



Westfield House,
Fontwell Avenue
Eastergate,
West Sussex.
PO203RU
12.10.18

Dear Sir,

We wish to object vigorously to planning application AL/101/18/PL. We do so for the reasons listed below:-

1. The bund in question was constructed without planning permission. We were assured that retrospective Planning Permission without prejudice would be sought. (Letter from the Planning Department, 24th July 2018)

This application has now been downgraded to '**Retention**' of earth bund, which is obviously not the same as full Planning Permission.

2. This application has not been validated properly. Even though it has taken one month to do so, the correct paper work has not been completed.

The application states that it is for Land **adjacent** to Sussex Recovery and that the applicant **does not know** what the previous use of the land was. This confirms our belief, which we reported to the Planning Department by email on 23rd May 2018, that the land is not owned by the applicant. Therefore, as with any other application of this kind, an Article 13 form must be completed, and notice must be served on the owner of the land. The relevant form must be placed on the web site or advertised in a newspaper for 21 days prior to the application being made. If this planning request is passed by the Planning Development Committee, it will be null and void.

3. The construction of this earth bund, which occurred on **Palm Sunday** 2018, was the reason for twelve Enforcement notices being issued – three against the applicant concerned.

The description of the earth bund is not entirely accurate. Some of the earth used in the construction of this bund came from Land West of Fontwell Avenue, which itself has been the subject of a considerable number of complaints. The Planning Department who were informed about this illegal bund on 23rd May

2018, will also have access to a report from the emergency Environmental Health inspector who attended on that day. It was not until September that the applicant was required to make an application and not until 15th October that the application went live on your web site. This is far too long a time delay to be acceptable.

4. A Flood risk has been created.

The bund is immediately adjacent to the bund created by construction at the Taylor Whimpey Site at the end of Fontwell Avenue. A **second** bund is therefore not required. A '**double**' bund could also be considered to be a flood risk in Flood zone 2.

5. A precedent must not be created.

We have many reasons to complain about our neighbours, a bund along our boundary would help resolve many issues. If this bund is allowed to remain, fair decision making means, other people, ourselves included, could build one too, without applying for Planning permission.

This application must be refused and the bund must be removed. The applicant, cannot be allowed to benefit from breaking the law.

Yours Sincerely,

David and Susan Smith.

