

10th March 2026

Dr Tim Kimber
66 Golden Avenue
66 Golden avenue
East Preston
BN16 1QU

Case Officer: Silvie Steiningerova
Telephone: 01903 737702
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Dear Sir/Madam,

Town & Country Planning Act 1990 (as amended)
Town & Country Planning (Development Management Procedure) (England) Order 2015

Application No: K/2/26/HH
Site Address: Horizons 71 Coastal Road Kingston BN16 1SW
Description of works: Proposed erection of split chestnut post and rail fencing to the southern boundary.

Thank you for your internet representation made on 9th March 2026 which has been recorded as an objection with the comments as follows:

OWPC81967

Formal Objection to Planning Application for Erection of Fence on Greensward:

I write in my capacity as chair of West Kingston Residents Association submitting this strong objection on its behalf, (and on behalf of all our residents whose legal rights would be adversely affected by this proposal) in relation to the planning application for the erection of a fence on the greensward. I wish to draw your attention to the legal and historical rights associated with the land under consideration:

Background: 1934 Transfer and Promenading Rights:

The Transfer dated 4 December 1934 grants estate owners the right to use the greensward, for promenading purposes. Access for foot passengers is also expressly permitted over the strips of land owned by residents of Coastal Road. These rights are designed to ensure continued enjoyment and access by entitled parties.

Impact of Proposed Fence:

Posts had been erected by the applicant last year, which upon our insistence have been removed. Any obstruction within the land owned by the Swieltiks that adjoins the greensward such as the proposed fence, would impede access to and enjoyment of the greensward, contrary to established rights, which are in any case protected by covenant:

Consequences of erection of the posts:

The eastern and western extents of the greensward will be affected by the applicant's posts. This would reduce access and enjoyment of the greensward as originally intended.

Third-Party Rights and Interference:

Residential titles along Coastal Road carry express grants to "use for promenading purposes the Greensward." The proposed obstruction interferes with these third-party rights, which are protected by law.

Registered Incumbrances and Legal Basis:

The Charges Register for the applicant's title confirms that "the land tinted pink on the title plan is subject to rights of user as a public walk." This incumbrance is binding upon the applicant's land and forms the primary basis for our position, rather than any lease obligations. Accordingly, the proposed fence would unlawfully obstruct these registered rights.

WKRA's lease with Arun District Council provides that the tenant must "permit and allow the public free and unrestricted pedestrian access to the from the public rights-of-way to the east and west of the ." WKRA is obliged and entitled to keep the Greensward open for pedestrian access.

The lease plans show that there is an overlap between the Pink Land and the Greensward. This indicates that the Pink Land, being part of the freehold of 71 Coastal Road, must remain accessible for walking by all members of the public and remain open and unobstructed.

The Charges Register for WSX365271 records that "the land tinted pink on the title plan is subject to rights of user as a public walk," which corroborates this position.

Conclusion:

In light of the above, the planning application for fencing on the greensward is contrary to established and registered rights, interferes with public and third-party use, and will result in legal proceedings should it proceed. I trust the Planning Committee will give this objection due consideration and respond as requested.

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.

In the event of a subsequent written representations appeal, against a refusal of planning permission on a householder application any representations made on the application will be automatically forwarded to the Secretary of State. Unlike all other types of appeal, there will be no further opportunity to comment at the appeal stage.

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>