

Arun District Council
Maltravers Road
Littlehampton
BN17 5LF

Advance copy by email: planning@arun.gov.uk

11 August 2026
Our ref: GYM/LU45294.000001
Application Ref: FG/54/26/PL

Dear Sirs

Location: Kivesborough, Littlehampton Road, Worthing BN12 6PN

Application Reference FG/54/26/PL

Subdivision of existing curtilage and erection of 2 no. 3-bedroom self-build/custom-build dwellings, retention of existing access and provision of landscaping

Our clients: Sylvia Ann Luscombe, Joanne Carol Crockford and David Stephen Courtenay Luscombe

We refer to the above matter. We act for Ms Sylvia Ann Luscombe, Ms Joanne Carol Crockford and Mr David Stephen Courtenay Luscombe in relation to this matter.

Background

Our clients are the owners of the land in title numbers WSX42156 and WSX439744, being land and buildings on the south side of Littlehampton Road (and referred to as Ferring Nurseries). The business known as Ferring Nurseries is operated from this land.

Their properties adjoin the site, which is the subject of this application, being the land in title number WSX931950 and known as land on the west side of Kingsboro (now known as Kivesborough House), Littlehampton Road, Ferring, and which is owned by Liberato Dichello and Nichole Louise Dichello.

Mr and Mrs Dichello also own an adjoining property, Kivesborough, Littlehampton Road, Ferring (and which is registered under title number WSX31949).

Objection to Planning Application

Our clients hereby wish to formally object to the planning application referenced above, which seeks approval for the subdivision of the existing curtilage and the erection of 2 No. 3-bedroom self-build / custom build homes.

Whilst the proposal has been reduced from three dwellings to two dwellings and is supported by some additional technical evidence, our clients remain concerned that significant issues remain unresolved.

This is the third application submitted in respect of residential development of the site. As the Council will be aware, our clients objected formally to the first application (reference FG/49/24/PL) and also raised concerns in relation to the second application (reference FG/15/25/PL), particularly regarding the assumptions being made about foul drainage infrastructure crossing third party land.

Although the scale of the proposal has reduced, a number of the concerns previously identified by our clients remain unresolved and continue to arise in relation to the current application.

1. Surface Water Drainage

A significant issue arising from the current application is that the Council's drainage consultant continues to object to the proposed drainage strategy.

The previous two applications relating to the site were refused on drainage grounds. Whilst additional drainage information has now been submitted, we note that the Council's drainage consultant continues to express concerns regarding, amongst other matters, the proposed runoff destination, groundwater levels, interception drainage and the adequacy of the drainage modelling relied upon by the applicants.

Our clients are not drainage engineers and do not seek to advance their own technical assessment. However, they respectfully submit that considerable weight should be attached to the views of the Council's specialist consultant when determining whether the reasons for the previous refusals have genuinely been overcome.

Our clients have a legitimate interest in this issue given the continuing assumptions being made within the application regarding drainage and servicing arrangements affecting their land. In those circumstances, they consider it appropriate that significant weight is attached to the views of the Council's specialist drainage consultant when determining whether the previous reasons for refusal have genuinely been overcome.

It is our clients' understanding that further technical representations have been submitted on behalf of the applicants seeking to address the drainage consultant's concerns, and that the Council's consultant is being re-consulted accordingly. Our clients maintain their objection unless and until the Council's specialist consultant confirms that the previous grounds for concern have been fully resolved and reserve the right to make further representations.

2. Utilities and Servicing Arrangements

The application proceeds on the basis that the proposed new homes can be served by foul drainage and other utility infrastructure. However, that assumption appears to depend upon infrastructure crossing our clients' land and upon the existence of a private foul sewer network which the applicants' own documents acknowledge has yet to be confirmed.

Our clients raised concerns regarding the proposed foul drainage arrangements during consideration of the previous applications and those concerns remain unresolved.

No consent has been granted, or sought, for foul drainage infrastructure associated with the proposed development to cross our clients' land. Equally, no consent has been granted for water, electricity, gas or any other utility infrastructure required to serve the proposed dwellings to cross our clients' land. No easement or other agreement presently exists permitting such servicing or works.

Our clients are concerned that, despite this now being the third planning application relating to development of the site, the application continues to proceed on the assumption that the necessary servicing arrangements can be delivered notwithstanding the absence of any agreed rights and the fact that the alleged private foul sewer network has not yet been verified. It is particularly notable that the applicants' own supporting documentation acknowledges that aspects of the existing foul drainage arrangements require further investigation and confirmation.

For the avoidance of doubt, our clients do not seek through this objection to adopt any permanent or blanket position regarding future proposals affecting their land. Rather, they simply wish to record the current position and to request that the application is assessed on the basis of the rights and arrangements that presently exist, rather than the assumption that further rights or agreements will become available in due course.

We therefore respectfully invite the Council to assess the application based on the evidence currently available and not on the assumption that the necessary rights and agreements will inevitably be secured in due course.

3. Access and Rights Over our Clients' Land

Our clients recognise that private property rights are not generally determinative planning considerations. However, the Council should not assume that the applicants enjoy rights beyond those which presently exist.

The applicants' rights are confined to the defined access route crossing their land. To the extent that the proposed development may require construction activities, utility works, servicing arrangements, vehicle manoeuvring or other operational activities outside the scope of those existing rights, separate rights and permissions would be required.

No such arrangements are presently in place.

Our clients therefore request that the application is assessed on the basis of the rights and arrangements that currently exist rather than on the assumption that wider rights will become available.

4. Reliability of the Supporting Documentation

We note that a number of the submitted documents appear to contain information carried forward from the previous three-dwelling proposal. For example, documents submitted in support of the application contain references to the previous three-dwelling scheme, parking arrangements associated with that scheme and foul drainage calculations based upon a three-unit development.

These inconsistencies suggest that elements of the supporting documentation have been carried forward from the previous application without being fully updated to reflect the scheme now under consideration.

We would therefore ask the Council to satisfy itself that all assessments relied upon have been properly updated and accurately reflect the two-dwelling scheme now proposed.

5. Self-Build / Custom-Build Status

The application relies upon self-build/custom-build status as a material component of the proposals and the exemptions claimed in support of them.

Given the reliance placed upon that status within the application documentation, our clients respectfully request that the Council satisfies itself that the development continues to meet all relevant eligibility requirements and that any exemptions relied upon have been properly claimed and remain available.

Conclusion

For the reasons set out above, our clients object to the application.

In particular, our clients remain concerned that:

1. the Council's drainage consultant continues to maintain objections to the proposed drainage strategy, notwithstanding the submission of further technical evidence;
2. the application relies upon assumed drainage and utility arrangements affecting our clients' land for which no rights or agreements presently exist;
3. the Council should not proceed on the basis that rights beyond those currently enjoyed by the applicants will become available; and
4. aspects of the supporting documentation appear to have been carried forward from earlier iterations of the scheme without being fully updated.

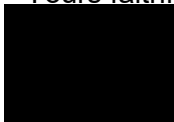
Our clients respectfully request that these matters are considered when determining the application. Should any material amendments or additional technical information be submitted on behalf of the applicants prior to determination, our clients reserve the right to make further representations.

Our clients continue to remain open to dialogue with the applicants. However, there are a number of significant points arising from the application which, in our clients' view, must be addressed before they would be prepared to reconsider their objection and overall position.

We should be grateful if you would acknowledge receipt of this objection.

We look forward to hearing from you.

Yours faithfully



Cripps



Arun District Council, Civic Centre, Maltravers Rd
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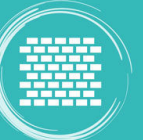
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From: Breezie Allwright <Breezie.Allwright@arun.gov.uk> **On Behalf Of** Planning
Sent: 11 August 2026 15:59
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Fw: Application Reference FG/54/26/PL - Kivesborough, Littlehampton Road, Worthing BN12 6PN [CRIPPS-MAIN.FID4678557]

Breezie Allwright

Planner Degree Apprentice, Planning Department

T: 01903737889

E: Breezie.allwright@Arun.gov.uk

Please note my working days are Monday, Tuesday, Wednesday and Friday.

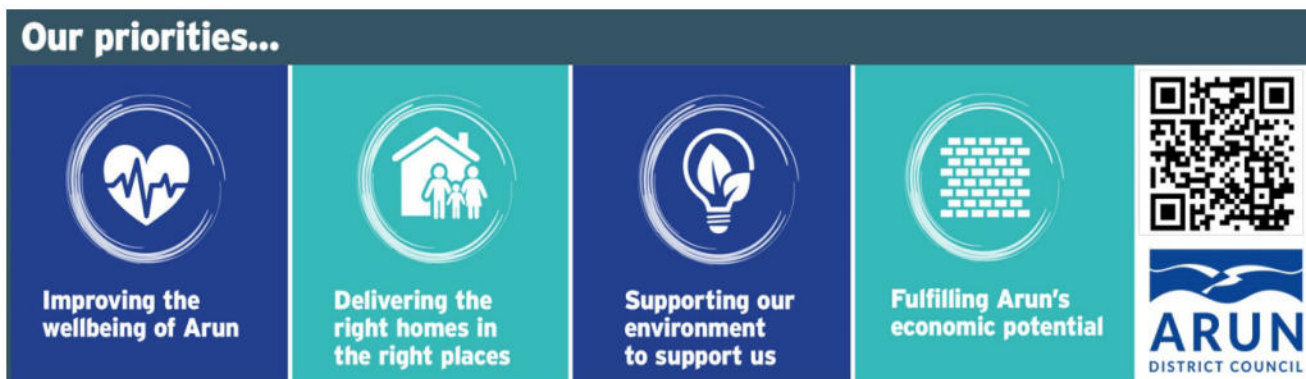
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From: Tereza Koshi [REDACTED]
Sent: 11 August 2026 15:30
To: Planning <Planning@arun.gov.uk>
Cc: Gail Morris [REDACTED]
Subject: Application Reference FG/54/26/PL - Kivesborough, Littlehampton Road, Worthing BN12 6PN [CRIPPS-MAIN.FID4678557]

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Dear Arun District Council

We act for Ms Sylvia Ann Luscombe, Ms Joanne Carol Crockford and Mr David Stephen Courtney Luscombe in relation to the above matter.

Please see attached our clients' formal letter of objection.

We should be grateful if you would acknowledge receipt of this objection.

We look forward to hearing from you.

Yours faithfully

Cripps LLP

Tereza Koshi
Trainee Solicitor

[REDACTED]
2nd floor, 80 Victoria Street, London, SW1E 5JL
cripps.co.uk

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