

Baldwins Corner
Green Lane
Ashwell
Baldock
Hertfordshire
SG7 5LW

19th November 2024

Attn Ms Melissa Tyler
North Herts Council,
[REDACTED]

Dear Ms Tyler,

Your Ref:- 24/02214/FP

Full Planning Permission: Erection of two 2-bed dwellings, three 3-bed dwellings and two 4-bed dwellings, with associated access, landscaping and parking.

Land on the north west side of Green Lane, Ashwell, Hertfordshire, SG7 5LW.

We write to **object** to the above application.

Thank you for your letter dated 22 October 2024, requesting our views on the proposal.

We are residents of Green Lane Ashwell and are writing to formally object to the above application for Full Planning Permission. The key issues with this application are:-

1. The land for the proposed development does not have right of access and the proposed development is therefore not achievable. As owners of Baldwins Corner Green Lane, we will not be granting our consent to any Enlargement of access rights.
2. The owners of 7 Green Lane have not established prescriptive rights for access from Green Lane, past the current parking area close to the house.
3. The Highway Safety Impact of the proposals in this application is materially no less than in the previous schemes proposed to be accessed off Green Lane which were both turned down at Appeal.

We have had sight of the letters to NHDC Planning from Nos 3, 8, & 10 Green Lane and from The Maltings Directors in respect of this application and associate ourselves with their contents. As such we at Baldwins Corner would like to re-iterate these points as part of our objection...

Background:

There is a history of attempts to secure planning permission to develop land off Green Lane with access from Green Lane. Most recently there were two refusals which were both considered at Appeal and subsequently rejected. In both Appeals a very significant element was the impact on Highway Safety.

Please see below the two appeal reference codes:

Appeal Reference APP/X1925/W/17/3184448 dated 22 February 2018.

Appeal Reference APP/X1925/W/15/3136314 dated 24 February 2016.

Following the determination of the 2018 Appeal, there remained considerable uncertainty within HCC Highways Boundaries and Land Charges team as to the status of Green Lane and whether there were any highway or other public rights of access over it. As a result the residents of Green Lane had to commission independent Legal and other Expert highway advice to challenge HCC. This culminated in HCC commissioning its own detailed investigation which reported on 24 February 2020, and which confirmed that Green Lane is neither a Public Highway nor do any Public Rights of Way exist over it. The Principal Solicitor for HCC Legal Services confirmed that any response from HCC to future enquiries would confirm this.

The residents of Green Lane were surprised and disappointed to discover that NHC and HCC have been providing pre-app advice and that NHC are now in the process of considering a planning application on this site which would be relying on access from Green Lane without any reference as to the actual 'highway status' of the lane, nor how access can be obtained and the proposed scheme delivered.

The residents of Green Lane had been attempting to secure some clarification from HCC since August this year, but received no response, it was only through the intervention of our HCC Councillor Steve Jarvis that we finally managed to get some feedback on 31st October 2024 that the officer concerned was aware of the status, but as a result we were informed that any response from Highways may only relate to the junction of Green Lane, where it joins with Station Road (that being Public Highway). Refer to the Highway Safety section below.

The Proposed Access.

Green Lane is private, with no public rights of way. There is no individual owner of Green Lane and under the established legal doctrine *Ad Medium Filum* each of the property owners along Green Lane owns halfway across the lane, for the width of their frontage.

The only rights of access are those enjoyed by the various owners on the lane which have been acquired by prescription and exist to facilitate the respective existing uses of those properties. However, none of those properties are individually entitled to enlarge the rights of their easement of access over the lane without the consent of the various owners concerned. A development of part of 7 Green Lane, as envisaged in the application would constitute 'Enlargement' of that easement and therefore would require the consent of the owner(s) of the various frontages along Green Lane. To re-iterate **as owners of Baldwins Corner Green Lane, we will not be granting our consent to any Enlargement of access rights.**

Prior to determining this application, NHDC has therefore now been provided with confirmation that there is no prospect at all of access being provided to facilitate this development and if any planning permission was granted it would therefore never be deliverable. This is recognised as a material planning consideration. As with the 2018 Appeal, there are no alternative means of being able to deliver suitable access

and therefore even contemplating a Grampian condition in respect of access would not be applicable as NPPG states that such a condition should not be used where there are no prospects at all of the action in question being performed within the time limit imposed by the permission.

The Planning Application Design and Access Statement for Land at Green Lane Ashwell (September 2024), page 3 of 12 states “The site has an existing vehicular access with a gate approximately halfway along its boundary with Green Lane which has been used for many years mainly to allow access for the maintenance of the garden.”

We dispute this claim. The land included in the Planning Application is essentially part of the garden of 7 Green Lane, and access for garden maintenance has been directly from the part of the garden near the house, without access directly from Green Lane. The gate has only been used when the trees in the part of the garden in the planning application were felled about two years ago. **The owners of 7 Green Lane have therefore not established Prescriptive Rights for vehicular access past the current parking area close to the house.**

Highway Safety.

We object to the proposed development on the basis of increased Highway Safety risk and impact. The greatest concern whenever a housing development has been proposed for land off Green Lane has always been in respect of the increased safety risks which would arise from any intensification of vehicular use of Green Lane. None of the previous applications, nor the current application, have properly taken into consideration the extent of the current usage of the Lane and the physical limitations.

1. The narrow width between numbers 3/5/7 Green Lane and The Maltings.
2. There have been a number of near misses with cars travelling too fast down Station Road and proceeding towards The Mordens, without slowing down appropriately below the speed limit. They tend to treat the road as if it was straight (which it certainly is not) and are travelling fast on the wrong side of the road close to the white lines across the entrance to Green Lane, as they pass the end of Lucas Lane and the end of Green Lane. The visibility up Station Road to the south east is not good enough.
3. There have been a number of near misses when entering Green Lane, particularly from The Mordens. This is because cars are regularly parked in the wider part of Green Lane close to the white lines and across the end of the entrance to The Maltings. This forces cars to be driven on the wrong side of the road as they enter Green Lane.
4. When there are sporting events at the Recreation Ground there are many cars parked alongside the Recreation Ground on both Station Road and on Lucas Lane, as well as any available space in Green Lane. This especially applies every Saturday and most Sundays during the football season. This greatly increases the risk to pedestrians when exiting and entering the cars.

5. There have been a number of near misses between vehicles driving up Green Lane and vehicles leaving The Maltings. There are cars parked along the wider part of Green Lane outside our house number 3, most of the time. This requires vehicles driving up Green Lane to be on the wrong side of the road. Note that these cars are owned by residents of Station Road, who are unable to park outside their houses because yellow lines have been installed for highway safety reasons. Note that these houses would not be able to install dropped kerbs and off-road parking, because they are very close to the junction.
6. Green Lane does not safely service even this existing highway/pedestrian need. For the applicants' Traffic Statement to blandly cite TRICS data from "similar developments" in South East, East Anglia and Yorkshire and state 'the scheme will not have a noticeable impact' does not reflect this factor at all. The addition of 17 more cars with the added servicing which households now generate will lead to severe harm to the safety of the very peculiar characteristics of Green Lane.
7. In reality the true impact of parking will be greater than described. 3 and 4 bed houses have by default the opportunity to have 3 and 4 cars. In addition the number "Visitors" for 7 houses is likely to be great than the provision made creating a further safety risk with on street parking.

Parking Provision.

The number of parking places provided for the development is not sufficient. It is noted that the Planning Application assumes that the owners of the houses will park their cars in their garages. This is unlikely to be correct, most modern cars do not fit in a standard width garage with a seven feet wide door, and most people use their garages for storage.

In summary, for all of the above reasons we request that the NHC committee **refuse** this planning application.

Yours faithfully

Matthew and Louise Lee
Baldwins Corner
Green Lane Ashwell
SG7 5LW