

Bronte Welham

From: Amanda Scholes on behalf of Planning.Responses
Sent: 04 April 2018 08:34
To: Planning Scanning
Subject: FW: CLD Land at 9th tee Ham Manor Way, Angmering
Attachments: Ham Manor Way 9th tee Gardner 28.03.18.doc

From: Anita Gardner
Sent: 28 March 2018 17:02
To: Planning.Responses
Subject: FW: CLD Land at 9th tee Ham Manor Way, Angmering

Please treat as a rep

Anita Gardner | Principal Planner, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Save the environment - think before you print.

From: RICHARD STUBBS [REDACTED]
Sent: 28 March 2018 16:49
To: Anita Gardner; Terry Linkhorn; Lee Newbon; Brian Beach; James Mimpriss
Subject: CLD Land at 9th tee Ham Manor Way, Angmering

Hi Mrs Gardner

I write to you in respect of the above and following my meeting with Clients on Monday.

I attach a letter to your office, with the original by post, again to address problems in respect of this application
will await to hear back in respect of this proposal.

Richard Stubbs

Mrs. A. Gardner
Principal Planner
Planning Department
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

My ref: RLS/???/17/AR
Your ref: A/212/17/CLP

28th March 2018

Dear Mrs. Gardner

Certificate of Lawfulness for 2 Dwellings.
Land at the 9th Tee "plots 8 & 9" Ham Manor Way, Angmering.

I am writing to you regarding the above. I have now attended a further meeting with my clients and his neighbours on Monday and write to you to raise further issues with you in respect of the submitted application for the above. This meeting was expressly to discuss matters relating to the definition of the site as seeking the CLD, based upon the permission granted in 1957.

I will address my response shortly but my clients maintain that whilst a very poor quality plan has been submitted as part of that 1957 application no form of detailed plan exists with appropriate stamps etc that confirms that this actual site secured permission. I have seen various versions of a location plan, copies of which I have seen on the previous application in 2011, your reference A/65/11/CLP, and I am surprised that no such copy has now been formally submitted, clearly duly stamped as appropriate, with this application to confirm it applied to these subject plots. My clients remain concerned as to whether or not the site of plot 7, 8 and 9 actually secured permission and I am somewhat sympathetic to their concerns as no layout plan of the site is now before you that was submitted with the original 1957 application.

My concern especially arises from the letter sent to your Council on the 31st of March 2011 (on file reference A/65/11/CLP) from Hesketh Estates Limited and signed by Mr Smith, the applicant in this case. In paragraph 3 to that letter your Council is told of the sale of the land on Ham Manor Estate with details of plans and site plans submitted with particular reference to plot 52 with an approved site plan of the whole showing plots 1-60. In paragraph 4 of that letter the last two sentences read as follows:

"One other notable fact is that there appears to be 57 applications referencing the A/2/57 consent all are plots identified in the approved A/2/57 site plan of 60 plots (reference 5) this only leaves the plots 40, 44 and 45 being undeveloped."

Clearly Mr Smith was telling your Council in respect of that Certificate (was his letter treated effectively as they sworn statement?) that there were 57 applications made to your Council specifically quoting the "60 plots permitted" as referred to therein with only three plots, in 2011, then being undeveloped. I must assume that, whatever Mr Smith said to you in the context of that application, he was clearly telling the truth and if that is the case then there was no permission granted on the "claimed" plots 7, 8 and 9 in either 1949 or 1957! This view would be supported by a land registry plan relating to the Ham Manor Golf Club which does not show development on this particular parcel of land. I must leave this matter with you to now resolve.

I now return to the issues relating to plot size and location. I note that still nothing has been submitted to substantiate the concerns I raised with you regarding the relative position of the three boundaries running southeast to northwest on the public highway compared to the plots opposite (my e-mail to you in of the 24th of January 2018).

In seeking to look at this further I have now used the position of the adjoining property to the south, Ashurst, to establish a way forward. I have a copy on the land registry plan shows both plots 4, 5 and 6. The reference to this is given as HM/45/2 from C. Draycott of Lancing, a name that appears regularly on block plans submitted throughout the estate. It is dated at HM L.Reg. 24.7.1961. It shows in the top left-hand side the variation to the existing boundary to the south of plot 5. I have seen this boundary marked on subsequent site plans presumably relating to the various units 1 to 60 as subsequently submitted to your Council. It shows the width of plot 6 at 145 feet which makes it a much wider unit than others and it is also shown on a shallower building line. At the southern end the plot depth of plot 6 is 84 feet plus a 10 ft verge to the back of the highway (in total 94 feet or 28.65 metres). Across the rear of the site the depth of the site diminishes as we travel towards the north and we maintain (although this distance is not specifically quoted) that the northern boundary is at or about 72 feet plus a 10 foot verge (82 feet or 25.00 metres). We are aware that at some time subsequently the rear boundary to plot 6, Ashurst, has been altered and this boundary has been reset to become effectively rectangular but it is my professional opinion that the depth of the plot would have followed the diminishing boundary to 82 feet or potentially less as one travels to the north onto and across the site of this proposed application.

I have not yet visited your office to view the full planning history of applications for the development of Ashurst, and any subsequent additions or alterations thereto, but I anticipate that this plan will have been used in this application when the house was developed, or, in the alternative, on the site of number 5 which is also shown on this plan. For your information I attach a copy of this LR Plan for your records.

Arising from all of this is that the maximum depth of the "claimed plots" 8 and 9 will be no more than 82 feet (or 25 metres). The south boundary of "plot 8" will be the remaining 25 feet or thereabouts north of plot 6 with the remaining land in between being the remainder of the claimed plot 7 where that land was originally sold to Ashurst.

I have previously expressed my concern to you regarding the dividing plot boundaries to these units and now I must affirm that the claimed depth of the sited "permission" is wrong. This is claimed as being 28 metres where as a matter of fact it can be no greater than 25 metres in depth at most, potentially also diminishing going north. I would repeat again that for any CLD application seeking to reaffirm the existence of an old planning permission the boundaries within that application must be 100% accurate and they are not, in my professional opinion.

As matters stand the application should now be refused as it is clearly seeking to include land beyond the position of the 1957 application, once you have of course resolved that the application that didn't correctly include this site within that permission. I would of course point out that any inclusion of land beyond the defined boundary of the 1957 application would then represent encroachment into the protected green area which was part of the refusal of the last application for 2 houses on the northern section of this site.

I apologise for the length of this letter but clearly needed to set out all of the facts as known.

Yours sincerely,

R.L. Stubbs

Cc: Mr. T Linkorn and neighbours.