

Ifold Estate



**Private Roads
User Guide**

Please keep this booklet for future reference. To conserve paper this booklet will only be printed and distributed infrequently, with the centre 4 pages updated and delivered annually.

Copies are available on request via the contact channels in section [20](#)

Cross references

For Residents:

Sections [3](#) to [23](#) give an overview of the ongoing operations of the private roads

For PRow users

Section [3](#) provides a map showing the designated status of the roads. Please also be aware of the general guidance around parking in section [16](#)

For Prospective Buyers, Estate Agents & Conveyancing Solicitors

Legal titles of the private roads are referenced in section [2](#), along with an overview of deeds and IEL's requirements on conveyances in section [7](#). IEL's finances are summarised in section [22](#) and full audited accounts are available upon request along with details of an individual property's account status

For Developers

Please read section [26](#) (Village Design Statement) and be aware of the Developer Fee in section [12](#) and other legal costs described in section [21](#). The map in section [3](#) includes the outline of Ifold's settlement boundary

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Contributions acknowledged from IFRA and KHMC

Ifold Estates Ltd (Company Limited by Guarantee)

Registered Office: Kelsey Hall, Chalk Road, Ifold, Billingshurst, West Sussex, RH14 QUD

Registered in England & Wales, registration number 1152253

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1. Living on Private Roads

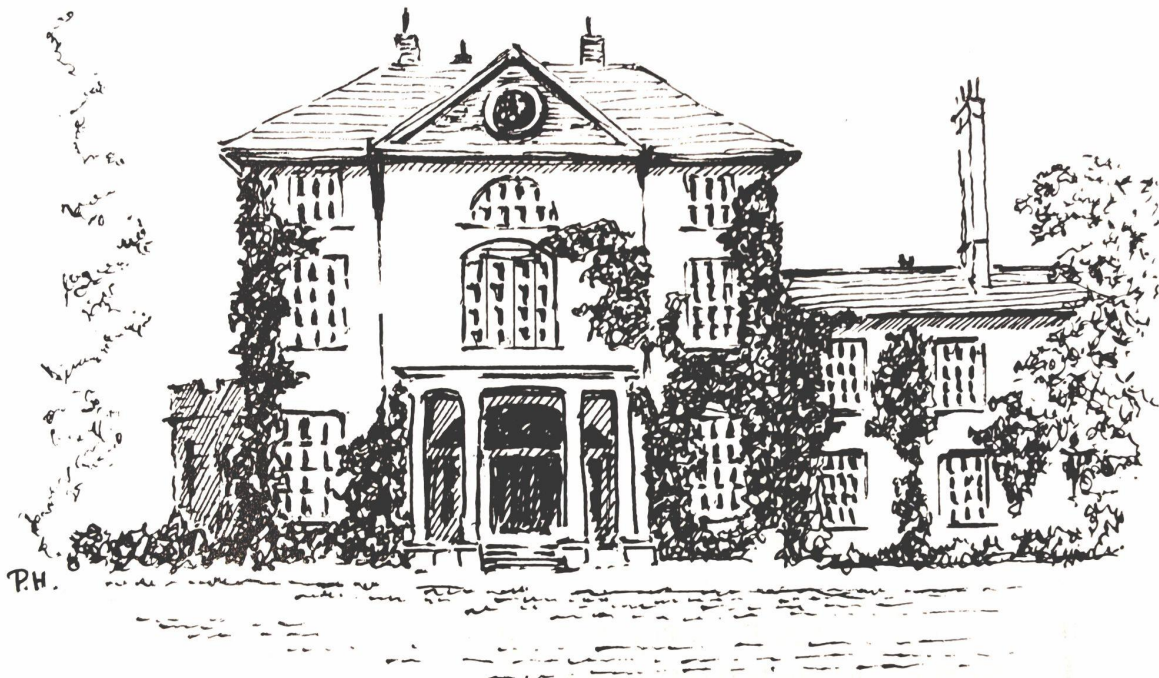
The ambience afforded by being built on privately owned roads has established the character of the Ifold settlement as a low density, quiet, semi-rural and eclectic residential area.

This document aims to provide an overview of how Ifold Estate is set up and operated, plus to introduce the many other resources available to residents. Many of the sections written here describe the restrictions, constraints and additional costs associated with private roads, so what is the incentive to live within Ifold Estate?

The key benefit is “control”.

The ability to exert some control over the way the roads & verges are kept. You don't need to look too far in the news or social media to read all sorts of complaints about things that the council does or doesn't do to maintain local roads and verges. Ifold Estate's residents are empowered to manage this themselves. We rarely suffer potholes, and when we do we can respond quickly. Some areas of the village prefer grass verges to be kept smart & tidy, while other areas prefer a more rural and natural environment.

We also benefit from the safety of a private environment, able to walk dogs, ride horses, let children roam on bicycles without the nuisance of through traffic.



Ifold House

Copyright Peggy Harman (via Jackie Copse @localsussexpictures)

2. Ifold's History

Ifold Estate was the private Estate and parkland for Ifold House, which once stretched to 1,000 acres including the surrounding farms. The owners in the mid 19th century were the Napper family, who were described as '*living in some comfort with nine servants*' and amongst other things were major shareholders in the nearby Wey & Arun Canal company. As was common with manor houses, it fell into disrepair and changed hands a few times, even being used as a pig farm, before being bought in 1931 by property speculator William Brake. At that time the Mansion, half a dozen workers cottages & 422 acres were sold for £5,000 (see map from 1925).

Brake sold the land as plots starting in 1931. The original advert is available through the Ifold Local History Society and pitches the land as for "*The man who wishes to go in for poultry farming, pig keeping, market gardening or fruit growing is also well catered for with blocks at £20, £35 & £40 per acre*". The Mansion was demolished in 1934 but its position can be seen on the map at the top of The Drive, where "New Ifold House" now stands under the shade of a beautiful specimen Cedar tree that would have been in the formal gardens.

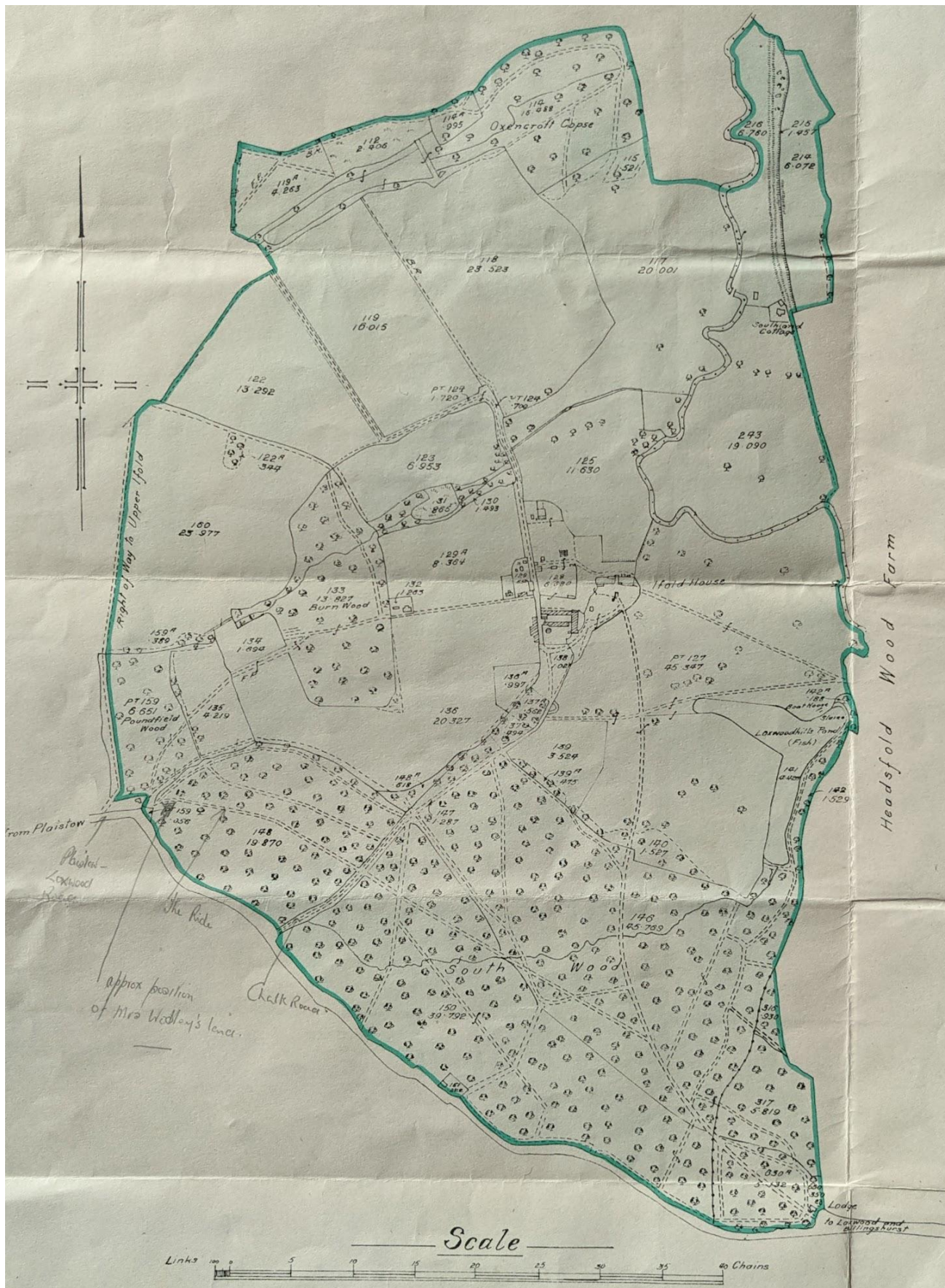
The Brake family continued to sell the plots through the 40's, 50's & 60's. The deeds (see section [7](#)) made the residents responsible for the maintenance of the roads, and during the post-war period were managed in a 'mend & make-do" fashion, with Fetes and ad hoc contributions to raise funds for materials and residents forming working parties to provide the labour.

In 1973 the residents collectively resolved to formalise and centralise the maintenance in a more consistent manner and so formed the holding company Ifold Estates Ltd. By this point Brake had sold all the plots and so with no further interest, transferred the retained land - the private roads - into the residents' Company under title deeds WSX285419 (The Drive, The Ride, Chalk Road, The Lanes, Ifold Bridge Lane, Hogwood Road), WSX287075 (The Close) & WSX215834 (Wildacre Close).

Many of the original workers' cottages still remain: Trelayne, Southlands Cottage, Butlers, Hogwood House, The Lodge, Keepers Cottage, Ifold Cottage, Three Oaks Farm, as well as the walled garden at Olde Gardens. Ifold Local History Society sells copies of the local history book "*Ifold, Loxwood & Plaistow: forgotten border villages*" written by resident Connie Bayley and Illustrated by local artist Peggy Harman.

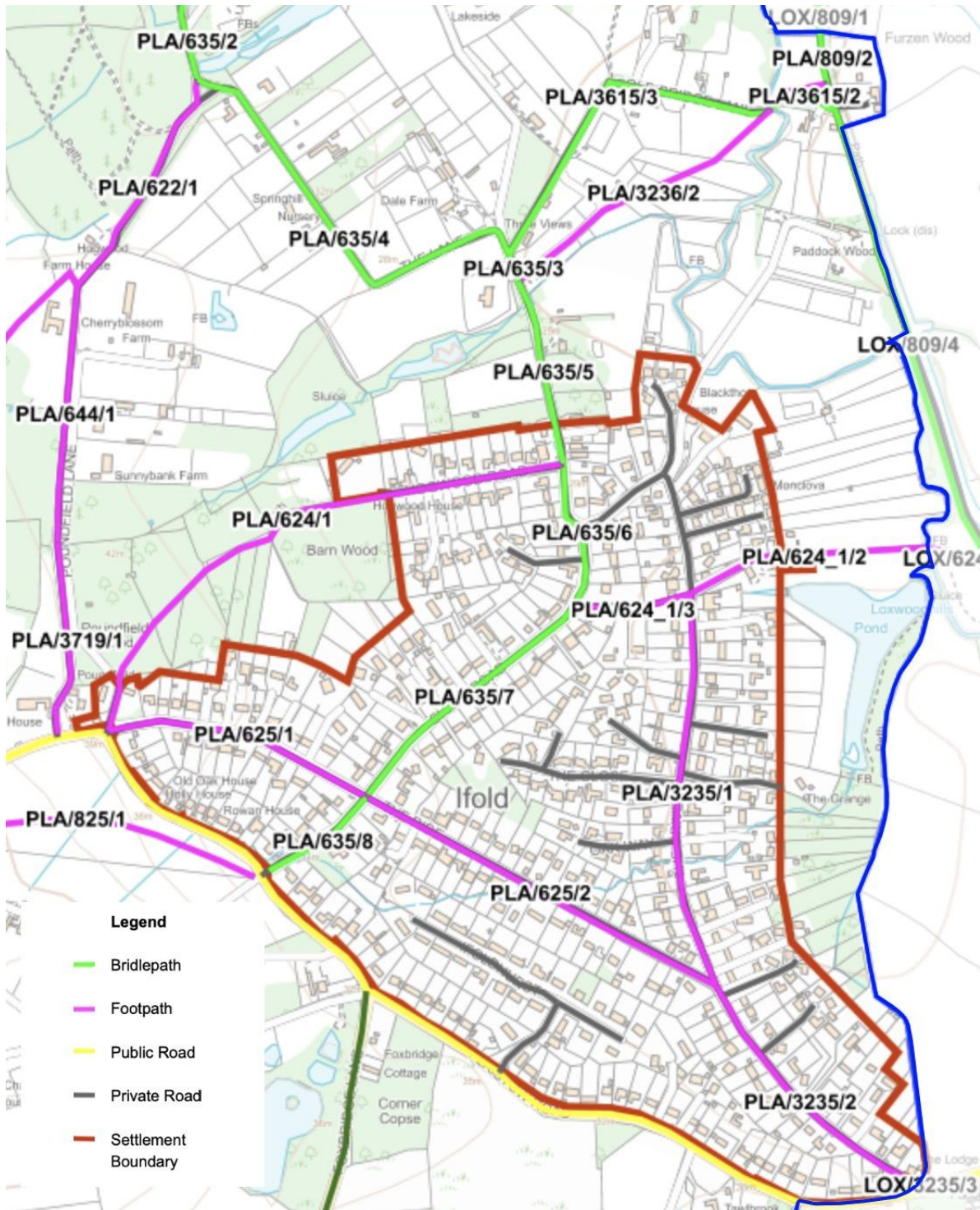
For more information, see <http://www.kelseyhall.org.uk/ifold-local-history-society/>

Ifold Estate in 1925 (totalling 422 acres, from deeds of conveyance 1931)



3. Legal Status of the Private Roads

Ifold Estates Ltd is responsible for The Drive, The Close, Chalk Road, The Ride, Hogwood Road, Wildacre Close, The Lane and Ifold Bridge Lane up to the River Lox. As a landowner the company is responsible for the roads, verges and many of the water courses, but not for any of the utilities or services.



4. Who is Ifold Estates Ltd (IEL) ?

IEL is the legal entity established by the collective residents in December 1973 to:

- i) Hold the freehold of the private roads, verges and footpaths in Ifold
- ii) Maintain the roads and verges
- iii) Improve the visual amenity

Day-to-day activities are handled by a 'Council of Management' formed of volunteer Directors supported by one part-time paid Company Secretary. The Directors seek to represent the residents' views on estate management while obtaining the best value for money and fulfilling its statutory obligations.

Directors are guided by the memorandum and articles of association which can be found on IEL's website and describe all the statutes and processes covering extraordinary meetings, AGMs, notices, voting, auditing and so on.

5. Membership of IEL

IEL is a non-profit company limited by guarantee of its members, i.e. no shareholders.

Thus each member undertakes to pay a maximum liability of £1 in the unlikely event of Ifold Estates Limited being wound up with insufficient funds.

Only members are entitled to vote or stand for election as a Director on the Council of Management. Membership is restricted to one person (i.e. one vote) per Ifold residence and payees of the annual invoice are automatically enrolled. Any resident wishing to NOT be a member can opt out by ticking the box on the annual invoice remittance slip.

6. Election to the Council of Management

Volunteers wanting to contribute to our local environment are always welcome!

New Directors may be co-opted on to the Council of Management throughout the year, or elected by the members at any General Meeting (Annual or Extraordinary) provided sufficient notice is given to all members eligible to vote. The process is described in full in the memorandum & articles of association available on our website (see section [20](#)).

Under the Company's Articles of Association at every AGM one third of the council of management must retire. The retirees are those that have held office the longest and are eligible to offer themselves for re-election.

Should you wish to join the committee please contact one of the existing Directors.

7. Deeds & Easements

Few individuals would ever need to care about deeds and easements, but when buying a property accessed over a private road this becomes very important and worth investing some time to understand the basics.

There is no public right of way over IELs roads other than as footpaths (The Drive, The Ride, Hogwood Road) or bridleways (Chalk Road, The Lane, Ifold Bridge Lane). Any resident wanting to access their property with something other than horse, hand-cart or helicopter will need a private right of way for motorised vehicles.

All the plots of land originally sold out of the estate by Brake (1930's to 1960's) received an easement in the original conveyance. Since the inception of IEL in the 1970's, IEL has continued to provide the same for sub-divided plots as a deed of grant, attracting a developer fee for each additional property.

IMPORTANT: lack of a paper copy of the original deed of conveyance from Brake (and residents rarely find this now unless it has been carefully stored) will cause residents major problems during any house sale. Conveyancing solicitors and importantly the buyer's mortgage lender normally require evidence of an easement before completing.

To resolve this situation IEL provides a modern deed of grant at a standard fee. See section [21](#) for costs.

This process often takes months to resolve and so to avoid frustration should be undertaken far in advance of any property sale.

For properties within Ifold Estate, the benefit of the easement is given with the burden of a set of obligations, written as covenants. The content of these covenants is quite consistent, but due to the extended period of time over which these deeds have been created, there are some differences in wording across the decades.

The easement is typically

- Right to pass & re-pass, with or without vehicles
- A right to install services over or under IEL land, and make good afterwards

The covenants are typically:

- Do not build within 30ft of the road
- Not to excavate soil or gravel other than for the foundation of a building
- No 'temporary' accommodation, written as "no tents, huts on wheels, caravans, as sleeping rooms or dwellings"
- No noxious or noisome businesses
- No traction engines to be used on the roads
- To contribute to the maintenance of the roads. A fair portion decided by IEL
- To bind successors to the same terms

These simple rules have set the scene for what Ifold should be as an attractive residential village. Residents often misunderstand the limits of IEL's authority over planning and building regulations as related to swimming pools, windows, solar panels etc. Our influence is really limited to the covenants above.

Note that some original plots have been sub-divided by developers to form cul-de-sacs and these may be subject to the Brake / IEL covenants above, plus additional covenants imposed by the developer and therefore outside of IEL's scope.

In law, the easement and the restrictive covenants pass to purchasers (“successors in title”) during a transfer, and positive covenants do not. However, the legal doctrine of “mutual benefit & burden” created by case law Halsall vs Brizell 1957 allows IEL to enforce the positive covenants (obligation to contribute to maintenance etc) as they are linked to the benefit of the easement. The cost of such action through litigation is expensive (typically £10,000 to £20,000) and would fall on the resident. Therefore, during any conveyance IEL requires a deed of covenant which indemnifies the transfer of these obligations from seller to buyer. This deed of covenant is offered at cost (our solicitors fee only, see section [21](#)) and most importantly gets everything formally agreed in a friendly and professional manner.

If you are at all unsure about the deeds and covenants linked to all properties within Ifold Estate, please ask and we would be happy to elaborate.

8. Other Rights of Way

As mentioned above, all the roads within Ifold Estate are actually designated as footpaths or bridleways. These public rights as pedestrians or equestrians will always have priority over the private rights of vehicles given through easements. Therefore vehicles must always yield to walkers, cyclists and horse riders using the private roads. In the unfortunate event of an accident, responsibility would be judged by the authorities based on this priority. Furthermore, because these pedestrians and equestrians are present as of their public right, they are due the protection against vehicles afforded by the Road Traffic Act and the Highway Code. For this reason, vehicles must be legally insured, MOT'd, drivers sober and with a valid licence, and driven safely within the 20mph speed limit.

9. Adoption by Highways Authority

We could avoid the maintenance fee if the roads were adopted and subsequently maintained by WSCC Highways Authority. This has not happened so far in the history of Ifold Estate. The roads are not built to Highways standard and so would require major rebuilding before adoption and those costs estimated around £2,500,000, or 25 years worth of operating costs, would fall on residents. The probability of WSCC being interested to adopt Ifold roads is diminishing over time.

10. Annual Maintenance Fee

As described in the sections above, all the properties within Ifold Estate share the burden of maintaining the roads and this has all the necessary legal under-pinnings dating back to when the plots were sold out of the private estate by Brake. IEL provides the way to fulfil this obligation in the lowest cost way by centralising the maintenance tasks for all residents.

The budgeting task is a net-zero process. We sum up all the annual maintenance costs relating to the roads and divide the total by the number of properties. This includes an annual contribution to a sinking fund which builds up reserves necessary to undertake the major road surface dressing each 5 years. The sinking fund also provides a useful buffer to cover any unanticipated major costs, such as drainage works, therefore avoiding any “invoice shock” for residents.

11. Late Fees and Debt Collection

Unfortunately some residents feel it necessary to make IEL work hard to collect the annual maintenance fee, but as volunteers we have little time for this. Reminders are issued with a late payment fee and if still unpaid are escalated to a debt collection agency.

The use of debt collection is heavy handed but 100% successful and has eliminated the need for non-paid fees to be written off as was the case in the past. This puts the admin cost (normally £300+ of CCJ fees) on to the individual and not spread across the other residents collectively.

12. Developer Fee

It is still the case that some larger plots within Ifold Estate are being sub-divided and developed to provide additional houses. In this case the new property would require a modern deed of grant to create its own easement for access over the road and importantly for services over/under/through IEL's land.

The concept of a developer fee has been in place since IEL's inception in 1973. In 2003 the IEL Directors studied the market rate for similar private roads and a figure of £20,000 was set. To be fair & consistent, and to prevent ad-hoc price setting by subsequent committees this was index linked using published House Price Indices. The current fee is given in section [21](#) and is calculated against gov.uk HPI data as it allows us to filter for detached properties in West Sussex, therefore avoiding excessive rises in London and other areas.

Irrespective of the developer fee payment, developers are still responsible for making good any damage they may cause to IEL property during construction work.

The funds from the developer fee have in the past contributed as much as 50% of IEL's total income and so have allowed the annual maintenance fee to be kept low. In this way all other residents have shared in the benefit of any developments. In current times there are far fewer large plots suitable for development and so the developer fee is received less frequently.

For tax efficiency, funds from the developer fee are directed to improvement works rather than routine maintenance.

13. Road Surface Top Dressing

The road surface has a typical lifespan of 5 years. When worn, the surface can become smooth with the stones being pushed down below the tar, particularly by heavy vehicles in the heat of summer when the tar is soft. IEL takes steps to mitigate this by re-applying loose stones when the tar is soft and in doing so can extend the road surface life by a year or so. The surface was completely refreshed during spring of 2021 at a cost of £119,507.

To prepare for the next cycle anticipated in 2026/27, around £20,000/year is reserved in a sinking fund. Any intermediate patching repairs are handled within annual budgets.

14. Kerbing

The addition of kerbing around the roads is one of those topics that splits opinion and so IEL is always cautious to add kerbing unless absolutely necessary. The main justification is to mitigate damaged areas where cars are repeatedly straying onto the verges and causing a void between the road surface and verge edge.

Where possible oak posts or shrubs are used to deter driving on the verges in the first place.

15. Verges

The IEL land forming the private roads is nominally a 40ft wide swathe from fence to fence including the verges. There are a few exceptions to this, please check your title deed plans before making any assumptions.

IEL summer maintenance contract includes mowing & strimming of the verges. We can not give our contractor individual instructions for verges on a per-house basis and so if residents would prefer a more manicured finish we recommend they undertake the 'improvement' themselves and our contractor can maintain each verge as they find it. The contractor has been instructed to go around wild-flowers and bulbs but we can't guarantee this in all cases.

16. Parking

All properties within Ifold Estate have the benefit of a private easement allowing the use of motor vehicles for access over the private roads. There is no explicit or implicit right to park on the roads (public bridleways and footpaths), only to "pass & repass".

Occasional short-term parking is tolerated but residents must not park on the grass verges, in the passing bays or in any position that would cause passing traffic to need to mount the verges, as this can quickly cause damage to the grass and the road/verge boundary which is extraordinarily hard to recover.

Residents are responsible also for their visitors and contractors accessing their properties.

17. Drainage

As the land owner, IEL is responsible for the surface water drains and ditches on or under the roads and verges, known as riparian duties. During 2021 a major survey of all drainage pipes was completed and provides a detailed report with pictures. Corrective actions have been taken and the report kept updated.

Note that IEL does not participate in any actions relating to water service utilities or foul sewers, as these responsibilities fall on Southern Water.

18. Directors Report for 2021 (*Delivered April 2022*)

Review of operations: Works carried out during 2021 included routine civil maintenance tasks, summer grass cutting, and autumn leaf clearance, plus various tree works as required.

2021 also saw the major road surface dressing completed in May. After much debate with the British Horse Society, we sought their approval to also tar & chip The Lane and Ifold Bridge Lane. The purpose of doing this was to eliminate the recurring cost of filling pot holes, which was costing £1,000/month during the wet winter months. The sealed surface will cost roughly the same over time but with a superior finish and far less recurring work.

During the pandemic many families have re-assessed their work/life balance and with the ability to work remotely, have chosen to join us in Ifold. 2021 has been an exceptional year for property sales and put a huge workload on IEL for our part in conveyancing. IEL is exploring an alternative solicitor firm who is offering a more streamlined service, with a fixed retainer. This should lower our work load combined with lower and more predictable legal fees.

House prices have also spiked by 15% with it now very normal to see houses offered for over £1M. It must be acknowledged that the make-up of the village and its community is evolving.

Annual Accounts: A summary of the Auditors Report and Financial Statements to 31 December 2021 are enclosed here, and the full versions available to download from our website.

With the exceptional road surfacing costs set to one side, the remaining regular maintenance contracts were again run as a deficit budget during 2021, as they were in 2020. With the drainage survey completed in 2020 and remedies undertaken in 2021, we now have a clearer understanding of the drainage liability and so have lowered the funds being held in reserve.

Estate Maintenance Charge: Following four consecutive years being held flat at £260, we resolved to raise the Estate Maintenance Charge to £280 due to our contractor & service costs continuing to rise with inflation. Thank you to all residents who settle their invoice on time. The number of non-payers being put through the debt collection process has fallen from 20 to 1 over the last few years. The application of a late fee has been a strong influence here and so we have increased this to the maximum allowed £40. Hopefully we won't need to rely on it.

19. Council of Management for 2022

Director & Chairman:	Jon Pearce, Hogwood Road. (19th Nov 2018)
Director:	Sarah Butt, The Drive. (19th May 2019)
Director & Estate Manager:	Bill Bottomley, Sycamore Close. (4th Oct 2020)
Director & Estate Manager:	Phil Woolnough, Sycamore Close. (17th Dec 2018)
Director:	Vicky Cooper-Johnstone, Garage. (10th Sep 2021)
Director:	Philippa Salkeld, The Drive. (4th Oct 2020)
Director:	Caroline Saunders, The Drive. (19th May 2019)
Company Secretary:	Donna Golds, The Drive

20. Contact Information

By Email:	ifold_estates_ltd@hotmail.co.uk
Website:	www.ifoldestatesltd.wordpress.com
Facebook:	www.facebook.com/IfoldEstatesLtd
Post box:	Kelsey Hall, Chalk Rd, RH14 0UD

21. Fees for 2022

Annual Estate Maintenance:	£280
Late Fee:	£40
Developers' Fee:	£45,000 consideration to IEL per additional property
Deed of Grant (easement):	£850+vat+disbursements + £250 consideration to IEL
Deed of Covenant:	£350+vat+disbursements + £50 consideration to IEL
Buyers Pack:	£75
FME1 Form Enquiries:	£150

(Note: Deed fees above are our solicitors fixed rates if signed in standard form. If another party requests amendments they must give an undertaking for costs at the solicitor's hourly rate. IEL does not contribute to those costs.)

22. Auditors Statement and Accounts Summary

The 2021 accounts have been audited by Milsted Langdon LLP (Chartered Accountants & Statutory Auditors, Winchester House, Deane Gate Avenue, Taunton TA1 2UH). In an attempt to reduce the quantity of paper consumed, we have summarised the key sections of the report below, and ask members who are interested in the full detail to download the 18 page report from our website at:

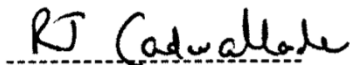
ifoldestatesltd.wordpress.com/annual-general-meetings/

Independent Auditor's Report to the Members of Ifold Estates Limited

Opinion: We have audited the financial statements of Ifold Estates Limited for the year ended 31 Dec 2021 which comprise the Income and Expenditure Account, Balance Sheet, Statement of Changes of Equity and the related notes, including a summary of significant accounting policies. The financial reporting framework that has been applied in their preparation is applicable law and United Kingdom Accounting Standards (United Kingdom Generally Accepted Accounting Practice), including FRS 102 - Section 1A for Small Entities "The Financial Reporting Standard applicable in the UK and Republic of Ireland".

In our opinion the financial statements:

- give a true and fair view of the state of the company's affairs as at 31 December 2021 and of its deficit for the year then ended;
- have been properly prepared in accordance with United Kingdom Generally Accepted Accounting Practice applicable to smaller entities; and
- have been prepared in accordance with the requirements of the Companies Act 2006.



**Robert Cadwallader (Senior Statutory Auditor)
for and on behalf of Milsted Langdon LLP, Statutory Auditor**

Date 30-MAR-22.

Balance Sheet (Summarised)

	31st Dec 2021	31st Dec 2020
Cash at bank & in hand	£ 166,023	£ 286,599
Debtors	£ 620	£ 1,891
Creditors	£ -10,657	£ -5,317
Tangible Assets	£ 110	£ 219
	=====	=====
Net Assets	£ 156,096	£ 283,392
Change in Equity	£ -127,296	£ -22,382

Profit & Loss Account (compressed to single page view)

Income	31st Dec 2021	31st Dec 2020	
Access charges, new properties	£ 3,500	£ 5,000	
Maintenance contributions	£ 100,525	£ 100,365	
Access, deed-of-grants	£ 1,000	£ 800	
Wayleaves & compensation	£ 142	£ 130	
Other income	£ 1,475	£ 1,215	
Deed-of-release	£ -	£ 200	
	=====		
Turnover (sum of above)	£ 106,642	£ 107,510	1
Interest receivable	£ 334	£ 1,278	2
Out-goings	31st Dec 2021	31st Dec 2020	
Improvement works	£ -53,422	£ -39,327	3
Maintenance works	£ -108,569	£ -22,505	
Tree maintenance	£ -860	£ -924	
Summer maintenance	£ 8,798	£ -5,808	
Autumn clear-up	£ -31,027	£ -30,216	
Office expenses	£ -	£ -150	
Computer maintenance costs	£ -179	£ -170	
Printing, postage & stationery	£ -749	£ -1,097	
Trade subscriptions	£ -85	£ -85	
Sundries	£ -151	£ -	
Travel & subsistence	£ -	£ -2	
Accountancy fees	£ -1,009	£ -1,179	
Auditor's remuneration	£ -2,520	£ -2,400	
Insurance	£ -943	£ -852	
Legal & professional fees	£ -14,066	£ -13,948	
Bad debts written off	£ -520	£ -170	
Administrator	£ -10,771	£ -11,688	
	=====		
General expenses	£ -180,247	£ -91,194	4
Bank charges	£ -323	£ -195	5
Depreciation (office equipment)	£ -110	£ -110	6
Taxation & social security	£ -170	£ -344	7
Operating surplus (after tax)	£ -127,296	£ -22,382	sum(1:7)

23. Operational Calendar

IEL's financial year runs from January to December and the maintenance fee covers the same period.

- Jan - IEL closes and finalises the accounts for the preceding year
- Feb - Auditors make enquiries as necessary and validate the accounts
- Mar - Budget meeting sets the required annual maintenance fee for the ensuing year
- Apr - Director's report, accounts & auditor's statement, invoice & AGM invite posted out
- May - Annual General Meeting held
- Jun - Debt collection actions as required

- Feb - Sept: Summer maintenance contract (grass cutting etc)
- Oct - Jan: Autumn/Winter clean-up contract (leaves etc)
- Mar & Sept only: Strimming on The Lanes limited to twice per year at residents request

24. Other Community Groups of Ifold

Ifold benefits from numerous community groups, too many to list here but an excellent point of reference is kept up to date by Kelsey Hall website: www.kelseyhall.org.uk/groups/

Kelsey Hall is the focal point for Ifold residents and is run by its own management committee: Kelsey Hall Management Committee (KHMC).

Going back in time, the primary group was Ifold Freeholders & Residents Association (IFRA). A notable mention should also be given to the Gardening Club, as they were the ones with the foresight to purchase the land at Kelsey Hall and used it to buy & store bulk supplies such as soil and lime, before later gifting the land to IFRA as the site for the community hall.

Much like IEL and the private roads, Kelsey hall was carved out of IFRA to be managed as its own cost-centre. With the "boring" practical tasks divested to IEL and KHMC, IFRA now focuses on the "fun" social activities (their words!)

All of these groups including IEL and KHMC are run by volunteers: your neighbours and residents within the Ifold community. These groups often need extra help and so would invite all residents to take part and contribute. There are roles for everyone no matter what background, skillset or time constraints and are rewarding, providing a great way to bond with the community.

Of course these local 'voluntary' groups do not displace the existing statutory bodies such as Parish Council, District Councillors, and County Council. Despite the private road status, even the Highways Authority has some oversight via the Rights-of-Way sub-division who have a view on bridleways and footpaths.

25. Neighbourhood Watch

There are multiple Neighbourhood Watch schemes registered within Ifold Estate (Chalk Road, The Drive, The Ride & The Lanes) but these are somewhat historic & inactive and would benefit from new residents taking over.

<https://www.ourwatch.org.uk/get-involved/find-my-local-scheme?address=ifold>

26. Village Design Statement

Ifold benefits from a well considered Village Design Statement, generated by the Parish Council through a lengthy consultation process. The document is still in draft format due to delays during COVID19 restrictions, but can be viewed on the Parish Council website.

Consultation: <https://plaistowandifold.org.uk/vds-consultation>

VDS: <https://plaistowandifold.org.uk/media/General/VDS%2012-11-2020%20FINAL.pdf>

This document provides residents with a good indication of how the Parish Council planning committee will judge planning applications submitted for properties within Ifold Estate and the surrounding areas.

The most common query received by IEL is regarding walls, fences, gates and hedges at the front boundary of properties. The VDS provides very clear guidance for this. See sections 3.33 to 3.36 on pages 16 & 17. To summarise, tall closed-board fences and gates are deemed inappropriate for the rural setting and the VDS favours traditional 5-bar gates with post-and-rail fencing and native hedging.

Note also that only walls and fences up to 1m are permitted under GPDO (permitted development) when adjacent to the roads. Structures above 1m require planning permission and the application would be considered within the context of the VDS guidelines.

27. Neighbourhood Plan

Parish Council plan webpage: <https://plaistowandifold.org.uk/neighbourhood-plan>

The scope of this neighbourhood plan coincides with the Parish Council's footprint, so in addition to Ifold Estate also covers the other areas of Ifold outside of the private estate, plus Plaistow, Shillinglee, Durfold Wood

The submitted NP document is available to view along with multiple supporting documents on the CDC webpage: <https://www.chichester.gov.uk/neighbourhoodplan>.

IEL's interest in the NP and planning process in general, is limited to the same extent as any other neighbour. IEL just happens to be a neighbour whose boundary is at the front of the property rather than the side, and as a neighbour who holds several covenants restricting the properties, which are linked to the easement over the shared roads. For example, not to build within 30ft of the roads. IEL attends Parish Council planning meetings as a co-opted stakeholder and often comments on any planning issues relating to the boundaries.

Perhaps the most visible aspect of the NP is the settlement boundary. The settlement boundary is in place to prevent the gradual spreading of the built environment into the surrounding countryside. There is a presumption in favour of development within the settlement boundary and the planning authority typically resists development outside.

The settlement boundary in many cases cuts through the middle of residential curtilage of rear gardens at the edges of the village and residents should take care to consider this before embarking on any development.

28. Frequently Asked Questions

1. **What input does IEL have for granting or not-granting planning permission?**

IEL has no authority in terms of 'granting'. Planning is under the control of the local authority, CDC. However IEL is co-opted to the Parish Council planning committee and so regularly attends and provides inputs on applications for properties accessed over private roads. The most common topics that IEL would comment on are: tall fences & gates adjacent to the roads, any buildings within 30ft of the road edge, sub-dividing plots, and tree applications.

2. **Where is the boundary between the road and my garden?**

As a general rule, IEL owns the road and verges from fence-to-fence. There are a couple of exceptions to this rule but these exceptions are well known to the owners of those properties. If you are unsure, it is best not to 'assume' ownership and undertake any works on the verges, as these may then need to be reversed. (e.g. filling ditches, widening driveways, planting trees & shrubs).

The boundaries are well documented at Land Registry on title deed plans so these should be checked in the first instance, and IEL would be happy to clarify if there is any uncertainty.

3. **What is the height of the fencing permitted bordering the roads?**

Permitted development (GPDO) would normally allow fences up to 2m without planning permission but when adjacent to a road (used by vehicles) this is limited to 1m. The term 'adjacent' is debatable but case history has found that a structure forming the visual boundary between public and private space, like a gate or fence, is considered adjacent even when set back.

If over 1m then planning permission should be sought, but note that the Village Design Statement highlights tall fences and gates as inappropriate for the rural area and traditional 5-bar gates are preferred.

4. **Cut the hedges more vs Don't cut the hedges**

IELs motivation for tackling hedges and other trees or shrubs on the verges is primarily for road safety, to allow good sight-lines for vehicles and secondly to keep watercourses clear from debris. We don't ask our contractor for topiary or manicuring.

5. **When will IEL to go bust and stop charging for maintenance?**

IEL's is run as a non-profit with no shareholders extracting dividends. The budgeting process is 'net-zero' with the funds raised from residents managed to balance out the costs incurred with our contractors. There is no foreseeable reason for IEL to ever exhaust funds.

6. **Speedbumps**

Residents always have and always will be concerned about speeding and so the topic of speedbumps is perennial. Bumps have been installed a few decades ago but then removed (at the Council's request) due to no lighting. Another scheme was proposed around 2010 but was voted down. In 2020 the topic was raised and voted again at an AGM but the vote of residents was unanimously against. It is unlikely that speedbumps will be installed.

7. Why are you installing kerbs and urbanising the village?

It could be argued that it is the reverse. The village has been urbanised by the hundreds of additional houses that have been built, and the roads are struggling to sustain the traffic of 1,000 vehicles that now reside here, plus countless delivery vans and a constant stream of building deliveries. The most common form of wear is at the road edges when cars drive up onto the verge and cause a void to open up. Kerbs are installed to mitigate these problems and keep the width of the road constant.

8. Do we expect any big surprise bills?

The annual budgeting process makes a contribution to a sinking fund, to build up reserves to resurface the road each 5 years. During the most recent surfacing cycle in 2021, the sinking fund was sufficient and there was no increase to the annual maintenance charge. The same reserves also form a useful buffer for any other unforeseen maintenance, such as drainage works. The drainage network within IELs land was comprehensively surveyed in 2020/21 to give a better picture of any liability and any significant defects were already corrected.

9. Drink-driving should be fine on a private road, right?

No. Despite the private status of the roads, they are still classified as public footpaths or bridleways, and so the public is legitimately present as pedestrians or equestrians. As the public are present here, the Road Traffic Act applies to provide protection to those public persons, even though the vehicles are present via private permission granted by IEL to each property. The same argument applies to the need for insurance, MOT, drivers licence and appropriate speeds. Electric scooters are also not legal due to the public RoW (see [8](#))

10. Parking on the verges

IEL is extremely sensitive about vehicles parking on or driving across the verges as damage occurs very quickly, particularly in wet weather, but takes months or even years to recover.

11. Parking /blocking the road

The easements with each property allow vehicles to use the roads to “pass and repass” but there is no express or implied right to park on the roads other than short stops associated with a journey. Blocking the road often causes larger vehicles to veer across the verge causing damage.

12. It was the delivery driver that did it, not my fault.

Delivery drivers are on our roads under the easement of the property that they are visiting. If your delivery driver causes damage, it is your responsibility.

13. Shouldn't we be putting up private clamping signs & yellow lines everywhere?

No residents would accept such garish markings in our rural setting and they are not necessary. Yellow lines and clamping signs are required to communicate parking restrictions to un-connected and unnamed public members. Since IEL has established relationships with all properties accessed over the private roads, we would rely on direct communication with residents, or placing a note on the windscreen of repeat offenders. If the car really has no relationship with IEL, it is trespassing.

14. Can we put up advertising signs around the village?

We try to minimise the amount of signage around the private roads and verges. It is typical that contractors put temporary signs up at property entrances while undertaking works, but these should be removed when complete. Similarly, we try to minimise the number of mirrors placed outside driveways.

15. Is it a village or a hamlet?

Many would say that without a church or focal centre, Ifold should be called a hamlet instead of a village. There appears to be no formal definition to support this other than circular references, so both village and hamlet could be used correctly.

16. I'll wait for the 2nd and 3rd reminder before paying my invoice. No harm, right?

The cost of administering and chasing the invoices does have a cost, and that cost is shared across all residents, so delaying payment is impacting your neighbours, not IEL. In recent years we have been implementing a 'late fee' so that the late payers cover this admin cost and so minimise the cost to on-time payers. The late fee has been £20 in recent years but is being raised to the maximum allowed £40.

17. I don't fancy paying the road charge. What then?

IEL has a streamlined process through a debt collection agency and has a 100% success rate. The agency handles the statutory requirements such as Letter-Before-Action then proceeds to small claims court. The late-paying resident pays a cost of around £600 and receives a CCJ. In extreme cases the debt would be secured as a charge against the property, but this is a last resort.

Note that defences such as "I didn't agree with the way IEL cut the grass" have not been successful.

18. I don't fancy entering into a deed of grant (of easement). What then?

If an easement is not established then neither the resident nor any of their visitors have any right to use vehicles on the roads.

19. My solicitor says I get access from the public road to my house by default.

Only by foot, horse, hand cart or helicopter. There is no law or underlying human right to drive a vehicle to a property just because you own it.

20. What is being done about speeding?

IEL aims to provide a safe and suitable environment, but has no powers to stop or fine vehicles. A portable speed gun & hi-vis vests are available for any resident concerned and willing to take some action.

21. Do you grit the roads in winter?

Not as a matter of course, but grit bins are made available and stocked for residents to use. Your nearest grit bin can be found at <http://search.ifold.estate/?search=grit>

22. Why are there loose chippings on the road in summer?

The road surface is layer-upon-layer of tar & chip. Probably a dozen layers applied since the 1960's. During the heat of the summer, the chips can be pushed down into the tar by large vehicles using the roads, leaving a smooth "fatty" surface that can become slippery in wet weather. Dressing the surface with chips during hot summer days is a low-cost way to regain the abrasive surface and extend the service life of the road surface.

23. When is IEL going to tarmac my driveway?

IEL gives permission to each property for a single driveway crossing over the verge to their property, but it is the residents responsibility to build and maintain that driveway.

24. I've planted some lovely trees on my verge

Please check with us first to avoid the disappointment of the trees being removed. Our primary concern is for road safety and sight lines, and trees tend to grow.

25. My neighbour is annoying. Does IEL offer a dispute resolution service

No. Please speak to your neighbour directly.

26. Can we put gates at the entrance of Ifold's private roads

There are some records of gates at the entrances but it's not clear when or why they were removed. Most likely, when local authorities went through the process of defining and recording the public rights of way as footpaths & bridleways, then those gates would have been disallowed.

It is probable that partial gates could be allowed, based on the minimum allowed widths for footpaths & bridleways but would not be practical to manage given the quantity of delivery drivers.

27. What is IEL doing about the garage?

IEL has no authority over the garage or their forecourt. The garage, having been in Ifold before most of the houses, is one of the exceptions where the property owns up to the road edge.

28. I'd like to split my garden and develop a 2nd house

The new property would require its own deed of grant to create an easement to the new property. The easement provides access over the roads and importantly the permission to install services. To create such a deed IEL charges a developer fee. The concept of a development fee has been in place since IEL's inception in 1973. To avoid any ad hoc price setting, in 2003 a study was undertaken and set the fee at market rate, then linked to House Price Indices (HPI) for subsequent years. See section [21](#) for the current developer fee.

29. I'd like to put a caravan in my garden for additional accommodation

All properties accessed over the private roads include a covenant that precludes the stationing of caravans, static homes, tents, also olde wording such as huts-on-wheels as sleeping rooms. As a restrictive covenant, this covenant "runs with the land" from one owner to the next irrespective of any deed of grant or deed of covenant being signed.

These covenants are important to preserve the style and nature of the village and so IEL will take action whenever necessary.

30. Can IEL donate to my x, y, z fund

The operating funds that IEL raises via the annual charge is reserved for maintenance and associated costs only, so we are unable to make donations from those funds. Other income such as developer fee are assigned to 'improvements works' in order to minimise corporation tax.

31. Where is IEL telling BT to install fast fibre broadband?

IEL has no influence over services such as broadband, gas, water. These utilities have wayleaves that allow them to enter our land and install or maintain services prioritised by their own requirements.

32. Where is the boundary between the private roads and public highways

- The Drive, IEL boundary is in line with the end wall of The Lodge.
- Chalk Road, IEL boundary is in line with the bus stop
- The Ride, IEL boundary is just before the traffic island
- The Lane, IEL boundary is at the drive entrance to Berrylands (continues as bridleway)
- Ifold Bridge Lane, IEL boundary is just before the bridge (continues as bridleway)
- Hogwood Road, IEL boundary is between Owlars & Barnwood (continues as footpath)

33. Will the roads be adopted by the council?

There have been attempts to adopt the roads in the past but it has not happened and changes such as Natural Environment & Rural Communities (NERC) Act 2006 have only made this more unlikely. If CDC could be persuaded to adopt the roads, they would first need to be brought up to highway standards which would include digging out and forming proper foundations. Estimates put this cost at approx £2.5M to be paid by the residents (Streetworks Act) or equivalent to approximately 25 years worth of annual maintenance contributions.

34. Is there a public right-of-way?

For vehicles, no. Only as footpaths or bridleways.

The definitive map confirms this .. definitively.

35. Will there be a right-of-way?

There is a process by which individuals could claim prescriptive rights, and also by which the public at large could generate a public right. Law allows for this by a process of long use known as dedication and acceptance. Dedication is analogous to IEL offering a contract by allowing persons to use the roads without hindrance for 10 years or more, and acceptance is accepting the fictional contract by a further 10 years of use. Many residents do make this claim in an attempt to avoid the obligation to pay maintenance or enter into deeds. Land Registry routinely dismisses these applications on the basis that all properties do have the correct restrictions and easements lodged at Land Registry. IEL could also rely on multiple other defences, such as the signage at the road entrances stating "not dedicated to the public ..."

36. Can I build a garage in my front garden?

Subject to the necessary planning approvals, but additionally subject to the restrictive covenant that prevents any building within 30 ft of the road edge.

Note that for some exceptional properties, that restriction is 12 ft due to the nature of the boundary. Please check your title deeds to clarify.

37. Must dogs be kept on leads?

Although it is true that pedestrians have right-of-way over cars on the private roads (actually footpaths & bridleways) it is important to note that everyone has a duty of care to themselves and those around them, meaning that walkers should leave appropriate space to share the roads with other road users, and keep dogs under control.

38. What can be done about dog poo?

It is illegal for owners to allow their dogs to foul a public place, including the Lanes and surrounding footpaths. Pick up after your dog. If you see someone leaving dog poo or poo bags, report them: <https://www.chichester.gov.uk/againstdogfouling>

39. Does Ifold have bylaws for bonfires?

General guidance around bonfires and how to deal with nuisance is available on Chichester's website: <https://www.chichester.gov.uk/pollution>

40. When not to cut your hedges

There is a Wildlife & Countryside Act (1981) that prevents damage or destruction of wild bird nests during nesting season, which is generally accepted as March to August. IEL avoids any hedge cutting during that period. It is still legal to cut hedges and trees, but subject to a rigorous assessment to establish that no nests are present. Further details at <https://www.gov.uk/guidance/countryside-hedgerows-regulation-and-management>

41. Drains & ditches and who is responsible?

There are very strange old laws around riverbanks and watercourses known as Riparian duties. In the distant past, access to water was a huge advantage for fishing, irrigation, leisure and so neighbouring properties would strongly WANT ownership of half of an adjacent watercourse even though it is usually not practical to erect a fence in the middle of a river. Now, despite being seen more as a LIABILITY, the same ownership rules remain true, so residents are likely to be responsible for half the maintenance of a watercourse (including ditches and buried pipes) even when they are outside of a fenceline. For the ditches on the verges in front of properties, this would make the fronting resident responsible for half the maintenance. However, since those residents are members of IEL and already contributing to IELs funds, it is reasonable that IEL takes all the cost, effectively spreading the residents' share of the cost across all residents collectively.

42. Door-to-door salesmen & other trespassers

Being that the roads are technically public as footpaths and bridleways, we can't prevent door-to-door salesmen who arrive on foot. However, any vehicle must be present only under the invitation of a specific property with a valid easement. If a vehicle is speculatively visiting multiple properties without any specific invitation, they are trespassing and can be told to leave.

43. When is the next big road surfacing works?

Last major resurface was completed in May 2021 and included all the roads owned by IEL. Expected lifespan is typically 5 years, maybe extending to 6 or more with the application of loose chips during hot summer days.

44. Where does all the money go?

Please refer to the annual accounts for a full breakdown. The annual accounting year runs to the end of December and the books are completed in January, sent to auditors in February, returned before the budgeting meeting in March, then published to all residents in April.

45. How much will IEL charge next year?

The budgeting process is undertaken in March after the previous years' accounts are audited. The methodology is to predict the forthcoming year's routine expenditure and divide this total by the number of active properties. E.g. Turnover is around £110k, divided by 385 properties = £280. This figure may then be adjusted up or down depending on whether we intend to run down or build up reserves in the sinking fund. In the period 2017-2021 we have been able to hold flat due to healthy reserves and developer fees received, but inevitably this can not continue indefinitely.

46. IEL should not be maintaining IBL vs IEL should improve IBL

Many residents have expressed a preference to keep The Lanes as a more rural environment, with wilder verges and loose finish to the road surface, including the inevitable pot holes. Historically the residents on The Lanes would fill these pot holes manually using road planings provided by IEL and stored in piles at the roadsides. In recent years less residents have been willing or able to do this, meaning that IEL's contractor has completed the task and the significant cost has become apparent. We reached the point whereby sealing the surface with tar & chip became the more economic solution, resulting also in a superior surface. The now 'weathered' surface is still rural in its nature, and was approved by the British Horse Society, who consulted with local horse riders.

47. How does IEL liaise with Parish council, CDC, police, highways authority?

Yes, frequently.

48. I'm cutting my trees down vs You should cut my tree down vs Stop my neighbour from cutting their tree down

Ifold is a heavily wooded area and residents should consider this when buying a property here. There is a cost to maintaining trees and considerable effort to collect the fallen leaves each autumn. Many trees have been removed over the preceding decades and so IEL is reluctant to remove any more unless they are diseased, un-safe, or causing an obstruction to the road.

Ifold does benefit from a local tree warden who could advise on queries, and is active on any planning applications involving trees/TPOs. Please see the Parish Council website for contact details.

49. When is the next IEL meeting and can I come along?

Residents are very welcome to attend IEL's monthly meetings, which are currently scheduled for the 2nd Friday each month, at 2pm in Kelsey Hall. Please check the website to confirm this is still the case. If a resident wants to make representations about a specific topic we can bring it to the top of the agenda, and then the resident can leave or stay for the remainder of the meeting as they prefer.

We do ask any non-Directors to sign a non-disclosure form to cover GDPR compliance, and may ask guests to leave the room if any particularly sensitive legal or personal information is discussed.

50. How does IEL work (bylaws, memorandums & articles)

Day-to-day decision making is done by the Council of Management, formed of volunteer Directors with the support of a part time administrator: the Company Secretary. Tasks around the private roads are undertaken by contractors, under the control of the Estate Manager, a role currently shared between two Directors. The high level objectives of the Company are given in the original Memorandum from 1973, and the Company's Articles of Association provide a comprehensive set of bylaws to guide the committee. The Mems & Arts docs are available to view on IELs website.

51. How were you guys voted in anyway?

Residents wishing to contribute are welcome to attend the monthly meetings and volunteer for tasks. If desired, they can offer themselves to become a Director and the committee is able to co-opt them to the board at any point during the year. Any new Directors co-opted during the year would then stand for re-election at the next General Meeting (Annual or Extraordinary).

Alternatively, a resident could be nominated to join the Board by other members, and could be voted in by the membership at the next General Meeting (normally Annual) subject to the necessary notice periods given in the bylaws.

At each AGM, one third of the Board must resign, normally the longest standing members, who are then eligible to offer themselves for re-election.

