

There is no other information or entries on the database for any planning matter with regard to land at Mare Barn.

From: [REDACTED]
Sent: 27 August 2015 16:53
To: Planning Enforcement
[REDACTED]

Subject: Lynchmere Society/ Driving Motor Vehicles over a Bridleway & Public Footpath

Dear Sirs, Madams

I write to inform you that The Lynchmere Society are operating some sort of dog training activity at Mare Barn Lynchmere just to the rear of Mare Barn Cottage. I do not know if the activity is a commercial one where charges are made, but no matter, the end result is the same. I have copied this email to [REDACTED] and [REDACTED], both residents of Lynchmere and I believe they may have some involvement.

People attending this activity are using the Sussex Border Path, which is designated as a Bridleway, commencing at [REDACTED] and driving up and down the bridleway in motor vehicles past Mare Barn Cottage and parking on an area formed by clearing brambles next to Mare Barn by crossing a public footpath with motor vehicles. The use of Mare Barn or the land for this purpose requires planning approval and there is no planning approval. The use of the Public Bridleway and Public Footpath by motor vehicles is prohibited.

[REDACTED]

The law on where you can and cannot drive comes down to a few basic principles: You can drive on public roads (only 'Byways Open to All Traffic' have definitive vehicular rights), but all the rules of the road apply - things like road tax, insurance, helmets, MoTs, driving licence, no-entry signs, etc. Bear in mind that Byways and unclassified county roads are public highways even though they may not be tarmaced - driving on them is not strictly-speaking "off-roading". You cannot drive or ride on a public footpath, bridleway, cycle track or restricted byway. The law on this has become very complicated, so the advice has to be 'if in any doubt about it - don't'.

So what are the consequences of illegal off-roading?

The noise and damage from illegal off-roading creates public hostility to both motorbikes and 4x4s. Your vehicle can be seized and possibly crushed followed by prosecution.

People who attend these dog training classes also return to the same site on a daily basis and park their cars after driving over the Bridleway and Footpath. The Bridleway is being degraded at an alarming pace, the use of the Bridleway by motor vehicles is a danger to walkers and horses and the increased traffic is a nuisance to all of those homes adjacent to the Bridleway and in particular to Mare Barn Cottage and the Old School. The use of the Bridleway and Footpath by motor vehicles is prohibited by law. [REDACTED] often find themselves face to face with a procession of vehicles driving down the lane in the opposite direction causing a stand off and one party having to reverse. Again this is a danger to the public and particularly horses and children using the Bridleway.

I ask you please to take steps to stop this activity and use of the Bridleway and Footpath by motor vehicles, immediately.

I look forward to hearing from you.

Yours sincerely

[Redacted signature]

From: Shona Archer [mailto:SArcher@chichester.gov.uk]
Sent: 28 August 2015 14:18
To: Jonathan Perks
Subject: FW: Lynchmere Society/ Driving Motor Vehicles over a Bridleway & Public Footpath

Hj Jonathan

The following complaint has been received relating to motor vehicle activity along the bridleway in Linchmere.

Planning enforcement will investigate the use of the land but I would ask that you correspond with the complainant about the use of the bridleway and copy planningenforcement@chichester.gov.uk into the response.

Many thanks

Shona

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |
<http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

On 28 Aug 2015, at 15:13, Helen Chalk <helen.chalk@westsussex.gov.uk> wrote:

Dear [Redacted] Shona,

I am the local access ranger for this area and I am aware that private vehicles use this route. Who owns the paths, and how vehicle use has become established is a matter of private rights. A number of properties use the track with vehicles, do they have easement rights in their deeds or permission from the landowner? It is lawful to drive on a path that is a right of way if you are the landowner, or have been given permission by the landowner. It would be interesting to hear from the Lynchmere

Society how they have the right to drive along this track? In addition I would question whether the use of Mere Barn commercially by a training business automatically permits others to drive to the site, I think that is a matter for planning. If consent was sought formally then PROW would need to be consulted on this matter and we could take into account the frequency of vehicle movements.

If no private right or easement (with extension to guests) can be proven then vehicle access is an offence under the Road Traffic Act 1988 s34(1). And it will be for the police, as the enforcing authority of RTA88, to investigate any report. Reports from residents able to provide first hand detail usually adds weight, and it is something we are best placed to report if we have seen the driving ourselves. On the matter of parking on a PROW and making access difficult for PROW users (we aren't responsible for ensuring private access rights are exercisable), this is an offence and we can again add weight to any existing incident number in support of the police; and failing them taking action, we can ourselves require action by parties. We can certainly require reinstatement of any PROW surface as a result of damage caused by private or unlawful access.

I hope this information is of use to you.

Regards

Helen

Helen Chalk
Access Ranger- Area 3
Residents' Services - Highways and Transport
West Sussex County Council

Lynchmere Society
By email:

[REDACTED]

Our Ref: SDNP/15/00463/COU
Contact Officer: Shona Archer
Tel. No.: 01243 534734
Email: planningenforcement@chichester.gov.uk

7th October 2015

Dear Sir/Madam

Alleged Breach: Change of use of land for the purposes of dog training
Location: Land at Lynchmere Common (East of Mere Barn)

It has been brought to the attention of the Local Planning Authority that the above land is being used for commercial dog training purposes on a regular basis.

Under the Town and Country (General Permitted Development) Order Schedule 2, Part 4, Class B, it is permitted to use land, not within the curtilage of a building, for any purpose for not more than 28 days in total in any calendar year (a copy of the extract is on the rear of this letter). Should the use exceed the 28 days then planning permission is required for the change of use.

It is therefore requested that you confirm the number of days that the dog training is carried out on the land. Should the activity exceed the 28 day allowance please confirm that the activity will either cease or a full planning application will be submitted for change of use of the land within the next 28 days.

For information it is possible to apply on-line or print the application forms following the link at <http://www.chichester.gov.uk/planningadvice>. The Authority has adopted a National and Local List of requirements for planning applications before they can be validated. This Local List may affect what details you would need to submit with an application. Full details of the validation requirements are available on the South Downs National Park Authority's website at <https://www.southdowns.gov.uk/planning/making-an-application/local-validation-list/>. Applications should be sent to Chichester District Council. If a cheque accompanies the application it should be made payable to "South Downs National Park" or alternatively you can pay by contacting our Customer Services on 01243 534734. It must be emphasised that, in inviting this application, the authority is not committing itself to any particular decision.

I look forward to receiving confirmation of your intentions within the next 14 days

Yours faithfully

Shona Archer
Enforcement Manager

From: [REDACTED]
Sent: 09 October 2015 08:45
To: Shona Archer
Subject: Dog Training - Land east of Mare Barn

Dear Shona,
Your e-mail to the Lynchmere Society's website has been passed to me.
Thank you for clarifying the 28 day rule.

We can confirm that we are within the 28 day limit for the land and will remain so.

The land is used for agricultural purposes, actively farmed, and registered for the Basic Payment Scheme. There are either cattle or hay crops in each field throughout the year, so use of the land for non-agricultural purposes is limited and is not on a regular basis.

Yours,

[REDACTED]

--

[REDACTED]

Sent: 12 October 2015 11:48

Subject: RE: Dog Training - Land east of Mare Barn

Sent by: Admin/Tech Support Officer on behalf of the Case Officer
If you have any further queries, please do not hesitate to contact Mrs Shona Archer on the telephone number 01243 534734 or email sarcher@chichester.gov.uk

Reference: SDNP/15/00463/COU

Date: 12th October 2015

Dear [REDACTED]

Re: Dog Training - Land east of Mare Barn

Thank you for your email. Given the information provided I have now closed the Council's file on the matter.

Yours sincerely,

Shona Archer
Enforcement Manager
DM Enforcement
Chichester District Council
Tel: 01243 534734 | Fax: 01243 776766 | sarcher@chichester.gov.uk | www.chichester.gov.uk

Sent: 12 October 2015 11:42

To: [REDACTED]

Subject: Land East of Mere Barn - use of land for dog training

Sent by: Admin/Tech Support Officer on behalf of the Case Officer
If you have any further queries, please do not hesitate to contact Mrs Shona Archer on the telephone number 01243 534734 or email sarcher@chichester.gov.uk

Reference: SDNP/15/00463/COU

Date: 12th October 2015

Dear [REDACTED]

Re: Land East of Mere Barn - change of use of land for dog training

Further to the above matter, this team has investigated only whether there has been a change of use of the land. The issue of use of a bridle way is a West Sussex County Council matter in which they have been in communication with you.

I therefore write to inform you that our investigations have been completed and no breach of planning control has been identified. Under the Town and Country (General Permitted Development) Order Schedule 2, Part 4, Class B, it is permitted to use land, for any purpose for not

more than 28 days in total in any calendar year. I have discussed the matter with the Lynchmere Society who are aware of the restrictions under this allowance.

On this basis I have now closed the Council's file on this matter.

Yours sincerely,

Shona Archer
Enforcement Manager
DM Enforcement
Chichester District Council
Tel: 01243 534734 | Fax: 01243 776766 | sarcher@chichester.gov.uk | www.chichester.gov.uk

On 15 Oct 2015, at 12:27, [REDACTED]
[REDACTED]

Dear Shona Archer

Thank you for your letter regarding the above.

I note the comments in your correspondence but I am afraid you have either been misled or you are failing in your duty.

The Land is most definitely being used for dog training well in excess of 28 days/year. I am attaching an email from the [REDACTED] and you will see the land has been in use both Wednesday and Thursday 14 & 15 October. In addition the Bridleway is being driven over illegally as is the footpath.

If you refuse to deal with this matter in an open handed and proper way I shall take action to ensure it is dealt with properly. You will also see that people attending these dog training sessions are now parking on the grass verges in Lynchmere and that too is unacceptable.

I look forward to receiving details from you as to how you intend to deal with this serious planning breach.

Yours sincerely

Dear [REDACTED]

It didn't take long. Yesterday my son, [REDACTED] encountered [REDACTED] in a car (he did not know who she was)being driven down the track. As he was just [REDACTED] he refused to back and asked if she was aware she was not entitled to drive on it. She claimed she was at the barn for agricultural purposes! The driver said she ' would try and back but wasn't sure if she would manage'. And this was someone driving a Land Rover Discovery. In the event, she did manage.

This morning there is a class in the field to the left past the crossing of the Bridleway and footpath. As I returned from my walk, they were walking past the barn to that field so I assume they walked through the cricket club. I did a drive around and, judging by the number of cars, they are parking in the stretch between the Moores and the Holts.

This may be a stupid question but does the 28day regulation apply to just one area ie. one field or the whole of the land belonging to TLS.

[REDACTED]

Sent from my iPad

[REDACTED]

Date: 15th October 2016

Dear Shona Archer

For your records , there were 6 cars parked on verges in Lynchmere today attending the dog training classes and a further 4 vehicles parked adjacent to the footpath behind Mare Barn Cottage, having illegally driven over the Bridleway and Footpath. Therefore a total of 10 vehicles attending the dog training on 15 October.

My records show the 28 days have already been used up. Have you been informed that the dog training classes will now cease?

[REDACTED]

all illegal use of the Bridleway Footpath and the unauthorised use of the land.

[REDACTED]

Yours sincerely

[REDACTED]

[REDACTED]

From: Shona Archer <SArcher@chichester.gov.uk>
Subject: FW: Land East of Mere Barn - use of land for dog training
Date: 16 October 2015 14:32:00 BST
[REDACTED]
Cc: Planning Enforcement <Planning_Enforcement@chichester.gov.uk>

Dear [REDACTED]

I can confirm that enquiries into the use of the land resulted in a written statement being received from the Chairman of The Lynchmere Society confirming that they are within the 28 day limit for the use of the land and that they intend to remain so.

The Chairman also states that "The land is used for agricultural purposes, actively farmed, and registered for the Basic Payment Scheme. There are either cattle or hay crops in each field throughout the year, so use of the land for non-agricultural purposes is limited and is not on a regular basis".

I note that you have forwarded photographs of vehicles parked along the grass verge. This is a matter for the landowner to manage or control.

In light of the clear comments of the Lynchmere Society, this authority has decided not to take any further action in this matter but will of course review the situation if circumstances change.

Yours Sincerely

Shona Archer

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |

From: Shona Archer
Sent: 19 October 2015 11:47
To: jonathan.perks@westsussex.gov.uk
[REDACTED]
Subject: RE: Land East of Mere Barn - use of land for dog training

Dear Mr Perks

This Council is in receipt of a complaint about motorised vehicles driving over a PROW and bridleway which I hereby forward for your attention. It is requested that you respond directly to the complainant although I would appreciate being copied into the response.

Please note that the use of land has been investigated and found to be compliant with permitted development rights set out in the Town and Country Planning (General Permitted Development Order) 2012 as amended.

I thank you for your attention to this matter.

Yours Sincerely

Shona Archer

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |
<http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

From: [REDACTED]
Sent: 16 October 2015 15:50
To: Shona Archer
[REDACTED]
Subject: Re: Land East of Mere Barn - use of land for dog training

Dear Shona Archer

When I first made the complaint , I raised two issues: Unauthorised use of the land (in excess of 28 days/ year) and causing vehicles to drive over a bridleway and public footpath.

The bridleway and public footpath is still being driven over which is a criminal offence. Please therefore pass this on to the Public Rights of Way Officer responsible and ask them to write to me setting out what action they intend to take to bring this to a halt.

I shall continue to monitor the unauthorised use of the land which I might add is causing nuisance to homeowners in Lynchmere.

Yours sincerely

[REDACTED]

From: Shona Archer [<mailto:SArcher@chichester.gov.uk>]
<[\[mailto:\[mailto:SArcher@chichester.gov.uk\]\]](mailto:[mailto:SArcher@chichester.gov.uk])>
Sent: 19 October 2015 11:47

To: Jonathan Perks

[REDACTED] Planning Enforcement

Subject: RE: Land East of Mere Barn - use of land for dog training

Dear Mr Perks

This Council is in receipt of a complaint about motorised vehicles driving over a PROW and bridleway which I hereby forward for your attention. It is requested that you respond directly to the complainant although I would appreciate being copied into the response. Please note that the use of land has been investigated and found to be compliant with permitted development rights set out in the Town and Country Planning (General Permitted Development Order) 2012 as amended.

I thank you for your attention to this matter.

Yours Sincerely

Shona Archer

From: Shona Archer

Sent: 19 October 2015 11:55

[REDACTED]
Cc: Planning Enforcement

Subject: RE: Dog Training - Land east of Mare Barn

Dear [REDACTED]

[REDACTED]
The enforcement investigation has not been reopened but I did consider it appropriate to call you in light of the continued complaint about the use of land taking place. Today, the complainant has restated concerns about vehicles driving over the public right of way and bridleway and so I have passed this onto West Sussex County Council who manage these rights of way.

Planning legislation allows temporary use of land for 28 days. The use can be moved to different parcels of land but I would strongly suggest that if the farm holding is to be used then you may wish

to consider making an application to regularise the activity. I note however that on occasion the training takes place on the common.

I thank you for your email.

Regards

Shona Archer

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |
<http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

From: Nick Woodworth On Behalf Of Planning Enforcement
Sent: 19 October 2015 11:37
To: Shona Archer
Subject: FW: Dog Training - Land east of Mare Barn

FYI

From: [REDACTED]
Sent: 19 October 2015 10:12
To: Planning Enforcement
Subject: Re: Dog Training - Land east of Mare Barn

Dear Shona,

Regarding your telephone call last week, I may have sounded somewhat distracted - eight puppies on floor in small kitchen, plus two prospective new owners of same, plus sudden arrival of plumber...!

I assume from your call that the file is now opened again. We are surprised and saddened by the complainant(s)'s attitude.

If you want any more information from the Society, please say. Would you like - or have the time - to visit Lynchmere? We would be happy to show you round.

Yours,

[REDACTED]

Dear Shona

You have not replied to my email of 1 November and the Dog Training Classes are continuing here in Linchmere.

When you wrote to me on 16 October you stated that the Lynchmere Society had confirmed they were within the 28 day Limit. I have now provided you with proof that that is not the case. [REDACTED] the previous owner of Mare Barn Cottage wrote to the Lynchmere Society in April 2015 asking them to stop driving on the Bridleway to attend Dog Classes. [REDACTED] was concerned the sale of his house would not go through [REDACTED] because of the disruption this unlawful activity was creating. The dog training classes have been running twice a week since April and that has been confirmed by [REDACTED]. The dog training classes are still running twice a week and they have now been running for a minimum of 50 days uninterrupted. I attach a photograph of today's attendees parked on Land owned by others and causing a general loss of amenity in this peaceful village.

If you are not going to take enforcement action to stop this commercial activity which is being carried out without Planning Approval, then please let me know and set out clearly for me why you are not taking enforcement action. If I am not satisfied with your response the matter will be escalated.

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: Helen Chalk [mailto:helen.chalk@westsussex.gov.uk]
Sent: 20 October 2015 11:40
To: Shona Archer; [REDACTED]
Subject: Linchmere BW1221 Sussex Border Path and FP 1220

Dear Shona [REDACTED]

I thank you for this information from the District Council. I am aware of concerns about these routes and have investigated and replied on a number of occasions.

The Lynchmere Society Trustees have looked into this matter and are confident they have the legal authority within their property conveyance to use the above paths with vehicles to access the barns and fields. They can extend this right to their members, volunteers or authorised users.

Should there be any incidents of any driving on this route posing a danger to members of the public then I would advise this matter is reported to the police and they can deal with it appropriately. This is the only interest PRow has in the matter as we cannot become involved in private disputes with regards to vehicle use.

I hope this information is of use to you.

Regards

Helen

Helen Chalk

Access Ranger- Area 3

Residents' Services – Highways and Transport

West Sussex County Council

Location: 1st floor Northleigh, Tower Street, Chichester, West Sussex,
PO19 1RH

Contact: Internal: 26691 | External: +44 (0)3302 226696 | E-mail:
helen.chalk@westsussex.gov.uk

From: Helen Chalk [mailto:helen.chalk@westsussex.gov.uk]
Sent: 21 October 2015 12:51
To: [REDACTED]
Cc: Shona Archer; [REDACTED]
Subject: RE: Linchmere BW1221 Sussex Border Path and FP 1220

Dear [REDACTED]

For your information the matter has now been raised with Sussex Police as they have jurisdiction under the Road Traffic act to investigate whether any of the vehicles using these paths are there with legal authority, permission or excuse.

As already stated, as the Highways Authority our interest is to the path, its surface, the safety of the legal users. We cannot prohibit use of the route since we are not the landowner or the police.

Regards

Helen

Helen Chalk

Access Ranger- Area 3

Residents' Services – Highways and Transport

West Sussex County Council

From: [REDACTED]
Sent: 21 October 2015 08:46
To: Helen Chalk
Cc: SArcher@chichester.gov.uk; [REDACTED]
Subject: Re: Linchmere BW1221 Sussex Border Path and FP 1220

Dear Helen

You appear to be taking what the Linchmere Society say as fact.

I have lived in Linchmere for more than twenty years and during that time the Bridleway was only used perhaps one or two times a year by the previous owner who was a farmer, Peter Burkett, purely for agricultural use when he would access his land with a small tractor. At all other times he would access his Land from Marley.

There is no right of access for the Linchmere Society over the Bridleway and Public Footpath other than for purely agricultural access. Unless the Linchmere Society can show you through documentary evidence that they are allowed to access the land as they say they are then they should be prohibited from doing so. By allowing this to continue you are turning the Bridleway into a Public Highway. It is in fact the Sussex Border Path, used by many walkers, cyclists and horse riders. It is single track. There is no room for a horse, cyclist or walker to pass a vehicle. You are allowing a dangerous situation to develop where someone will inevitably be injured. Those people driving on the track are nothing to do with the Linchmere Society. They are attending dog training classes run by a private provider. It is one thing for commercial activity to be taking place on this land owned by the Linchmere Society without planning approval, it is a different matter when vehicles drive on a Bridleway and Public Footpath. The latter are criminal offences. Your failure to act or respond properly is putting people at risk of injury and causing a severe loss of amenity in an area of outstanding natural beauty, within a National Park and on the Sussex Border Path.

In my opinion you should demand the Linchmere Society show you legal documentary evidence which shows the access rights they claim to have. Until they do so, access should be prohibited.

If you fail to act I will have to assume you fully accept the consequences .

Yours sincerely

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

On 1 Nov 2015, at 14:01, [REDACTED]

Dear Helen & Shona

Further to your email and subsequent emails , I met with Robert Dunlop but unfortunately that meeting was not successful . Mr Dunlop seems to have decided that he prefers to believe the Linchmere Society when they claim they have a right to drive on the Bridleway and Footpath. In fact what you said was that ,

If no private right or easement (with extension to guests) can be proven then vehicle access is an offence under the Road Traffic Act 1988 s34(1).

The Land Registry Documents show no such rights extended to the Linchmere Society. The Linchmere Society have been unable to prove such rights exist , and until they do so they and those they invite to drive on a Bridleway and Footpath are committing an offence. That is the position you should be taking and I am disturbed that you are allowing this offence to continue with all the inherent dangers attached to members of the public driving vehicles on the Sussex Border Path.

I have also noted that you say,

We can certainly require reinstatement of any PROW surface as a result of damage caused by private or unlawful access.

The Linchmere Society have allowed a commercial activity with approximately 10 cars attending since April 2015 on a twice a week basis. That works out at 480 vehicle movements up and down the Bridleway over that period, causing substantial degradation since the Bridleway was resurfaced last

earlier , just this year (when you closed it to allow the works to take place) which incidentally were paid for by the previous owners of Mare Barn Cottage and me.

Therefore can you please now require the Linchmere Society to pay towards the reinstatement of the Bridleway as it is now becoming dangerously filled with potholes which are a danger to cyclists and horse riders.

You should also note that whereas the Chairman of the Linchmere Society has said she is aware of the 28 day rule regarding unauthorised planning use of the land they own for commercially run Dog Training Classes, these classes have been running since April 2015, held twice a week and so now have been taking place for over 48 days.

I am reserving my position on the above matters and I await to see how you and the Planning Authority and the Police respond to the matters I have set out.

Yours sincerely



19 November 2016

Dear Shona

Thank you for responding to my recent email.

We have someone operating a commercial business here in Linchmere without the requisite planning approval and it is causing a nuisance . People who attend the dog training classes drive on a public footpath and bridleway and park on private land here in Linchmere without permission.

In due course really isn't good enough. If you have not responded to my satisfaction by Friday 27 November , I will be writing with a complaint to the Chief Executive of Chichester District Council. My complaint to you has been running for some time. I have provided you with proof that this commercial enterprise has been running since April this year and although the Linchmere Society have said they are aware of the 28 day rule and they will not breach that timescale , they clearly have done so.

I look forward to your response.

Yours sincerely



[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Sent: 03 December 2015 13:33

To: Shona Archer

Cc: Planning Enforcement; [REDACTED]; Nat Belderson

Subject: Re: Lynchmere Society/ Driving Motor Vehicles over a Bridleway 1221 & Public Footpath 1220

Dear Shona

I note since my last email you have taken no action against the unlawful use dog training classes in Linchmere. Once again today attendees are parking illegally on land owned by others and causing a nuisance . The unlawful use has been going on continuously since April 2015.

See attached photo showing parking today. People attending also drove on the Sussex border path and parked on a public footpath today.

Photo from today.

I am going to lodge a formal complaint against you because you have failed to take any action where someone was running a commercial business and causing both danger to the public and causing a nuisance where no planning approval exists for the use.

[REDACTED]

Yours sincerely

[REDACTED]

On 4 Dec 2015, at 15:39, Shona Archer <SArcher@chichester.gov.uk> wrote:

Dear [REDACTED]

It is disappointing that you consider it necessary to make a formal complaint. As you know permitted development rights enable persons to benefit from a temporary use of land for 28 days in any

calendar year. In some cases this is not necessarily a straight forward assessment if the activity taking place is not conducted in one place but takes advantage of different parcels of land.

I met with Nat Belderson earlier in the week. He specifically raised concerns in respect of the situation reported in your emails and asked that this matter be explored in more detail. I will therefore be visiting the land in the near future to look at each parcel of land used for dog training purposes. If my visit reveals that the activities are in breach of the limitations of permitted development a decision will be taken on the need for formal enforcement action.

Should you wish to make a formal complaint you can do so via the Councils website:
<http://www.chichester.gov.uk/complaints>

I will of course update you with my findings and keep the National Park Authority informed of my actions in this matter.

Yours sincerely

Shona Archer

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |
<http://www.chichester.gov.uk>

From: [REDACTED]
Sent: 04 December 2015 15:53
To: Shona Archer
Cc: Planning Enforcement; [REDACTED] Nat Belderson
Subject: Re: Lynchemere Society/ Driving Motor Vehicles over a Bridleway 1221 & Public Footpath 1220

Dear Shona

Thank you for your email.

The use of different parcels of land is not a way of getting round the 28 day rule. The land being used by the dog training classes is in a single ownership and all contiguous. Moving around from field to field only emphasises that the users know they are in breach of planning regulations and this is simply rather poor and underhand way of trying to get around the regulations.

I do not object to rural activities such as dog training. What I object to is that the activity is incompatible with Lynchemere village as there is nowhere to park without causing a nuisance and trespassing and also the users drive on a public bridleway and footpath and park on a public footpath. Regardless of movement from field to field, the parking, driving on Bridleways and footpaths are a constant and they cause nuisance and danger to the public.

If a planning application were made the applicant would have to deal with the parking issue and I can't see how that can be achieved. I would very much hope that the planning department would

not approve an application that relied on members of the public driving over a long section of single track Bridleway and footpath where it is impossible for pedestrians, cyclists or horses to pass.

We are now approaching a recorded 60 days use which is the reason for my impatience for you to act.

Yours sincerely

[Redacted signature]

04th December 2015

Dear [Redacted]

In light of your recording of these events, I can appreciate that the level of activity and associated parking is reason for concern. Where a use is found to be out of character with the locality and/or that it gives rise to identified harm, it would be unlikely that a planning application would be invited as it would not be viewed favourably. Consequently, the first action would be to request cessation of the use. Failure to cooperate could lead to formal action but this would not be immediate as government advocates discussion and negotiation before a local planning authority takes formal action.

Would you be able to identify the land being used if I was to send you a plan of the land around the barn? I could then compare this to the information I gather from my visit and the Lynchmere Society.

Many thanks for your further comments.

Yours Sincerely

Shona Archer

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |
<http://www.chichester.gov.uk>
www.facebook.com/ChichesterDistrictCouncil | www.twitter.com/ChichesterDC

9 December 2016

Dear Shona

I have discussed the dog training classes and parking with [Redacted]
[Redacted] and I return your plan annotated as follows:

The three fields marked in Red are the fields where dog training takes place.

The areas marked in blue are the two areas where attendees of the dog training park their cars, neither area of land where parking takes place is in the ownership of the Lynchmere Society. Also the blue broken line indicates the route taken driving over a Public Bridleway and a Public Footpath to access the dog training classes by car and reach the car park created (which in itself is a blight within the Conservation area and National Park) on a Public Footpath marked in blue adjacent to Mare Barn.

I also attach photographs of car parking in both locations marked in blue on the map. The first photograph is parking on the Public Footpath adjacent to Mare Barn, the remainder are parking in the Centre of Lynchmere on Land not in the ownership of the Lynchmere Society. There is also a photograph of Dog training taking place in the long field to the North of the Bridleway.

Yours sincerely,

Shona

From: [REDACTED]
Sent: 11 January 2016 10:00
To: Planning Enforcement; Shona Archer
[REDACTED]
Subject: Re: Lynchmere Society/ Driving Motor Vehicles over a Bridleway 1221 & Public Footpath 1220

Dear Shona

I am writing because I have not had any response from you regarding my email of 9 December.

The dog training classes are continuing and cars belonging to those attending these classes were parked on private land throughout the village last Thursday 7 January.

I am going to give you what I consider a reasonable time to respond to me with a definitive response. I have already given you more time than I consider reasonable to deal with this matter.

I will without further notice write to Chichester detailing my complaint against you if I am not satisfied with your response or in the event of no response.

Yours sincerely

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From: Shona Archer
Sent: 11 January 2016 17:55
To: [REDACTED]
Cc: Nick Woodworth; Nat Belderson
Subject: RE: Lynchmere Society/ Driving Motor Vehicles over a Bridleway 1221 & Public Footpath 1220

Dear [REDACTED]

Thank you for your email.

I met with organisers of the dog training event on 15 December 2015 and viewed the parcels of land where these events are conducted. I noted the area of grassland in Lynchmere Green where some attendees park their cars; the track used to access The Rough (another area used to park cars) and land at the Barn. Persons taking part in the training classes have their motor vehicles registered with the Police. This is to ensure that only authorised vehicles access land at the Barn.

The dog training classes are conducted in 6 locations, namely The Common, Valley Field, Barn Field, Upper Barn Field, Stoney Field and Roundabout Field. The site visit was useful to enable me to put the matters raised into context.

As you will recall, it has been stated that officers had considered that the movement of the dog classes between parcels of land to be a permitted temporary use of land. Case law does not directly assist in these considerations and indeed it has been held that there is no absolute rule to help determine this point. It is a matter of fact and degree as occupation and ownership are not in themselves conclusive.

In this case, having reviewed the situation, it is now clear to me that at least four areas of land have 'common' access onto the same road and have similar effects in planning terms. They are owned by the Lynchmere Society and the land is closely related physically. It is reasonable therefore to view the fields in use as being in single occupation sufficient for it to constitute a single planning unit.

I regret that I have not yet been in contact with the Lynchmere Society since my visit to inform them of my findings in relation to temporary uses in a single planning unit but I will now do so. They will be informed that if they wish to continue using the land for dog training classes it is necessary for them to make a planning application.

Yours Sincerely

Shona Archer

Shona Archer
Enforcement Manager
DC Enforcement
Chichester District Council
Tel: 01243 53 4734 | Fax: 01243 776766 | sarcher@chichester.gov.uk |
<http://www.chichester.gov.uk>

By email

Our Ref: SDNP/15/00463/COU
Contact Officer: Shona Archer
Tel. No.: 01243 534734
Email: sarcher@chichester.gov.uk

Dear [REDACTED]

20th January 2016

Reference: SDNP/15/00463/COU
Alleged Breach: Use of land as a car park and dog training.
Location: Land East of Mere Barn Lynchmere GU27 3NG

I write further to my visit of 15th December 2015. I note that the dog training classes are conducted in 6 locations, namely The Common, Valley Field, Barn Field, Upper Barn Field, Stoney Field and Roundabout Field. The site visit was useful to enable me to put the matters into context.

In this case, having reviewed the situation, it is now clear to me that at least four areas of land have 'common' access onto the same road and have similar effects in planning terms. In addition they are owned by the Lynchmere Society and the land in use is closely related physically. It is reasonable therefore to view the fields (in use) as being in single occupation sufficient for it to constitute a single planning unit. As such the temporary use of it for 28 days in any calendar year encompasses the whole of the area used for the dog training and not on an individual field basis.

Should you wish to continue with this activity it will be necessary for you to obtain permission from this authority. Please submit a valid application, together with the appropriate plans and fee within the next 28 days. It is possible to apply on-line or print the application forms following the link at <http://www.chichester.gov.uk/planningadvice>. The Authority has adopted a National and Local List of requirements for planning applications before they can be validated. This Local List may affect what details you would need to submit with an application. Full details of the validation requirements are available on the South Downs National Park Authority's website at <https://www.southdowns.gov.uk/planning/making-an-application/local-validation-list/>. Applications should be sent to Chichester District Council. If a cheque accompanies the application it should be made payable to "South Downs National Park" or alternatively you can pay by contacting our Customer Services on 01243 534734. It must be emphasised that, in inviting this application, the authority is not committing itself to any particular decision.

In the meantime, please be advised that if the use now commencing within this 'new' calendar year exceeds 28 days you will be in breach of planning control and at the risk of receiving an enforcement notice to stop the activities from continuing.

Yours sincerely

Shona Archer
Enforcement Manager
Chichester District Council
In Partnership with the South Downs National Park Authority