirms the true location of our mutual boundary but in-accurately shows the substation gate and the two trees on the tarmac pavement.



Appendix D

Detail from Applicant's drawing - corrected by me to show the results of their survey that confirms the true position of our mutual boundary together with that of the substation gate and the two trees.



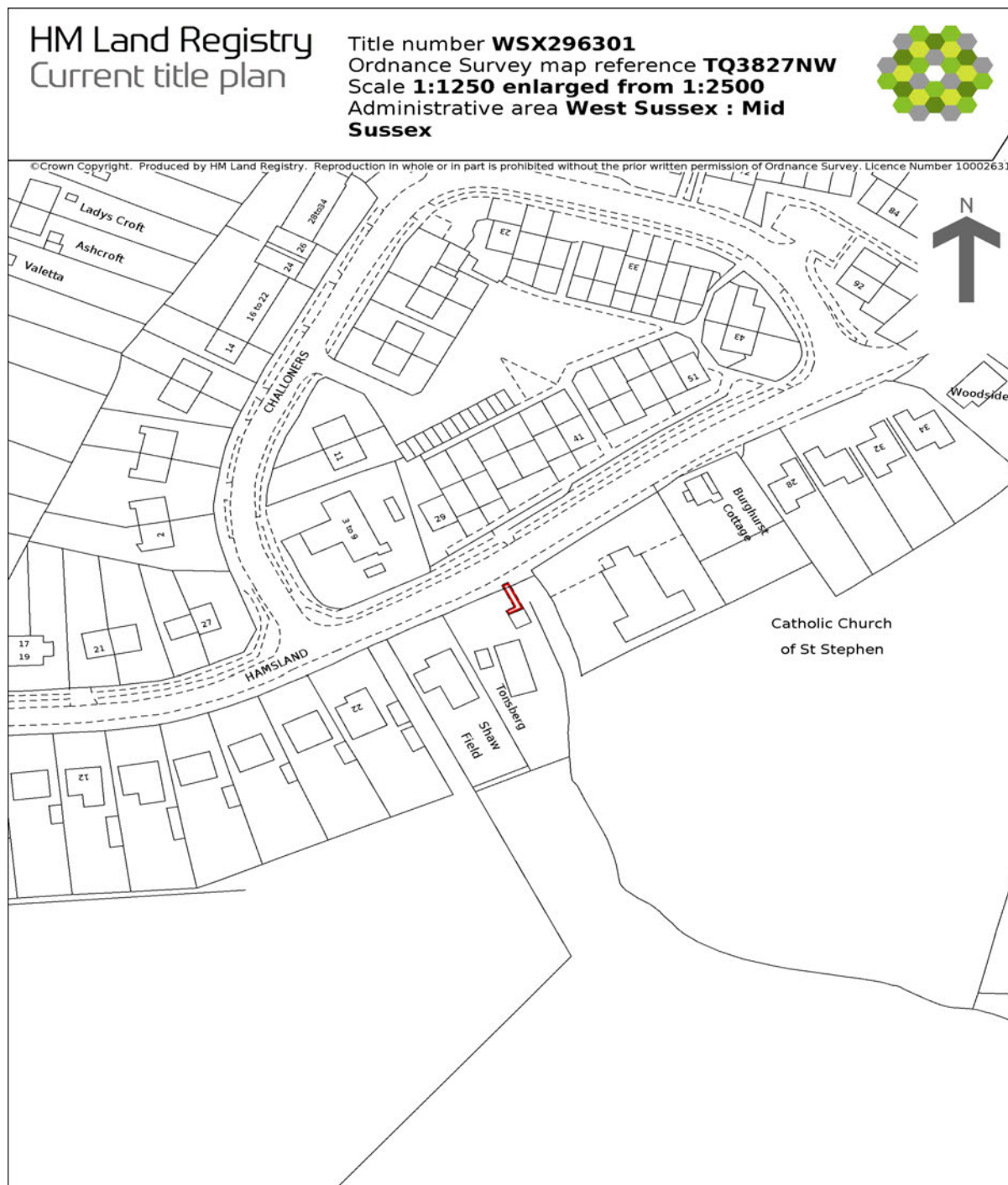
Appendix E

1. Land Registry Title No. WSX296299



Appendix E

2. Land Registry Title No. WSX296301



Ends/....