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EXECUTIVE SUPPORT UNIT	
Rec'd	24 MAR 2005
Attention	Adv. Xs. Market
FILE/NOTE	

Margate,
Kent. CT9 3TS
22nd March 2005

Mr J. Bunnett.
Strategic Director,
Thanet District Council,
P.O. Box 9.
Margate.

Dear Mr Bunnett,

Re: Private Road, East Northdown, Margate.

I write regarding the above private roadway, which is within the East Northdown Conservation Area and which is owned by the adjoining property owners.

I had hoped to raise this matter together with others, at a proposed meeting with your colleague Ms Seeley. However, I am contemplating making an application myself and my proposed additional use would be compromised by the present condition and use of the road.

In 1998, your authority granted planning permission for the change of use of East Northdown Farm to Mixed Agricultural and Business Use B1.

Your planning department gave me verbal assurances that any permission would not adversely affect the conservation area, and that the private roadway would **not** be used as an access to the proposed industrial park. I was informed that access would be by a separate road constructed over the applicants land leading directly to George Hill Road.

An access over the private land was constructed, however this was never maintained properly and allowed to fall into a state of disrepair, thereby encouraging industrial tenants to use the private road. Following this, the amount of commercial traffic using the private road has increased dramatically, resulting in the destruction of the road surface. The roadway was originally only constructed to a "domestic" standard, and perfectly adequate for that use. However, heavy vans and lorries now hammer up and down the road all day, destroying the surface. Additionally, the owner of the industrial site has dumped old road scrapings on parts of the road in an attempt to make repairs, thereby compounding the problem still further.

Approximately eighteen months ago, following my again raising the matter with your planning department, I was informed that a condition restricting access over the private roadway was unenforceable, owing to the imprecise wording in a letter from the applicants agent. No mention was made of a requirement to restrict an access point.

Contrary to what I had been informed previously, I am now informed that it had always been anticipated that the private road would be used to access the industrial

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park, and that the Highways Manager had raised no concerns over the suitability of this access. A condition (13), requiring one of the access points from the site onto the private roadway to be restricted to 3.6 metres had been imposed, but this has never been implemented or enforced.

The use of the private road for access to the industrial park has now caused the failure of the road surface, which consisted merely of thin tarmacadam laid directly over shingle with no concrete sub base. Because of the nature of the ownership, there is no maintenance agreement covering this road, and prior to the imposition of heavy traffic, I carried out some of the maintenance. To my knowledge, none of the various frontagers agreed to the development or to any rights of access for industrial traffic. No such enquiries were made by either the applicant or the local authority at the time of the application.

The actions of your authority in granting permission with unrestricted access over private property, some of which I own, has therefore caused me and my neighbours considerable loss. An estimate for the re-instatement of only part of the road has been obtained, in the sum of £13,193. Plus VAT.

I have sought legal advice, and in the absence of action from the Local Authority to abate the interference with my rights, I have to consider gaining injunctions against all of the various industrial tenants restraining them from using the road, with the additional costs of such actions.

You are no doubt, aware of your authority's duty to ensure that any permission granted preserves or enhances a conservation area. I hold the view that the decision to grant the above permission, even with access over the private road denied, as I had initially understood to be the case, was perverse and detrimental to the Conservation Area. Having now been informed that the Planning Authority were in agreement to the use of the private roadway for commercial traffic, I believe the Authority were clearly and knowingly in breach of that duty. As a result of this action, the character of the Conservation Area has been materially degraded. Further, I believe the failure to adequately condition and or to enforce conditions attached to the permission, is negligent.

Will you please consider this matter and advise what action your Authority can now take in order to remedy the situation regarding the condition of the road, and to restore the character of the East Northdown Conservation Area.

Cc Cllr ~~XXXXXX~~