

# Burwash Playing Field Association

(Registered Charity Number 305191)

Ham Lane, Burwash TN19 7ER

Email:

and

Burwash Playing Field Association Committee

Burwash Cricket Club

Burwash Lawn Tennis Club

## Objection

6<sup>th</sup> December 2020

**Reference: RR/2020/1822/P** Reserved matters relating to residential development of 30 dwellings (outline permission RR/2017/582/P), conditions 1,2,and 3 together with the discharge of conditions 7(foul and surface water drainage), 8 (parking and turning of vehicles), 9 and 10 (archaeology), 13 (levels) and 19 (landscaping)

**Case Officer: Mrs Sarah Shepherd**

**Attention:**

Head of Service Rother District Council (RDC) - Tim Hickling

Case Officer - Mrs S Shepherd

The Burwash Playing Field Association (BPFA) Committee, and affiliated groups, have assessed and discussed the above application and considered the content.

We reaffirm our previous response (see letter below). The BPFA Trustees and Officers wish to restate their position that any pedestrian route that is constructed to the boundary of the development site will not be permitted to continue across our playing field. Neither will there be any footpath permitted across the playing field.

Our reasons include:

- the safety of playing field users
- it would limit some sport users' ability to use the playing field, e.g. cricketers might not be able to use the playing field
- site security
- Health and Safety obligations
- Concern there would be easier access encouraging criminal activity
- Increased insurance costs
- litter problems
- The likely light pollution with the introduction of lighting at the instigation of the police. Burwash is a Dark Skies Area

We have noted that the Sussex Police Local Policing Support Team also raise concerns of opportunity for crime and fear of crime. They note the opportunity for crime '*When introducing public footpaths into development caution should be used as the introduction of a footpath into or through a development has the potential to generate crime if not adequately designed*'.

The developer, Park Lane Homes Group SE (PLH), states that, as agreed by them signing the S106 (Part 3 FOOTPATH), their only commitment is to take the path to their boundary. This could lead possible purchasers into thinking they have a right of access to Swan Meadow and force their way onto the playing field. There is a danger that the hedge, which is an important security feature, could be breached creating an unlawful entry onto our grounds.

Also, that BPPFA only has access to Ham Lane via the driveway of Swan House with their permission for specific reasons such as grass and hedge cutting and parking for the Burwash Annual Fair. This route could be abused if a path were granted on Swan Meadow. Several village residents who set up BPPFA in the 1960's were all opposed to any new entrances, paths, etc, on, and to, Swan Meadow. There is no Public Right of Way across Swan Meadow, only access to it for users.

There has been no formal consultation, or meeting, between the developer, or his agent, and the BPPFA Committee and Trustees. There was an informal meeting that was not reported back to the BPPFA Committee and therefore not documented. The playing field 'belongs to the village in perpetuity' but is not public land, it is managed on behalf of the Charity Commissioners and Burwash village by the BPPFA Trustees.

The developer is aware that public footpaths already exist nearby, one going from Strand Meadow via Beechwood Close to Shrub Lane (Burwash 16c and Burwash 16d), the other from Strand Meadow going to Ham Lane and on to the village (Burwash 18).

The BPPFA committee remain opposed to any footpath crossing the playing field even if a hard surface were provided as there are concerns short cuts would be taken impinging on the football and cricket areas.

To conclude, BPPFA will not permit the proposed footpath from the proposed development in Strand Meadow across Swan Meadow to continue across our property.

Regards,

Signed:-

Life President – Eddie Workman MBE

Life Vice-President – Steve Mintram

Life Vice-President – Ray Heathcote

BPPFA Chair – Rod Clifton

BPPFA Hon. Treasurer – Kevin Bray

BPPFA Hon. Secretary – Halina Keep

BPPFA Committee Member – Steve Bennett, Natalie Crabtree

Burwash Cricket Club – Chair Paul - Morgan-Jones

Club Captain - Rupert Harbour

Burwash Lawn Tennis Club – Chair and Treasurer Nick Sibly

### **The previous objection by our association in June 2019**

Please refer to our comment to the Planning Inspector when the plan went to appeal-  
**APP/U1430/W/19/3223824**

Burwash Playing Field Association  
(Registered Charity No. 305191)

Swan Meadow, Ham Lane, Burwash East Sussex TN19 7ER

Mrs Halina Keep BSc (Hons)

Burwash Playing Field Association Hon. Secretary

Writing on behalf of the Burwash Playing Field Association Management Committee

APP/U1430/W/19/3223824 Land to the south west of Strand Meadow

OBJECT to the footpath link across Swan Meadow, Ham Lane, Burwash.

This appeal by Park Lane Homes Group (SE) must be refused. The developer has made inaccurate statements in his Statement of Case, especially regarding the footpath link from the site across Swan Meadow playing field in Ham Lane.

### **Introduction**

Burwash playing field at Swan Meadow is a Registered Charity, Number 305191, and managed on behalf of the Charity Commissioner by the Burwash Playing Field Association Management Committee. The field is owned by Burwash village in perpetuity for the village, please see below.

*Burwash Playing Field Association*

*(Registered Charity No. 305191)*

*A short history*

*Burwash Playing Field Association was founded in 1962 after the village playing field at Highfields was lost to a housing development and was registered as a charitable organisation with the object of providing and maintaining adequate playing field and recreational facilities in the ecclesiastical parish of Burwash.*

*Swan Meadow was owned by Bass the brewers, and then formed part of the gardens of the Rose and Crown in Ham Lane. It was in 1962 that the B.P.F.A. paid Bass £1000 for the lower part of the current Swan Meadow to ensure that a playing field was available to the village in the future.*

*Between 1962 and 1975 the field continued to be used by the people of Burwash for sporting activities, while the top part of the field was still owned by Bass.*

*In 1975 it became known that Bass were to put Swan Meadow up for sale, and it was feared that the land would be developed leaving limited access to the playing field. The Officers of the B.P.F.A set about fighting the necessary legal battles and raising funds to ensure that Swan Meadow was saved as the wonderful facility it is for the village today.*

*In 1977, £20,000 was paid to Bass for the top part of the field, and, 'the residents for the time being, of the ecclesiastical parish of Burwash' became the owners of Swan Meadow which was then 'vested in the Official Custodian as a playing field in perpetuity' £10,000 was raised in a little over a year, and was matched with £10,000 from the National Playing Field Association who recognised the need for a playing field.*

*The B.P.F.A. 100+ Club was formed in 1989 to raise funds for a children's play area, and proved so popular that it continues today, and is the main source of income for the field.*

*In 1997 a successful application was made to the Sports Council Lottery fund for a new sports pavilion, and the construction of two all-weather tennis courts. £20,000 was raised locally, and the facilities were completed in late 1998.*

*More recently, over £63,000 was raised and grants were obtained to support the redevelopment of the children's play equipment and the installation of adult exercise equipment. There was an official opening of both the sports pavilion and children's play area in 2012.*

*Burwash Fair is the main fundraising event for the field every August Bank Holiday Monday when local clubs and organisations support the B.P.F.A. and raise funds for their own needs. ([Steve Mintram, Burwash Playing Field Association Hon. Secretary 1986-2016.](#))*

The playing field and its premises consist of the playing field itself, a sports pavilion, children's play area with equipment, hard surface tennis courts, football pitch and cricket ground. There are many events held on the field during the year that include the annual August Bank Holiday Monday Fair that is the main fund-raiser for the charity; an annual bonfire in October; Burwash Church of England Primary School use the field for sports and the summer sports day for the children; Spring, Summer and Autumn Horticultural shows; parking for the National Open Gardens scheme each summer; an outdoor theatrical performance; cricket matches during the summer season and football matches in the

winter; walking football also takes place on the field. There is football and cricket practice in season outside of match days too.

The sports pavilion is hired out for event refreshments, private parties, Movement to Music for the elderly as well as having facilities for the football and cricket teams that include showers, changing rooms and refreshment facilities.

This shows that Swan Meadow and the sports pavilion have a lot of use by villagers as well as the general public throughout the year, and a footpath link from the proposed development would pose a health and safety risk, not only to users of the field, but also to anyone else trying to cross the field at a busy time.

Reasons the appeal by Park Lane Homes Group (SE) must be refused.

See below highlighted concerns for Statement of Case.

*Appeal Statement of Case on behalf of the applicant.*

Park Lane Homes Group (SE)

vii) *Proposed Footpath Link*

*3.23 The site allocation as part (iii) of Policy VL1 of the adopted Local Plan, requires the provision of a footpath to link the new development to the existing recreation ground to the south and Ham Lane to the west. As the Applicant does not own or control intervening land between the western end of the site and Ham Lane this footpath link cannot be achieved, but full planning permission (number RR/2011/2206/P) has been granted for a footpath link between the proposed housing area and the recreation ground, which in effect will provide a new pedestrian route between Strand Meadow and the recreation ground. This footpath link proposal was retained as part of the outline planning permission for 30 dwellings on the site and the provision and maintenance of the footpath forms part of the associated bilateral planning obligation.*

Burwash Playing Field Association

The Inspector is invited to remember that Burwash Playing Field Association has not been approached by anyone regarding a footpath link across the playing field in respect of this application.

The issue is not whether the developer can institute a footpath link to the boundary with Swan Meadow but, whether they can comply with their S106 agreement. The reality is, that they can't comply as they don't have public right of way across Swan Meadow that they can pass on to any residents of the new development or give access to the public in general from Strand Meadow.

The developer says that 'As the Applicant does not own or control intervening land between the western end of the site and Ham Lane this footpath link cannot be achieved', but the proposed footpath will be in the land they say they don't own or control, i.e., the area at the western-most of the land. The site

21-09-18

4702 / 18 / 11 / B Proposed Site Plan

02-07-18

4702-LP Site Location Plan

02-07-18

4702-18-14-A Proposed Footpath Link and Open Space

Pump House Designs Drawing No. 4702/ESP Dated November 2018

Park Lane Homes

*3.24 In the full application the subject of the appeal, the footpath link to the recreation ground has been retained (and its provision and maintenance will also be covered by the planning obligation) but the route where it enters the northern boundary of the recreation ground has been slightly altered in order to retain existing boundary trees in this vicinity. (sic)*

Burwash Playing Field Association

The comment by the Burwash Playing Field Association applies to this paragraph as for Para 3.23.

Park Lane Homes

*3.25 At the application stage consultations took place with the (now former) Chairman of the Burwash Playing Field Association (Oliver Blaydon) who confirmed that the recreation ground has*

*not been adopted as public open space by the Council but it belongs to the village and is managed by the Burwash Playing Field Association. More recently, consultations have also taken place with Fiona Hosein of the Association with a view to the Applicant potentially providing a surfaced footpath link connecting the pedestrian access point from the application site to the sports pavilion where there is already a surfaced footpath leading to the central part of the village the High Street. This would be over part of the recreation ground where the Applicant already has a private right of way, but this provision would be subject of a separate arrangement with the Burwash Playing Field Association as this falls outside the scope and remit of the full planning application.*

#### Burwash Playing Field Association

The Burwash Playing Field Association Management Committee would like the Inspector to note, and wish to clarify that, contrary to what Park Lane Homes Group (SE) state, they were not formally approached by Park Lane Homes Group (SE) regarding the RR/2018/1787/P planning application by Park Lane Homes Group (SE) or their agent, or any previous planning application. Park Lane Homes Group (SE) made no real effort to obtain the necessary permissions from the Burwash Playing Field Association. We noted that in the report to the Rother District Council Planning Committee that Park Lane Homes Group (SE) claimed that discussions took place regarding a proposed footpath from the above development to, and across, Swan Meadow Playing Field, Burwash. The Burwash Playing Field Association never had a formal approach from Park Lane Homes Group (SE) or any formal contact. An informal discussion took place with the previous Chairman, Oliver Blaydon, who did not make a report to the Burwash Playing Field Association committee at a committee meeting, so nothing is recorded in meeting minutes, he then resigned.

There was a short telephone conversation between an agent of Park Lane Homes Group (SE) and Fiona Hosein acting on behalf of the Burwash Playing Field Association, nothing was decided, and further discussions were left till after the application was heard by the Rother District Council Planning Committee. As the development was refused by the Rother District Council Planning Committee, there was no further discussion.

The fact that one of the applicants has a private right of way across Swan Meadow is irrelevant. The fact that the developer has made virtually no effort to secure a footpath just confirms that they realise that they can't secure one and would have to have serious discussions with the Burwash Playing Field Association and village residents including neighbours at Swan House, Ham Lane. The developer would have to get an agreement with the Trustees of the playing field for the footpath link.

The Burwash Playing Field Association Management Committee would like the Inspector to take the following points into consideration for refusal of the appeal: -

- The health and safety of users of the field and walkers on a footpath across Swan Meadow must be the main factor taken into consideration. Risk of injury from cricket balls or being run into by a footballer is a big factor to refuse the footpath link and the appeal.
- There is no public right of way across Swan Meadow playing field, access is only to users of the playing field and limited access for some residents locally.
- The owners of the site have a private right of way but, as far as we are aware, they have not exercised that right. It cannot be passed on to any future residents of the development without consent from the Burwash Playing Field Association.
- The Burwash Playing Field Association are against having a footpath across the playing field as it might interfere with football and cricket matches.
- There would be difficulty in controlling access and avoiding disruption during football and cricket matches and the annual fair.
- Burwash Playing Field Association must formally agree to allow a footpath link, refusal would make the development less sustainable.
- There would need to be a consultation with the residents of Burwash village regarding the footpath link.
- East Sussex County Council Highways state in their report 'further details regarding the footpath are required and these should be agreed with East Sussex County Council Rights of Way Team'.

- The developer must not be allowed to construct the footpath stopping at the boundary leaving possible purchasers thinking they have a right of access and therefore force their way onto the playing field allowing the developer to say he has carried out what is required for the 106.
- There would have to be consultations with the residents of Swan House, Ham Lane.
- The development site to the north is very steep and the path would have to have steps making it not suitable for disabled users or families with small children and push chairs.
- There would be difficulty in controlling dog walkers and possible dog mess that is not cleared up and will pose a health and safety risk, especially to young children.
- The Burwash Playing Field Association Management Committee raise the question - who would build a path on the field and who would maintain it? Burwash Playing Field Association BPFA cannot afford to maintain such a link if it goes ahead.

Comment by Steve Mintram, past secretary to the Burwash Playing Field Association Management Committee, now a Life Vice-President: - *When I first joined the committee, the wise old men; Bill Sear, Geoff Jarvis, Mike Oakley, Jim Doel, Gordon Farmer et al were opposed to any new entrances, paths etc.*

*None of them used the sports pitches at that time but all were committed to making the most of Swan Meadow for the benefit of the community and all realised that any new access would probably lead to cutting across the playing areas.*

*This remained the view of each and every subsequent committee that I served as Hon. Sec. for 30 years up to when I stood down. I maintain that there should be no new access or egress points created and no footpath.*

*There is no public right of way across Swan Meadow playing field. Access from each entry point is for access to the playing field, children's play area, pavilion and tennis courts only. Some residents of Rother View are licensed by annual renewal for access and egress from their properties only. Said licences can be rescinded by the BPFA.*

*The BPFA committee remain opposed to any footpath crossing the playing field as even if a hard surface pathway were provided there are concerns short cuts would be taken impinging upon and causing wear to the football pitch and cricket outfield.*

#### Reasons to support the objection by Burwash Playing Field Association

- a) The development plan and its associated footpath link could pose a health and safety risk by residents and others entering the playing field and cause damage to the ground if they stray off the suggested path.
- b) The applicants have made no real effort to consult with the Burwash Playing Field Association or the village regarding the proposed footpath link. They have not thought through the ramifications of such a link to playing field users or nearby residents or other people entering the playing field from the development site. The playing field is in constant use by families with young children, school children, football and cricket teams. There are various events held on the field during the year that would possibly pose a health and safety risk to footpath users. There is regular grass and hedge cutting using large machinery that might not be able to be policed for safety reasons. It should be noted that there is a steep drop along the northern boundary of the playing to the fence.
- c) The development is not sustainable and would be disconnected from the village.
- d) One of the principle features of the playing field is the collage of the ancient properties on one side and the spectacular view over the High Weald Area of Outstanding Natural beauty. Preserving this beauty is important. If the housing development is built this rural aspect of the playing field would be compromised.

The resolution by the Burwash Playing Field Association and supporters.

This resolution by the Burwash Playing Field Association Committee at a meeting held on Wednesday 12<sup>th</sup> June 2019 was approved.

*Mrs Halina Keep BSc (Hons)*

*Burwash Playing Field Association Hon. Secretary*

*Writing on behalf of the Burwash Playing Field Association Management Committee*

**Letter sent to Rother District Council dated 14.01.2019**

## **Burwash Playing Field Association**

*(Registered Charity Number 305191)*

Ham Lane, Burwash TN19 7ER

**Reference:** RR/2018/1787/P BURWASH Strand Meadow, land south west of

Proposed footpath from the above development to, and across, Swan Meadow Playing Field, Burwash.

**Attention:**

Head of Service Rother District Council (RDC) - Tim Hickling

Case Officer - Mrs S Shepherd

Planning Officers, RDC Planning Committee

Sirs,

Burwash Playing Field Association Committee (BPFA) wish to clarify our position regarding the above application. In particular, the statement made by Park Lane Homes (South East) Ltd (PLH).

We note in the report to the RDC Planning Committee that PLH is claiming discussions with the BPFA Committee regarding a proposed footpath from the above development to, and across, Swan Meadow Playing Field, Burwash.

In fact, the BPFA Committee have never had a formal approach from PLH or any formal contact. The only contact was informal with the previous Chairman of the BPFA who did not report back to the BPFA Committee.

Yours Faithfully,

Mrs H Keep

Hon. Secretary, Burwash Playing Field Association Committee

14<sup>th</sup> January 2019