

Jonothon Butters

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

Hebe Smith
Arun District Council

21 August 2026

Dear Ms Smith,

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

Further comments — ownership certificate and access width

Further to my letters of 19 and 20 August 2026, I write to raise two further points, both concerning the application as submitted rather than the merits of the proposal.

1. The ownership certificate

The application form carries Certificate A, signed by the agent on 28 July 2026, certifying that on the day 21 days before the application nobody except the applicant was the owner of any part of the land to which the application relates.

The application relies on the track running along the eastern boundary of Daffodil Gardens. The western part of that track was created by a Deed of Grant dated 15 January 2008, filed under title WSX285497, which defines it as the “Yellow Land” forming part of that title. By a Transfer dated 13 February 2020, the whole of titles WSX285497 and WSX408850 was conveyed to Crayfern Homes Limited — now Elivia Homes (Southern) Limited — excepting only a strip 0.3 metres in width measured inward from the outer boundary, defined in that Transfer as the “Adjoining Land Control Strips” and retained by the sellers.

The figure below shows the same corner on three drawings: the 2008 Deed plan, where the Yellow Land is shown flaring out at the junction with Arundel Road at point B; the registered title plan for WSX416417, which shows the same corner at point K; and the Location Plan submitted with the application.

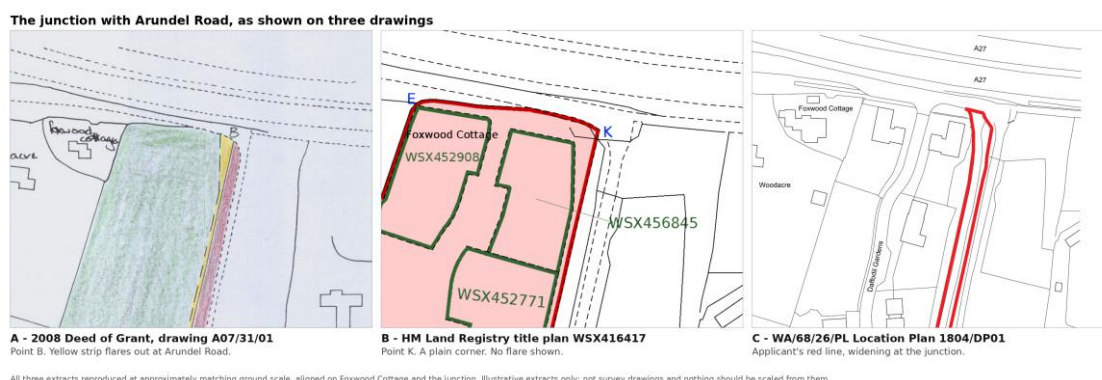


Figure 1 — The junction with Arundel Road on the 2008 Deed plan, the registered title plan and the application's Location Plan. Illustrative extracts reproduced at approximately matching ground scale; not survey drawings.

On that basis it appears that part of the access land is owned by Elivia Homes (Southern) Limited, and that the outer 0.3 metres remains registered under title WSX285497 to Kenneth Mark Poland,

Alan John Poland and Deirdre Elizabeth Haines. The 2008 Deed grants the owner of the Greenway a right of way over that land, but a right of way is not ownership.

I would add that the 2008 Deed grants a right to pass and repass, and does not on its face grant any right to widen or reconstruct the land in question. That is a matter between the applicant and the owners rather than one for the Council, but it is a further reason why those owners should have been notified.

I would ask the Council to confirm which ownership certificate has been given and, if Certificate A, to satisfy itself that it is correct and that any notice required under Article 14 has been served.

2. The width of the access along its length

Drawing 20256947-001 gives dimensions at the junction, including a 4.39 metre visibility splay and a requirement that the first 10 metres of carriageway be hard standing. No width is given for the track along the remainder of its length. Drawing 1804/DP02 annotates it only as “existing access track surfaced and widened”, and the dimensions on that drawing relate to the proposed dwelling and garaging.

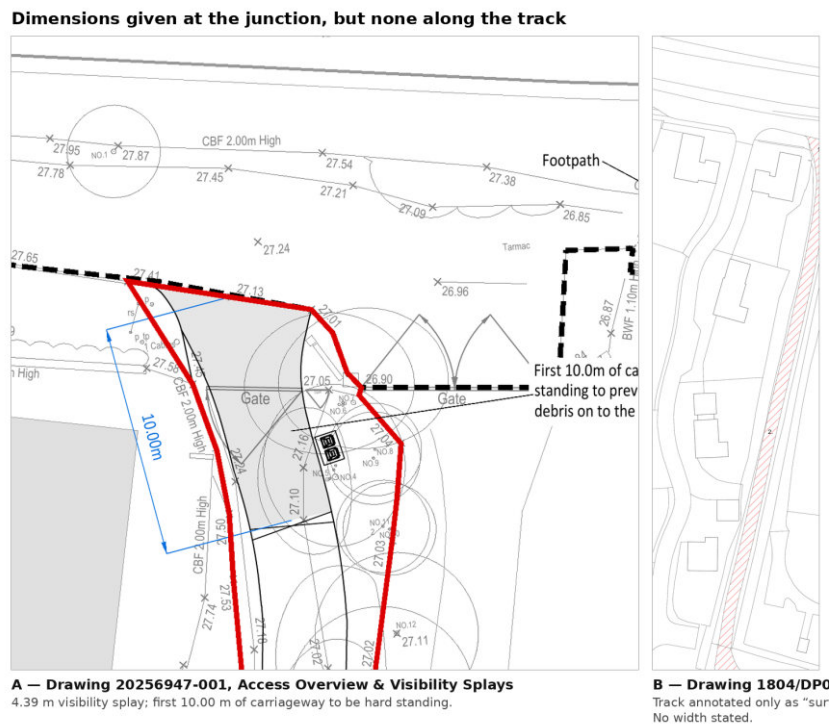


Figure 2 — Extracts from the applicant’s Access Overview drawing and Block Plan. Illustrative extracts; not survey drawings.

The swept-path drawings state the dimensions of the vehicles to be accommodated — a 2.5 metre track width for the fire tender — but not the width of carriageway to be provided.

Without a stated width I do not see how the Council or the highway authority can assess whether the access as proposed is adequate along its length, or determine over whose land the widening would fall. I would ask that the applicant be required to state it.

Yours sincerely,

Jonothon Butters

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



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From: Jonothon Butters [REDACTED]
Sent: 21 August 2026 09:14
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)

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Dear Ms. Smith,

Please find an attached Word document with further comments regarding this application.

----- 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