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Date	30 January 2026	Email	havantdc@hants.gov.uk

For attention of Mr Weaver

Dear Sirs

Re: Written Representations Planning Appeal - Demolition of existing dwelling and the construction of 5 new dwellings with associated external works and landscaping | Oklahoma, 4 Long Copse Lane

Thank you for your consultation to provide written representations for appeal reference 6002048 which relates to the refusal of planning reference APP/24/00987. 3 reasons for refusal were made in relation to highways matters and these are as follows:

1. Inadequate visibility splays are proposed at the junction of the access with the highway. This would cause danger and inconvenience to users of the adjoining highway and the development site and would be contrary to Policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework which promote development which, amongst other matters, supports safe operation of the local road and its users.
2. Insufficient information has been submitted to demonstrate that the proposed development would achieve appropriate forward visibility for vehicles approaching Hollybank Lane from the left together with passing places for a car to pass a refuse vehicle, whilst servicing is being undertaken. Therefore, the proposed development would be contrary to Policy CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework as it has not been satisfactorily demonstrated that it would incorporate a safe and suitable kerbside collection facility for the increased quantum of development without impact on the safe operation of the local road and its users

Director of Universal Services
Patrick Blogg

3. The proposed car parking provision would fall short of the parking standards set out in the Havant Borough Council Parking SPD 2016 which would be likely to lead to cars being parked alongside Long Copse Lane, resulting in damage to green verges and potential neighbour disputes. The development would, therefore, be contrary to the adopted Parking SPD (2016), Policies CS16, DM8 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework which collectively support development that respects local context, provides quality residential amenity and promotes social cohesion.

In response to these reasons for refusal and to support the appeal process the appellant has submitted a Grounds of Appeal and Statement of Case (SoC) document dated November 2025 with a detailed Transport Appeal Statement (TAS) dated November 2025 (reference 143.0034/AS/2) provided within Appendix 4.

Visibility

The Highway Authority initially raised concerns with the achievable visibility at the pre-application stage in the primary direction given the presence of existing trees. This position has been maintained through the planning application process within three formal responses despite the rebuttals submitted by the appellant throughout this process. These should be considered by the inspector as part of the appeal process. The Highway Authority provide a response to each key heading within the TAS however note that no further evidence to address the reason for refusal has been presented.

Drawing the Visibility Splays:

Throughout the application process a disagreement has been present with the length of the required visibility splays in accordance with the recorded speeds observed. Regardless of the discrepancies between the appellant and the Highway Authorities views, the reliance on 3rd party land remains to ensure that the splays remain clear.

Disagreement also remained through the application process on the application of suitable visibility splays when considering committed works as part of the Land North of Long Copse Lane application (planning ref APP/21/00893) which led to the widening of the carriageway to 5.7m to allow for two-way flow along with other improvements. Given this, it was requested that splays were shown in accordance with Hampshire County Council's Technical Guidance Note 3 to a 30mph design speed (43.0m) to account for increased driving speeds as a result of these improvements. The Highway Authority remain of the view that this is appropriate in this instance given the impact delivery of these works may have on driver behaviour and vehicular speeds. It is noted that Land North of Long Copse Lane has since been withdrawn following the refusal of this site. Regardless, should the splays be drawn at 31.0m (as presented by the appellant) or 43.0m, the same reliance on 3rd party land remains. The withdrawal of the adjacent planning application

should therefore not be given any material weight when considering this planning appeal.

Stage One Road Safety Audit (RSA1):

The Highway Authority draw the inspector's attention to the RSA1 item which directly relates to the achievable visibility splays:

3.3 Junctions

3.3.1 PROBLEM

Location: Proposed access.

Summary: Insufficient capacity or queuing could lead to driver frustration and rear end shunt or side impact collisions.

Visibility splays have been provided for assessment where the visibility splay in the primary direction is 2m by 31m and 2m by 21m in the secondary direction, which equates to 85th percentile approach speeds below 30mph. Whilst vehicle speeds were observed as being low, there is concern that this splay may be insufficient for vehicle approach speeds. This could lead to rear end shunt, head on or side impact collisions.

RECOMMENDATION

It is recommended that vehicle speeds should be provided to justify the visibility splay lengths.

The designer's response noted below fails to state whether the designer accept or disagree with the auditor's concerns in accordance with GG119 Section 4.16. Given the response, the Highway Authority consider the designers to be disagreeing with the auditor and therefore should a consent be granted an exemption report would be necessary.

RSA Problem	RSA Recommendation	Design Organisation response)	Overseeing Organisation response	Agreed RSA action
3.3.1 PROBLEM Location: Proposed access. Summary: Insufficient capacity or queuing could lead to driver frustration and rear end shunt or side impact collisions. Visibility splays have been provided for assessment where the visibility splay in the primary direction is 2m by 31m and 2m by 21m in the secondary direction, which equates to 85 th percentile approach speeds below 30mph. Whilst vehicle speeds were observed as being low, there is concern that this splay may be insufficient for vehicle approach speeds. This	It is recommended that vehicle speeds should be provided to justify the visibility splay lengths.	Two 7-day ATC surveys were undertaken between 24th to 30th April 2024, c20m either side of the site access to understand the existing traffic flows and actual vehicle speeds along Long Copse Lane. The recorded vehicle speeds of 22.8mph westbound and 17.4mph eastbound require a visibility splay measuring to 29m in the primary direction and to 21m in the secondary direction (in line with HCC's TG3 guidance). However, at the pre-application stage HCC requested that wet weather speeds are applied and the required y-distances for the visibility splays are 31.0m in the primary direction towards Wraybury Park Drive and 21.0m in the secondary direction towards Hollybank Lane. Therefore, the visibility splay drawing has shown visibility splays to the required vehicle speeds, plus the additional length for wet weather speeds as required by HCC.		

could lead to rear end shunt, head on or side impact collisions.				
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As set out above the Highway Authority consider the safety issue unresolved, despite the designer's response, given the reliance on 3rd party land to ensure splays in the primary direction remain clear.

Trees and Land Required for Splays:

Through the application process the Highway Authority have maintained the position that removal of trees in the primary direction would be necessary to ensure appropriate visibility could be guaranteed and to deliver safe and suitable access to the site. However, neither the appellant nor the Highway Authority have this within their control to deliver. The trees whilst on the highway boundary fall within the historic property boundary and therefore legally fall under the ownership of property owners that are not party to this application or any consent. From on-site observations, the trees do heavily restrict visibility in the primary direction and therefore their removal would be critical to ensure the safety and suitability of any intensification of use at this access arrangement.

The ownership of the trees has been disputed by the appellant through the planning process. The Highway Authority have scrutinised historic highway boundary records for Long Copse Lane and remain of the view that the trees in question fall within the adjacent property boundary and therefore not under the ownership of the appellant or the Highway Authority.

It is appreciated that the highway boundary around Long Copse Lane is complex and challenging to plot and can be subject to positional plotting inaccuracies. However as per the detailed highway boundary review, shared with the appellant and the Planning Authority during the application process, there is clear evidence that the trees in question mark the historic and current highway boundary on the ground. This evidence is attached as Appendix A within this response to be considered by the inspector as part of this appeal. The Highway Authority remain of the view that the highway boundary obtained by the appellant from Hampshire County Council records has been incorrectly applied onto the OS mapping therefore providing an inaccurate representation of the highway boundary, and the appellant is reliant on this error to support their case.

Regardless, should the trees in question be present or not, the splays still remain reliant on 3rd party land for full achievable visibility in the primary direction. Should the boundary treatment be amended within this land (within PD rights) further obstruction of the visibility splay would occur. The appellant nor the Highway Authority would have control to prevent such changes.

Refuse and Servicing Arrangements

The Highway Authority accepted the principle of kerbside collection for the quantum of development, however raised matters for the Planning Authority to consider under Standing Advice on whether this could be achieved in a safe and suitable manner. This included demonstrating that suitable forward visibility for vehicles approaching Hollybank Lane from the left, as well as

suitable passing places to ensure that a car can pass a refuse vehicle whilst servicing is being undertaken given the proximity of the site access to the Hollybank Lane bend. This information was not forthcoming through the application process leading to this reason for refusal.

Drawing 143.0034-0010 Rev P01 has been submitted within the TAS outlining forward visibility from a car drivers position to the refuse vehicle around the Hollybank Lane bend.

For Inset 1 (top extract) of the drawing the forward visibility is shown for a position of the refuse vehicle which differs to the location of the inset 2 (bottom extract) where a car is shown to pass the refuse vehicle. It is considered that the refuse vehicle is more likely to stop in the location as set out within Inset 1 to service these dwellings in which case it is evident from the tracking provided within inset 2 that a car would be unable to pass the refuse at this point. Regardless, within inset 2 the Highway Authority do not agree that the tracking shows a refuse and car can pass in the position shown given positioning of the vehicles and proximity to the carriageway edge. Speeds of the tracking undertaken have also not been confirmed and it is therefore unclear whether the movements are undertaken at a realistic driven speed.

The drawing shows that any vehicles navigating this section of road would have insufficient forward visibility to see where it would have sufficient space to pass the refuse vehicle. This would require the approaching vehicle(s) from Hollybank Lane to reverse where visibility is further restricted given the alignment of the carriageway. Requiring reversing on a tight bend with restricted forward visibility is not acceptable. The Highway Authority therefore consider that this does not appropriately address this reason for refusal and fails to confirm that kerbside refuse collection can operate in a safe and suitable manner. It is therefore considered that the position of the Planning Authority set out within the officer's report on this application remains.

Car Parking

For the scale of the development the internal layout falls within the Highway Authority's Standing Advice and car parking matters fall under the jurisdiction of the Planning Authority. However it should be noted that the Highway Authority concur with the conclusions presented within the officer's report.

In response to this reason for refusal, the appellant provides drawing 143.0034-0007 Rev P04 outlining the ability of a fire tender and delivery vehicle to navigate the site with 2 additional vehicles parked outside of allocated parking bay at 10mph. This does not outline how the shortfall in 3 car parking spaces could be accommodated without leading to any overspill along Long Copse Lane. It is unclear where an additional parking space could be accommodated within the layout design. Given the nature of Long Copse Lane, the Highway Authority would be concerned with any overspill parking that would occur given the shortfall in parking evident.

The Highway Authority therefore consider that this does not appropriately address this reason for refusal. It is considered therefore that the position of the Planning Authority set out within the officer's report on this application remains.

Recommendations

In summary, the Highway Authority do not consider that the information provided within the TAS appropriately address the 3 highway related reasons for refusal.

Yours faithfully,

Sophie Osborne
Senior Transport Planner – Highways Development Planning
Universal Services

Appendix A - Long Copse Lane – Historical background

Warblington Tithe Map (1838)



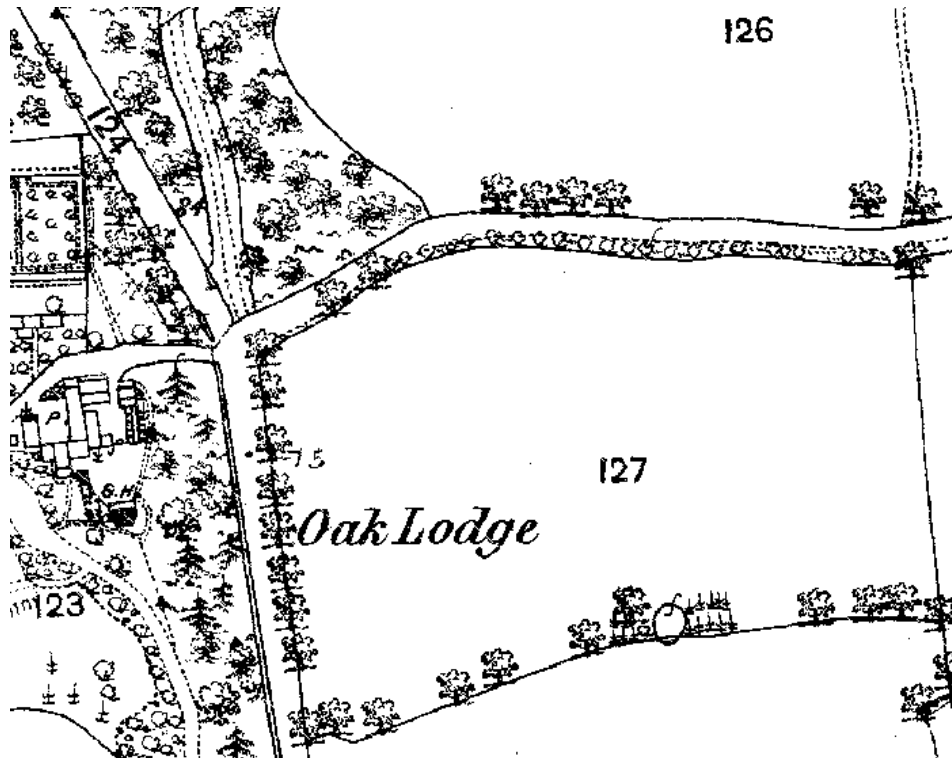
The 1838 Tithe map shows the extent of Long Copse Lane as it was at that date. S36 (5) (a) Highways Act 1980 states that a highway is publicly maintainable if it was a highway as at 31st August 1835:

(5) A highway shall not by virtue of subsection (4) above become a highway which for the purposes of this Act is a highway maintainable at the public expense unless either—

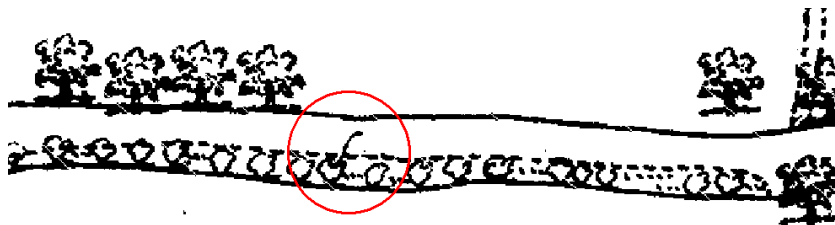
(a) it was a highway before 31st August 1835 ; or

(b) it became a highway after that date and has at some time been maintainable by the inhabitants at large of any area or a highway maintainable at the public expense; [Highways Act 1980 \(legislation.gov.uk\)](https://legislation.gov.uk)

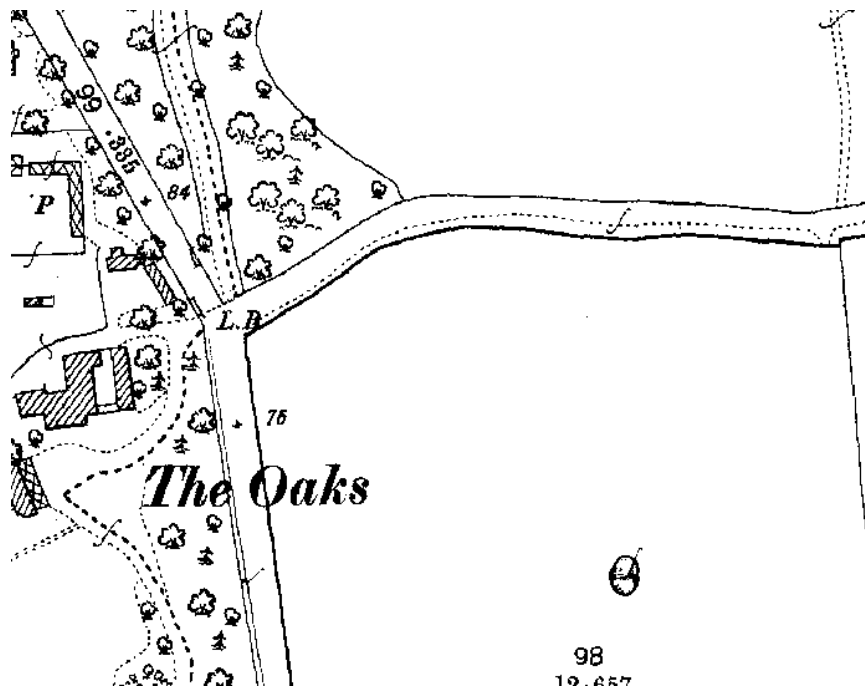
1st edition County Series 25 inch Ordnance Survey (1870s)



The width of Long Copse Lane is consistent with that shown on the 1838 Tithe map. The portion in front of the estate has been enlarged which shows that there is a pecked line demarcating the edge of the carriageway and the solid line demarcating the boundary to the adjoining land. It is a little difficult to see clearly, but the map shows that the boundary to the land to the south is planted with a row of trees. Towards the eastern end you can just make out what appears to be a footway defined by two parallel rows of dashed lines within the verge. Also note the 'brace' symbol (circled).



2nd edition County Series 25 inch Ordnance Survey (1890s):



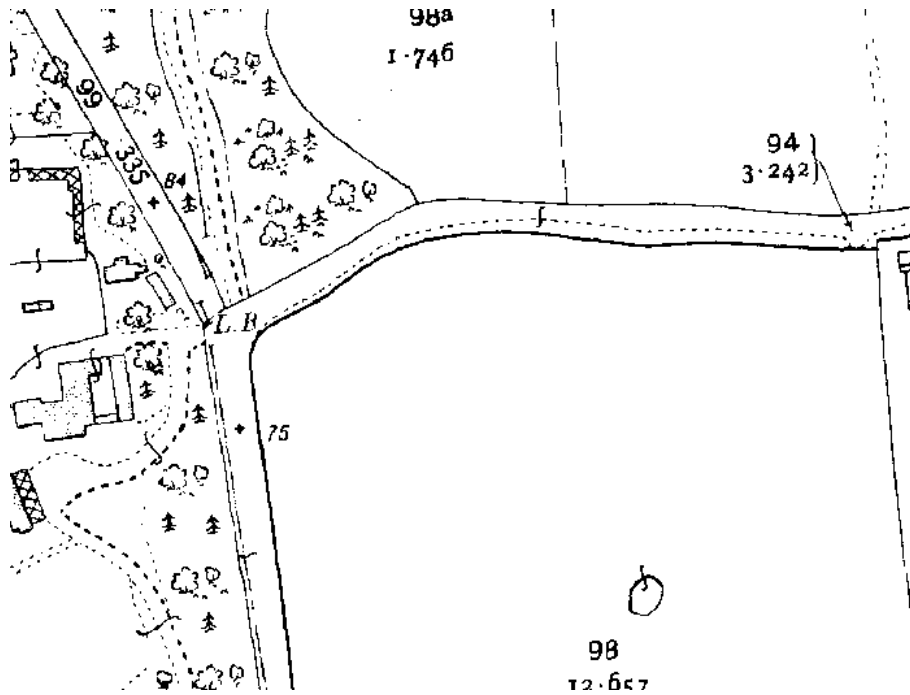
The trees have been omitted from the verge. The brace symbol is more obvious indicating that the verge is contiguous with the carriageway.
N.B. The solid line on the mapping is physical boundary over 1 foot (30cm) high such as a wall, fence or hedge. The dashed line is a non-physical boundary less than 1 foot (30cm) such as a carriageway edge. See Land Registry Practice Guide 40, supplement 1):

4. Feature representation on Ordnance Survey mapping

The Ordnance Survey map shows permanent physical features, normally at ground surface level, together with a variety of descriptive information and symbols. Generally the Ordnance Survey map shows features more than 30cm high such as walls, fences, hedges or building outlines by firm black lines. Features less than 30cm high, such as kerbs or where two different surfaces meet, are shown by dotted black lines. Dotted black lines can also represent features that overhang such as the outline of a building above ground surface level or where a roadway passes underneath.

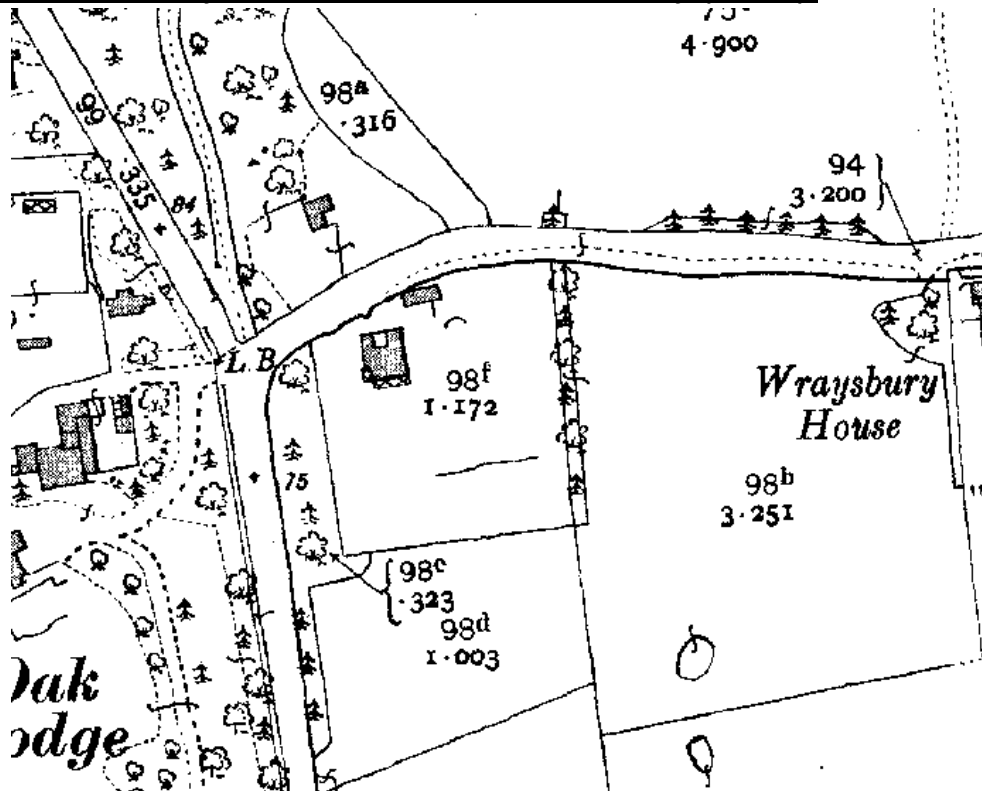
Whatever the feature, it is important to remember that its depiction is a snapshot in time; the map shows that there was a feature in a given position at the time the survey was carried out and is shown to a level of accuracy and completeness that the surveying and mapping techniques of the time allowed.
[HM Land Registry plans: the basis of Land Registry plans \(practice guide 40, supplement 1\) - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/hm-land-registry-plans-the-basis-of-land-registry-plans-practice-guide-40-supplement-1)

3rd edition County Series 25-inch Ordnance Survey (1910s).



Similar to the previous edition, the brace joining the verge to the carriageway is still evident.

4th edition County Series 25-inch Ordnance Survey (1940s).



The land south of Long Copse Lane is beginning to be built on. The brace joining the verge to the carriageway is still shown. The estate was subsequently built in the grounds of Wraysbury House. *N.B. the freehold title*

of Wraysbury House would have been up to the mapped boundary of the property

1962 Adoption plan



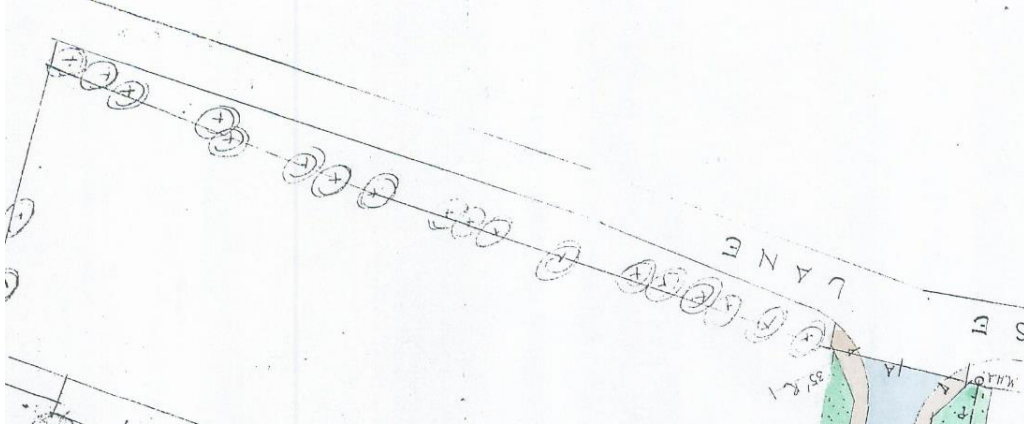
The new highway being adopted is shown coloured. Note that the new highway is shown as being adopted from the back of the verge, not the carriageway edge. Also note that the trees are shown as forming the boundary to the new estate (detail below).

1970 National Grid 1/2500 Ordnance Survey Mapping.



The tree line is shown on the mapping, which is consistent with the detail from

the 1962 adoption plan showing the position of the trees along the boundary at the back of the verge. This is also consistent with the 1st edition County Series mapping. Note that the boundary of 2 and 4 Long Copse Lane respect the original boundary line and if you extended the boundary line of 4 it would line up with the base of the trees shown on the mapping.



1980 1/1250 National Grid Ordnance Survey Mapping



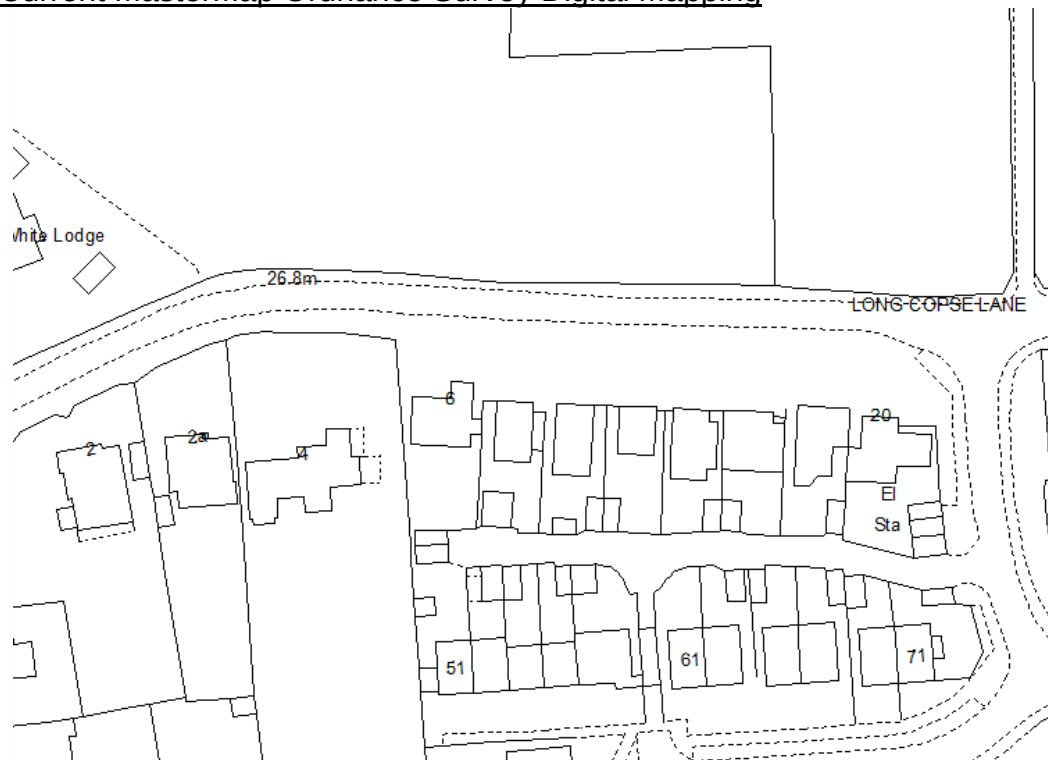
The Ordnance Survey has omitted the trees on this edition. 2a has been constructed in the garden of 2.

LandLine Ordnance Survey Digital Mapping (2005):



Note the boundaries to 2, 2a and 4 Long Copse Lane continue to respect the original boundary line.

Current MasterMap Ordnance Survey Digital Mapping



Similar to the earlier LandLine mapping. The width of verge is evident outside 4 Long Copse Lane.

Current mapping overlain onto 2nd edition 25 inch mapping.



This confirms that the width of verge outside 4 Long Copse Lane continues across the frontages of 6 to 20.

As discussed above, when the developer purchased the site of Wraysbury House, he would have purchased up to the boundary of the land at that time. The developer could only have sold what he had legal title to. The developer therefore could not have included the verge beyond the original boundary in the subsequent sale of the individual houses.

Please note that highway rights can only be removed by a legal order. it is not possible to claim adverse possession (squatters rights) over publicly maintainable highway. See Land Registry Practice Guide 5 section 4.6:

4.6 Highway:

We will not complete a first registration application based on adverse possession in so far as the land concerned lies within a highway maintainable at the public expense. The highway authority's title to the surface (by virtue of section 263 of the Highways Act 1980) cannot be lost by adverse possession, so the squatter has no estate in the surface (nor, it would seem to follow, in the ground beneath or airspace above the surface), the title to which can be registered (R (on the application of Wayne Smith) v The Land Registry (Peterborough Office) [2010] EWCA Civ 200).

[Practice guide 5: adverse possession of \(1\) unregistered land and \(2\) registered land where a right to be registered was acquired before 13 October 2003 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/364822/Practice_guide_5_adverse_possession_of_(1)_unregistered_land_and_(2)_registered_land_where_a_right_to_be_registered_was_acquired_before_13_October_2003.pdf)

Land Registry titles superimposed onto the 2nd edition mapping.



The Land Registry titles are shown as extending to the carriageway edge, which appears to have led to the belief by the adjoining owners that they own to the edge of the carriageway.

Land Registry title plans do not show the legal title to properties, only the 'general boundary'. The legal title can be found in the pre-registration conveyance history (root of title) which should have formed part of the documentation transferred from seller to buyer.

The difference between registered title and legal title is explained in Land Registry Practice Guide 40, Supplement 3, sections 4 and 5:



Guidance

HM Land Registry plans: boundaries (practice guide 40, supplement 3)

Updated 9 March 2020

4. Identifying the position of the legal boundary

Case law establishes that the position of the legal boundary will depend on the terms of the relevant pre-registration conveyance or the transfer as a whole, including, of course, the plan. If the plan is insufficiently clear for the reasonable layperson to determine the position of the boundary, the court can refer to extrinsic evidence and in particular to the physical features on the ground at the time.

This is the case whether or not the plan is 'for the purposes of identification only'. The question for the court is: what would the reasonable layperson think they were buying? Evidence of the parties' subjective intentions, beliefs and assumptions is irrelevant. See, for example, *Cameron v Boggiano* [2012] EWCA Civ 157.

5. General boundaries

Given the difficulties referred to above in establishing the position of the legal boundary, the great majority of registered titles show only the 'general boundaries', under section 60(1) of the Land Registration Act 2002.

We will complete a first registration without making detailed enquiries as to the precise location of the legal boundaries. [Practice guide 40: supplement 5 - title plan for a definition](#) will reflect what we conclude to be a reasonable interpretation of the land in the pre-registration deeds in relation to the detail on Ordnance Survey mapping, taking into account any areas of land that the pre-registration deeds show to have been sold off and any existing adjoining registrations.

Unlike the tolerances applied to Ordnance Survey mapping, there is no standard tolerance, measurement or ratio that can be attributed to the relationship between the position of the general boundary mapped on an HM Land Registry title plan and the position of the legal boundary. See [practice guide 40: supplement 1 - the basis of HM Land Registry plans](#) for more information.

Case law makes clear that there is no limit to the quantity of land that can fall within the scope of the general boundaries rule: see, for example, *Drake v Fripp* [2011] EWCA Civ 1279.

[HM Land Registry plans: boundaries \(practice guide 40, supplement 3\) - GOV.UK \(www.gov.uk\)](#)

Google Street View 2009





There remain a number of trees from the original boundary line as shown on the Google Street View taken from either end of Long Copse Lane in front of the estate. These vary in date, but some will be those shown on the 1962 adoption plan and 1970 Ordnance Survey map, some of the larger ones are likely to go back to the boundaries as shown on the pre-war mapping.

As the trees are part of the boundary to the properties, they are the responsibility of the adjoining owner.