

# FRIENDS OF COOMBE WOOD



**Chairman** Gwyn Jordan

**Treasurer** T. Isherwood

**Secretary** John Rostron

431 Kents Hill Rd.,  
Benfleet, Essex. SS7 4AD

01268 757984

johnmargaret.rostron@tiscali.co.uk

## **Minutes of an Extraordinary General Meeting of the Friends of Coombe Wood held on Thursday October 27<sup>th</sup> 2023 at 7.30pm at St Peter's Small Hall, Thundersley**

### **Present**

Alan Morley, John Rostron, John and Brenda Cerny, Melvyn Westlake, Rosemarie & Douglas Francis, Frankie Livermore, Debi Ivens, Eileen Peck, Gwyn and Doreen Jordan, Sue and Ted Speakman, Michael and Caroline Dearson, Alan Spiller.

### **In Attendance**

Councillor Michael Dearson (Castle Point Borough Council), Caroline Dearson, Michelle Conolly (in part).

### **[2023].01 Welcome**

Alan Morley welcomed the members and visitors.

### **[2023].02 Chairman's Report**

Alan provided a history of the Village Green and explained how it is protected by its status as a Village Green and by two Article 4 Directives. He also explained how these protections can be used. They both restrict encroachment by fencing or other means. The Village Green status is through the County Council and any claim would need to go through a magistrate's court. The Article 4 Directives are issued by the local council and it is more straightforward to use this route to request enforcement against any encroachment.

There are currently two encroachment issues.

#### **02.01 From the property along the London Road**

The new owners of this property, known as 'Hillrest', have extended the fencing around their property on the north side, away from the London Road, and partly along the boundary east of the property. This extension is not clearly visible from the London Road. Not only does it encroach onto the Village Green, it also encroaches an old right of way along the north side of the property.

Both Alan Morley, in an individual capacity, and John Rostron, as secretary of Friends of Coombe Woos contacted the Council requesting that they issue an enforcement order requiring the owners of the property to remove the fence back to its original position. The Council did issue such an order in late 2021. The Friends tried to arrange a meeting with the owners, but the owners felt they had a good claim to the land and declined. The Owners then appealed against the Enforcement Order. Your committee and other members wrote to the Planning Inspectorate, who are considering the appeal, in March 2022

outlining why the appeal should be refused. We have been told that such appeals are taking a long time to process, over a year

## **02.02 Fence alongside Bridleways 58 and 88**

1. This post-and-rail fence had been erected by Mark Evens, the owner of the adjacent land. He had applied for planning permission to erect the fence, but the fence had been erected along a line not in accordance with his planning application and also erected after the planning approval had expired. Various members and the Friends of Coombe Wood had pointed out to him that this fence was encroaching onto the Village Green, but he maintained his right to enclose his property. The Council had stated that the fence as it stood was ‘unauthorised’. We had asked the Council to issue an enforcement order requiring them to move the fence back to the Village Green Boundary. The Council declined to do so, saying that the area under dispute was ‘trivial’ and that ‘there was no significant loss of amenity’.
2. Note that we do not dispute the ownership of the land. This is regarded as a ‘Boundary Dispute’ in law.
3. More recently the property had been bought by Adam and Gail Swainsbury. Both Alan Morley and the Friends had been in contact with the Swainsburys asking if they would move the fence but by early 2023, no solution had been found. At the AGM in January 2023, Alan Morley criticised the lack of progress and put himself forward as Chairman to resolve the issue. He was duly elected.
4. In Early 2023, Alan proposed sending a letter to the Swainsburys stating that he was proposing moving the fence himself and what would be their response.
5. This suggestion brought about the resignation of the other committee members who did not wish to be associated with what they perceived as a threat and might be seen as a criminal act. The chairman, Alan Morley, declined to accept these resignations.
6. Alan Morley then commissioned a Surveyor’s Report on the position of the fence and where it should be. This report concluded that the fence parallel to bridleway 88 was positioned correctly, but the fence alongside bridleway 58 was incorrectly positioned by about 3metres most of the way along.
7. The Chairman and some Council Officers had looked at the fence and the Surveyor’s report on the ground. The Council Officers produced a report, but did not provide a copy to the Chairman.
8. Gwyn Jordan explained that some members had been looking at the position of the original boundary as it was when the Village Green was designated and they felt that the Surveyor’s Report was not in accordance with this. They saw the original boundary as marked by the remains of barbed wire fastened to trees and a few posts, much of which had been removed.
9. Various members spoke with the Swainsburys and suggested that FoC members mark out what they saw as the correct boundary with small posts. This was done, but the Swainsburys were not able to attend the process. However they subsequently agreed that this was the definitive fence boundary and a few days later they moved the fence running alongside bridleway 58 to this new position.
10. John Rostron proposed, and Gwyn Jordan seconded, that we accept the re-positioned fence along bridleway 58 as now in an acceptable position. A show of hands showed a majority were in

favour. However no-one asked for a show against the motion.

Given the absence of proper procedure, the motion was not carried.

- 11. The Chairman stated that he felt that this meeting was not sufficiently representative of the community to take a vote on acceptance of this positioning. He felt that we should be gathering more evidence and consulting the neighbourhood community first.
- 12. Following discussion from the floor, the Chairman proposed that we need to involve the community more and that we need to set up a Legal Fund to be ready to fight for any rights that are being encroached. This was agreed without dissent.
- 13. Eileen Peck pointed out that now was the right time to involve the local community with increasing environmental awareness. She proposed that we set up a small Publicity group with a brief to disseminate information about the wood. Sue Speakman seconded this and it was carried without dissent.
- 14. Councillor Dearson stated that he had been elected on a platform of green issues. He would ask the Council members and officers about their responses to the issues raised here.

### **[2023].03 Election of Officers and Committee**

The Chairman stated that, since he had not accepted the resignation of the committee, there was no need for them to be re-elected. However, John Rostron suggested that he ask for a proposal from the floor that the committee be re-elected. Alan Spiller proposed and Eileen Peck seconded, that the committee be reinstated. This was carried without dissent.

Councillor Dearson, who joined the Friends at the end of the meeting, volunteered to take on the role of Treasurer from Terry Isherwood who had indicated his wish to retire. The meeting was happy to accept this offer.

### **[2023].04 Questions from the floor / Any Other Business**

Michelle Conolly stated that she had seen various deeds of ownership of the properties along Lake Drive and felt that there may be some doubt about Mark Evans’s title to the land he sold to Swainsbury’s.

Gwyn Jordan proposed a vote of thanks to the Chairman for handling the meeting. This was seconded by John Rostron and carried unanimously.

### **Action Points**

*The secretary invites members to suggest issues that the new committee needs to address.*