

PLANNING COMMITTEE
1 October 2018

**SUMMARY OF ADDITIONAL CORRESPONDENCE RECEIVED SINCE THE
PUBLICATION OF THE AGENDA AND ERRATA**

Item Number 8/1 (a) **Page Number** 2 – Late Pages

Correction: The report refers throughout to Whitley Stationers Press and should read The Witley Press.

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Third Party: ONE further letter of representation has been received from a solicitor sent on behalf of the occupiers of a neighbouring property. Their expressed concerns can be summarised as follows:

- A fact which is highly pertinent and material to the Application, is that ground at the end of Ashdale Park, which is shown within the red edge on the site layout plan submitted with the application, is not part of Seagrass but part our client’s property 3 Ashdale Park.
- Our clients have occupied this land, and tended it as part of their garden at 3 Ashdale Park, since they bought that property on 30 July 2003.
- On behalf of our clients we have submitted an application to the Land Registry to register their ownership of this.
- Given the contents of the Statement of Truth (sent to the Land Registry), and that the land certainly does not fall within the ownership of Seagrass, it seems to us that the application must inevitably be refused.

Assistant Director’s comments: The small strip of land referred to is currently unregistered and ownership is unknown. An applicant does not need to own all the land within the red line application site boundary, provided the correct certificate of ownership is submitted with the application.

In this case, the applicant’s agent has submitted certificate ‘c’ confirming that all reasonable steps have been taken to find out the names and addresses of the other owners but the applicant has been unable to do so. An advertisement was placed in Your Local Paper on 8th June 2018 and the land registry details for the 3 no. adjacent properties have been reviewed by the agent confirming that none of these include the area in question.

Although the owners of 3 Ashdale Park have submitted an application to the Land Registry to register ownership of the land, at the present time they do not own it. As a result, the correct certificate of ownership has been submitted with the application and it can be lawfully determined.

Should planning permission be granted, it will not override any outstanding ownership issues with the land which will need to be resolved separately.

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Third Party: OBJECTS on the following grounds:

Referring to the Formal Notice dated 19 June, we understand that the Order has been made because:

“The mature lime trees provides high amenity value for the immediate surrounding area and contributes to the wider landscape of the locale and it is expedient...that a

Tree Preservation Order is served”

In reverse, it is not ‘expedient’ for a Tree Preservation Order to be applied now. We have owned the trees for twenty six years since 1992 when we first purchased the derelict barn and land from the Hipperson family who are local farmers based in Shouldham. Due to a contractual 21 year covenant placed on the initial purchase, the Hipperson family retained an interest in our land adjoining what subsequently became our former home in the village, Bodger’s Barn. This covenant expired in 2013.

Concurrently, this coincided with my family and I being based overseas, in connection with my occupation as an airline Captain. The two trees have stood for the last twenty six years and it is in our opinion that expedience is neither necessary or a requirement.

The ‘wider landscape’ of the immediate location was created by myself. I personally chose and planted every single tree within the confines of our property; these included, Oak, Beech, Acer, Fir and a very rare Horse Chesnut. These two lime trees merely blend into the background and we would argue are not stand alone outstanding examples for which a TPO is appropriate.

We would further argue that the two trees lack ‘high amenity value’. The field in which the two trees are located does not provide such amenity as they are set back from the road way and are somewhat obscured by the location of hedging. The only people who could arguably claim amenity value are the current occupiers of three to four overlooking houses when looking at the field from their upstairs bedroom windows.

We are concerned at the timing of this request from, we understand, the Parish Council. The trees have stood safely in our care for the last twenty six years without any concern or discussion whatsoever. We have in the past allowed the field to be used by the Hipperson family for grazing purposes, the local toddler group to host bonfire event plus a local father and his sons, who were bereaved following the loss of his wife, access to safely drive a motorised quad bike around the field.

Significantly, we have over the last couple of years since our return from overseas been asked numerous times to allow the field to be used as overflow car parking facilities for the local pub, The King’s Arms, for which Mr Hipperson is a key partner. It has felt most uncomfortable for us to be repeatedly asked to ‘donate’ the field for use in this manner. We have refused to allow this as this is not congruent with our values. Having successfully campaigned years ago for a pavement to be placed around our field to protect villagers from speeding motorists, we previously provided land for this purpose to the Council.

Prior to purchasing this property in 1992, approximately half a dozen mature trees (Oak / Elm) positioned around the field had been cut down by the farmer. None of these were replaced. Seeing photographs of these trees, a TPO would have been appropriate as they would have satisfied the criteria by contributing to the wider landscape and having high amenity value. I am presently looking into the possibility of acquiring replacements from Barcham Trees near Ely which is where I have purchased trees from in the past.

In the present circumstances, we feel that this request for a TPO is being used for the wrong reason, is not altruistic and given the history and back story is inappropriate.

Assistant Director’s comments: The lime trees are fine specimens set in a large green space in a highly prominent location, at the edge of and contributing to, the setting of the Shouldham Conservation Area. Whilst the comments regarding the history, maintenance of the land and the quality of the trees are noted, officers consider that the trees offer sufficiently high amenity value to warrant protection via a Tree Preservation Order. In these circumstances, officers consider the recommendation justified.

