

Crooked Lane access track Right Of Way history.

Jan 2010 Mr. Kings, a small time developer, owned a field adjacent to Birdham Settlement policy Area and in Chichester Harbour Area of Outstanding Natural Beauty (AONB). A few months before selling the field, Mr. Kings makes a statutory declaration to Land Registry for a claimed ROW to use a grass track, opposite the school, as access.

Aug 2010 There were several parties interested in purchasing this field, which included CDC and Mr. Way. Mr. Kings sold the field to Mr. Way (highest bidder), with this claimed ROW on the title deeds.

CDC considered purchasing part of the field from Mr. Way.

There was a CDC Executive Board meeting on 13th July 2010 to discuss this :

From the minutes: agenda item 18, under risks 8.2 “ the vendor has not been able to register title to the track” . So CDC had identified the track ownership as a risk back in 2010.

CDC and Mr. Way enter into a purchase agreement relating to part of this field. (Aug 2010) the remainder of the field was earmarked for future development by Mr. Way.

This agreement was terminated 15th April 2013

Mr. King’s Statuary Declaration was examined and it was found that many of the claims in this document were questionable (Jan 2012). The matter was reported to the Land Registry and ultimately the Land Registry removed the entry of a claimed ROW from Mr. Way’s title deeds. (Oct 2012)

Hyde in their planning application claim the field has ownership and a ROW over the track, but supply no documentary evidence to prove this.

In the briefing notes to the Planning Committee, the council officers state that third parties have questioned the ownership of the track, they instruct the committee, this is not a planning consideration but “a private legal matter” .

The Planning Committee did not visit this H9 exception site as required by CDC’s Code of Practice.

Hyde get planning approval for 15 affordable homes on the site. (Nov 2013)

Hyde buy a part of the field from Mr. Way. Hyde would have purchased the land knowing full well that it did not include the access track and there was no ROW to use the track. (Jan 2014)

Hyde are unable to build out the development as they do not own or have a ROW to use track.

After 3 years, when it is obvious that the site is not deliverable, Hyde request amendments to building conditions so they can make a technical start, by way of a short length of fencing and pegging out part of a road. This is approved by Council. (Oct 2016)

Now in 2023, Hyde is still unable to use the track, and have requested CDC to look into a CPO. (remember at the planning stage, track issues were a private legal matter , and back in 2010 CDC had identified lack of track ownership as a risk).