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Pencil Rough Cottage
BN18 0QP
[REDACTED]

16/9/2026

Planning Services

Arun District Council

Arun Civic Centre, Maltravers Road

Littlehampton BN17 5LF

Submitted via the planning portal and by email to planning@arun.gov.uk

OBJECTION — Application WA/68/26/PL: Construction of a single dwelling, with garage outbuilding and associated works, The Greenway, West Walberton Lane, Walberton BN18 0QS (resubmission of withdrawn WA/33/26/PL)

Dear Sir or Madam,

I write as owner and occupier of a neighbouring property to the application site to **object** to the above application. My **objection** rests on material planning considerations, set out below by reference to the application documents on the Council's public register for WA/68/26/PL and its predecessor WA/33/26/PL. Two screenshots of the application forms are enclosed as Exhibits A and B

1. The application form contradicts itself on the central claim: market housing or self-build?

The application form (Planning Portal ref. PP-15088419) ticks "Market Housing" in the proposed housing categories, leaves "Self-build and Custom Build" unticked, and enters the single 4+ bedroom house in the Market Housing table (Exhibit A). Later in the same form, the biodiversity net gain (BNG) section declares that the statutory biodiversity gain condition would not apply, for the stated reason "Self-build and custom build development", answering "Yes" to whether all buildings meet the definition in section 1(A1) of the Self-build and Custom Housebuilding Act 2015, with the sole justification: "The applicant is building the house to live in once completed" (Exhibit B). These declarations are mutually exclusive. The dwelling is presented as market housing for housing-delivery purposes and as self-build for exemption purposes within one certified form.

This is not a one-off error. The form for the withdrawn application WA/33/26/PL (Planning Portal ref. PP-14539313) contains the identical contradiction, while that application was validated by the Council under the description “self-build/custom build single dwelling”. The contradiction has therefore been certified twice, three months apart, on forms prepared by a professional agent. I ask the Council to determine, before this application proceeds further, which declaration is true, and what follows for the claimed BNG exemption, the claimed CIL self-build exemption, and any weight given to self-build in the planning balance. This is a major confusion in the application.

I further note that the form answers “No” to the question “Does your Local Planning Authority require applicants for self-build and custom-build development to evidence their eligibility?” — the applicant answering a question about the Council’s own requirements, in the applicant’s own favour. Eligibility for the self-build BNG exemption should be evidenced, not asserted.

2. The self-build claim is legally unsecured: the submitted S106 binds a dead application

The signed Section 106 agreement submitted with this application is, on its own terms, tied to planning application WA/33/26/PL and any section 73 variation of a permission granted on it. WA/33/26/PL was withdrawn on 11 June 2026; no such permission will ever exist. The deed therefore secures nothing in respect of WA/68/26/PL. As the file stands, there is no operative mechanism securing self-build status, the owner-occupancy restriction, or the safeguard that full BNG compliance applies if self-build status lapses before first occupation. If the applicant’s intentions are as stated, they will have no difficulty entering a fresh agreement in respect of this application before determination; if they resist doing so, the Council should draw the obvious conclusion as to the weight the self-build claim deserves. An unsecured self-build label is, in substance, a large market dwelling — which is precisely what the housing categories section of the form declares it to be. I note you requested the applicant to supply a new S106 tied to application WA/68/26/PL, but the applicant has not done so.

3. Site area: declared 0.49 ha, on the application form, but modelled by the applicant’s own engineers at 0.556 ha for drainage calculations.

The self-build BNG exemption relied upon requires, among other things, a site area no larger than 0.5 hectares. The **application form declares 0.49 ha and answers “No” to the direct question “Is the total size over 0.5 hectares?”** (Exhibit B). However, the greenfield runoff rate estimations in the applicant’s own Flood Risk Assessments — both the April 2026 FRA submitted with WA/33/26/PL and the FRA resubmitted with this application — state **“Total site area (ha): 0.556”**, a figure used consistently through the drainage modelling across both applications. The form is the only document on either file randomly stating 0.49 ha; the only professionally derived figure on file is 0.556 ha.

This application must be refused. This 0.49/0.556 Ha is not a trivial error, it is fundamental to many of the FRA calculations, if it is the wrong site size it is flawed throughout many of the calculations, particularly on surface water drainage and flood risk. The same house on a smaller site leaves less room for natural drainage.

These figures cannot both be correct, and whichever is abandoned, something material fails. The greenfield runoff rate, against which the drainage strategy is benchmarked, scales with site area: if the true site area is 0.49 ha, the allowable discharge rate has been overstated by roughly 13% and the drainage design has been tested against too generous a benchmark. If, instead, 0.556 ha is correct, the site exceeds the 0.5 ha ceiling and the claimed BNG exemption fails. There is no reading on which both the exemption and the drainage

calculations survive. **I ask the Council to measure the red-line area independently, to put the discrepancy to the applicant, and to state on the record which figure is correct and what consequently falls away.**

I would also observe that the timing of this resubmission — received 28 July 2026, nine days before the 6 August 2026 amendments abolished the self-build BNG exemption in favour of a 0.2 ha small-sites threshold — makes strict, rather than indulgent, application of the pre-amendment criteria all the more important.

4. Surface water drainage and flood risk — the ground on which the previous application foundered

The Council's drainage engineers formally objected twice to the materially identical predecessor scheme (1 and 9 June 2026) for non-compliance with Standard 3 of the **National Standards for Sustainable Drainage Systems (SuDS)** and expressly cautioned against granting permission subject to conditions that might prove impossible to discharge. The fundamentals have not changed:

- Infiltration was tested at only 1.0–1.05 m depth, while peak winter groundwater sits at approximately 1.7–1.8 m below ground. An infiltration feature of any real depth — including the proposed 0.8 m deep basin — leaves less of the unsaturated clearance of 1 meter required in Arun's own regulations beneath its base, meaning infiltration fails precisely when winter storms demand it.
- The applicant's own FRA outputs show manholes surcharging and flood-risk flags at the 30- and 100-year events with climate change, pipes at or above capacity, and the FRA concedes that "supplementary testing may be required, post-planning approval" — an approach the Council's engineers have already rejected. Drainage testing must be satisfactory before, not after, any consent.
- The permeable driveway is required to function simultaneously as stormwater storage and as a no-dig construction over protected tree roots; the engineers identified this design tension and it remains unresolved.
- The site drains within the Lidsey WWTW catchment, which the applicant's own submission concedes has significant issues with foul sewer flooding due to surface water inundation. Southern Water's response appears on the register only as an illegible scan; I request that a legible copy be published and its contents addressed before determination.

As a personal observation, I have lived adjacent to the proposed access track for **over forty years**, and since the clearance of some of the dense woodland trees to make way for the building of Daffodil Gardens, and more recently since the clearance of almost all the trees in this applicant site, water running down from this track into my drive has now become considerably worse in wet periods or winter, **the proposed drive is frequently running with water, which overflows like a stream down to my drive at Pencil Rough Cottage, where it flushes quantities of soil, mud, and leaves, which makes my drive difficult and at times dangerous to walk in. Several times recently it has flooded my garage.** This application if permitted can only make matters worse. The drainage on the proposed 'track' is not viable. and within the constraints of the land available, cannot be made viable.

5. Access and highway safety

The agent admitted in writing on 29 April 2026 that the required visibility splays "are not achievable within the public highway or land under the control of the applicant". WSCC's standing advice response raised no objection on the basis of a desktop review that visibility "appears suitable"; the county council was never

confronted with the applicant's own written admission to the contrary. I request that WSCC be re-consulted with that admission put squarely before them. If delivery of adequate visibility depends on third-party land, the notice and certificate requirements of the application fall to be re-examined and the improvement is undeliverable; a Grampian condition would be improper where there is no reasonable prospect of compliance. The c.150 m single-width unmade track must also accommodate construction traffic, refuse presentation and emergency access. It is not suitable.

6. Ecology: protected species must be surveyed before determination, not after

Comment to be passed to Trees Officer Jonathan Best , please:

Government circular guidance (ODPM Circular 06/2005, para. 99) requires the presence or otherwise of protected species to be established before planning permission is granted. Hazel dormice — a European protected species — are recorded 85 m from the site, with some thirty records within 1 km; the tree-lined track to be widened is the habitat corridor connecting to adjacent priority deciduous woodland. Against that background, the July 2026 ecology addendum reveals that the entire updated dormouse assessment comprised a single site visit on 20 July 2026, including a nut search of hazel and bramble scrub. No nest tubes, no boxes, no survey effort across the season. A nut search is only informative in autumn, when freshly gnawed hazelnuts are present; in July it is incapable of establishing absence, and the addendum itself concedes the site “still holds the potential to support dormice”. Supervision by an ecological clerk of works during clearance is not a lawful substitute for adequate pre-determination survey. I ask that determination be deferred pending dormouse survey effort compliant with the Dormouse Conservation Handbook.

Nine bat species, including barbastelle, are recorded locally, and the Council's ecologist has previously identified the site's relationship to the Singleton and Cocking Tunnels SAC. A new dwelling and a lit 150 m driveway in a dark rural gap adjacent to the South Downs National Park — an International Dark Sky Reserve — warrant a full lighting impact assessment; the SDNPA's consultation response also appears on the register only as an illegible scan and should be republished before determination.

Finally, the **application form again answers “No” to all three biodiversity screening questions — 1) protected and priority species; 2) designated sites, important habitats or other biodiversity features; 3) geological conservation** — in direct contradiction of the applicant's own ecology reports, and repeating the answers given on the previous application. **The applicant's own ecologist warned** that works to remove or modify habitats outside typical management “**may undermine a future planning application**”; approximately 32 trees were **nonetheless cleared** on in 2023/24, attracting a Forestry Commission investigation. **More clearance** has been done **by the applicant** over the last year, with digging out (by excavator) the large stumps of the trees felled in the Forestry Commission investigation. This type of activity, and burning the brash pile alive, is specifically warned against by their own ecologist, in the report (see the Application Documents). Here is the final paragraph:

“

CONCLUSIONS

“The site is dominated by the presence of modified grassland with some scattered trees and scrub. The precautionary mitigation set out in sections 4.5 to 4.9 in regard to bats, dormice, nesting birds, amphibians, hedgehog and reptiles, must be followed to ensure that there is not a breach of the Wildlife and Countryside Act 1981 (as amended). As the site and adjacent woodland may be used by foraging and commuting bats as well as dormice, it is important that the potential for disturbance from artificial lights is considered. The proposed development is likely to require an ‘ecologically sensitive lighting scheme’ in accordance with guidance produced by the Bat Conservation Trust (summarised in Appendix 3). The

enhancement opportunities identified in section 5 of this document will result in new opportunities for nesting birds and roosting bats, and likely beneficial effects for biodiversity at the site should they all be implemented in full. **It is important that no habitat clearance or other site preparation work should be undertaken until planning permission has been granted and all relevant protections for habitats of importance and protected species have been detailed and implemented. Please be advised that any work to remove or modify habitats outside of typical management may undermine a future planning application."**

Serial degradation has in fact been performed at this site, first by the previous owner when an entire woodland close was cleared of eight mature Oak trees and numerous other tree species (provable count 33 trees) in prior habitat degradation , immediately before selling to the current owner as 'building site'. The current owner has continued the degrading, removing by diesel excavators the remaining tree stumps, and also the remaining signs of ancient woodland and ancient species of plant, as identified by the Forestry Commission in their report of January 2024. The recent shameful burning of the brash pile on July 15th 2026 (see 'Trees, Below) is only the latest pre-application degradation of the site (WA/68/26/PL date July 28th 2026). **The Council should not permit pre-application degradation, followed by serially inaccurate declarations, to ease this site's path to consent.**

7. Trees

Comment to be passed to Trees Officer Jonathan Best , please: Two Tree Preservation Orders affect the site and its access. The widened track , the nominal root protection areas of several retained trees; the applicant's own arboriculturist concedes that **actual rooting patterns "will be far more irregular" than the plotted RPAs**. The same surface is simultaneously relied upon for storm-water management (section 4 above). In addition, placing a dwelling of this scale close to retained protected oaks creates predictable post-occupation pressure for pruning and felling — a recognised harm in its own right, and one to which this site's recent history (the 2023/4 clearance) lends particular weight.



The applicant had a very large bonfire five weeks ago, **July 15th 2026**, on the area of land that he now wishes to develop. **Please see photo above**, taken next day. The trees to the right of the scene are supposedly **protected by TPOs**, the large brash pile in the middle of the view is what was set alight. **This is the same brash pile as the Arun Trees Officer Jonathan Best said:** "the brash pile and any other piles of materials on site will be dismantled carefully by hand and moved outside of the proposed construction zone. Similarly,

once any substrate has been excavated during the works it is best practice to move materials off site, to a skip or to nearby hardstanding areas to minimise the risk of the spoil being used for shelter. If this is not possible the material should be placed on a tarpaulin and be compacted to avoid gaps and spaces; “ **Instead the applicant set fire to the brash pile, whilst a partying group were laughing, enjoying a barbecue.** It is not known what small wildlife were in the pile. As I saw and also according to immediate neighbours the flames were twenty feet high (6m), and requests from neighbours at Daffodil Gardens to douse the fire, which was smoking out nearby houses due to the prevailing wind, were ignored. The fire brigade were called, who extinguished the fire and admonished the party-goers, as this was in an extremely dry period (15th July 2026) and could have caused a very dangerous runaway tree and house fire. Note the fire was almost directly under two TPO protected trees. The **West Sussex Fire Brigade Incident number is 043404-11072026.**

8. Principle of development, character and amenity

- The site lies outside the Built-Up Area Boundary,
- in a location where both the Arun Local Plan and the Walberton Neighbourhood Development Plan — recently reviewed, with its boundaries deliberately redrawn and endorsed at referendum by a 91% vote — direct that new residential development should not occur,
- immediately beside an allocated site (HP17, Gracelands Farm) that demonstrates where the community chose to place its growth. Section 38(6) of the 2004 Act requires determination in accordance with the development plan unless material considerations indicate otherwise.
- The ‘benefits’ here are one dwelling on 0.49–0.556 Ha (which?) — roughly two dwellings per hectare, among the least efficient uses of residential land imaginable — which the Council’s own pre-application advice (PAA/55/25) concluded would be “unlikely to outweigh the harms”.
- A dwelling of two+ storeys plus habitable loft accommodation, with a triple garage with rooms over, would be conspicuously at odds with the prevailing pattern and scale of development on West Walberton Lane, and the site neighbours at Daffodil Gardens and Arundel Road.

9. Procedural requests

I would ask you to please:-

- Independently verify the red-line site area and reconcile the 0.49 ha / 0.556 ha discrepancy on the record (section 3).
- Require the applicant to state definitively whether the proposal is market housing or self-build, to consistently fill the application, and to evidence eligibility for any exemption claimed (section 1).
- Require a fresh S106 agreement in respect of WA/68/26/PL before determination if self-build status is maintained (section 2). I note the Pre Application Advice to applicant requested this, but it was ignored.
- Re-consult WSCC Highways with the agent’s admission of 29 April 2026 before them (section 5).
- Publish legible copies of the Southern Water and SDNPA consultation responses and allow further representations on them.
- Defer determination pending season-compliant dormouse survey (section 6).

- **Given the number and substance of objections and the application's history, determine this application at Planning Committee rather than under delegated powers.**

10. Without prejudice: conditions in the event of approval

Without prejudice to the objection above, if the Council is nonetheless minded to approve, I request the following as a minimum:

- 1) a fresh planning obligation securing self-build occupancy;
- 2) new full drainage design with new demonstrated compliant and approved before determination rather than left to conditions;
- 3) a dark-skies-compliant external lighting scheme secured by condition;
- 4) arboricultural supervision of all works within RPAs;
- 5) obscure glazing and restriction of any loft-level openings facing neighbouring properties;
- 6) removal of permitted development rights for extensions,
- 7) outbuildings and means of enclosure;
- 8) and a construction management plan for the access track covering hours, deliveries, parking and wheel-washing.

For the reasons above, the application conflicts with the development plan and the material considerations weigh firmly against a grant of permission. I ask that it be refused.

Yours faithfully

Susan Healey

Pencil Rough Cottage, BN18 0QP

Enclosures (please see attached copy documents as Exhibits A and B, pages below)

Exhibit A — WA/68/26/PL application form (PP-15088419), "Proposed" housing categories: **Market Housing** ticked; **Self-build and Custom Build** unticked.

Proposed

Please select the housing categories that are relevant to the proposed units

- ☒ Market Housing
- ☐ Social, Affordable or Intermediate Rent
- ☐ Affordable Home Ownership
- ☐ Starter Homes
- ☐ Self-build and Custom Build

Market Housing

Please specify each type of housing and number of units proposed

Housing Type: Houses						
1 Bedroom: 0						
2 Bedroom: 0						
3 Bedroom: 0						
4+ Bedroom: 1						
Unknown Bedroom: 0						
Total: 1						

Proposed Market Housing Category Totals	1 Bedroom Total	2 Bedroom Total	3 Bedroom Total	4+ Bedroom Total	Unknown Bedroom Total	Total
	0	0	0	1	0	1

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section: exemption claimed as “Self-build and custom build development”;
“Is the total size over 0.5 hectares?: No”.

Planning Portal Reference: PP-15088419

Please add all the reasons why biodiversity net gain does not apply and enter a justification for each one

Reason biodiversity net gain does not apply:

Self-build and custom build development

Are you building more than nine houses?:

No

Is the total size over 0.5 hectares?:

No

Do all buildings meet the definition of self-build or custom housebuilding as set out in [section 1\(A1\) of the Self-build and Custom Housebuilding Act 2015](#)?:

Yes

Does your Local Planning Authority require applicants for self-build and custom-build development to evidence their eligibility?:

No

Please justify the reason why biodiversity net gain does not apply:

The applicant is building the house to live in once completed

Note: Please read the help text for further information why developments may be exempt or not in scope.

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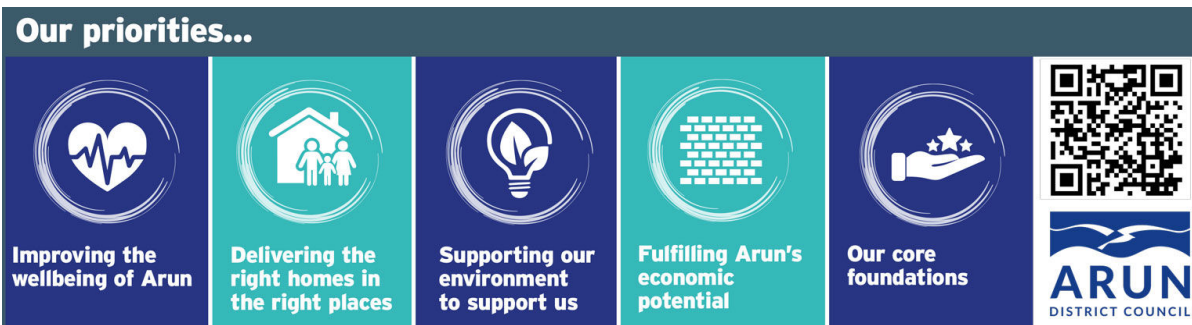
From: Laura Mills <Laura.Mills@arun.gov.uk> **On Behalf Of** Planning
Sent: 18 September 2026 11:46
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: Objection to WA-68-26-PL

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Dear Arun Planning

Please find attached my objection to WA-68-26-PL

Please confirm receipt.

Thank you

Susan Healey