REPRESENTATION

TOWN & COUNTRY PLANNING ACT 1990

TOWN & COUNTRY PLANNING (GENERAL DEVELOPMENT PROCEDURE) ORDER 1995

From
Name M GREEN
Address 46 THE PADDOCKS
SOUTH LANCING
WEST SUSSEX
BN15 8DD
Phone Number [redacted]

Application Number ADC/0159/09

Proposed development
Change of use and enclosure of land on north side with 1.2m high feather-edge fencing sited 1m from rear of pavement

Location of development to which application relates
51 Freshbrook Road Lancing West Sussex BN15 8DF

Comments

I have attached my thoughts on a separate sheet as I knew that I would have insufficient room on this page.

One last thought, should approval be given to this application what safeguards exist to ensure that Mr Samuel does indeed remove the exsting fence and erects the lower fence away from the highway. His past conduct suggests that he would most probably do nothing. Do you then serve him with another Enforcement order?

I wish to speak on the application at the Committee meeting _____ ~~**Yes**~~**/No**

To:
Development Control
Planning & Community Division
Adur District Council
Civic Centre
Ham Road
Shoreham-by-Sea
West Sussex BN43 6PR

Signed [redacted]

Date 22nd May 2009

M.H.Green
46, The Paddocks
South Lancing
West Sussex
BN15 8DW

Representation

Town & Country Planning Act 1990

T & C P (G D P) Order 1995

Application No. ADC/0159/09

Comments

Existing Planning Policy
The piece of land at the back (north) of 51, Freshbrook Road has been "open plan" as is the rest of The Paddocks for forty years. In March 2007 Mr. Samuels annexed it and erected a 2metre wooden fence adjacent to the pavement to give himself extra garden to replace that which he lost during the re-modelling of his property. Previous searches have shown that there are no title deeds to this land but the Council did clear the land, laid new top-soil, seeded it and rolled it and cut the grass at intervals some years back possibly more than **ten years ago.** The Council saw fit to continue the "open plan" policy for this land which benefits residents of The Paddocks. This land is part of The Paddocks, essentially "common land" for all the households in The Paddocks.

Previous Decisions
In the two years since the fence was erected and the curtilage enclosed, Mr.Samuel has consistently ignored the Council regarding his lack of planning approval.
In October 2007 the Council served an Enforcement Order for the removal of the fence and cessation of use of land.
On 7th July 2008 Mr. Samuel was fined at Worthing Magistrates' Court for failing to comply with the Enforcement Order. At that time he promised to lower the fence height to one metre and set it back from the highway.
Mr Samuel then applied for retrospective approval for his 2 metre fence and change of use for the curtilage at, I believe, the back end of 2008, which was rejected without referring it to Committee.
Hannah Barker from the Planning Department visited Mr. Samuel in February 2009 to advise on what might be acceptable, namely fence height reduction to 1.22 metres (4ft) preferably 1.0 metre and the fence moved back by at least 1 metre.
The bottom line is that the land is not his, Council decided back in October 2007 that it was not acceptable to annexe the piece of land and change its use to garden, just because the application is to annexe a slightly smaller area does not change the principle. The application should be rejected and the Enforcement Order re-applied and complied with!

Loss of Trees
There are two trees which Mr. Samuel has enclosed in the tract of annexed land.. I have no doubt that they would be removed.



M.H.Green