



Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex
BN17 5LF

1st June 2026

Dear Sir/Madam,

Site: Land South of Barnham Station, Barnham, West Sussex
Reference: PP-14977560
Proposal: Variation of Condition 28 of outline planning permission
BN/149/22/PL

I am writing to advise you that BDW Trading Limited (Southampton) have today submitted a Variation of Condition application in relation to the Land South of Barnham station.

The application follows the grant of Outline planning permission BN/142/20/OUT on 5th January 2022, which approved the following development:

“Outline planning application with all matters reserved other than principal means of access for up to 200 dwellings, with access taken from Marshall Close, associated infrastructure and landscaping and demolition of existing buildings.”

Variation of Condition application BN/149/22/PL subsequently granted the following:

“Variation of condition imposed under BN/142/20/OUT relating to the re-wording of conditions 6, 9, 20 and 27”.

The wording and numbering of all other conditions was unaffected.

The present application seeks to update the wording of condition 28 (rail crossing order) of BN/149/22/PL, which presently reads in full as:

Condition 28:

“The Development shall not be occupied until a rail crossing (extinguishment or diversion) order has been made and confirmed in respect of a section of footpath 323, to include where footpath 323 crosses operational railway land at the site of both Birch level crossing and West Barnham level crossing, and the section(s) of footpath 323 has been lawfully extinguished or diverted. This condition shall apply unless either the relevant local authority or the Secretary of State, whoever is the person lawfully seized of the decision whether to confirm the order, refuses to confirm.

Relative to the above, the below wording is hereby proposed with the amended wording written in **bold**:

“No more than 20 dwellings, or an alternative number to be agreed in writing by the Local Planning Authority, shall be occupied until a rail crossing (extinguishment or diversion) order has been made and confirmed in respect of a section of footpath 323, to include where footpath 323 crosses operational railway land at the site of



both Birch level crossing and West Barnham level crossing, and the section(s) of footpath 323 has been lawfully extinguished or diverted. This condition shall apply unless either the relevant local authority or the Secretary of State, whoever is the person lawfully seized of the decision whether to confirm the order, refuses to confirm.”

A previous application for the above amendment, BN/29/26/S73, was refused on 28th May 2026 for the following reason:

“Due to the footbridge not having the required licence, construction having not yet commenced and a lack of certainty for the timeframe for completion of these works, there is insufficient certainty that the bridge will be delivered in a timely manner to ensure protection of the health, safety and wellbeing of future residents of this development, contrary to policy T DM1 of the Arun Local Plan and the NPPF.”

The decision is likely to be appealed. The reason for refusal makes no reference to the twenty occupations proposed ahead of confirmation of the rail crossing order, or why such number of occupations would not be acceptable.

Concurrently, the proposal is hereby resubmitted. It is hoped that BDW can work positively and proactively with the Local Planning Authority to obtain a positive outcome, thereby negating the need to appeal the previous refusal.

Network Rail have programmed to deliver the new rail crossing in line with the below 10-week program of works:

- Weeks 1-2: CML to mobilise back on site
- Week 3: create access to the bridge site on the side of the adjacent landowner
- Weeks 4-7: install the foundations on that side and for it to be ready for the bridge
- Weeks 8-9: install the bridge (either using the possession in July or, if the former is not possible, using line blocks during the night when the trains are not running)
- Week 10: contingency and doing the necessary fencing works

The bridge is on site ready for installation, but commencement of the works has been delayed by legal matters outside of the control of BDW or Network Rail. Evidence has been submitted in support of this application outlining the land access issues which have delayed commencement of the bridge installation.

The above 10-week program of works will commence as soon as a license has been granted by the adjoining landowner for Network Rail to access the land, due for receipt in early June 2026. The works are therefore due to complete in July or August 2026 (depending on how quickly the license is secured). The rail crossing diversion order will be made by Network Rail thereafter.

Thus, even if somewhat delayed the works are still expected to be complete and the rail crossing order made ahead of the 20th occupation of the BDW development, which is not expected to be achieved until October 2026.

Should you require anything further in respect of this application, please do not hesitate to contact me via email on [REDACTED]



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HOMES



DAVID WILSON HOMES

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Yours Sincerely,

Rachel Ballam

Planner

On behalf of Barratt David Wilson Homes