

**From:** MARY LETH [REDACTED]  
**Sent:** 26 March 2015 19:25  
**To:** Planning Policy  
**Subject:** Comment on DMM22  
**Attachments:** Survey for GLRA.pdf

As co-chair of the Green Lane Residents Association, and on my own behalf, I strongly support the modification DMM22 as regards removing Green Lane as "potential access" to Housing Site H7. The sudden insertion of this access at the publication stage was both unsound and undeliverable. In addition to the reasons set out in detail in my pre-hearing submission (DREP520-001) and remarks at the hearing, I would make the following points in support of the modification:

1 The appeal against the Council's refusal of permission to build two new houses on part of this site, using Green Lane for access (APP/A1720/A/14/2228107) was dismissed by Inspector Nick Fagan on 29 January 2015 because, among other reasons, **"the proposal would seriously harm the safety and convenience of users of Green Lane"**. The appeal Inspector noted the narrowness of the lane for much of its length and also that "residents need to agree on any surfacing or other improvements to the Lane, not least because it would have knock-on maintenance implications for them" (The lane, being unadopted, is maintained at the residents' expense, which involves seeking voluntary contributions from each of the existing households.)

2 Notwithstanding the failure of his client's appeal, I cannot let the statements in Mr Newell's letter of 9 January 2015 (DREP 526-001) go unchallenged. Although the appeal inspector was apparently given the impression that Mr Newell's client owns the house at 32 Green Lane, the Land Registry shows that they purchased the site in question from the owners of No. 32 only in November of 2013, well aware that access to this site had been a stumbling block for many years due to fragmented ownership, but presumably speculating on getting the Council to overturn, at least in part, its long-established policy that access to "Area 14" be from Fleet End Road. The owner and director of Mr Newell's client was the developer (and briefly owner) of No. 32 and would also have known that planning permission for its construction was only granted on condition that the owners of the house beyond entered into a written agreement with the Council to cease using the lane for their access.

Mr Newell stated that "My clients' land at 32 Green Lane has all necessary rights over the entire length of Green Lane in that in the first instance, unimpeded access rights have been established for a period in excess of twenty years but in any event it is a public highway."

In fact, none of the land the subject of the failed application is part of the plot on which 32 Green Lane was built (in 2003/4) - Land Registry records indicate that it was acquired separately, from a different

owner, in 2004 and 2007, by the then owners of No. 32 as additional front garden. I understand that previously this land was separated from the site of No. 32 by fencing/hedge. There is no history of vehicular access from Green Lane to Mr Newell's client's site, or any other part of H7. (Moreover, despite the attempt to "piggy-back" onto No. 32's access from the lane, Mr Newell's client was not proposing to use that access for the 2 new houses, but to carve out a new entrance directly opposite their neighbour.)

We do not agree that Green Lane, an unmade cul de sac about 200 metres long, is a "public highway". There is currently a "private road" sign at the entrance and I understand there was such a sign during some period in the past, before it was vandalised. Both the Council and Mr Newell stated in documents relating to his client's recent application that the lane is privately-owned, but in the Council's response to the recent appeal they repeated an assertion from some years ago that it is an unadopted public highway. In response to my enquiries, the Council has not produced any evidence to this effect, just an unsupported assertion by their acting Chief Engineer in 1989. In any case, the appeal inspector, who (based on the Council's statement) regarded the lane as a public highway, still concluded that it was unsuitable and unsafe for use as access for even two houses in H7, clearly demonstrating that its inclusion as potential access in the Local Plan would be both unsound and undeliverable.

It was unfair for Mr Newell to claim that the residents had failed in our "obligations" to maintain the lane, when it was his client's almost relentless siege, over the better part of 14 months, that made it impractical to spend our money on works that he might be about to tear up. We have recently had it scraped and rolled, at a cost of nearly £1,000 and considerable time spent organising the funds and work, but the improvement will inevitably only last for a while.

In response to Mr Newell's client's appeal, we commissioned an independent engineer's survey for the Residents Association, which was lodged with my appeal comments and I attach a copy of that report.

To conclude, we strongly support the removal from the Local Plan Part II of references to Green Lane as "potential access" to H7 and, indeed, would prefer that the plan make clear that such access has been considered but conclusively rejected.

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