

I am Richard Gray, owner of Shepherds Cottage, Rectory Lane, Breamore, Fordingbridge, Hampshire. SP6 2EH. I have received from you a notice of planning application relating to Dodington House, The Marsh, Breamore SP6 2EJ.

I write this message by way of observations and in part objections to the proposals. I find it embarrassing as when the applicant told me about the proposals I was informed of the tennis court itself and the changing/store outbuilding. I believed from what was said to me that the facility was purely for the use of the applicant and his family. Having learned of the proposed position of the tennis court, that one of the fences would effectively be the wall of the walled garden furthest to me and that the fences to be constructed would be no higher than the wall itself I satisfied myself that I was unlikely to be affected by the development significantly and in the interests of good neighbourly relations I indicated that I was happy with the proposal.

However I was not informed of the proposed car park the existence of which is disclosed in the planning application and application for listed building consent and as this changes the position for me entirely and indeed all the households between Shepherds Cottage and the A338. I now find myself in the embarrassing position of having to raise objections. They are as follows:-

1 Although the application appears to be of a domestic nature, the car parking provision and proposed access mean that it has to be treated as if it were an application for the commercial development of the land. As a general comment, the car parking area on the plan would hold appear to hold about 8-10 cars. Admittedly, this is not at all large for a public tennis court, but for a purely domestic use it's not necessary at all. If it were to be suggested that the car park was needed for friends who might use the tennis court then it would not be necessary since there is a very large parking area right at the front of Dodington House where friends visiting the applicant would normally park. Hence the Council must treat it as a commercial use of land.

2 Accordingly the application should identify which relevant planning policies are engaged and how the application meets the objectives of those policies. It does not.

3 Objections can be based on the amount of traffic the development will generate turning into and out of Rectory Lane from and onto the A338. The junction of Rectory Lane and the A338 is on a bend, which makes the junction dangerous. Increased traffic would increase the danger.

4 The access to the site between numbers 1 and 2 Rectory Lane is (scaling from the application drawing) about 4 metres wide. This is insufficient to allow two cars to pass. This is insufficient to enable cars to leave and enter the site at the same time. Consequently there may be backing up of cars in Rectory Lane, which will cause nuisance, noise and inconvenience to the owners of the properties on Rectory Lane, and possibly back up onto the main road.

5 A non-domestic use (i.e. not for the owners of Dodington House and their guests) means that the owners of the properties on Rectory Lane will be subjected to the sounds of tennis players at all times during daylight hours - not only the sounds of balls being hit, but the calls of players, the sound of cars being started and cars doors being slammed, noise from car radios, etcetera. All this will be to the detriment of the owners and occupiers of the adjacent properties on Rectory Lane.

6 The tennis court surface will be porous macadam. As I understand it, this enables surface water to drain through the surface into the ground below. However, if the tennis court is being laid over the existing manege from which the rubber coating is being removed but of which the underlying core will be retained, this may raise issues as to adequate surface water drainage in an area which is right on the edge of a marsh.

7 If the proposed tennis court is intended to be used in a non-domestic way it may be questioned whether the proposed changing facilities would be adequate for players of both sexes, or where children might have to change with adults present.

8 Again, if the tennis court is to be for non-domestic use, there is no toilet provision. This inevitably raises the issue that users of the tennis court and any spectators will relieve themselves somewhere else in the vicinity and almost certainly in the view of those living in Rectory Lane.

9 If the application were to be granted it might be that at some future date the applicant might seek to add lighting to the vicinity to facilitate playing tennis in the dark. This would be intolerable for the owners/occupiers of the properties in Rectory Lane.

10 Rectory Lane is not a public highway of any kind. From an easement/rights of way perspective I assume that the site of Rectory Lane is owned by the Breamore Estate and it has granted rights of way over it for the benefit of the properties in Rectory Lane, or they have been acquired by prescription. When Dodington House was sold in 1952, it may have been explicitly conveyed with rights of way over Rectory Lane so far as access to and from the walled garden is concerned, or with implied rights (section 62 Law of Property Act 1925). Or it may have acquired prescriptive rights over Rectory Lane in connection with the use of the walled garden, which might have been consistent with market garden use or equine use (the manege). But rights of way for use of the walled garden as a tennis court for non-domestic use may go beyond the terms of the express or implied easement. The design and access statement says:

"The walled garden is accessed from the house by a gravel footpath.

There is separate vehicle access from Rectory Lane.

No alterations to these existing access routes are planned."

As a bald statement all this is superficially true, but the vehicle access from Rectory Lane will be altered in the sense that the burden of the easement will be significantly increased, and it may be outwith the terms of the existing express or implied grant.

11 In terms of perceived need there are already facilities for playing tennis in Fordingbridge and Downton, both of which are only 2 miles from Breamore.

12 The proposed development is within property which includes a listed building and which is adjacent to other listed buildings. There are no fewer than 82 listed buildings within the parish of Breamore. It is in or adjacent to a conservation area and a site of special scientific interest (SSSI). The nature and character of Breamore is perhaps unique in the whole of the United Kingdom and a commercial operation of this sort would be wholly inappropriate in Breamore. This proposed development is probably not even visible to the applicant and his family from Dodington House itself and who would therefore not be affected by it at all, but it is "right in the backyard" of those living in Rectory Lane.