

13th January 2026

Neil Barden
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Angmering
Littlehampton
BN16 4QG

Case Officer: Kathryn Welch
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Dear Sir/Madam,

**Section 96A of the Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) -
Article 10**

Application No: A/188/25/NMA
Site Address: Former Merry England Nurseries Swallows Gate Dappers Lane Angmering BN16 4EN
Description of works: Non material amendment following the grant of A/142/16/OUT relating for substitution of plan 5804/101 REVA with 14183/101 REVP1 and deletion of condition 10.

Thank you for your internet representation made on 13th January 2026 which has been recorded as an objection with the comments as follows:

OWPC80850

I submit this representation regarding Section 96A application A/188/25/NMA, scheduled for determination on 20 January 2026. It raises material legal, procedural, and compliance issues, including the continued enforceability of Condition 10 of planning permission A/142/16/OUT, and deficiencies in the Section 96A application.

Condition 10 remains enforceable

Condition 10 requires a pedestrian footpath, as shown in the approved drawings. These drawings are publicly available on the Arun District Council planning portal. Practical obstacles, such as the ransom strip, do not remove the legal requirement. Previous permissions or withdrawn enforcement notices do not change this.

Enforcement remains available

Procedural errors, including the withdrawal of the previous Enforcement Notice, do not remove the obligation to comply with Condition 10. Legal advice confirms that relying on these errors to justify removal via Section 96A is not valid.

Section 96A application is not valid for this change

The application seeks to remove Condition 10 and substitute "as-built" arrangements. These are material changes and cannot be treated as non-material amendments under Section 96A. Consultation with West Sussex County Council Highways is required, but has not yet occurred.

Procedural and factual errors do not remove the requirement

Past appeal decisions and other procedural matters do not extinguish the legal enforceability of Condition 10. The Council remains responsible for ensuring the footpath requirement is properly addressed.

Council position appears inconsistent

The application itself demonstrates that Condition 10 still has practical effect. Any previous informal statements from the Council regarding removal of the condition do not provide legal authority to delete it. This inconsistency needs clarification before any decision is made.

Requested actions

I request that the Council:

Confirm whether it intends to refuse the Section 96A application.

Provide the legal basis for its position on the enforceability of Condition 10.

Confirm the lawful steps it will take, including consultation with WSCC Highways, to ensure compliance with Condition 10.

The approved drawing from A/142/16/OUT provides evidence of the required footpath. Any determination ignoring these points would be procedurally and legally vulnerable.

Your views as made above will be considered before the application is determined.

Please be aware that Planning Services operate an 'open file' policy and will publish your comments including your name and address on the website. The website is updated once a day in the evening so it may take up to 24 hours for it appear on there. Please make sure that you have only provided information that you are happy will be published in this way. If you have supplied information belonging to a third party, you must make sure you have their permission to do so. If you do not wish your comments to appear on the website or on the file you will need to confirm this by emailing to planning@arun.gov.uk and I will arrange for it to be destroyed although this means that the content will then be disregarded.

The majority of applications are determined under delegated powers by officers. Further information on the decision making process can be found on the website at :<https://www.arun.gov.uk/what-happens-next>.

Some applications will be determined by the Planning Committee, and I shall write and inform you of the date of the meeting and the procedures for public speaking if this is the case. However, if your representation has been received after the agenda for the meeting has been finalised and the notifications have been generated, you will not receive notification. In this case, you will need to track the progress of the application on the council's website <https://www.arun.gov.uk/planning-application-search>

Any comments that are received after the agenda has been finalised will be separately reported to the members of the Planning Committee.

Regardless of how the application is determined I will notify you of the decision.

Yours sincerely



Neil Crowther
Group Head of Planning

For details of how the Council will deal with your data please refer to our privacy notices on the website
<https://www.arun.gov.uk/privacy-policy/>

If you have provided an email address, all correspondence including the decision notice will be sent by email. It is therefore important that you keep us informed if this changes during the course of this application.

To register to receive notification of planning applications in your area, please go to
<https://www1.arun.gov.uk/planning-application-finder>