

[REDACTED]

From: [REDACTED]
Sent: 13 December 2018 18:41
To: Planning.Responses
Cc: Nigel Lynn; Nat Slade; Neil Crowther; Cllr. Keith Ballard; Cllr. Christopher Hughes; Cllr. John Charles; Rosemarie Dannatt
Subject: Letter of objection to AL/116/18/PL and AL/117/18/PL

Westfield House
Fontwell Avenue,
Eastergate,
West Sussex.
PO203RU
21.09.18

Dear Sir,

We wish to object to Planning Applications AL/116/18/PL and AL/117/18/PL for the following reasons:-

1. It is quite clear to us that these applications, which request variance on certain conditions contained within Planning applications AL/121/16/PL and AL/122/17/PL are as invalid as the originals.
2. Application AL/121/16/PL is invalid in its present form, because the Council have already confirmed that NO formal planning permission exists for access on to the A29 at this point and so any variance in condition must be technically impossible. This has been confirmed by the Planning Department in response to our Freedom of Information Request of October 2018 which is copied here.

REQUEST:

I wish to receive a paper copy of the Planning Permission, (including the number to look up on your web site), which granted permission for vehicle access at the northern end of the field known as 'Land West of Fontwell Avenue.' This access is not shown on Land Registry documents and did not exist when I moved into my house thirty three years ago. I obviously 'missed' this permission being granted at some time in the past, which is unfortunate, because I certainly would have objected, since it causes my neighbours and I considerable nuisance.

I understand that all Planning Documents are open to public view and that this documentation should be available to me. **I have requested this information before, but no one has replied to my request.**

I now make this request under the Freedom of Information Act 2010.

RESPONSE:

The Information Management Team has been advised by the Planning department:

'It is accepted that there has never been any formal permission from this Council for an access here albeit that all of the previous applications have shown an improved access point onto the A29.'

The Council further confirms, in response to our further request for a retrospective planning application to be made,

REQUEST:

Whilst we applaud the fact that after many months of ignoring our concerns, the Council have finally acknowledged the fact that no formal planning permission exists for an access on to the A29 adjacent to our house, we cannot allow this matter to rest there, as your response to our Freedom of Information request suggests.

This access point is pertinent to three different Planning Permissions already granted (AL/121/16/PL, AL/122/17/PL and AL/136/17/PL) and in order to avoid any future legal difficulties, the problem must be remedied.

As the field has been fallow for the last 35 years, no prior usage can be claimed, and even if permission will ultimately be granted, (as it always is for these applicants,) Mr. Duggin must be required to apply for Retrospective Planning permission for access on to the A29 at this point. **If this is a genuine 'mistake', rather than a 'deception', then there will be no problem for Mr. Duggin in making such a retrospective application.**

RESPONSE:

Dear Mrs Smith

I write in response to your email of 26 November 2018, previously acknowledged by my colleague on 28 November 2018.

There is no need to apply for retrospective for the access for the following reasons:

- i) As you accept in your e-mail the field gate has been in position since 1995 and a dropped kerb is shown on the Google Map image in March 2009. Therefore there is no enforcement action that can be taken due to the passage of time (unauthorised development becomes immune after 4 years in the case of operational development such as the creation of an access).
- ii) The planning permissions granted for the site includes an access which has been granted after consideration of highway safety, regardless of whether there was an existing access or not. These permissions are available to view on our web site.

Councils can take enforcement action if they find planning rules have been breached, but they do not have to do so. Councils must decide whether enforcement action is expedient in the circumstances. One of the factors in this is whether there is evidence that the development is lawful, even if

planning permission might not have been granted. In this instance, there is sufficient evidence to demonstrate that it is and therefore taking further action would be an unnecessary use of resources.

You will not request that a Retrospective Planning Application be made, in order to formalize the position of access, yet you wish to formalize the position relating to parking. This seems to be a ridiculous situation.

If these present applications are to be approved, Retrospective Planning Permission for formal access to the site must also be applied for.

Yours Sincerely,

David and Susan Smith.