

The Potting ting Barn
No.5 Hobbs Court
Bilsham Rd.
Yapton
West Sussex BN18 0JY

Jan. 23rd. 2026

‘Planning Application Ref. Y/80/25/S73. Variation of Conditions 2,14,15,22, and23, imposed under Y/52/23/PL etc. for Land West of Bilsham Rd. BN18 0LA’.

OBJECTION

Disclaimer: The following details are included from various sources, provided by the applicant, and from the internet. Some are ‘my opinions’..... not ‘legal advice’ as I am not qualified to give this. ‘Aspects’ are contained as ‘objections’, for query, and further investigations as necessary instead.

1. Alleged Difficulties in Relation to Y/80/25/S73 Concerning Legal Points and Regarding an S73 in Association.

a) It is of concern and **Objection** how the proposed ‘Variations of Conditions’ are to come to fruition in the present circumstances.

ai) It is understood that the details submitted with an application for an S73 and in association have a significant bearing on any changes considered, as from the original application, Y/52/23/PL approved on Appeal by the Gov. Inspector on Jan. 9th 2025. Also, ref. Y/32/25/PL if still undecided, and in conjunction.

b) Research indicated that the provision of an *incorrect address* in the application for a site location, allegedly represents a ‘*legal mistake*’ or ‘*procedural flaw*’ regarding the approval. It also may reflect on any decision -making in respect of ‘Conditions’ raised in

Y/80/25/S73, for changes to Y/52/23/PL, including any possible legal challenge.

c) Regrettably, I draw attention *again* to the following Planning **Application Form's** content but also in different aspect of **Objection** ref the S73 and in association.

ci) Submitted by the agent/agency ECE Planning Ltd. with signed Declarations, and with reference to the description details on the planning application website heading including a 'site address' as BN18 0LA for: - Y/52/23/PL, Y/15/24/NMA, Y/32/25/PL and Y/80/25/S73.

cii) The same detail was also passed to the Gov. Inspector for the Appeal Review for Y/52/23/PL as previously stated.

Appeal reference, APP/3810/W/24/3343922 Land West of Bilsham Rd.BN18 0LA. Also, as appearing in his '**Decision**' details as part of that process.

d) As previously stated in *objection*.BN18 0LA is the postcode for Grevatts Lane West, to the East of Bilsham Rd approx 1/4mile for the 'correct site'. The nearest postcode is for Bittern Ave. on the Thakeham development as BN18 OBW. Immediately above and adjacent to the 'correct site' but not acknowledged in the heading.

e) That this alleged error has occurred for 4 applications, over approx. 2 and a half years regarding the 'site', and additionally for the Gov. Inspector Appeal Review and Decision, without correction cannot be described as '*de minimis*'.

e) **Also now, in relation to a High Court ruling**, which indicates what can and cannot be changed from the original 'heading' details of an S73 application. I.e., The address, as 'operative'.

2.The Updated Detail, Judicial Ruling on the Outcomes of S73 Applications by Lord Justice Holgate and in Association.

a) It was allegedly unclear in generality from previous legal challenges, whether an S73 could be used, where part of new proposed 'Condition' to be released, was at variance with the description of the original application. Also, in relation to the 'operative,' or 'operational part' of an earlier permission granted under a Section 70/72.

ai) In clarification as follows, as ruled in the High Court in Dec. 2024 (before the Boklok application was granted on Appeal by the Gov. Inspector for Y/52/23/PL on Jan.9th 2025) -

b) Also, in consideration of published solicitor details in response, from Wedlake Bell LLP, and DHA Planning Ltd. Considered by them as a 'landmark ruling', in outcome from the hearing -

*'Lord Justice Holgate held, that while a council can use a Section 73 application to vary or remove **conditions** of an **existing** planning permission, it cannot alter the '**operative**' part of the original permission'.*

Lord Justice Holgate also confirmed, *'That the **operative** part of a permission should be considered to include **any drawings as well as the description of the scheme if they are listed in the heading of a decision**'.*

'In short that means that councils cannot approve conditions attached to a planning permission that are 'inconsistent' with the operative part of the original consent'.

bi) The allegedly incorrect site location address BN18 0LA, formed part of the 'description heading' in the Boklok application

and in relation and the Inspector Review and *Decision* for Y/52/23/PL, Y/32/25/PL and for Y/80/25/S73.

bii) The details as presented specified for Grevatts Lane West, as the 'operative' part by way of location. (Not Bittern Ave as correct). The ruling by Lord Justice Holgate also alleges that 'changes to the content of the heading' are not accepted under an S73, as stated.

biii) The Gov. Inspector approval would appear to render the anticipation of building 170 houses in Grevatts Lane West an impossibility, as a domestic road. The field/s opposite not being part of the application either.

biv) An approval for Y/32/25/PL or Y/80/25/S73 too, would appear to be impossible to deliver 170 houses at Grevatts Lane West, BN18 OLA either.

Also a *correction* of the address now would not allegedly be acceptable under the count ruling for an S73 either.

bv) The ruling also allegedly established, ' *That while an S73, is a 'flexible tool' for amending Conditions it cannot be used to override the 'Operative' part.*

c) The Yellow Notices (site notice) Internet General Information

As per internet details: -

' *If a yellow planning notice (site notice) for a planning application with a notably incorrect address is put out, can invalidate the consultation process leading to significant delays and legal challenges to a granted permission.*

The notices are designed to alert the public to development in their area. An incorrect address means neighbours directly

affected may not have been notified, ((I am not on the automatic notification list and learned of the S73 by accident)), also allegedly breaching procedural fairness'. And continues -

ci) '**Validation issues** can reflect a flaw in the 'location plan' or Application Form as 'misleading'. The LPA can invalidate the application'.

cii) '**Need for re-Consultation** by way of address correction'. Not just a simple change now by way of remediation as may be anticipated, as would also allegedly have to reflect the High Court ruling where *no change* can allegedly be made to the 'operative' headings.

ciii) Y/52/23/PL, Y/32/25/PL and Y/80/25/S73 similarly, allegedly had incorrect addresses on the yellow notices. In such instances apparently, '*Can also be challenged in the High Court, arguing the public were not properly notified*'.

civ '**Risk of False Information.** In 'generality' it appears that **IF** information is proven 'false or misleading' in a planning application can incur fines'.

cv) '**Revocation of Consent** In extreme cases the LPA have the power to revoke the planning permission.'

d) The details in italics above are already 'out there.' It is also noted that over time the incorrect address as Grevatts Lane West BN18 0LA,(Rightmove and Google details), have allegedly been added under 'Statutory Notices' on the Arun weekly lists website and in the local press. Also acknowledged with the allegedly incorrect address put out on their website by Yapton Parish Council, Jan.12th 2026.

e) Objection that this alleged situation ref address concerns has continued without being properly addressed.

3. Resident Suggestions for Remedial Action

It is understood that members of the public can submit their own suggestion to the LPA regarding a planning application for inclusion or amendment, subject to the discretion of the latter in review/outcome.

a) That while the allegedly incorrect address details remain unresolved, it is suggested that the applications for Y/52/23/PL, Y/32/23/PL, Y/80/25/S73 are put in abeyance/declared invalid/refused until they have been sorted out.

b) That the Judicial review details are taken into consideration regarding the approach to an S73 advising that details in the heading of an application cannot be altered as per the original heading and ref. Conditions pursuant.

c) If this cannot be altered without the possibility of a legal challenge to (i) the Appeal Approval, (ii) Y/32/25/PL and Y/80/25/S73, that the applicant reapplies, although this would not allegedly correct the address submitted and decided upon for Y/52/23/PL.

d) Alternatively, that the application for Y/80/25/S73 is deemed invalid/unsafe/flawed. (Details given regarding address that affect the application as allegedly incorrect and misleading).

c) Also as above for Y/32/25/PL for the same reason.

d) Also as above for the Appeal Decision for Y/52/23/PL.

e) How the effect of the yellow notices (site notices) as allegedly all with the incorrect address for Y/52/23/PL, Y/32/25/PL and

Y/80/25/S73 is going to be addressed, and ref. the Consultation and possible time extensions for same now.

f) How 170 houses are going to be undertaken in Grevatts Lane West BN18 0LA as stated as the address in headings and application forms numerous times in applications instead of BN18 OBW Bittern Avenue which was in existence from at least the time of the Inspector review.

g) How 'Conditions' can be applied to Y/52/23/PL through Y/80/25/S73 when both have the incorrect address.

h) The proposed changes to the houses and in association are not 'minor tweaks,' but major changes and revamp. The Boklok application had 8, 3 storey dwellings (change in roof heights) and apparently no garages. All the 'Redrow' houses appear to have garages and are almost exclusively 2 storey, except for garages as 1 storey type.

i) The 'Redrow' site as intended through housing 'Conditions' would be unrecognisable from the original as completely changed in appearance and in layout from Boklok. There should be a complete formal reapplication not an S73 because of this and where any Conditions could be added there anyway.

j). The alleged errors herein are not in isolation, as repeated over several applications and as allegedly submitted by the agent/agency. It is questioned in **Objection** why nothing has allegedly been done to rectify this situation over time.

Thanking you for your kind attention.

Yours sincerely,

Dilys Lownsborough

E: Breezie.allwright@Arun.gov.uk

Please note my working days are Monday, Tuesday, Wednesday and Friday.

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To register to receive notification of planning applications in your area please go to
<https://www1.arun.gov.uk/planning-application-finder>



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Sent: 23 January 2026 23:28

To: Planning <Planning@arun.gov.uk>

Cc: Simon Davis <Simon.Davis@arun.gov.uk>

Subject: Correction to other email just sent for Y/80.25/s73 for objection ref Justice Holgate and S73 and Yello notices.

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.

Dear planning ,

Please find enclosed as attachment THIS objection is to be used for Y/80/25/S73..... There was an error in the one sent just now, please ignore the previous version as it has a typo.

Kind Regards

Dilys Lownsborough