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West Midlands, B93 9PS

The Secretary of State for Levelling up, Housing  
and Communities

29th June 2023

Email only- [pcu@communities.gsi.gov.uk](mailto:pcu@communities.gsi.gov.uk)

Dear Sir / Madam

**Chichester District Council (Access Track Off Crooked Lane, Birdham) Compulsory Purchase Order 2023**

Objectors- Ms Sally Anne Evans (1); Mrs Valerie MacDonald (2); Mr Richard Evans (3);  
Mr Joseph Evans (4); Mr Benjamin Evans (5)

**Property- Hedgecox Crooked Lane Birdham Chichester West Sussex PO2 7HB  
Interest in land- Successors in Title of Mrs Mabel Evans' Ownership of and rights of way  
over the access track which runs between the site boundaries of two properties fronting  
Crooked Lane Birdham (Hedgecox and Copperfields)**

I, [REDACTED], am writing to register my objection to the above Compulsory Purchase Order and am duly authorised to register the same objection on behalf of the objectors (2) to (5). Objectors (1) to (3) are the off-spring of Mrs Mabel Evans, a Statutory Objectors who is represented by Blandy & Blandy, and Successors in Title. Objectors (4) and (5) are two of the five grandchildren of Mrs Mabel Evans also being direct Successors in Title.

We would like our objection to be taken into account by the Inspector when determining whether or not to confirm the making of the Order by the Acquiring Authority, Chichester District Council. We are given to understand that only objections by Statutory Objectors will carry any weight in the Inspector's decision. However, we argue that as Successors in Title and, above all else, as Mrs Evans' immediate family who are extremely concerned for her welfare (she is 90 years old in September and in poor health) our objection is directly relevant and should have a bearing on the Inspector's assessment of the conduct of the Acquiring Authority leading up to the making of the Order, which compounds the failings of the Acquiring Authority when granting the Planning Permission for the Exception Site.

**Context and loss of amenity**

[REDACTED] has been our family home since 1972 (over 50 years) and as children we grew up enjoying the idyllic location of the house with views across corn fields at the bottom of the garden in which we regularly played, picking blackberries in the cart track running the length of the property and general sounds of nature (cuckoos, owls, cows bellowing in the field next door etc etc). Since moving away for work reasons and starting our own families, we three siblings

have all spent lengthy periods of time back home and visiting at weekend and holidays with our own children. Indeed, Sally Ann Evans (1) and Valerie Evans (2) celebrated their respective wedding receptions in the garden and Joseph Evans (4) lived with his nana through most of the Pandemic lockdowns in 2020. For our extensive family living abroad visiting "Hedgecox" is a must when holidaying in England. Presently we enjoy peace and quiet, it is a refuge. The garden is visited by many species of bird including red and green woodpeckers and a handsome family of pheasant which return each year with their young, deer, hedgehogs, sloe worms, bats, foxes....too many to mention. On three sides to the rear of "Hedgecox" we enjoy complete darkness and quiet and wonderful sunsets on the western boundary.

Mrs Evans has always been a keen gardener and spent many enjoyable hours even up to recently in the garden. This enjoyment will be hugely impacted during construction work and eventually by installation of street lighting, vehicle noise in close proximity and damage to the three ancient oak trees on the rear garden perimeter.

Over the period of Mrs Evans' ownership (with her husband up to 16 years' ago), the fields next door have been developed with just 3 houses (where Copperfields is now located), the little primary school across the road has grown and traffic along Crooked Lane has increased and become faster due to the addition of significant sites along the Main Road, Birdham, which is ½ a mile from "Hedgecox" itself situated in the "old" village. The ancient cart track, however, has remained unchanged for hundreds of years and for years has been controlled by Mrs Evans and only limited access has been allowed to one property owner for access to maintain their meadow/woodland bordering the end of the track and for maintenance of the cart track itself, trees and drainage ditches around the perimeter on the western and northern boundary of

Confirmation of the Order will drive a "coach and horses" through our family's amenity and enjoyment of "Hedgecox". This property is an AONB and should be respected. The ancient cart track known as "Honeypot Lane" in medieval maps should not be devastated.

### **Precedent**

'An Englishman's Castle is his home'.....but not if you live in the Acquiring Authority's district ! A confirmation of the Order would not be just and equitable.

It is our view that confirmation of the Order will set a dangerous precedent allowing developers all over England and Wales to acquire land-locked sites, pay the Local Authority to make a CPO for land required for access whilst inadequately compensating landowners for their lost rights or value the acquired land adds to the developer's site. It is a draconian measure and we do not consider that Hyde as developer nor Chichester District Council as Acquiring Authority have adequately attempted private settlement.

Setting a precedent is particularly a risk where a site is not part of a major infrastructure project and the public benefit is miniscule in comparison to something bigger and strategic. Trampling over an individual landowner's rights to deliver a few houses is draconian. Mrs Evans has had no alternative but to spend £'000s in protecting her rights, resisting the planning and now being

represented in her objection to the CPO. She is a pensioner of modest means who happens to live in her forever home and will be forced to borrow against her home to fund any further resistance.

We rely on the following to support our objection:

- (i) London Borough of Barking and Dagenham Council (Vicarage Field and surrounding land) Compulsory Purchase Order 2021
- (ii) Royal Borough of Windsor & Maidenhead (Nicholsons Shopping Centre and Surrounding Area at High Street, Queen Street and King Street, Maidenhead) Compulsory Purchase Order 2022

### **Planning Conditions**

We reluctantly recognise that the Exception Site planning consent is a matter of history (however flawed and however objectionable the Acquiring Authority's conduct in the planning process) and that the Inspector's remit is very restricted to that of the land subject to the Order. Matters mentioned in the "Loss of Amenity" section are highlighted because of the negative impact caused by the absence of appropriate contractually enforceable planning conditions/ failure to enforce conditions leading to lack of protections for neighbouring land owners. The making of the Order further rides roughshod across what remains of Mrs Evans' amenity with no mention of how damage on a number of fronts will be mitigated. In giving approval for the Order, the Acquiring Authority's Councillors at Full Council Meeting in May 2023 failed to discharge their duties to Mrs Evans as a resident of the district by not ensuring there was contractual mitigation or a "subject to"/conditional determination.

One example is the Road Safety Audit which has not been updated to take account of changing road conditions since the grant of planning, nor completed at all. Full Council Meeting side-skirted the issue rather than making it a pre-condition/deferring the making of the order.

A further example is Flood Prevention Measures, where the reasoning in support of the making of the CPO does NOT mention the importance of the drainage ditches in the cart track/abounding Mrs Evans' property to preventing flooding in the vicinity (a problem which is currently costing Chichester District Council ("CDC") £'000s to rectify throughout Birdham and impacting Pagham Sewage Treatment Works). Tarmacing of the track will only exacerbate the situation. The "Through-Winter" flood survey will not be complete until Spring/Summer 2024 at the earliest and CDC should not have made the Order before the outcome was known.

### **Overwhelming Need**

The number of Local Residents or those with a connection to Birdham on the waiting list for affordable rental homes has fallen from 9 to 7. CDC has approved several sites over recent years which has delivered this requirement. There are also born field sites (former garden nurseries) in the planning pipeline which will satisfy this need. It should be remembered that an Exception site is to satisfy a very specific need as an exception. This site planning was approved by just one vote in Council (and confirmed by a vote at Council held secretly without

notice to the public), and contrary to the Birdham Parish Council's objection and objections of many village residents including the Headmaster of the Primary School. Confirmation of the Order will cement this travesty.

### **Alternative Access**

We are aware that a former Parish Councillor, Nick Way was recused from attending discussions at Parish Council meetings because it was pointed out to him by Mrs Evans that he had a conflict of interest in that he owned the field , 50% of which forms the Exception Site. We understand that Mr Way has an interest in bringing forward the development of the remaining 50% of the field which he retains and access is planned through the Exception Site due to the way the road has been set out, and via the track forming the CPO land. Not only will this impact "Hedgecox" even more in the future but highlights the existence of an alternative more appropriate access route which has not been adequately explored, i.e. Mr Way's property at The Farthings and his land being 50% of the field (albeit Exception Sites should not facilitate "infill" of other land outside the Local Development Plan.

### **Financial ability to bring forward Exception Site and Viability**

As a Chartered Accountant I have concerns about the developer's ability to not only deliver this site as a viable site but also to meet financial compensation and mitigation obligations. The Acquiring Authority will also be required to meet the reasonable professional costs of Mrs Evans as Statutory Objector in negotiating compensation as provided by the Guidelines. We require the Acquiring Authority and the developer to satisfy our concerns on behalf of Mrs Evans in this regard by way of Bank Bond/Guarantee.

### **In Summary**

It goes without saying that the whole family is devastated by the history of this Exception Site, conduct of the Acquiring Authority, the developer and its predecessor and now the CPO at risk of being confirmed contrary to what is fair. The Human Rights of Mrs Evans and her Successors in Title / Objectors 1-5 are being outweighed by an argument for Public Benefit which does not stand scrutiny. Indeed, CDC in its Equality Questionnaire, barely mentions the rights of the elderly person living next door to the CPO site and justifies its argument because it is building two bungalows ! Neither has CDC ensured that the many elderly residents in the "old" village had adequate notice along the whole process or assistance in making their views known. A complete disregard of the elderly. Where is the right and justice in that ?

On behalf of myself and the other four objectors I respectfully implore the Inspector to take this objection into account.

Yours faithfully

Sally-Anne Evans

[Daughter of Mrs Evans]

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