

PTOI ITEMS

cc Rye Town Council ✓

Planning Department  
Rother District Council  
Town Hall  
Bexhill-on-Sea  
East Sussex  
TN39 3JX

30<sup>th</sup> April 2009

- 4 MAY 2009

Dear Sirs

**Re: Lawful Use of building & land at 172, Udimore Road, Rye (RR/2009/981/O)**

We are writing in connection with the above application for Lawful Use of a building and land at 172, Udimore Road, Rye. We live and own the property adjoining the one in question and have done so since September 2004. In addition, the approach track to the building and land which is the subject of this application runs along the boundary between our properties, just a few feet from our house.

The use of the building and land described in this application has a significantly detrimental effect on the quiet enjoyment of our property. Whilst we do not dispute that this building and land has been used as a business for over 10 years, we would point out that there has been a material change in use since 2005, when the scale and intensity increased and the type of business operation was expanded.

In addition, there are other outside operations carried out by one of the businesses on this site which are not covered in the application.

Our points are thus:-

1. The application points out that Marcomm has operated from this site for over 10 years and that since 2005, two additional companies have leased the property. It is these two additional companies and one in particular, that have greatly added to the traffic up and down the unmade track leading to the building in question.

One company in particular, W.S. Wright, not only has its main offices there but has a fleet of commercial vehicles (we understand they are builders specialising in refurbishment of pubs) which use this track from 7am until the evening and often into the weekend. Thus, since we have lived here, we have seen the level of traffic increase from a few cars and ancillary delivery vehicles servicing Marcomm (a small, office-based organisation) to three companies with a very much greater level of traffic and a huge increase in commercial vehicle movements.

This increased scale, intensity and type of traffic has resulted in a loss of amenity for us in a number of ways:

- a) The first is the noise level, especially as many vehicles drive quite fast down this gravel track. There are around 60 traffic movements each day,

with even more in the peak season when one includes traffic relating to the holiday cottage business also operating on this site. The seating area in our garden is just a few feet away from this track.

- b) The second problem is the clouds of dust, on dry days, which are sent over into our property by this relatively fast traffic. The impact is that we cannot sit outside under these conditions (just when we would want to sit outside) and our windows nearest this track have to remain closed.
- c) The third impact is that nowhere along the track is there any signage naming the companies which occupy this building and land. Thus we regularly have commercial vehicles parking on our drive and knocking on our door to ask the way. Worse still, they stop outside our kitchen window, where the track forks, with engines running whilst they either phone for directions or do a three point turn to come back out onto the main road.

2. Our second point in connection with this application is that it is for "B1 business use" with parking on land which shares a border with an Area of Outstanding Natural Beauty.

However, the application appears to omit the other activity currently ongoing on the site, which is the outside storage and collection of commercial waste by one of the companies operating there – W.S. Wright. The W.S. Wright vans bring the waste from each day's refurbishment and store it in large containers or skips, prior to collection by heavy commercial vehicles.

In summary, it is the material change in scale, use, intensity and type of traffic over the last 4 years that has spoilt our quiet enjoyment of our property and resulted in our loss of amenity.

We also highlight that the operations relating to the collection and disposal of commercial waste seems to have been omitted from this application and is particularly relevant on this site, bordering an Area of Outstanding Natural Beauty.

We feel that these material changes in use are contrary to the response given in the second part of Section 10 on the application form. Thus, we would respectfully suggest that this application does not demonstrate the criteria required for a Lawful Development Certificate.

Finally, surely this application is in breach of the Agreement dated 7<sup>th</sup> January 1992 in relation to planning application RR/90/2320/P between Rother District Council and the then owners which created a planning obligation on this land and which is transferable to the current owner?

Yours faithfully

Robin and Helen Clarke  
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