

character of the proposed development differs greatly from that of the area by which it would be surrounded, in terms of the ratio of the liveable area of each individual dwelling to the area of the land which that same dwelling occupies. It would not therefore be appropriate for resources of the State to be used to facilitate a development that, as in this case, would run contrary to accepted norms.

Deduction

7. Compulsory purchase of the access ground would:

- Unjustifiably infringe the reasonably expected rights of a freeholder to protection from undue State influence;
- Would involve the State in negating anticipated protections inherent in its own. AONB designation; and
- Would constitute inappropriate use of the State's financial resources.

Hence, it would be wrong for Compulsory Purchase Order procedure to be used to further the development in question.

1 June 2023

From: PCU
To: Jez Donovan
Subject: FW: Chichester DC (access track off Crooked Lane, Birdham) CPO
Date: 02 June 2023 07:51:40

From: [REDACTED] <[REDACTED]@btinternet.com>
Sent: 01 June 2023 17:25
To: PCU <PCU@levellingup.gov.uk>
Subject: Chichester DC (access track off Crooked Lane, Birdham) CPO

You don't often get email from [REDACTED] in why this is important

Reference: Access track off Crooked Lane, Birdham - Compulsory Purchase Order - Chichester District Council - Objection

Objector's Name: Mr Rodney S. de Chair

Objector's Address: Oaklands Place, Sidlesham Lane, Birdham, Chichester, PO20 7QL

Statement

Existing Situation

1. The ground which constitutes the access to which the proposed CPO relates, is understood to be the freehold property of a private individual.
2. The land to which currently denied access would be obtained by the Developer concerned if the proposed CPO were authorised, has AONB designation.
3. The area surrounding the land for which the development is in prospect, is characterised almost entirely by individual dwellings each standing in their own land.

In Consequence

4. Freeholder Rights. The landowner of the access might expect that freehold ownership of it would confer the right to deny access to others as a reasonable objective for ownership, and that freehold ownership of real estate property is intended to protect the owner from liability to be deprived of that right by the State, in any other than the most exceptional circumstances. Such exceptional circumstances did arise after the end of the second World War. However, there being an as yet unfulfilled demand for 'affordable' housing in the area concerned, could hardly be regarded as justifying an enforced transfer of ownership. In any case, such State intervention in the housing market, has a history of unintended consequences.

5. AONB Protection. The AONB designation of land, such as that to which the obtaining of access by the developer in this case would allow the proposed development to proceed, is intended to preserve the rural character of any land so designated, by disallowing any development within it that would adversely affect that character. It follows that such designation should be assumed to preclude any development that would have such adverse effect, other than in circumstances sufficiently exceptional to justify this default position being over-ridden. Given the AONB designation of the land in question, demand on a relatively small scale for 'affordable' housing in the general area of the proposed development, cannot be regarded as justifying State intervention in favour of permitting precisely such development that AONB designation is intended to prevent.

6. Housing Density. Preserving the character of any residential area depends upon the density of occupation of land within it being reasonably homogeneous, in the sense that gradations of housing density should be gradual, the density of any permitted development therefore not differing too greatly from that already characterising the surrounding land. Notwithstanding the changes made since the inception of the development in prospect, the

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