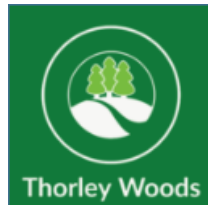


THORLEY LANE EAST WOODS BACKGROUND SUMMARY



Background and ownership

Thorley Lane East Woods (“**the Woods**”) are a privately owned area of mature woodland, sandwiched between the developments of Thorley Park and St. Michael’s Mead in Bishop’s Stortford. Neither Bishop’s Stortford Town Council, nor East Herts Council, owns any part of the Woods.

Although being in private ownership, the Woods provide a vital haven for a wide array of flora and fauna, woodland birds, bats and other wildlife. The Woods also act as an important green lung and canopy for the communities living in the two housing estates. For more information, click on the following link – <https://thorleywoods.org/biodiversity/>

What’s the current legal position?

Sale contracts for the whole of the Woods were exchanged in early August 2022 by the current legal owner (“**the Seller**”) to a development company, Strategic Land Holdings Limited. Formal completion has not yet taken place.

The Woods are now being marketed, on the instruction of this development company, as smaller plots, each at a price that is consistent with investors speculating on their future development. Individual plots have appeared at auction with a guide price of £40,000 for approximately 0.3 acre. By contrast, each plot would be worth at most £3,000-£5,000 at amenity land prices as a woodland.

The Seller was approached by the local council and by the local community to purchase the whole of the Woods, as a community asset, at the going woodland rate. These offers were rejected.

The sale contract with the development company includes an overage agreement. This entitles the Seller to claw back a percentage of the enhanced value of the land every time a planning permission is granted over any part of the Woods during a 25 year period (ending in 2047). For more information, click on the following link – <https://thorleywoods.org/auction-documents/>

Our concern is that the Seller’s agents are now proceeding full steam ahead in the open market, without disclosing the full facts to prospective buyers. Many of these buyers are resident outside the locality and even the UK, and are not acquainted with the constraints and due process of the UK planning system.

Special designations and the presumption against development

We need to flag the fact that the Woods have protected status by virtue of the following designations:

- the Woods are in the Green Belt – <https://thorleywoods.org/thorley-woods-is-designated-green-belt/>;
- the entirety of the Woods is covered by a blanket Tree Preservation Order (TPO) - <https://thorleywoods.org/tree-preservation-order-on-thorley-woods/>; and
- the Woods are identified as an area of notable open space in the All Saints, Central, South and Parts of Thorley Neighbourhood Plan - https://cdn-eastherts.onwebcurl.com/s3fs-public/documents/District_Plan_Publish_web_view.pdf.

Given these designations, there is a presumption against development, which makes it highly unlikely that any planning application would be successful. If any person submits a planning application on any part of the Woods, there has been a consensus amongst local councillors and the local MP that this will be opposed wholeheartedly - <https://thorleywoods.org/julie-marson-mps-response-to-cllr-snowdon/>. Furthermore, with support from a highly mobilised local community under the umbrella of the **Thorley Lane East Woods Action Group**, we are well placed to fight collaboratively any opportunistic planning applications for development on this green belt land.

What about issues of access from the public highway?

The Seller's agents are also asserting that the Woods are accessed directly from Thorley Lane East. In reality, there appears to be an intervening third-party ransom strip, which separates the Woods from the public highway. We are currently raising various searches to investigate the precise status and ownership of this intervening strip.

The marketing literature issued by the Seller's agents includes a plan which clearly delineates 12 individual development plots within the Woods title. The layout includes an imaginary access route traversing the middle of the Woods, providing the illusion of direct vehicular and pedestrian access. This is by far a *fait accompli*, but, rather, creates, by implication, the insinuation that these are "investment" or future house sites within the open countryside, where the grant of planning permission is inevitable. This is far from the case. This tactic begins the process of a gradual war of attrition against our precious green spaces, following similar strategies that have taken place in other parts of Bishop's Stortford (such as with the land off Rye Street and south of Meadowlands).

What's the objection to dividing the Woods up into small plots?

We are concerned that the deliberate fragmentation of the Woods into multiple plots will accelerate its decline as a woodland. The possibility of individual owners fencing off their respective areas and the absence of overall control is likely to hamper its effective and careful management as a green space and haven for wildlife, as well as lead to antisocial behaviour such as fly-tipping and illegal occupation. From a degraded state, this could further justify arguments for the development of the land and its release for much needed housing.

What legal responsibilities does a woodland owner have?

Another key point is that ownership of woodland carries with it certain legal responsibilities, of which a prospective buyer is likely to be unaware. A woodland owner has a duty of care to manage risk to uninvited guests under the Occupiers Liability Act 1984. An additional duty exists under health and safety legislation and criminal law, which is particularly relevant to overhanging trees. There is,

sadly, no shortage of cases of serious injury caused by falling branches. Annual tree safety audits, appropriate remedial action and public liability insurance cover are essential.

What's the law relating to misrepresentation?

We have drawn to the attention of the Seller's agents the law on misrepresentation: any untrue statement of fact which induces a party to enter into a contract thereby causing loss. A court will consider implied representations and "*what a reasonable person would have inferred was being implicitly represented by the representor's words and conduct in their context*" (to quote 2006 caselaw). Misrepresentation may also derive from what is left unsaid. Likewise, the relative knowledge of the parties is important. In this case, there may be many bona fide interested lay bidders (especially neighbours), who would be relying on the agents' professionalism and their quoted ethos of "*delivering sound and honest advice*". There are striking omissions in the Seller's agents' particulars of sale.

What about the need for a buyer to carry out basic due diligence?

The Seller's agents' website states that "*all buyers are expected to make their own enquiries about potential purchases with the necessary independent bodies...[and that] Barney Estates & Auctioneers are...not qualified to comment on planning potential or change of use*". Our contention is that the conduct of the auctioneers (for instance, disclosing sales and legal packs less than 24 hours before the auction) precludes any prospective bidder from carrying out the requisite amount of due diligence before the auction. This is particularly vital when dealing with a woodland, in which the investment value derives so fundamentally on assessing development potential.

What can we, as a community, do to protect the Woods?

In light of the above threat to the green belt, the **Thorley Lane East Woods Action Group** was formed by concerned members of the community.

The mission statement of the **Thorley Lane East Woods Action Group** is the protection of the Woods as a woodland for the benefit of our current local community and for successive generations.

We aim to do this by:

- ensuring that all potential buyers are made fully aware of the limits and liabilities involved in owning a piece of the Woods;
- encouraging potential buyers to exercise extreme caution when taking part in a speculative bidding process based on the Wood's supposed development potential; and
- highlighting and celebrating the invaluable contribution made by the Woods to the area's biodiversity, ecosystem and local community.

We have had an overwhelming response to our campaign from across the Bishop's Stortford community: both from ordinary residents and from those in authority (including Councillors of all political persuasions and our local MP).

We are using this website - <https://thorleywoods.org/> - to share information on the campaign, to house official documents and to manage the considerable community interest. Please let us know, via the contact page - <https://thorleywoods.org/contact/> - if you are prepared to be actively involved (as opposed to just receiving updates). We are keen to tap into all the skills, expertise, knowledge

and time kindly offered by our community, which we will need to mobilise to be an effective fighting force.

Can we not crowd fund to buy the Woods, or part of it, for the community?

Whilst any individual is at liberty to partake in the bidding process for the whole or part of the Woods, it is important to note that the **Thorley Lane East Woods Action Group** does not condone offering sums of money to the Seller to purchase the Woods at inflated development land prices.

We believe that such action is counter-productive and encourages the speculative purchasing of green belt land elsewhere.

A good background article on the prevalence of these land-grab tactics can be found at the following link –

<https://www.thisismoney.co.uk/money/mortgageshome/article-8582117/Farmers-land-owners-warned-Country-Land-Conservation.html>

Please also see the comments of the Housing Minister's Planning Policy Advisor, expressing the government's concern at the sale of small plots of green belt land -

<https://thorleywoods.org/department-for-levelling-up-housing-communities-response-to-cllr-snowdon/>

We would only contemplate a crowd funding campaign to purchase the Woods at the correct market value as a woodland and green amenity space for the community's benefit.

Thank you for your support.

The Thorley Lane East Woods Action Group

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