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From: Anita Gardner <Anita.Gardner@arun.gov.uk>
Sent: 22 January 2021 17:03
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: A/187/20/CLP

Please scan as information from applicant

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From: Richard Smith [REDACTED]
Sent: 22 January 2021 16:12
To: Anita Gardner <Anita.Gardner@arun.gov.uk>
Cc: Tim Rodway | Rodway Planning [REDACTED] Katie Smith [REDACTED]
Subject: A/187/20/CLP

Dear Anita,

I hope you are well during these difficult times. I thought I should drop you an email following Mr Linkhorn's objection. I do not wish to go through every line of Mr Linkhorn's objections as the majority is irrelevant to the application which is judged on evidence and fact.

As you are aware I own Hesketh Estates Limited the company that developed the Ham Manor Estate and who made the original planning applications in 1949 and 1957. When I purchased Hesketh many years ago certain records were handed over but not all records. All my previous statements have been made "to the best of my knowledge" using original documents from other applications that were relying on the 1949 and 1957 consents and information held by Arun District Council. So I do not have access to the all the original files as Mr Linkhorn implies.

The application site does not project further into the golf course than Ashurst to the south or A/55/19 (Rond Point) to the north.

The letter Mr Linkhorn has produced from Arun's records dated 10 June 1960 does not extinguish the extant consent, it just shows the intentions at the time.

Delwyn Jones's advice to you in his email of 29 June 2011 regarding A/65/11/CLP is still relevant:-

(1) Time: S5171 (1)-(3) and S191 TCPA 1990

The application is operations so the time limit is 4 years under the above . The time period is 20 April 2007 – 20 April 2011 ie 4 years to date of the application. Further this relates to development approved pre 1 April 1969 so the rules in Schedule 24 TCPA 1971 require development to be commenced within 5 years of an approval or within 2 years of approval of reserved matters and under Salisbury DC case that part implementation preserves the rest of the development. There is nothing to suggest severability of these planning permissions. It is clear from the application and your site visit that the Ham Manor Estate has been substantially built or commenced within these time limits. The evidence does satisfy this test. I have at this date seen no contradictory evidence of this position. I explain why below.

(2) Sufficiency of Evidence: para 8.12-8.22

The evidence judged on a balance of probability and the above criteria is sufficient and is precise and unambiguous. Para 8.15 and the case of Gabbittass v SSE and Newham LBC 1985 JPL 630 referred to there establishes that corroboration is not needed unless to resolve any ambiguity. S194 TCPA 1990 states that it is a criminal offence to supply false or misleading information. So the applicants own uncorroborated evidence and unsworn evidence via letters is sufficient for these purposes.

*I summarise the items of evidence thus Evidence Comments Red edged Site Plan This is easy to relate to items 5 and 6 in the application with houses on the eastern edge and Fallowfield on the part hatched black A/62/49 This PP is copied in the application A/2/57 This PP isn't copied and a copy should be sought for certainty Items 8 and 9 These list PP and reserved matters approvals under these planning permissions which conform with the rules on time limits I suggest you will want to check things on your site visit but **on a balance of probability the case is made** .*

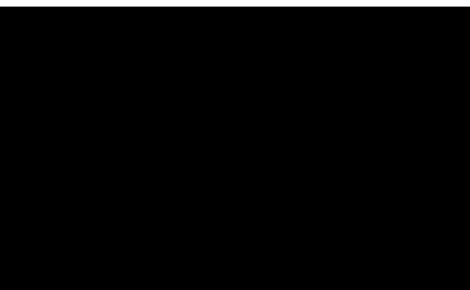
Mr Linkhorn has not produced any evidence to prove that the extant permission does not exist. It is not doubted by anyone that the land fronting Ham Manor Way that made up plots 7,8 and 9 enjoyed the extant outline permission of 1949 and 1957. The land in this application which is entirely part of plot 7 must also enjoy the extant permissions.

I hope this information is helpful when making your decision.

Kind regards,



Richard B. Smith



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