

Jonothon Butters

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

Hebe Smith
Arun District Council

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

Dear Ms Smith,

Further comments on WA/68/26/PL — boundary accuracy

Further to my letter of 19 August 2026 raising the question of access rights and the control strip affecting the application's access route, on which I await the Council's response, I am writing to raise a further, separate point for consideration before determination.

Accuracy of the applicant's boundary as shown on submitted plans

I wish to raise a concern about the accuracy of the boundary shown for The Greenway on plans connected to this development.

I have measured, on the ground, a strip of land lying immediately east of Plot 8, Daffodil Gardens, currently enclosed within and used as garden land associated with The Greenway. This strip measures approximately 35.25 metres (north–south) by 2.6 metres, an area of approximately 91.65 square metres. This land falls within the estate landscaped and managed habitat area shown on Elivia Homes Southern's own title plan for the Daffodil Gardens development (Drawing 54_17_150_B) — land which is not part of The Greenway's title, and which is owned by, or due to be transferred to, Daffodil Gardens (Arundel Road) Residents Management Company Limited.

The figure below shows the same parcel on both plans, marked with an identical yellow box on each, so the two can be read directly against one another. Panel A is an extract from Elivia Homes Southern's site plan for Daffodil Gardens. Panel B is the equivalent stretch of ground as shown on the applicant's own submitted Proposed Block Plan (Drawing 1804/DP02), where this same edge of The Greenway is depicted as a single, unbroken line, with no parcel, set-back or discrepancy indicated. Both extracts are reproduced at the same ground scale, taken from each drawing's own scale bar.

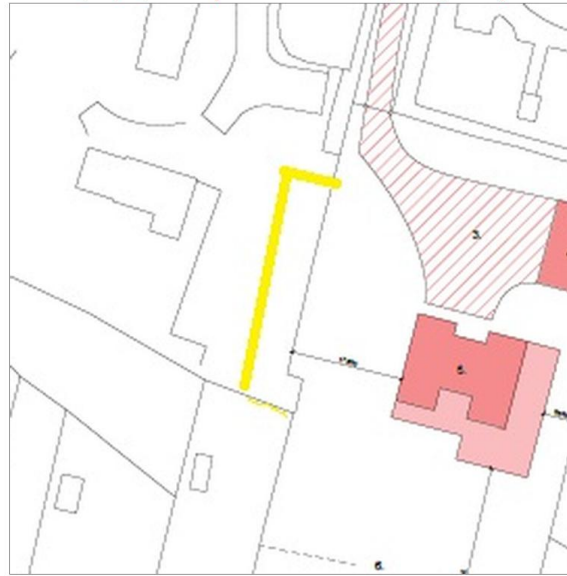
The same parcel of land, as shown on two plans

A — Elivia Homes site plan, Daffodil Gardens (54_17_150_B)



Yellow box: the parcel in question, lying east of Plot 8, Daffodil Gardens, and falling within the estate landscaped / managed habitat area on Elivia Homes Southern's own plan.

B — WA/68/26/PL Proposed Block Plan (1804/DP02)



The same stretch of ground, marked by the same yellow box. The western boundary of The Greenway is drawn here as a single unbroken line, with no parcel or set-back indicated.

Both extracts are reproduced at the same ground scale (≈ 78 m top to bottom), derived from each drawing's own scale bar. Illustrative, not survey-grade.

Figure 1 — The parcel east of Plot 8, Daffodil Gardens, shown on both plans at matching ground scale. Illustrative extracts; not a survey drawing.

I raise this not as a matter directly on the application site itself, but as relevant context: it demonstrates that the boundary of The Greenway, as enclosed and occupied on the ground, does not correspond to the boundary as registered and mapped along at least one edge of the property. Given this, I would ask the Council to satisfy itself that the application site boundary shown on the submitted plans — which adjoins The Greenway directly — accurately reflects the applicant's true legal ownership, rather than land currently occupied but not owned.

Photographic record

The photographs below, taken by me, record the condition and current enclosure of the land in question. They are reproduced as thumbnails for brevity; I hold the full-resolution originals and can supply them, together with further images, on request.



1. Looking north. The brick gate post stands in line with the boundary; the disputed area can be seen to the left.

2. Taken from the same position, looking south along the line the boundary should follow; the disputed section is to the right.
3. Taken from the southern elevation, looking north; the disputed area is now to the left. The fence at the northern elevation meets Daffodil Gardens.
4. Post-and-rail fencing and vegetation along the line of the boundary.
- 5 & 6. Showing the trespass onto the land, which the current occupants are using as a party area and a rubbish dump.

Timing

I understand the comment deadline of 4 September 2026 applies, and would be grateful if this point could be considered alongside my earlier correspondence.

Yours sincerely,

Jonothon Butters

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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From: Nicola Spencer <Nicola.Spencer@arun.gov.uk> **On Behalf Of** Planning
Sent: 24 August 2026 10:10
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)

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From: Jonothon Butters [REDACTED]
Sent: 20 August 2026 18:37
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.

See attached letter

----- 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 [REDACTED] 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