

26th June 2026

Michael Mariner
24 Spinnaker View
Bognor Regis
Bognor Regis
West Sussex
PO21 3FL

Case Officer: Kathryn Welch
Telephone: 01903 737789
Email: kathryn.welch@arun.gov.uk

Dear Sir/Madam,

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

Application No: P/56/26/PL
Site Address: Land to the west of Inglenook Hotel 255 Pagham Road Pagham PO21 3QB
Description of works: Demolition of existing storage buildings and construction of 6 No. dwellings and associated works (resubmission following P/43/25/PL). This application is a Departure from the Development Plan and is in CIL Zone 5 and is CIL Liable as new dwellings.

Thank you for your internet representation made on 25th June 2026 which has been recorded as an objection with the comments as follows:

OWPC84403

This objection is further to my email dated 22/06/2026.

For reference, when the first easement was drawn up for the parent title the act of separating and splitting the applicants land legally broke his ability to use Spinnaker View for this proposed development.

The legal separation severed the right. When land with an easement is split into two separate parcels the law states that the right of way can still benefit the split parts, but only if using it does not increase the burden on the land being crossed (Spinnaker view).

Because Mr Honour carved out the first development (Platinum Gardens) and used up the capacity of the 2019 master deed for those houses, he cannot now come back a second time and stack another housing development on top of our private road. In English property law this is called an excessive user and a material deviation alteration of the original burden.

If Mr Honour argues that the second parcel still holds a shadow of the old historic rights (he is not trying to cross our land directly from the second parcel), he is trying to build a road that goes from the second parcel across an internal boundary line into Platinum Gardens and then onto Spinnaker View.

The law states that a developer can not use a right of way to parcel A (Platinum Gardens) as a shortcut or bridge to get to parcel B (proposed site) even if they own both pieces of land, which he doesn't as Platinum Gardens is private and owned solely by the residents

An alternative route exists. The planning inspectorate already ruled that Mr Honours hotel and pub driveway route is safe meaning they have no claim of necessity over our road. Notably the driveway is still serving the proposed development land.

The moment a car drives from the second parcel across that internal split line onto Platinum Gardens with the intention of exiting via Spinnaker View, it becomes a civil trespass.

The applicants layout relies on an entirely undeliverable civil access route across private estates titles in direct violation of the restrictive terms of our 2017 route TP1 and the 2022 master deed (title WSX400712) and constitutes an unlawful extension of an easement under the Rule in Harris v Flower.

We wish to put on the formal council record that the applicant Mr Honour does not possess the civil right to cross our land or use our private road again. While the applicant historically owned the land as a single unified parcel any previous rights he held to cross our estate were permanently surrendered, extinguished and determined under Clause 12.10.9 of the 2017 route TP1.

Furthermore under the established English land law principle of the Rule in Harris v Flower the modern rights granted across the boundary are strictly limited to title WSX400712 (Platinum Gardens) The applicant is legally barred from extending that easement or using Platinum Gardens as a pass through, shortcut to funnel traffic from a separate unauthorised piece of land onto our private road surface or land.

251 Pagham Road Management company Ltd

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.

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>