

Nick Parsons

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May 12th 2021

Charlotte Glancy,
Programme Officer
c/o Banks Solutions

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Mid Sussex District Council Site Allocations SA31:

DPD Examination – Further Written Representation

Dear Ms Glancy,

Further to the publication of the Inspector's Matters, Issues and Questions (MIQs) Discussion Note, I wish to make further representations to the Inspector, following my comments which I submitted on 27th September 2020.

Having regard to the Mid Sussex District Council (MSDC) evidence base and other representations from stakeholders and local residents, I would like to raise additional concerns especially and specifically with regard to the deliverability of site SA31: Land to the rear of Firlands, Church Road Scaynes Hill.

The six houses facing on to the historic Scaynes Hill Common, collectively known as numbers 1-6 Downs View Close, were all bought in 2016 from Denton Homes on the premise and promise that there would be 1 (one) further single-story dwelling built at some future date on land to the south of Downs View Close at the rear of Firlands, Church Road, Scaynes Hill. This was marked on all documents and representations as Plot 7.

Several of my fellow purchasers in Downs View Close anticipated the possibility that Denton Homes might seek to develop land immediately to the rear of the six new-build homes. Their solicitors obtained from Denton Homes a covenant on the land. Section 12.5 states. "The TRANSFEROR covenants with the Transferee.... For the benefit of the property not to construct erect place or permit upon under or over the land hatched green on the plan or

any part thereof any building wall or other structure erection or works of any kind whatsoever whether permanent or temporary.”

Despite the objections and prescient warnings of all the residents, proposals for one single-storey house became approved as permission for one very large house, moved even closer to our boundary. Then, despite objections from all residents and neighbours, permission was sought and granted to build a further two large houses and to extend the access road across open countryside to reach these yet to be constructed houses, way beyond what might be termed the ‘ribbon development’ of houses directly situated on Church Road.

This process of creeping extension of planning permission took a huge step forward with the proposals now known as site SA31 with the same developer now seeking permission for up to 42 houses in seven ‘blocks’ of six.

Notwithstanding difficulties around site access for utilities and emergency vehicles, the outline proposals also ignore the covenant which the developers themselves agreed to. It is my understanding, furthermore, that a similar covenant has been agreed to with the owners of the houses directly facing on to Church Road. These covenants are referred to in Land Registry Title Number WSX6532, a copy of which at the end of this letter.

Indeed, following discussions with myself in January 2018, Denton’s contractors actually installed a row of fixed posts to mark out the boundary of the covenanted land extending as far as a south-westerly continuation of my boundary fence so that site vehicles did not encroach upon it. This itself, was a direct acknowledgment the existence of the covenant and the detailed provisions therein. A photograph of the boundary posts is included at the end of this letter.

When challenged recently about their proposals, Mr. Richard Skelley of Denton Homes replied in an email of March 15th 2021 that, “What I can say is the remaining land as potential future development was not apparent at the time [of the sale of houses in Downs View Close], as we would not have agreed to the covenant.”

This, I believe, is the key phrase in my contention that the development of the land SA31 be rejected. Even the highly-experienced developer did not believe that it would be allowed and he would not have agreed to granting a covenant if he had thought, instead, that houses could be built on the land. By granting the covenant, he accepted the likelihood that planning permission would be rejected.

The developer’s strategy now is apparently one of persistence with the planning authorities and the pursuit of a divide and rule strategy towards those granted the covenant. The developer should be aware the latter is doomed to fail and the residents of Downs View Close are unanimous in our collective resolve to refuse to accept offers of garden extensions, cash offers or preferential purchaser discounts on a new build home. Escalating the threat to existing residents, the developer concluded his March 15th email by warning

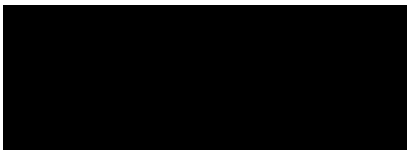
that, “if we cannot engage with yourself and others, we will have no choice but to pursue our interests with no consultation with yourself and others in terms of how we eventually develop the land.”

As the Land Registry drawing clearly indicates, the covenanted land takes up almost one-third of the total area of the proposed development. I strongly suspect that the existence of the covenant does not form part of the developer’s submission to this inquiry and that you are being deliberately misled.

In line with the National Planning Policy Framework (NPPF) Para 35, it is my understanding that the Site Allocations DPD needs to be justified, effective and positively prepared and consistent with national policy, “taking into account the reasonable alternatives, and based on proportionate evidence”.

Taking into account the covenants already granted on the site and the developer’s policy of constantly tweaking planning applications to keep it live, I consider that the deliverability of this particular site within the Site Allocations DPD as proposed, or at this scale, is not appropriate and the site should be re-assessed and either removed or reduced to the plans for just three houses which have already approved.

Yours sincerely,

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Nick Parsons

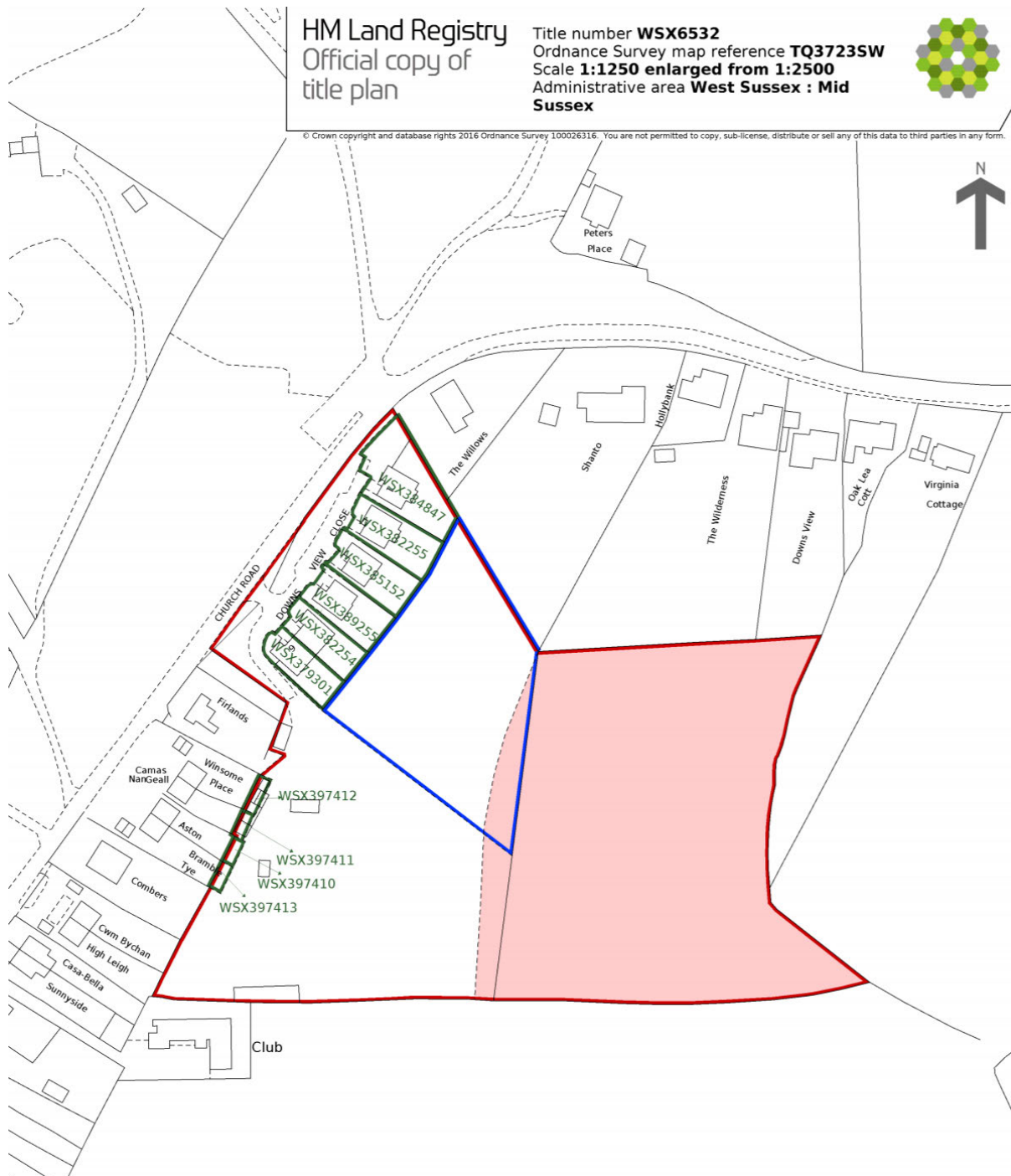
Land Registry Title Number WSX6532

HM Land Registry
Official copy of
title plan

Title number **WSX6532**
Ordnance Survey map reference **TQ3723SW**
Scale **1:1250 enlarged from 1:2500**
Administrative area **West Sussex : Mid Sussex**



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Wooden posts installed by Denton Homes to mark the southern boundary of the covenanted area

