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Planning - <planning@adur-worthing.gov.uk>

Southwick Nursery application ref AWDM/1805/22

1 message

Claire Wilkinson <[redacted]> 15 January 2023 at 14:31
To: planning@adur-worthing.gov.uk

Dear sir/madam
Once again the plans appear to assume that 15 Roman Way has a right to make alterations to the driveway area which is not in their ownership. They do not have such a right. There has been no change in ownership and no agreements have been entered into by me regarding an alteration to the current Deed of Grant. Indeed at no time have I been contacted regarding the applications to discuss in any way the issue. I do realise this is not a planning matter but I do feel the information is relevant.
The owner of 15 Roman Way merely has a right to pass and re pass over the driveway area. That being arranged by a Deed of Grant from 1985, which also covenanted;
“Not to use the said roadway for the carriage or removal of heavy cumbrous dangerous or offensive material or in any way which may be a nuisance annoyance or danger to the owners or occupiers of adjoining or neighbouring property”
And to use the land for horticulture or as a nursery only.
Also of some relevance, the right to lay pipes or cables for the passage of gas water and electricity granted by a lease of such rights dated 1965 was for a term of 21 years only. There has been no extension to that lease.
Please find enclosed a copy of a letter that was delivered to the applicant and agent at the addresses on the application.
Kind regards
C Wilkinson

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[redacted]

19 ROMAN WAY
SOUTHWICK
BN42 4TN

24 November 2022

Ms Debbie Marriage
DJM Town Planning
16 Fairdene
Southwick BN42 4QN

Dear Ms Marriage,

Re AWDM/1805/22 for Southwick Nursery 15 Roman Way, Southwick

The planning application submitted for Mr Darren Turner regarding Southwick Nursery lists you as the agent. I am therefore writing to you with regard to some of the information on the application submitted.

It appears from the proposed site plan that the expectation is that the site boundary includes the driveway for the garages. I have to advise that the owner of Southwick Nursery does not own that land, merely having a right to pass and repass over it. That right of way being arranged by a Deed of Grant from 1985. That deed also covenanted;

"not to use the said roadway for the carriage or removal of heavy cumbrous dangerous or offensive material or in any way which may be a nuisance annoyance or danger to the owners or occupiers of adjoining or neighbouring property" and

"not to use the said roadway for any purpose other than for the benefit of said land…and in particular to use the same for all purposes connected with the use of the land…for horticulture or as a nursery only but not for any other purpose whatsoever."

I would expect that changing the use to residential would breach that Deed of Grant and any right to pass would cease. Construction materials and equipment etc would also seem to be a breach of the heavy cumbrous dangerous etc covenant. This Deed of Grant related to Title numbers SX76941 and WSX64381.

It is also relevant I feel that the right to lay pipes or cables for the passage of gas water and electricity granted by a lease of such rights dated 2 June 1965 was for a term of 21 years only. That lease now having expired has not been extended by any agreement with the owner of the garage/driveway land.

No contact has been made to the owner of the garage/driveway in connection with the planning submission other than the notification document received from the Planning Department.

Perhaps this information had not been made available to you when submitting the plans as based on this the information contained within the submission is not wholly correct and your comments regarding the situation would be appreciated.

Yours sincerely

C Wilkinson

CC

Mr Darren Tanner
8 St Julians Lane
Shoreham By Sea
BN43 6YS

Peter Barnett
Case Officer

The owners of the other garages on site