

WRA Chair's Report – March 2022 AGM

Dear WRA members,

I am delighted to present my first report to you as Chair of the Wildernesse Residents Association. I took over from David Knox last September after he and his family moved away from the Wildernesse Estate. I would like to record my thanks to David for the considerable amount of work he put into the role during his time on the Committee.

Other committee changes

While I'm on the subject of Committee changes, there were a couple of other changes during the year; Carrie Thompson stepped down from the Committee and Margaret Deegan joined. I would like to thank Carrie for her contribution over a number of years and to welcome Margaret. Margaret is a lawyer with a background in property and planning law, so we are very fortunate to have someone with her expertise join the Committee.

We are always looking for new people to join the Committee, so please do consider it. If you would like to learn a little more about how the Committee works, please do contact me or any of the other Committee members. You don't need specific expertise; just an interest in seeing continued investment in your local area while conserving some of the characteristics that have made it a great place to live.

Key matters looked at by the Committee

During the year, the Committee reviewed all planning applications and was involved in a number of discussions which related to development in and around the estate. I have broken down our work into four categories:

1. Elysian Residences

As most of you will be aware, Elysian Residences purchased Wildernesse House from PegasusLife at the end of 2020. The new owners submitted some planning changes to their consented plans, including to the shape of the internal road, but we did not consider these to be material. In recent months, activity on the site appears to have slowed. Concerned that this might signal delays or a mothballing of the site, we contacted one of Elysian's representatives. Apparently, packages under the main contract were recently tendered and work is due to begin again from Monday 21 March. We shall see.

2. Land at Seal Drive acquired by KCC for the schools

As you will be aware from our correspondence to members on this subject, KCC has acquired this land for use as playing fields. We commented on the subsequent planning application. From a WRA perspective, our principal interest has been threefold: to minimise any permitted structures on the playing fields, to make it a condition of planning that all use of the playing field should be accessed from the main schools and not via Seal Drive and to ensure that the covenants are reinstated should the land no longer be used as playing fields. We did not comment on the proposed timings for the use of the pitches as we felt the views of those closest to the fields should take precedence. We did, however, explain our approach to you, our members, and the trustees of Wildernesse Avenue / Seal Drive so that they could take that into account in any communication with their residents.

As you may be aware, the planning application for use of the land as a playing field has been approved and we have recently learnt that Kent County Council have approved the use of Section 203 powers to set aside the restrictive covenants on the land. We continue to chase KCC and their lawyers, Bevan Brittan, for a deed that clearly reinstates the covenants should the land no longer be used as playing fields. Irritatingly, KCC and their lawyers have ignored almost every approach we have made to them, be that for information or in relation to the deed. In addition, we are not aware that KCC or Bevan Brittan have responded to any of the 54 residents who wrote in requesting KCC enter a deed with the WRA. We are very grateful to those who wrote in, and it may be that we will need the assistance of our members again in lobbying our MP and local councillors if we do not get satisfactory engagement from KCC.

3. The survey

While there is a spectrum of views on the Committee on various matters, there is no substitute for obtaining the wider views of our membership. The survey was an opportunity for us to hear from residents and understand their views on a number of issues. Around 60% of our membership replied, which is a great result, and my thanks to all of you who took the time to complete it. While I am well aware that no survey is perfect, the responses are very informative and will help us as we consider planning applications on the estate.

While there is very strong support for the covenants and maintaining the conservation area, there is also some helpful insight into which of the identified features of the conservation area members feeling the most strongly about. One of these features is the architecture of the houses on the estate and the importance (or otherwise) members place on the retention of existing houses. This is an area where, due to the diversity of members' views, we recognise that there will be times when the position we take as a Committee on a particular planning application may not fully align with the views of all our members. We do hope you will recognise that we are trying to reconcile the various tensions of preserving and enhancing the conservation area with a need for people to invest in and adapt their houses for modern living. In general, we will bring to your attention planning applications to which we have objected but we may also bring to your attention some where we have chosen not to object but recognise that there may be members who would wish to do so.

The results of the survey are attached to my report.

4. Planning applications including potential covenant breaches

This is a critical part of the work of the Committee and, during the course of the year, we acted on the following situations:

a) A planning application which breaches the one house per plot covenant

The owners of Blackhall Spinney already have planning permission for a detached house in their grounds, the building of which would constitute a breach of the covenant. The owners contacted us to inform us that they intended to refresh this planning permission as it would shortly time expire. They informed us that they were not currently intending to implement the planning permission. We appreciate the open engagement with the owners but, given it is a breach, we objected to the new planning application. We chose not to write to all our members and ask you all to write letters of objection as we were fairly sure that planning would be granted given there is an existing planning approval. As expected, permission was granted. While there is no suggestion that the owners have any intention to start construction, we will all need to be vigilant as the commencement of works would constitute a breach of the covenant and we would need to act quickly.

b) Potential breaches of the 75ft building line

There were a couple of occasions when submitted planning applications for garages breached the 75ft building line. We spoke to the owners and, in both cases, they agreed to withdraw the part of the application that would have led to a breach. Had this not been the outcome, we would have written to all of you asking you to object to the application.

c) Trees / hedges

As we know from our conversations with a number of you and confirmed in the survey, our members attach significant importance to the trees and hedges on the estate. While trees in a conservation area are protected (such that planning permission is needed for any works to them or removal), the application to carry out the works does not get notified to neighbours. As a result, you may not be notified of proposed tree works on neighbouring properties despite the fact that the tree(s) in question may be important to you visually or provide significant screening.

Worse still, hedges do not generally require permission before removal even in a conservation area. Potentially that has major implications on the character of the estate or the seclusion of individual properties, particularly when you consider that almost all houses have hedges to the front of their properties.

To ensure you have the best chance of learning about tree works planned on neighbouring properties, we would strongly advise you to sign up with SDC to receive the weekly list of most recent planning applications.

d) Permitted development rights

We are increasingly seeing households using their permitted development rights to add to their existing footprint. While this is entirely normal, it does mean that again neighbours may not be pre-warned of buildings which are close to their boundaries. However, households using permitted development rights often apply for a lawful development certificate which confirms (or denies) that the proposed works can be carried out without a planning application. Again, an application for a lawful development certificate would be visible on the SDC weekly planning list.

It is possible that works carried out under permitted development rights may constitute a breach of the 75 ft building line covenant so we do request all members to consider the covenants before carrying out their own work and also to alert us where they think work on the estate may be a breach of the covenants.

Conclusion

So those were the key areas of our work during the course of the year. I would like to thank my fellow Committee members for the considerable amount of time and hard work they have put in to cover the areas outlined above and in the general running of the Association.

In conclusion, I would like to remind all our members that the two core objectives of the WRA are to uphold the restrictive covenants and to support the Wildernesse conservation area. Residents who have lived on the estate will generally be familiar with the particular characteristics of our conservation area as set out in the Conservation Area Appraisal and Management Plan. Newcomers may be less familiar and often those keenest to carry out substantial building works. So please do encourage anyone, but especially those who are new to the estate, who wishes to discuss their building plans to contact us. We will engage as constructively as we can within our remit.

Finally, my thanks to you all, not just for reading this far, but for your continued membership and support which is very important to us.

Martin Greenslade

20 March 2022