

[REDACTED]

[REDACTED]

From: Claudia Welbourne [REDACTED] **On Behalf Of** Richard Edmondson

Sent: 05 February 2014 14:57

To: Anita Gardner
[REDACTED]

Subject: Planning Application reference number A/138/13-Applicant: Mrs Emma Jane Fisher- Property-The Old House, High Street Angmering Littlehampton BN16 4AG, our ref - RHE/CW/H00101-11

Dear Mrs Gardner

My firm act for Mr and Mrs P R Downey, the owners and occupiers of The Old House, High Street, Angmering, Littlehampton, BN16 4AG which is the subject of the above mentioned application.

Our clients instruct me that the planning application was submitted by their daughter, Mrs Emma Jane Fisher.

Our clients have sent me a copy of an email from a Mrs Alexandra Daymond, of [REDACTED], such email being dated 12 January 2014 and timed at 21:46. In her email Mrs Daymond raises objections to the above mentioned application. The purpose of this email is to deal with the issues (1) and (2) in Mrs Daymond's email which contain inaccuracies.

As to point (1) of Mrs Daymond's email she states that **"we own the majority of Old Mill Lane and rights of way would therefore be required in order to access the site and build the new dwelling"**. I have the following observations on this statement:-

- (a) As I understand the position the issue of whether rights of way are required to access the proposed development (which is the subject of a planning application) is not a planning matter.
- (b) Notwithstanding (a), my clients' property, "The Old House", does have the benefit of rights of way over Old Mill Lane. By way of evidence, I attach office copy Title entries and Title plan to my clients' property which is registered under Title number WSX201784. You will note from entry number 2 of the Property Register that the property has the benefit of rights of way reserved by a Conveyance of 16 January 1959 which includes rights of way over the Lane. I also attach a copy of the plan drawn on the Conveyance of 16 January 1959, which has been filed at the Land Registry, together with office copy Title entries and Title plan of the land belonging to Mrs Daymond and her husband, registered under Title number SX44491. You will note that entry number 1 of the Charges register on page 2 of these office copies refers to the fact that the land tinted blue on the Title plan(the section of Old Mill Lane owned by Mr and Mrs Daymond) is subject to rights of way.

As to point number (2) of Mrs Daymond's email, there are two statements with which I take issue. Firstly, there is a statement that **"the section of wall between the site and Old Mill Lane is a party wall"** and secondly there is a reference to **"including knocking down a section of the flint wall that we part own"**. I have the following observations:-

- (a) The flint wall in question which runs along the eastern boundary of my clients' property cannot be a "party wall". The Party Wall Act 1996 defines a "party wall" as a wall forming part of one building and separating two or more buildings. The wall in question does not form part of any building whatsoever.
- (b) If you refer to the attached copy of the plan drawn on the Conveyance of 16 January 1959 relating to my clients' property, you will note that the eastern boundary which comprises the flint wall in question has inward facing "T" marks along the inside of the line of the boundary. These signify that this boundary belongs to my clients' property. If the wall constituted a "party fence wall" ,as defined in the Party Wall Act 1996, there would be "T" marks on either side of the boundary.

It follows from the foregoing that the objections (1) and (2), contained in Mrs Daymond's email to you of the 12 January, have no foundation or basis whatsoever.

I have no objection to you copying this email and the attachments to Mrs Daymond.

Please acknowledge receipt and kindly confirm that your Council will take due note of the representations set out above and the attached evidence to support the same.

Kind regards

Richard Edmondson
Partner
for and on behalf of Woolley Bevis Diplock LLP
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