

To: Ann Biggs. Assistant Director Planning & Sustainable Economy

Reference: Notification of Planning Application No. DM/22/1774

Reference: Notification of Planning Amendment : DM/25/2774

Location: Havelock Farm, Wakehurst Place, Selsfield Rd, Ardingly. RH17 6TN

Comments:

The request for changes to the planning consent DM/22/1774 do not take into consideration the full legal position of the entry track to Pondfield Cottages and Havelock Farm but indicates that the original design **did not** follow RBGK's legal ownership boundary. The current amendment describes the changes as 'Minor realignment of the approved access road'. In fact, the changes are increasing the access points from the long-established track established for Pondfield Cottages use.

Comments from current amendment request: Described as 'Minor realignment of the access road'

Part A.

Section: Hard and soft landscaping

'The proposed access road now follows a realigned curve at the northern boundary of the site in order to follow RBGK's legal ownership boundary. Full details of the landscaping proposals submitted with this application are set out in detail in the Landscape Design Statement prepared by Lloydbore.'

Pondfield Cottages Comments:

1. No details are provided of proof of ownership by RBGK.
2. Regarding our dedicated access route to our homes, which is, and has been, for the sole use of our domestic vehicles, has never been used by the farm. This is confirmed in the deeds of No.s 1-4 Pondfield Cottages and is also reflected in the Title Deeds to Havelock Farm. Indeed, the owners of Pondfield have been, and are responsible, for the upkeep of the part of the road in question. Payments for upkeep can be provided. See deed pictures highlighting responsibility up and including to the letter X as per Title Deeds. (See Attachment 2)
 - 2.i. There has never been any access to the farm and fields from the Pondfield access road, since the Pondfield cottages were sold. I have lived at, No.3 for over 30 years, and for a substantial period of time, assisted on the working farm. I can vouch for the fact that the farm did not use the access road created for Pondfield cottages, to enter any area of the farm.
 - 2.ii. Clearly indicated on Havelock Farm and Pondfield cottages. It is clearly shown that the access road is for domestic use and not for commercial, business or industrial vehicles. This is as intended when the Title Deeds were set up from approximately 60yrs ago and remains the case.
 - 2.iii. West Sussex planning department are giving rights to RBGK to use the domestic access road designed for the use of Pondfield cottages, despite residents challenge to the use of the track.

Part B

Full inclusion of local residents:

As residents of Pondfield Cottages, we have not been invited to any project meetings, relating to the proposals that impact us, for approximately 2 years. We can comment that some contact with one of the local residents, was led to believe, that access to the new development would be accommodated using a new secondary road set alongside the Pondfield track. I know that using our access road is not essential and that the development access could be achieved within the land owned and described on Havelock Farm title deeds, without impacting the access track set up and legally protected for Pondfield Cottages.

Photographs showing historical access to Havelock Farm

1. Historical



er 95,000 more images from the Aerofilms Collection in t
om Above website: britainfromabove.org.uk

2. Pre-development



3. Current development- Removal of corner up to letter X.



Removal of definition of Pondfield cottages legal track.

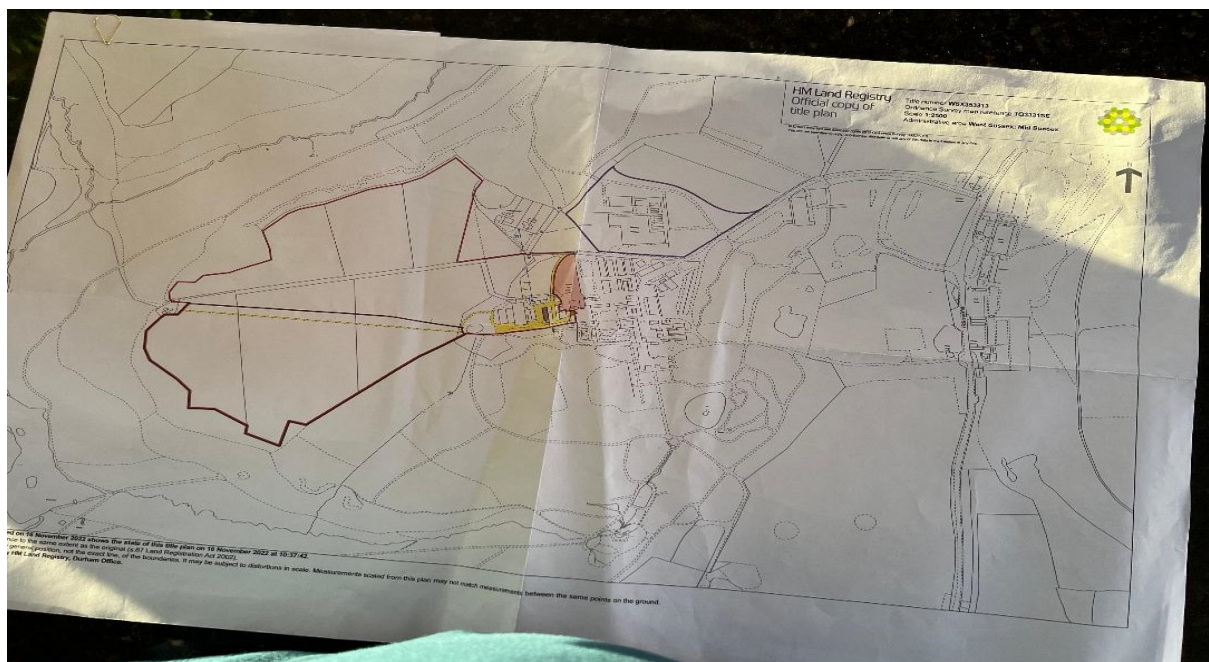
The following information supports the historical, agreed use, of the surrounding access roads and therefore how the RBGK, Havelock Farm, development is still breaking covenants put in place to protect the historical relationship of the cottages and practical use of transport:

1.HM Land Registry- Title Number WSX353313- Nov 2022. Purchase by RBGK

Property Register:

1.i (20.05.77)Shows the original red line description of Havelock Farm, land, as well as designated right of way from the Selsfield Rd to point B, the **end** of the corner of the garden wall containing the existing glass houses

Attachment 1. WSX353313

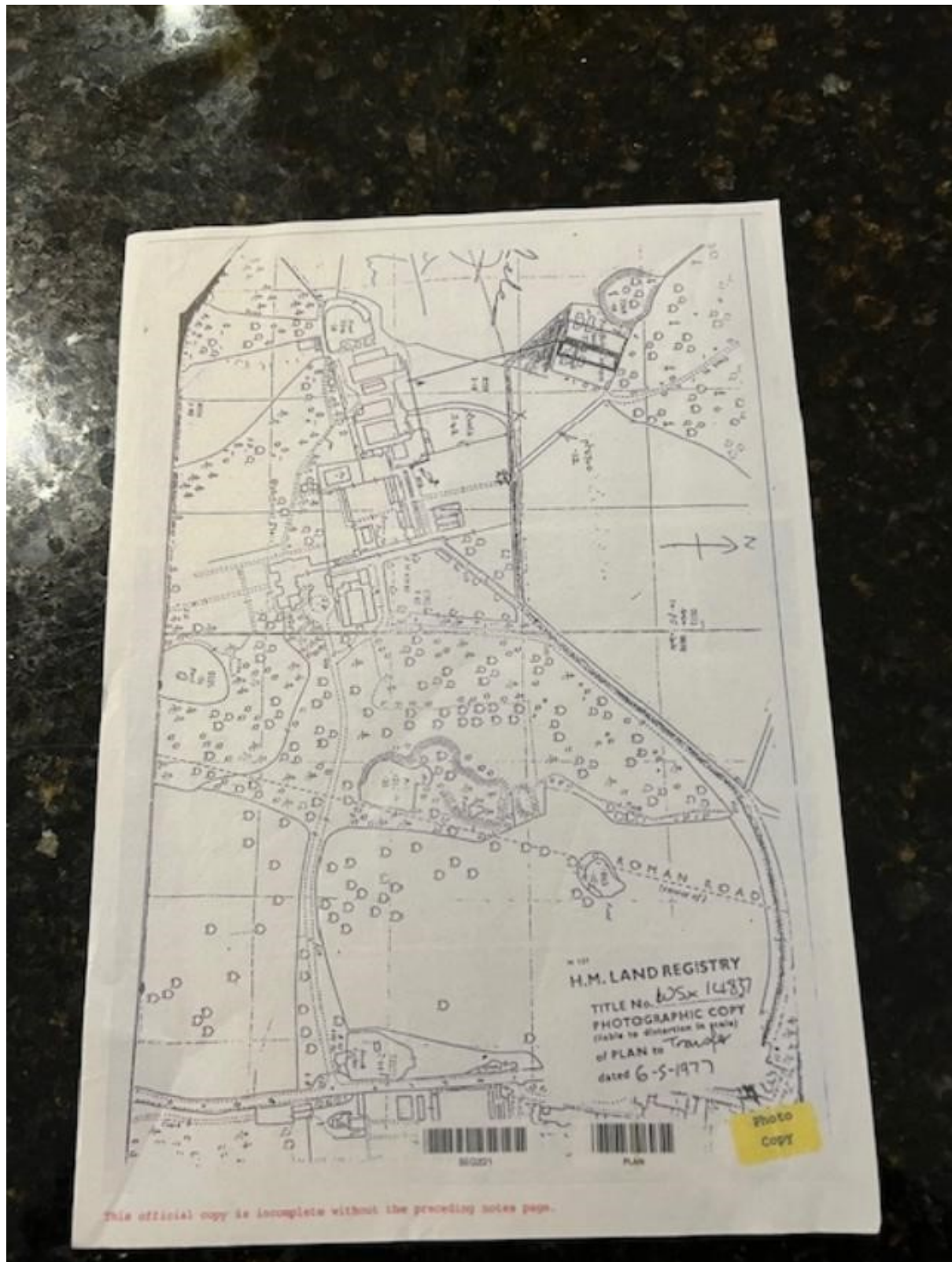


1.ii .Charges Register:

1.ii.a 23.10.1963

Use of pathways coloured yellow and hatched blue. (Blue hatch stops at corner of shared track to Wakehurst Farmhouse. (See attachment 1 above: Continued blue colour confirms comment in title deeds for all Pondfield Cottages of access and maintenance to letter X. Often called the brown track ; (see attachment 2. WSX 14837 and Title deeds- Pondfield) ; all sale documents as per land sales to Pondfield Cottages as well as original sales documents to the Mansells (WSX353313) of Havelock Farm)

Attachment 2: WSX 14837 and Title Deeds Pondfield/Havelock Farm.



1.ii.b 27.04.1977

Excepting and Reserving unto the benefits of 1,2,3,and 4 Pondfield Cottages the rights set out in the 4th schedule:

Right of way along roadway coloured brown (tinted-blue in title plan WSX353313) restricted to:

- Normal traffic
- Payment of 1 quarter, time to time, in maintaining the roadway to letter X. (See all Pondfield Cottages Title Deeds; see attachment 2.)

Our concerns are around the now illegal use of the brown track (coloured blue) by Havelock Farm (RBGK) which falls outside of the use for 'residential only' as well as the fact that in all of the Pondfield Cottages Title Deeds we are responsible for one quarter cost of maintenance, despite now RBGK taking over the track and using and surfacing with commercial transport/ surfacing, which we , at Pondfield will be responsible for.

Over the years I have lived at Pondfield cottages, I have worked with various Wakehurst management teams to absorb the many changes to what is effectively my home. I fully support the aims and future of Kew/Wakehurst, and now ask that a hold is made on the access to the development until the documents and face to face meetings are held.