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APP1
4/19/00

F A O Mr P Durham,
The Chief executive Officer
Chester City Council
The Forum
Chester CH1 2HS

Heron Lodge
Denamere Lane
Farndon
Cheshire CH3 6QW

28th MAY 2000

Dear Sir,
Re the above residence formerly Heron's Flight

I am addressing your office in respect of my home, because of very dire submissions by your authority about my right of residence. Please understand from the outset I am not wishing to usurp any individual or department, my concerns are very acute and causing me great anxiety and considerable stress.

Therefore I feel under the circumstances that it is necessary to contact you before the matter gets any more serious than it has already. To clarify the situation I will recount all of the events to date thereby eliminating the need for you to recover my mailings to your authority so far.

In the Autumn 1997/ Spring 1998 I began negotiations to purchase the freehold property then known as Heron's Flight from the owners. By late summer 1998 a price and purchase / completion time scale was agreed for early 1999. The usual searches and enquiry's were undertaken, in addition I took the decision to contact your planning department to ascertain that the type of improvement /development and facilities I wished to undertake and create at my proposed retirement home, were not likely to run into problems (I have some involvement nationally with the E A, the C A, the CLA, the BASC and the CFE, and I have become aware of SSSI's and the like; feeling that an enquiry would not be conflicting with those of the lawyers). I duly contacted the planning department in November 1998 and spoke with your Mr Dave Cowell, having explained the foregoing background /facts, I asked about the installation of a hobby room / store and the creation of a third roof space bedroom; above car port style. Obviously not wanting to complete the purchase if there was any likelihood of problems or restrictions. I received assurances that there wouldn't be any and that a) the hobby /store room didn't need planning consent and would be OK providing it didn't exceed 4.3m height above the surrounding land. As far as b) the third bedroom was concerned, if windows were not proposed that overlooked the road way, only Building Regulations needed to be observed. I followed that conversation with another early in December regarding my proposed idea to create two "pine lodges" on the side garden plot as holiday style accommodation, mainly for my large family; that conversation culminated in your M/s Ancliffe forwarding the advised and necessary application forms for the application for their installation and the change of use of the side garden plot.

The purchase was delayed and finally concluded in the April/May this year.

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I have throughout my professional career always conducted my affairs and those of others in a disciplined way, observing procedures and protocols at all times. Needless to say it came as a considerable shock when a preliminary and courteous letter from my agent Mr G Bartley to your authority regarding my intentions, was responded to with a line by line veto from your Mr Steve Lewis. Along with a devastating statement that I was not allowed to reside in the home, outside of use between March and October and then solely as a holiday chalet style accommodation.

I immediately wrote to Mr Steve Lewis on the 25th April 2000 expressing my concerns and submitting within that letter, all that you have herein; asking that he further assessed the situation and advised me. I followed that letter with a telephone call to ascertain its arrival and to express my displeasure at his stance. During that conversation he stated that it was your authorities *assumption* that the dwellings in that area were of a holiday chalet type of accommodation despite facts to the contrary revealed in the enquiry's and searches and duly corresponded to him. His concluding statement and advice was that I would be sent a form titled a Certificate of Lawfulness, which I should complete and submit to avoid enforcement proceedings... Needless to say I contacted the lawyers for an explanation and their advice, only to be told and I quote, "poppycock" don't fill the form in as you are not in breach of any planning conditions or covenants regarding the use of the home!

The following 10th May I wrote again to Mr Steve Lewis, who had not responded to my letter of the 24th April, returning the form Certificate of Lawfulness as advised by the lawyers. I relayed their advised request for documentary proof of the planning restriction/covenant and or enactment, which prevented my use of the premises as a home.

On the 19th May I received a Planning Contravention Notice and by this time I was as you can imagine very distraught, as the whole issue was becoming a nightmare. In fact I was feeling very intimidated as I could not relate the seemingly abrupt and impersonal approach of your authority to the advice of various lawyers and my reasonable corresponded request/s, which remained unanswered. The accompanying letter did intimate that I may contact the author a Mr Leslie Smith titled a Planning Enforcement Team Leader; but this all appeared a very intimidating aspect/development as it now seemed the matter had moved to *enforcement* already.... Trying to remain undaunted I sought a meeting with Mr Leslie Smith and was given the courtesy of one on the 23rd May last; my intention was as per those implied in the letter to avoid any confrontation.

Unfortunately, I assume, your authority was too busy in its departments to afford me the proper facilities of a meeting room or chamber and the meeting with Mr Leslie Smith was conducted in an open reception area; although he was accommodating to the best of his ability, I found the environment inappropriate and uncomfortable. In addition considering my submissions so far prior to and during the meeting and the profound nature of the matter, I view it very indifferent and impersonal to not afford me the opportunity to interview the two members of the planning department who had so far played a role, before
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Mr Leslie Smith became involved; if in fact the meeting was intended to resolve the issue.

I do understand and appreciate that your various executives /officers are bound to follow protocol/procedures, but despite my requests for documents or evidence to support the corresponded allegation/s, none was forthcoming. I was however constantly advised throughout the meeting that I was in breach of regulations, and that enforcement proceedings would be taken against me if I failed to comply with the ruling. I expect therefore that you can now empathise with my feelings of intimidation.

Mr Leslie Smith also repeated that the authority *assumed* that all the premises in that vicinity were holiday style accommodation, as well as the veto; when I then remarked that allegations should not and couldn't be based on *assumptions*, he ignored my remark and failed again to fulfill a repeated request for evidence to support the allegation.

In anticipation that the purpose of the meeting was as intimated, to avoid any misunderstandings or enforcement or confrontation, I made three documentary submissions i) a rating demand for the property as a dwelling house in band A (under 40,000) for the year 2000 to 2001. ii) a statutory declaration under the 1835 act that the premises had been used as a dwelling. iii) a letter from the conveying lawyers that there wasn't any residential covenants on the property and drawing attention to the statutory declaration. It appeared to me that Mr Leslie Smith chose to ignore all of my submissions as he proceeded to convey to me that the authority was concerned about the unsuitability of the environment (flooding) and various other minor aspects, culminating in the statement that if I was allowed the status of a dwelling that the people of Farndon wouldn't be pleased about it.... When I challenged that by stating that probably 99% of the people in Farndon didn't know of the property, as it was some 1.5 miles away, he went on to explain that planning development rights did not apply as the property was built before the act. Reiterating, "they", the people of Farndon wouldn't be very happy to see me develop the home. I informed Mr Smith that I considered he had missed a word out, *certain* people... and that I held the view that the planning department was being politically maneuvered and that I would not become a *political football*... I will in the ensuing part of my letter to you give you the facts to substantiate my comments and view.

On conclusion of the meeting I informed Mr Smith that all of my actions so far were proper and exemplary, that I had not sought to do anything underhanded or secretive. Further, that I had acted responsibly in effecting a site meeting with the E A regarding my plans and measures to a) restore the river bank b) effect measures to prevent further erosion which was in fact threatening Denamere Lane c) to raise the whole ground to prevent flooding d) to raise my home correspondingly and that all of my proposals had been very favorably received and agreed to in principle. Further, that I had gone to the expense of purchasing a JCB to assist in the proposed works as well as effect repairs and reinstatement of the badly eroded Denamere and Townfield Lanes, which your authority

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hadn't done or couldn't effect.

Since the meeting I have again taken advice on both Mr Lewis's comments and those of Mr Smith's, additionally because I am very disturbed by factors occurring outside of this direct matter. I have been repeatedly advised not to complete the forms as I am not contravening any planning constraints. Indeed Mr Smith's letter since the meeting conflicts with his allegation, in that it states, "there are no planning conditions currently affecting my property". But it then goes on again to threaten enforcement proceedings.

The property was built prior to the act and therefore does enjoy development rights according to my advisors, not as Mr Smith stated at the meeting.

However what concerns me equally are the following facts, which support my comments and view I have expressed:- a) on or about 24th April a Mr Michael Trevor Barnston attempted to contact me regarding what I will refer to as my rights to possessory use of the land adjacent to the river, a status of use which has applied to all of the owners of Heron for many years. This occurred within days of your planning department being aware of my intentions to reinstate the cottage on that land. Not one person knew of my intentions outside of my agent other than your Mr Lewis in your planning department. b) Your Mr Leslie Smith surprisingly advised me in the meeting that he was aware of a dispute of ownership of that land. The only people who knew about any *possible* dispute was Barnston and I, just days before the meeting with Mr Smith. As far as I am concerned there is information flowing in and out of the planning department about matters which are confidential and seemingly a political involvement which appears improper, in fact I have been advised it is grossly improper.

I am still in the process of relocating even at this late stage and this matter has exacerbated and delayed my plans unnecessarily, plans which cannot be delayed any longer. There has as you can well imagine been considerable expense and forward commitments made to locate myself and many possessions and my vast hobby items into Heron, it hasn't been easy and much still has to be done. Not least of all is the proposed work to the home and its outside storage/hobby accommodation which I am unable to delay or postpone any longer, along with the very important flood prevention work whilst the Summer period remains. Hopefully this communication will unravel what appears to be at the very least a state of confusion and misunderstanding about the basic facts concerning the dwelling and its use as my retirement home; additionally displaying my responsible attitude, in the face of adversity which has been directed at me. I am equally hopeful of an early reply and confirmation that I am not in danger of enforcement proceedings or measures.

Yours sincerely

Peter J Johnson. MIMI. MIMgt. DMS.

CC to Mr G Bartley.