

29<sup>th</sup> June 2018

Mrs Anita Gardner  
Planning Department  
Arun District Council  
The Arun Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF

Our Ref: 628 LW03

Dear Mrs Gardner,

**Re: 44 Ferringham Lane, Ferring, BN12 5LU**

**Planning Application Ref: FG/115/17/PL**  
**Discharge of Planning Conditions**

Further to the planning consent of the above development dated 15<sup>th</sup> March 2018, we write with further information to discharge the set condition no. 4 as listed in the approved document. And also your email of 25th May 2018.

**Condition 4.**

Re: 4 metres wide vehicular access serving the approved development.

We have made several attempts in liaising with the Local Authority Highways regarding the policies or guides that stipulates 4 metres wide vehicular access for a private road serving the above approved development, but were unable to receive any unequivocal response.

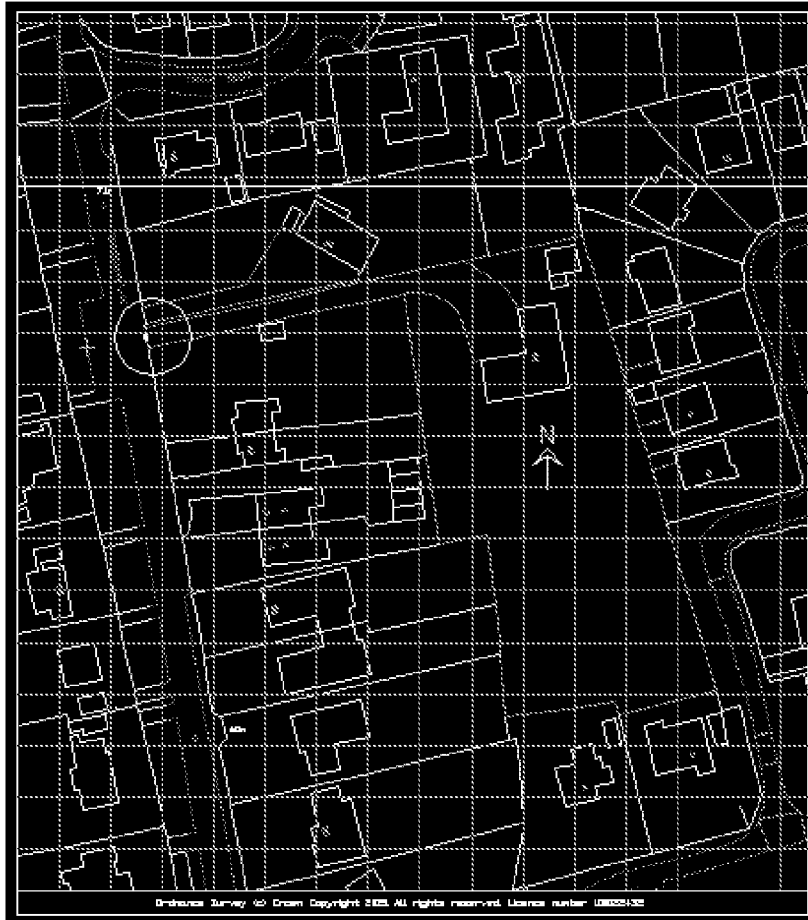
We were left with the assumption that it is not a policy or it is outside their mandate as it is a private road.

The 4 meters as stated in the condition is because the Ordnance Survey and the HM Land Registry Official copy of the title plan which were used clearly indicates 4 meters at the entry of the access road.

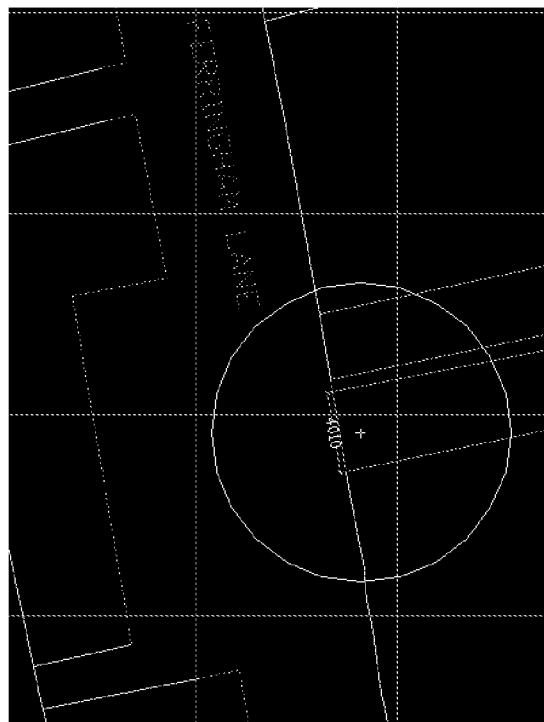
**Reference to Ordnance Survey:-**

The boundaries that forms the access road are clearly straight and parallel lines between nos. 42, 44 and 46 Ferringham Lane. Over time the privet hedge and border plantings which would have likely formed the boundaries are now a combination of brick walls, close boarded fence & chain linked fence and are all sited on the access side. If required, we could issue a digital copy of the Ordnance Survey for verification as it is more accurate or the Council may wish to do so independently.

Please also note that the verge at the opposite side of the entry point is reduced for easier access. However, it is noted that this is outside the curtilage of no, 44 Ferringham Lane.



Ordnance Survey of the site



Larger view of the access entrance

**Reference to HM Land Registry Official copy of the title plan:-**

Again, from the HM Land Registry Official copy of the title plan, it shows the boundaries access road are clearly straight and parallel lines between nos. 42, 44 and 46 Ferringham Lane and the access scaled 4 metres.



Whilst a few of the neighbours have express concern that the 4 metres should be the width of the access road, this is not by required statute, policies or set as a guide. We feel that it is unjust for such personal demands to now be ukase. This is totally in contrary to the Planning Inspectorate observation and should not be upheld.

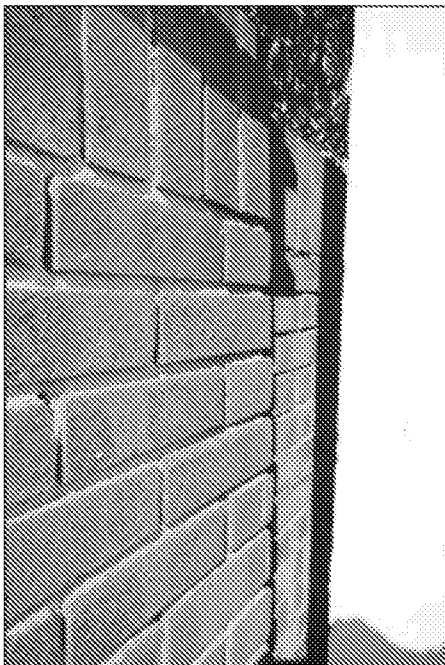
Set condition no.4 is misleading the local residents as a fait accompli. The access road for example to Little Paddocks serving some 28 houses is only 3.43 metres wide.

No 42 Ferringham Lane has confirm that the access road is **3.65 metres** wide which is well within the Planning Inspectorate requirements:- *“However, national guidance in Manual for Streets advises that street widths of less than 3.25 m should be avoided.”*

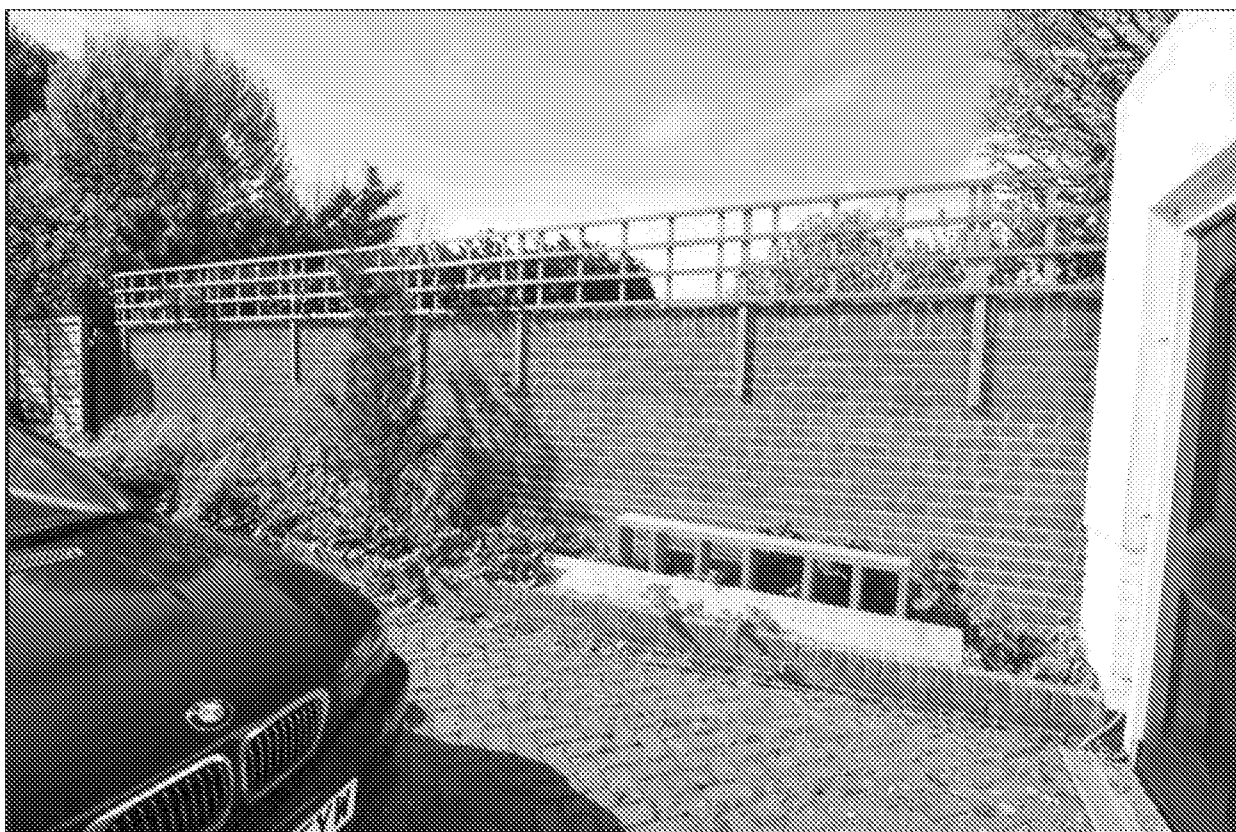
Not pushing back any leaning fence or disturbing the remaining hedging plants, the narrowest point recorded is **3.53 metres** and the widest point recorded is **3.74 metres** along the full length of the access.

At the North East corner of the boundary between nos. 44 and 46 Ferringham Lane, notwithstanding the stated 3.65 metres by no. 44 Ferringham Lane and our above site recordings, it is clear from the photographs below that this particular boundary has been shifted over time.

In reality the images below shows the evidence of the reduction of the site access width to the recorded dimensions.



A small shift of the boundary at the garage towards no. 44 Ferringham Lane.  
(From the yellow multi brickwork to the red multi brickwork)



A 319mm shift of the boundary towards no. 44 Ferringham Lane.  
(From the red multi brickwork to the timber fence)



A 319mm shift of the boundary towards no. 44 Ferringham Lane.



A 189mm shift of the boundary at the end of the access towards no. 44 Ferringham Lane.  
 (From the timber fence to the chain linked fence)  
 (The opposite side now is a timber fence in front of the boundary hedge)



An image of green hedging to the access prior to the planning application.  
 (Between nos. 42 & 44 Ferringham Lane)

**From the Appeal Decision, Appeal Ref: APP/C3810/W/17/3166634, 44 Ferringham Lane, Ferring BN12 5LU, Decision date 11<sup>th</sup> May 2017. Please refer to item nos. 6, 9, 10 & 11 as below.**

*6. “The consultant's evidence includes the appellant's land registry plan in support of the appellant's view that the access is 4 m wide for its whole length. Whilst the current width is stated to be about 3.3 m between boundary fences, private rights and ownership of land are subject to other legislation, so they are not directly relevant in this appeal. However, national guidance in Manual for Streets advises that street widths of less than 3.25 m should be avoided, since they could result in drivers trying to squeeze past cyclists, so the existing access would satisfy the minimum standard.”*

Please note that the above stated the width is “about 3.3m”, the subjective word here is “about” indicating an approximation. The exact narrowest width of the access is 3.53m.

*9. “Turning to the access control system, due to the close relationship of the access to drives on either side, drivers would reasonably take care when approaching the site. The consultant's evidence explains that vehicles entering the site would have priority over those leaving to minimise the risk of vehicles reversing in Ferringham Lane, and has given a detailed explanation of the way that the proposed traffic light system would operate. As a vehicle would be unlikely to wait in the lane for the lights to change for more than 22 seconds in a worst case situation during the busiest hour, the traffic signal system would ensure that the access would be used safely, and with almost no effect on traffic flow in the lane. Its details could reasonably be controlled by condition.”*

*10. “The modest traffic lights would be fitted to posts or other features within the site, so there would be no need for land outside the appellant's control. Because the signals would only be lit when actuated to minimise light pollution, the system would have little visual impact in the street scene in the lane.”*

*11. “Therefore, I consider that the proposed development would not be likely to endanger highway safety in Ferringham Lane. It would satisfy Policy GEN7 of the Arun District Local Plan which aims to permit development that allows for the safe movement of pedestrians and vehicles, giving priority to pedestrians, and the National Planning Policy Framework (Framework) which aims for safe and suitable access to the site to be achieved for all people and for development to only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.”*

It is irrefutably clear from all the above points, that the Planning Inspectorate has removed any doubts as to what is permissible for the access be it 3.65m or 4m wide.

*“Manual for Streets advises that street widths of less than 3.25 m should be avoided”*

Below are images of a large vehicle (2.37m x 10.8m) and an average vehicle (1.76m x 4.48) entering and leaving the site. Activities which had been taken place for over 60 years.

Albeit, gaining access is from a private road (no public through traffic), users are limited to occupants, services and a speed limit. Therefore, the traffic will be at a very low rate and at a very slow speed, an issue which was addressed by the traffic consultant and accepted by the Planning Inspectorate at the planning stage.

It is also apparent that the Council's Highway Authority has not raised concerns about the access, a point noted by the Planning Inspectorate.



(2.28 m wide x 9.11 m long van & a tree shredding trailer)







(2.37m x 10.39m lorry)





(1.76m x 4.48m car)



With all the above evidence, the traffic control proposal and the Planning Inspectorate decision, we hereby request that the Council change set condition no. 4 to reflect and accept the ruling of the Planning Inspectorate.

