

From: Zac Denton <Zac.Denton@arun.gov.uk>
Sent: 17 December 2019 09:12
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: LU/323/19/HH - Detached Single Garage - 25 Windward Close, Littlehampton, BN17 6QX

Objection – (raising query of ownership)

Zachariah Denton | Planning Officer, Planning Department, Directorate of Place, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF
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Please note this information is given without prejudice and represents the informal view of the officer and not an official opinion of Arun District Council.

From: Chris Geddes [REDACTED]
Sent: 16 December 2019 16:43
To: Zac Denton <Zac.Denton@arun.gov.uk>
Cc: Karl Roberts <Karl.Roberts@arun.gov.uk>; Juan Baeza <Juan.Baeza@arun.gov.uk>; Planning <Planning@arun.gov.uk>
Subject: LU/323/19/HH - Detached Single Garage - 25 Windward Close, Littlehampton, BN17 6QX

Good afternoon Mr Denton

Please see the attached letter, submitted on behalf of my client Mr Wignall, regarding the above planning application.

As you will note, the applicant has not signed and served the correct certificate.

If your Council was to determine this application and grant planning permission in the absence of the correct certificate being signed and served, then the permission granted will be invalid and there would be a real risk that the High Court would quash the permission if any person aggrieved by the grant of the permission brought judicial review proceedings.

Your Council should not, therefore, determine this application one way or the other until a correct certificate has been signed and served by the applicant.

I trust the above is clear, but please give me a call if you have any queries.

Kind regards

Chris

Chris Geddes MRTPI
Founder and Principal
Albion Planning





Mr. Z. Denton – Planning Officer
Planning – Eastern Area Team
Arun District Council
Maltravers Road
Littlehampton
West Sussex, BN17 5LF

BY EMAIL ONLY

Zac.Denton@arun.gov.uk

Date: 16th December 2019

Dear Mr. Denton,

**Planning Application Ref LU/323/19/HH
Detached Single Garage
25 Windward Close, Littlehampton, BN17 6QX**

I have been instructed by my client, Mr. T. Wignall of 27 Windward Close, to write to you in respect of the other planning application.

As my client has already explained in his representation letter, dated 4th December, the applicant has erroneously completed Certificate A. The applicant does not own all the land within the red line planning application boundary. He only owns approximately half of the site; a strip which is 2.4 metres wide. My client has provided you with evidence to this effect. As a result, the applicant should have completed Certificate B and served notice on my client and the owners of the other 5no. garages.

This is not just a private matter between the applicant and my client and the other garage owners. As you are no doubt aware, completing a certificate that provides details of the ownership of the site is a legal requirement. This is set out in the Town & Country Planning (Development Management) Procedure Order 2015. Articles 13 and 14 of the Order impose a requirement that all applications for planning permission must be accompanied by a certificate confirming that either the applicant is the sole owner of the land to which the application relates or that the appropriate notice has been served on any person who is an owner of the land or a tenant.

Section 65(5) of the Town & Country Planning Act 1990 says that a local planning authority shall not “entertain” any application for planning permission where these requirements have not been satisfied.

These requirements have not been correctly satisfied. As a result, if your Council was to determine this application and grant planning permission in the absence of the correct certificate being signed and served, then the permission granted will be invalid and there would be a real risk that the High Court would quash the permission if any person aggrieved by the grant of the permission brought judicial review proceedings.

Albion Planning, 36 Windsor Road, Worthing, West Sussex, BH11 2LY

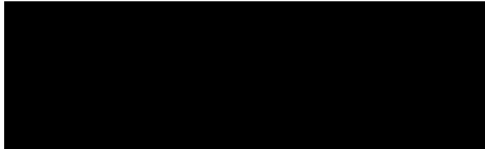




Your Council should not, therefore, determine this application one way or the other until a correct certificate has been signed, and served on all of the garage owners, by the applicant.

I trust the above is clear, but please do not hesitate to contact me if you have any queries.

Yours sincerely,



Chris Geddes MRTPI
Founder and Principal

cc Mr. K. Roberts – Director of Place - karl.roberts@arun.gov.uk
Mr. J. Baeza – Area Team Leader 2 - Juan.Baeza@arun.gov.uk
planning@arun.gov.uk

