

Jonothan Butters
Fairview, 8 Daffodil Gardens
Walberton, Arundel
West Sussex BN18 0XQ

Ms Hebe Smith
Planning Services
Arun District Council
Arun Civic Centre, Maltravers Road
Littlehampton BN17 5LF

27 August 2026

By email and via the planning portal

Planning application WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton
Supplementary representation: the Planning, Design & Access Statement and the title documents it does not mention

Dear Ms Smith,

This letter supplements my representations of 19 and 21 August 2026. It is deliberately narrow. Having now read the applicant's Planning, Design & Access Statement of July 2026 ("the PDAS"), I write to draw your attention to a small number of specific paragraphs in it, and to the documents of title — already before you through my earlier letters — with which those paragraphs cannot be reconciled.

1. The PDAS site history contains no title history

Section 3 of the PDAS presents an extensive history of the site, but it is a planning history only: WA/46/07, WA/29/21/HH, WA/63/19/PL, the pre-application advice PAA/55/25 and the withdrawn WA/33/26/PL. Two recorded documents that directly govern the access on which the whole proposal depends are not mentioned anywhere in the statement:

- the Deed of Grant dated 15 January 2008, made between Cooke (1) and Poland, Poland and Haines (2), official copy filed under title WSX416417, with plan A07/31/01 by HG Projects Management; and
- the Transfer dated 13 February 2020 (title WSX416417), Poland, Poland and Haines to Crayfern Homes Limited — company 02703219, renamed Elivia Homes (Southern) Limited on 12 April 2022 — under which the 0.3 metre "Adjoining Land Control Strips" each side of the access were expressly retained by the transferors.

Each conclusion I identify below depends on the silence of the PDAS as to these two documents.

2. "Widened and resurfaced" (PDAS paragraphs 5.14 and 5.20)

Paragraph 5.14 states that the access "will be widened and resurfaced as part of the proposal"; paragraph 5.20 sets out the resurfacing specification. The right of way benefiting The Greenway (WSX218331) arises under Part II of the Schedule to the 2008 Deed. It is a right to pass and repass for purposes connected with the use and enjoyment of that property "and not for any other purpose whatsoever." It confers no right to widen or otherwise alter the accessway, and the land over which widening would take place includes the interest transferred to the applicant's predecessor's counterparty — now Elivia Homes (Southern) Limited — and the 0.3 metre strips retained by Kenneth

Mark Poland, Alan John Poland and Deirdre Elizabeth Haines. My letter of 19 August asked whether any waiver or further grant has been obtained; none is referred to in the PDAS or elsewhere in the application.

3. The ownership certificate

The application is accompanied by Certificate A, certifying that the applicant is the sole owner of all land within the red line. The red line on Location Plan 1804/DP01 Rev 01 includes the full length of the access corridor from Arundel Road. For the reasons above, persons other than the applicant hold interests in land within that boundary. I raised this in my letter of 21 August and respectfully ask that the certificate be reviewed before the application proceeds to determination; if Certificate A was given in error, the notice requirements attaching to Certificate B have not been met and the consultation is defective in that respect.

4. “The proposal does not seek to extend the residential curtilage” (PDAS paragraphs 2.3 and 4.13)

The PDAS treats the red line and the boundaries on the ground as one and the same. The applicant’s own topographical survey — drawing 25371 by J. Brotherton & Partners, dated 5 September 2025 and submitted with this application — shows otherwise. I have taken the red line from the vector geometry of drawing 1804/DP01 Rev 01, calibrated against its own scale bar, and placed it on the survey’s Ordnance Survey grid by least-squares fit of the drawing’s OS base mapping to 695 surveyed fence points (RMS residual 1.26 m). The comparison is enclosed as Appendix A. In summary:

- along the access corridor, the red line coincides with the surveyed eastern fence but runs 2.0 to 4.5 metres inside the surveyed western fence for the corridor’s full length — the fenced corridor is 7 to 9.6 metres wide where the red line claims 5.4 to 6.1 metres;
- at the southern end, some 831 square metres of the application parcel lie beyond any fence recorded by the applicant’s surveyor, extending up to 24 metres past the surveyed southern boundary — land within the red line that the submitted survey never covered.

This is the same pattern of divergence between drawn boundaries and physical enclosure that my letters of 19 and 21 August documented on the western side of the access, adjoining the Daffodil Gardens estate, where the vendor’s solicitors confirmed in writing in January 2025 that the fencing as built did not follow the plans and that the drawings would be amended following survey.

5. Consequences the Council may wish to verify

PDAS paragraph	Statement made	Document or measurement it does not address
5.14 / 5.20	Access “will be widened and resurfaced”; “resurfacing the single track”	2008 Deed, Part II: pass and repass only, “not for any other purpose whatsoever”; no right to widen; third-party interests in the land
Application form	Certificate A — sole ownership; Site Area 0.49 ha	2020 Transfer (retained 0.3 m strips) and Elivia’s interest; FRA runoff calculation instead adopts 0.556 ha (uksuds, 1 April 2026)
2.3 / 4.13	Boundaries settled; no extension of curtilage	Applicant’s survey 25371: red line departs from the physical fences on both the

		western corridor and the southern parcel (Appendix A)
5.16	Self-build exemption from 10% Biodiversity Net Gain	Exemption requires a site of 0.5 ha or less; the red line measures 4,947–4,961 m ² , i.e. 40–50 m ² below the ceiling, and excludes fenced parts of the corridor that would take it above

On the last two rows I make no submission as to intent. But an application whose site area is stated three different ways — 0.49 ha on the form, 0.556 ha in the flood risk assessment, and a red line that departs measurably from the fences shown on the applicant's own survey — has not given consultees a consistent description of the land to which it relates. I understand the surface water drainage implications of the 0.49/0.556 discrepancy are already before the Council's drainage officers, who have objected.

6. What I ask

For the reasons set out here and in my letters of 19 and 21 August, I ask that the application be refused. If the Council is not minded to refuse at this stage, I ask that it is not determined until (i) the ownership certificate has been reviewed against the 2008 Deed and 2020 Transfer, (ii) the site area and red line have been reconciled with the submitted topographical survey and the flood risk assessment, and (iii) the basis on which the access is to be widened over land in which third parties hold interests has been explained. Official copies of the 2008 Deed of Grant and the 2020 Transfer accompany this letter, and I am happy to provide the measurement workings behind Appendix A on request.

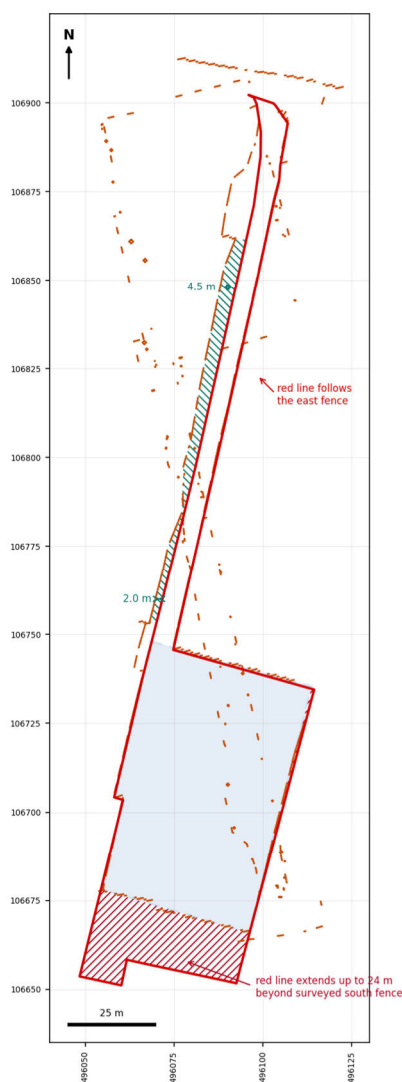
Yours sincerely,

Jonothon Butters

Fairview, 8 Daffodil Gardens, Walberton

Enclosures: Appendix A (red line vs topographical survey); Official Copy, Deed of Grant, 15 January 2008 (WSX416417); Official Copy, Transfer, 13 February 2020 (WSX416417)

Appendix A — Application red line (1804/DP01 Rev 01) overlaid on the applicant’s topographical survey (25371)



The Greenway — WA/68/26/PL

Application red line vs measured topographical survey

Legend

- Application site boundary (1804/DP01 Rev 01, vector)
- Fences as surveyed (25371, J Brotherton & Partners, Sep 2025)
- Fenced southern parcel (closed from surveyed fence lines)
- Inside red line but outside surveyed fences — 831 m², all at the south end
- Fenced corridor west of the red line — 2.0-4.5 m wide, ≈330 m² surveyed

Areas

Application red line (total, exact from vector)	4,947-4,961 m² (0.495 ha)
Headroom below 0.5 ha BNG exemption ceiling	≈ 40-50 m²
Red-line southern parcel	4,018 m²
Fenced southern parcel (survey)	3,259 m²
Red parcel outside surveyed fences	831 m²
Surveyed parcel outside red line	73 m²

Access corridor width

Northing	Fenced width	Red-line width
106760	7.9 m	6.1 m
106790	7.1 m	5.5 m
106820	8.8 m	5.4 m
106850	9.6 m	5.4 m

Key observations

- The red line's east edge follows the surveyed east fence of the drive; its west edge runs 2.0-4.5 m inside the west fence for the corridor's full surveyed length.
- Adding the fenced western strip (≈350 m² surveyed, more beyond) to the red line would take the site over the 0.5 ha ceiling for the self-build BNG exemption claimed at DAS \$5.16.
- 831 m² of the red-line parcel lies south of any surveyed fence, extending up to 24 m beyond the surveyed southern boundary; that land was not covered by the survey.
- The FRA's 0.556 ha site area matches neither the red line (0.495 ha) nor the fenced ground, and remains unexplained by any measured combination.

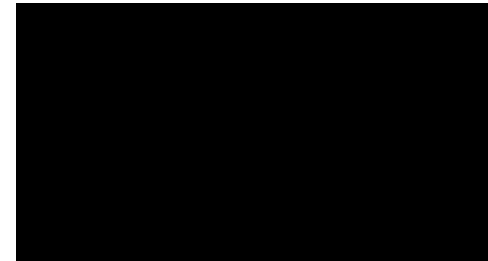
Method & accuracy: red line from the vector geometry of 1804/DP01 Rev 01, calibrated on its scale bar (agrees with 1:1250 @ A3 to 0.1%). Survey on OS grid OSGB36 via its 25 m ticks. DP01 placed by least-squares fit of its OS base linework to 695 surveyed fence points (RMS residual 1.26 m), so positional comparisons are reliable to about ±1.5 m. Corridor widths are measured within each drawing and are independent of the fit. The surveyed southern fence may be an internal garden division (DAS \$5.1 proposes subdividing the curtilage) — an innocent reading of observation 3, though not of observations 1, 2 or 4.

Survey data © J. Brotherton & Partners (25371). Red line from Smith Simmons & Partners drawing 1804/DP01 Rev 01. Contains OS data © Crown copyright. Annotated for planning consultation purposes.

Red line taken from the vector geometry of the submitted location plan, calibrated on its scale bar (agreement with the declared 1:1250 @ A3 to 0.1%). Survey grid OSGB36. Fit of OS base mapping to 695 surveyed fence points, RMS residual 1.26 m. Corridor widths are measured within each drawing and do not depend on the fit.



PL Rep



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From: Breezie Allwright <Breezie.Allwright@arun.gov.uk> **On Behalf Of** Planning
Sent: 01 September 2026 10:16
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: Fw: Re[2]: Comments on Planning Application WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton (comment deadline 4 September 2026)

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.

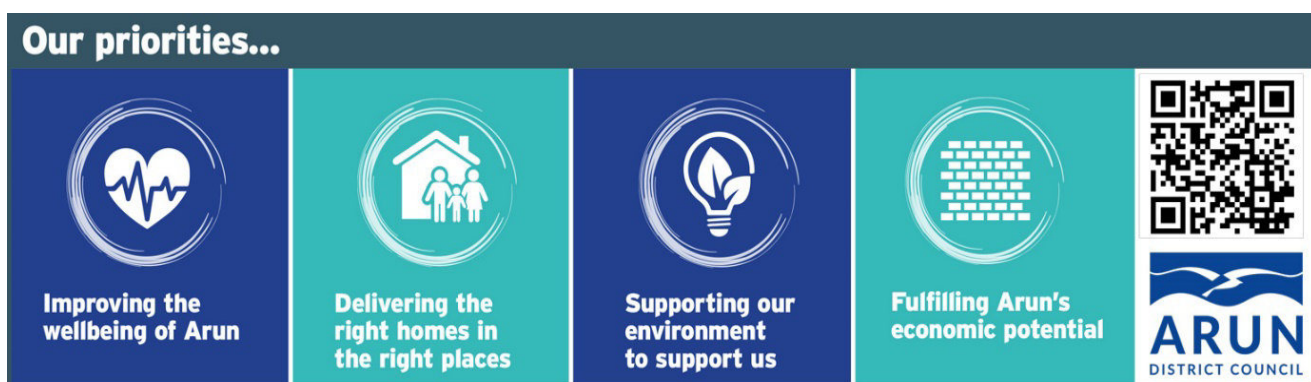
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From: Jonothon Butters [REDACTED]
Sent: 27 August 2026 18:35
To: Planning <Planning@arun.gov.uk>
Subject: Re[2]: Comments on Planning Application WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton (comment deadline 4 September 2026)

CAUTION: This email originated from outside of the organisation. You should take extra care when clicking links or opening attachments - if you are unsure the content is safe contact the IT Helpdesk before clicking or opening.

Please find attached word document for consideration.

Yours sincerely,

Jonothon Butters
Fairview, 8 Daffodil Gardens, Walberton, Arundel, BN18 0XQ

----- Original Message -----

From "Jonothon Butters" [REDACTED]
To planning@arun.gov.uk
Date 19/08/2026 17:02:12
Subject Re: Comments on Planning Application WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton (comment deadline 4 September 2026)

Dear Ms Smith,

Re: WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton, BN18 0QS

Further to my comments submitted earlier today, I am writing to add one further point that I omitted from that letter, which I believe is also relevant ahead of the comment deadline of 4 September 2026.

Protected species and retained boundary habitat

I would draw the Council's attention to the Dormouse Mitigation Strategy prepared by ecosupport (June 2019) in support of the original permission for the Daffodil Gardens estate, WA/63/19/PL (**copy attached**). This confirms that dormice — a European Protected Species — were recorded in nest tubes along the estate's boundary hedgerows and tree lines, and that mitigation under that permission specifically required dormouse nest boxes to be installed through, and protective construction fencing maintained around, those retained boundary habitats.

The access track now proposed to be "surfaced and widened" under this application runs directly alongside this same boundary corridor. I have not seen anything in the current application indicating that protected species or retained hedgerow habitat along this route has been reassessed. Given the legal protection afforded to dormice under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations, I would ask the Council to confirm whether this has been considered, and whether an updated ecological assessment is required before works to surface or widen the track can proceed.

I appreciate this is a supplementary point rather than a fresh objection, and I would be grateful if it could be read alongside my earlier letter.

Yours sincerely,

Jonothon Butters
Fairview, 8 Daffodil Gardens, Walberton, Arundel, BN18 0XQ

Document attached:

- ecosupport, Dormouse Mitigation Strategy, Land South of Arundel Road, Fontwell, June 2019 (WA/63/19/PL)

This should slot in cleanly alongside your earlier submission since it's same-day — the case officer will very likely see both together rather than treating it as a late add-on. Just attach the dormouse strategy PDF and send.

----- Original Message -----
From "Jonothon Butters" [REDACTED]
To planning@arun.gov.uk
Date 19/08/2026 15:11:44
Subject Comments on Planning Application WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton (comment deadline 4 September 2026)

Dear Ms Smith,

Re: WA/68/26/PL — Land North of The Green Way, West Walberton Lane, Walberton, BN18 0QS

I am writing as a resident of the adjoining Daffodil Gardens development (Fairview, Plot 8) to submit comments on the above application ahead of the comment deadline of 4 September 2026. My comments concern the vehicular access relied upon by the application, and a discrepancy I believe warrants clarification before determination.

1. The access route relied upon

The application's drawings (Location Plan 1804/DP01, Proposed Block Plan 1804/DP02, and Proposed Site Plan 1804/DP03, all by Smith Simmons & Partners) identify the means of access as an existing track running from Arundel Road south past Gracelands Farm, alongside the eastern boundary of Plots 2, 4 & 6, Daffodil Gardens.

2. A discrepancy in the width of that access

I have compared these drawings against Elivia Homes Southern's own Site Title Plan for the Daffodil Gardens estate (Drawing No. 54_17_150_B, "Plan 2", dated March 2022, revised 3 May 2024 — **copy attached**, as I understand this may not otherwise be readily available to you). On that plan, the same corridor is shown as two distinct strips — an area marked "Estate landscaped areas subject to right of way," and, immediately alongside it, a separate "300mm Wide Ransom Strip" — both narrowing noticeably as they approach the Arundel Road frontage. The application's own drawings, by contrast, show this corridor at a materially wider, constant width throughout, including at the road junction.

3. A possible explanation — and the question I'd ask the Council to put to the applicant

I have also reviewed the HM Land Registry title register and title plan for The Green Way, Title No. WSX218331 (**copy attached** — publicly obtainable from HM Land Registry). This shows the property was first registered on 22 December 1997 with a larger original extent, and that on 29 June 2000 "a new filed plan... showing an amended extent" was registered — reducing the title to its current, smaller footprint. The land removed at that point appears to correspond to the same corridor now shown as "subject to right of way" on Elivia's site plan.

Taken together, this suggests a plausible explanation: that when this land was sold off (likely as part of assembling the Daffodil Gardens site, around 2000), a right of way may have been reserved back in favour of The Green Way, and it is that historic right the applicant is now relying on for access to the new dwelling.

I want to be clear that I am not asserting this as established fact — I do not have sight of the 2000 transfer or deed itself. But given the documents I do have point fairly consistently in this direction, I believe it raises a legitimate and answerable question, and I would ask the Council to clarify, before determining the application:

- What is the documented legal basis and width of the vehicular right of way the applicant is relying on for access?
- Does that right extend to the fuller width shown in the application drawings, or is it limited to the narrower corridor shown on the estate's own title plan?
- Has the applicant provided evidence of legal entitlement to use the access at the width shown — including in respect of the separate 300mm ransom strip, which by its nature is designed to require the owner's consent?

4. Related matters already on file

For completeness: the Council's own record for this application already describes it as "a departure from the local development plan," and pre-application advice (ref. PAA/55/25, 29 July 2025) flagged TPO trees and surface water drainage as constraints requiring particular care — both of which run through or adjoin this same access corridor.

5. Documents attached

- Elivia Homes Southern Ltd, Site Title Plan, Drawing No. 54_17_150_B ("Plan 2"), March 2022 (rev. 3 May 2024)

- HM Land Registry Title Register and Title Plan, Title No. WSX218331 (The Green Way)

I'd be very happy to provide any further documents or clarification that would help — please do contact me if useful.

Yours sincerely,

Jonothon Butters

Fairview, 8 Daffodil Gardens, Walberton, Arundel, BN18 0XQ