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The Planning Inspectorate
Temple Quay House
2 The Square
Bristol
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6th March 2023

REF 21-472
BY EMAIL

Dear Sir/Madam,

**APPEAL REF: APP/G5180/C/22/3312256 – LAND AT LOWER HOCKENDEN FARM,
HOCKENDEN LANE, SWANLEY**

This letter comprises the Appellant's comments against the Appeal Statement, dated January 2023, and supporting information which were submitted by Bromley Borough Council in relation to appeal ref: APP/G5180/C/22/3312256 at Land at Lower Hockenden Farm, Swanley.

Bromley's Statement of Case

Trespassing

At paragraph 4.4 it is stated that *"the Council is committed to the need to protect the living conditions and environment of all local residents of the Borough"*. At the request of Bromley Council, the Police, and a residents committee, the Appellant is working to protect the living conditions and environment of local residents from the illegal invasion of motorbikes, quadbikes, and other motorised vehicles stolen or otherwise on their farmland. It should not be overlooked that said trespassers have caused various injuries and a fatality in recent years and therefore pose a genuine risk to human health.

The Appellant has worked tirelessly to try and eradicate the harassment, noise, and pollution caused by the trespassers. This is in accordance with Policy 37 (General Design of Development) which states that *security and crime prevention measures should be included in the design and layout of building and public areas*.

Site Access

The Council's Appeal Statement is accompanied by the 'Atkins Report'. This confirms that a Site visit was undertaken by an Atkins Employee and Bromley Council personnel on 25th July 2022. The Appellant was unaware of this site investigation taking place and as is recorded, was not present when the Site visit took place.

The Site comprises private land. Although public footpaths run adjacent to and through the Site, it is clear from the pictures included within the Atkins Report that those carrying out the Site visit strayed from the public footpaths into the Site. Although not a planning matter, it is believed that the Council unlawfully accessed the Site in order to carry out their site investigation.

Source of Material

The Council state that no explanation has been provided by the Appellant as to where the additional material on the Site has been sourced from within the farm holding. Whilst the Appellant has an agreed access to and use of the Site, it still forms part of the wider farm holding, which is operated separately to Bournemouth Sand and Gravel. The Appellant insists that, to their knowledge, the only material that

has been placed on the land is derived from the wider farm holding. This includes earth, manure, and woodchip from various parts of the farmland and boundaries.

The Appellant is aware that, amongst other activities related to the general management and upkeep of the farm, the Farmer has erected over 5km of fencing throughout the farm holding for the protection and management of livestock, etc. To erect the fencing, some vegetation, including shrubs and trees, were stripped back and some earth works were carried out. Since the installation of the fencing many sections have been cut, ripped out, and damaged by trespassers and vandals. The Farmer continues to re-invest and repair any damaged sections of fencing.

Unfortunately, the farmland is blighted by trespassers who have taken part in antisocial behaviour, as has previously been stated. This has included but is not limited to fly tipping, drug taking, unsolicited fires, and even the burning of vehicles. Whilst every effort is made to fully clear any resulting debris from these activities and to remediate the land, it is possible that some remnants remain.

Both the Farmer, and the Appellant, as small business owners, have limited finances at their disposal. As a result, the additional farmland generated material placed within the Site has been used effectively to secure the farmland. They hope to purchase an additional 2km of fencing for the perimeter when finances allow. Therefore, vegetation, earth, and woodchips, all of which is derived from within the farm holding itself, has been reused across the farm to improve security around the perimeter and to manage soil quality.

Questionnaire

In their Appeal Questionnaire, the Council have stated that they disagree with the Written Representations procedure and request that the Inquiry procedure is followed.

As previously stated, the Appellant continues to be of the belief that the facts of this Appeal do not require a Public Inquiry, and they consider that the Written Representations procedure continues to be the most appropriate.

Conclusions

The Appellant has provided further information regarding the material within the Site and where it has been generated from. We trust this has provided the extra clarity and information required to understand the source of additional material placed on the Site.

In any case, the Appellant has stated their disappointment at such lengthy and costly proceedings having been undertaken by the Council. All of which could have been avoided should a joint meeting have been arranged between all the relevant parties.

The Appellant remains open to such a meeting taking place and to continuing to work with the Council, Police, and the resident's group, to try and prevent further trespassing and antisocial behaviour within the Site.

The Inspector is respectfully requested to allow this appeal and quash the Enforcement Notice.

The Appellant reserves the right to make further representations in the event of any further comments or material being received from the Council.

Yours sincerely,



Paul Chandler-King
PLANNER