



Westfield House,
Fontwell Avenue,
Eastergate,
West Sussex.
23.08.18

Dear Sir,

We wish to add further comments to our original letter of objection to Planning Application AL/136/17/PL dated 14.02.18. We do so, for the following reasons:-

1. This application has been active for nine months – far longer than would usually be expected. The Public Notice inviting comments is still displayed on the telegraph post outside the boundary and has been there for that period of time. During that nine months, there have been five revisions of the plan and several time extensions granted. There are 47 documents entered on the web site for this application to build two semi-detached houses. During the nine months that this application has been live, other events relating to the site have occurred, so our original letter of objection does not reflect these extra events. The proposal is clearly not the same as the original when our letter of objection was made in February this year and we believe that you should consider further comments from us, or the proposal should be rejected and if necessary, a new application made.
2. The five revisions of the plans clearly indicate the intension to find a way around the rules relating to highway access. (Presently restricted to a total of 5 units.) The provision of an additional access point from the A29 would allow more than 5 units to be placed along it. However- there are three separate sites here, belonging to three different owners, registered and clearly shown on the Ordinance Survey Map. - WSX375039 Mr. and Mrs. Duggin, 28.10.16, WSX375044 Mr. Norgate 22.09.15 and WSX375045 Mr. Parker 22.09.15. None of these titles show any kind of right of way either pedestrian or vehicular across them. **Therefore the road which is proposed would require permission from each owner for the other owners to cross their land.**

When the original Planning Application was made, (AL/95/13), a legal document was required by yourselves and is listed on the web-site, which confirms that the land was jointly owned by all three people equally and they all supported the application and had equal responsibility for it. Now that the land has been registered separately (in order to obtain more units) **and the original permission has expired**, this access road is made up of land owned by three different people and there is no-one who can be held responsible for its completion.

Whilst we are all aware that 'ownership of land is not a Planning Consideration', any permission granted, must be capable of being achieved, monitored and enforced. Already we have a situation where Mr. Norgate has built a road incorrectly, (temporary or otherwise) on Mr. Duggins' land. This road has remained as it was built, for nearly nine months now. At some point in the future, remedial work will need to be done. Who is responsible for digging it up and laying it properly in the right place? Mr. Norgate, Mr. Duggin, both, or neither? If Mr. Parker is granted this planning application, there will be another person involved in building this road without any legal documentation showing responsibility. **The site could remain in its present condition – or worse, for an indefinite period.**

3. There has been much discussion in the numerous documents entered on the web-site about visibility splays. This has been the reason for the numerous revisions of the plans, but also the reason that planning applications have been refused in the past. These numerous drawings have tried to address the issue relating to the lack of sufficient visibility around the curve in the road (A29). The latest plan (on paper) shows that the applicant has simply moved the boundary with Mr. Norgate's land, to achieve his purpose. This may or may not be with Mr. Norgate's permission and may address the regulations on paper, but there is no legal agreement in place relating to this, it will not change the actual topology of the site, and would not be legally enforceable by yourselves if the actual road is built, because Mr. Parker would have crossed the legal boundary with Mr. Norgate's land.

4. This Planning Application proposes in a one way road system with all traffic entering the site at one end and leaving from the other. In our original letter of objection we questioned the practicality of this arrangement and how it could be enforced. This objection remains, but additionally there is no indication in the paperwork on the web site, that the other two owners of the land are in agreement with this, or will be legally obliged to adhere to this. **In addition to the fact that the three owners must agree to the other two owners (and any other visiting member of the public) having right of way over their land, they must also agree to only moving their cars in one direction.** If there is no legal document agreeing to this, how can the Council add an additional Condition, to the Planning Permissions which have already been granted to Mr. Norgate and Mr. Duggin especially as Mr. Duggin (including his family and friends) has been living on site in a mobile home for the last year and using his one access to enter and leave the site (in a northerly direction) on a daily basis. Why would he suddenly exit to the south and then turn northwards to continue his journey to work? If this application is granted, there will be traffic entering and leaving from both access points which will create traffic chaos and constant complaints to yourselves and the Police because the Planning Conditions will not be enforceable on a daily basis.
5. Since our original letter of objection, the applicant has shown that he himself is not prepared to comply with Planning Permissions and Conditions. It is the case that he has not observed any of the conventions of common decency associated with a building site in a residential area and in fact twelve Enforcement Notices have already been served on the four owners of the land for, noise, pollution and working unsociable hours. Mr. Parker has also been responsible for building an illegal bund on land adjacent to Eastergate Car Spares, which was reported to the Council some months ago and is still not yet the subject of even a retrospective Planning Application never mind a consequence. He also has an historical Enforcement Notice against him, (APP/C/90/C3810/1) for storing scrap cars on the land in question, which has been reported to the Council many times over the years, particularly around the

beginning of March 2017, when again no action was taken by the Council. We have therefore no confidence in the ability or the desire of the Council to monitor and enforce Planning Permissions and Conditions never mind those which do not have a legal framework.

6. We believe that this Planning Application has not been handled and prepared for the Committee's consideration in a fair, considered, unbiased way. We believe the Planning Officer has been determined to agree this proposal from the beginning. This is evidenced by the email correspondence between the Planning Officer and the Agent.

In his email of 7th June to the Agent, the Planning Officer writes, 'I can then take this to the July 11th Committee'. This suggests that he has already made his decision before the Highways Department have provided their comments, regardless of what they might be. The final comments only being recorded at the end of August.

He further writes in his email of 15th June to the Agent, 'Please see latest Highway comments which still raise objection. You may wish to consider bringing a Transport Consultant on board in order to 'satisfy' the points raised by County Highways.'

The Agent replies by email on 21st June that, 'Alex Budd is dealing with this and I understand that he knows Ian Hayward at West Sussex so hopefully will speed things up.'

Whilst we are not naïve enough to think that such conversations do not happen, we had not expected to find them so arrogantly discussed on the web-site which is open to Public scrutiny. This is clearly a breach of impartiality.

The Planning Officer goes on to write in his email of July 19th, 'Using the latest submitted plan it is possible to plot a 2.4x59 metre splay. However there would be a requirement to use land outside the red edge to provide such a splay (Mr. Norgate's land) and therefore it is not unreasonable that the applicant could secure this land to

provide adequate visibility splays by way of Planning Condition.' This clearly acknowledges the fact that he is aware of the bending of the rules. He then writes, 'We do not consider it necessary to re-consult with the Parish Council or Neighbours on this change'. This is outrageous! It does not follow the information on the flow plan in the Council's Planning Booklet and denies us the right to make fair comment on the revised application.

In summary, we would like the Planning Committee to carefully consider the points raised in our original letter of objection as well as the additional points raised here. For your convenience they are all listed below:-

1. It would be a departure from the Development Plan. - The Council have already given permission for hundreds of houses in this vicinity and are not obliged to permit any more.
2. There is technically no prior residential permission in existence. - It expired in March 2017. It should therefore be easier to resist this application.
3. No precedent has been set by permission being given on the other plots – save that of planning rules manipulation.
4. The density of development on the site would far exceed the recommendation for the 'semi-rural area,'- the basis on which we pay our rates, a calculation which seems to be overlooked and ignored.
5. The size of the units requires a much larger allocation of parking/visiting spaces. A house with four bedrooms in a 'semi-rural area' will obviously at some time need more than three drivers.
6. The Highways Department Small Scale Development Study would be invalidated and the extra access road, another example of planning manipulation, would not ensure that vehicles entered and exited the access road in the correct direction. It would also take up the turning space already reserved by previous applications.
7. The owners of the site have already demonstrated that they will not comply with planning specification as they have already installed the first access incorrectly.

8. The proposal has changed too many times and remained active for so long that many circumstances have changed since the original application was made.
9. The division of the road into three separate ownerships will produce responsibility issues without there being a legal document in place.
10. Visibility splays may be possible on a paper document, but cannot be constructed without the use of another persons' land and a legal document is not in place to allow this.
11. A one way system has not been legally agreed by the three owners. The Council will not be able to monitor and enforce such a system and it requires extra planning conditions being added to Planning Permissions which have already been granted.
12. We do not have any confidence that either the applicant will adhere to the conditions of any permission granted, or the Council will be willing to enforce any infringements identified.
13. We do not consider that this application has been considered carefully and impartially.

We urge the Planning Committee to consider these points carefully. We already have building chaos on the land next door to our house and we do not want to have traffic chaos on the road outside. Neither do we want to have the eyesore on the land next door continue indefinitely because of legal loopholes in responsibility which can be exploited.

Yours Sincerely,

David and Susan Smith.

