

Chichester District Council

Cabinet

7 March 2023

Public Questions and Answers Sheet

Question from: Tony Corkett

Agenda Item 12:

Would the Cabinet members suggest a site visit for a delegation from the full council to the farm track opposite the primary school on Crooked Lane which is being considered for a CPO to make an access route to a small housing development? If so could this visit be at school drop off or pick up times before the full Council vote is taken?

Answer from Cllr Sutton:

Thank you for your question. Members can visit the site freely at any time of day should they wish to and I have visited the site at the time suggested. As such a formal site visit would appear unnecessary. Please be assured that when the planning application was considered the Planning Committee at the time did visit the site when considering the merits of the planning application albeit with a change in membership since.

Question from: David Williams, Chairman of Birdham Village Residents Association

Agenda Item 12:

The public is unfortunately in the dark as to what you will discuss today as relevant paperwork is restricted. However at the end you will be making a recommendation to the Full Council. If this matter proceeds to a CPO, because of the public interest and opposition, it will probably end up as a public enquiry where items will be in the public domain.

These are the facts we know:

The person that sold the site to Hyde, made a Statutory Declaration to the Land Registry in January 2010 claiming he had a Right of Way to use the track to Crooked Lane.

Once this Declaration was seen by the public its accuracy was challenged, resulting in the Land Registry removing this claimed Right of Way from the title deeds in October 2012

Hyde bought the site in January 2014 so should have been aware that the site had no Right of Way to use the track. During the planning process this fact was ignored, and classified as a "private legal matter".

Under 2012 version of NPPF para 173: sites should be deliverable.
Most would consider a site without an access as not deliverable.

This site got its planning approval as an exception site, which comes with its own set of rules.

One of which is that it is for Birdham residents only.

That is someone with a Birdham connection, not someone on the Council housing list from say Donnington.

Birdham never has had a need for this development.

Now many years later, your here today to probably decide whether to recommend to full Council the use of a CPO's "Draconian Powers" that's your legal teams words from the meeting when you last discussed this.

And don't be thinking that because Hyde have agreed to underwrite the cost of all this, so it does not appear on the council's budget, that you are not spending taxpayer's money. Remember Hyde get some of their income from Housing Benefit so taxpayer's money is being used.

Considering the above facts, where CDC failed to apply planning rules and Hyde made a poor commercial decision to purchase a development site without control over the access, is it right and proper for the Council to use CPO powers to overcome these mistakes?

Answer from Cllr Sutton:

Thank you for your question. Please be advised that we are not able to revisit the planning permission as granted in 2013 and as such we will not be doing so later.

At the time of originally granting planning permission in 2013 the Planning Committee was advised of the fact that several local residents had questioned the ownership of the site and the rights of access over it. It is a fundamental tenet of the planning system that such matters are not material planning considerations and, accordingly, the Planning Committee was correctly advised that any such uncertainty in this case was not a legitimate reason to withhold planning permission. However, officers were satisfied that the applicant had followed the correct procedures in terms of identifying and serving notice on any owners of the site.

Turning to the Compulsory Purchase Order, Housing, is one of this Council's key priorities and members fully acknowledge the seriousness of considering compulsory purchase orders.

Please be assured that the Council does not take decisions to recommend or authorise a compulsory purchase order lightly. Decisions are made with due consideration given to the relevant legislation and members will be applying those legal requirements alone. Members will absolutely be fully aware of the fact that such powers are a very serious matter.

In relation to Hyde please be advised that Hyde is a registered provider of social housing, and their funding and financial status is regulated by the Regulator of Social Housing although this is not relevant to the matter at hand.