

**Letter of Objection to the development at Former Tower
Car Sales, Tower Close, East Grinstead, West Sussex (now known as
Whittaker House, 1 Leppard Walk) and
retrospective application DM/26/0432**

Dear Planning,

I wish to object to the development at the above address; I am a resident of the above address, and believe the developer has significantly and deliberately breached his original planning permission to the detriment of the buyers, the neighbours, and the surrounding area.

The above site was subject to numerous applications, all turned down for a variety of reasons, including developmental overreach, 2 separate dwellings on the ground floor, entry through an undercroft, encroachment onto existing pavements, and many other factors. Planning permission was granted as the developer promised to address these factors, not limited to:

- A reduction in property numbers to 9 apartments, with 8 dedicated parking spaces
- A dedicated entrance not through the undercroft
- The addition of solar panels
- Dedicated bicycle storage for 10 bikes and dedicated refuse areas
- No significant intrusion into the highway

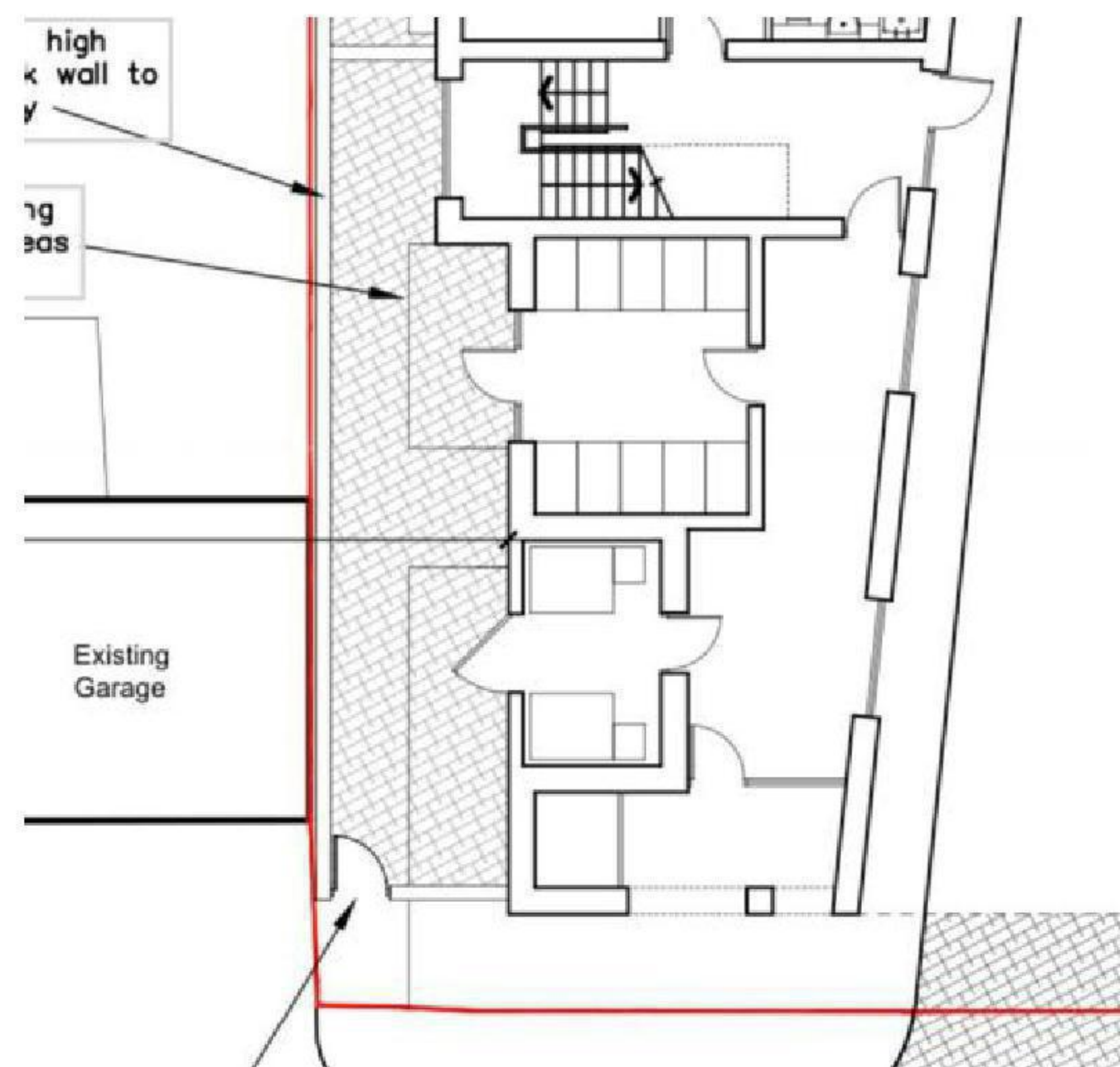
The development, as it currently stands, is in contravention of all the above, and the developer is now attempting to deviate even further with retrospective planning permission for a 10th flat, with an allocated parking space and allocated gated entry (DM/26/0432). This would bring the total number of allocated parking spaces to 10 (the development already has an unauthorised 9th space), remove any access Whittaker House has from the bin store and bike storage to the public highway, and permanently destroy vital parts of the building already planned for (and sold to myself and the other owners). In addition, it would completely cut off any exit from the rear of Whittaker House in the event of a fire in the undercroft/the front of the building.

To be clear, I believe this retrospective application was the developers plan all along – the plans submitted to the Planning Office were a fiction, and what has ensued has been a deliberate attempt to force 10 flats/2 ground floor flats into Whittaker House from the very beginning of the development; there was never any intention to have a dedicated bin store, dedicated bike store, or solar panels. There was never any intention of a separate entrance. The plan was always to encroach on the public pavement/right of way. Both the Planning Office, and the buyers, have been subject to misrepresentation on, quite frankly, a massive scale.

Breaches

1. The exterior/bin and bike stores

Starting with the outside of the property, Whittaker House was supposed to have a separate entrance, with a wide gated walkway to the right leading to a dedicated bike storage for 10 bikes, and 2 large refuse bins (sufficient bin storage for 8 properties). Both of these areas would lead into the entrance hallway, with the stairwell benefitting from opaque glass and entry into the undercroft.

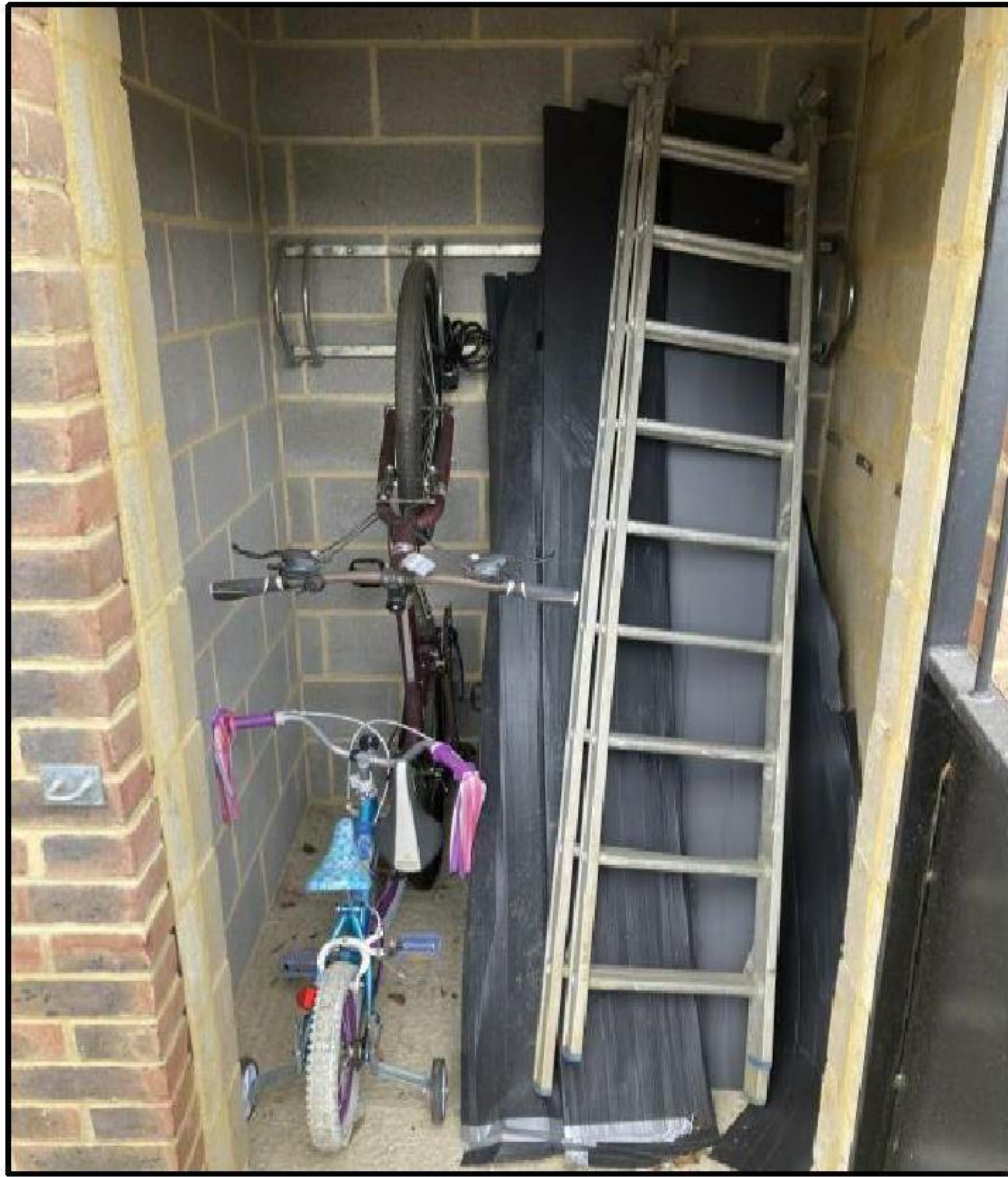


Planning permission was granted with acknowledgement of this, and noting that residents would not have to enter through the undercroft:



The promotional material (same images as submitted plans); the current front of the building;

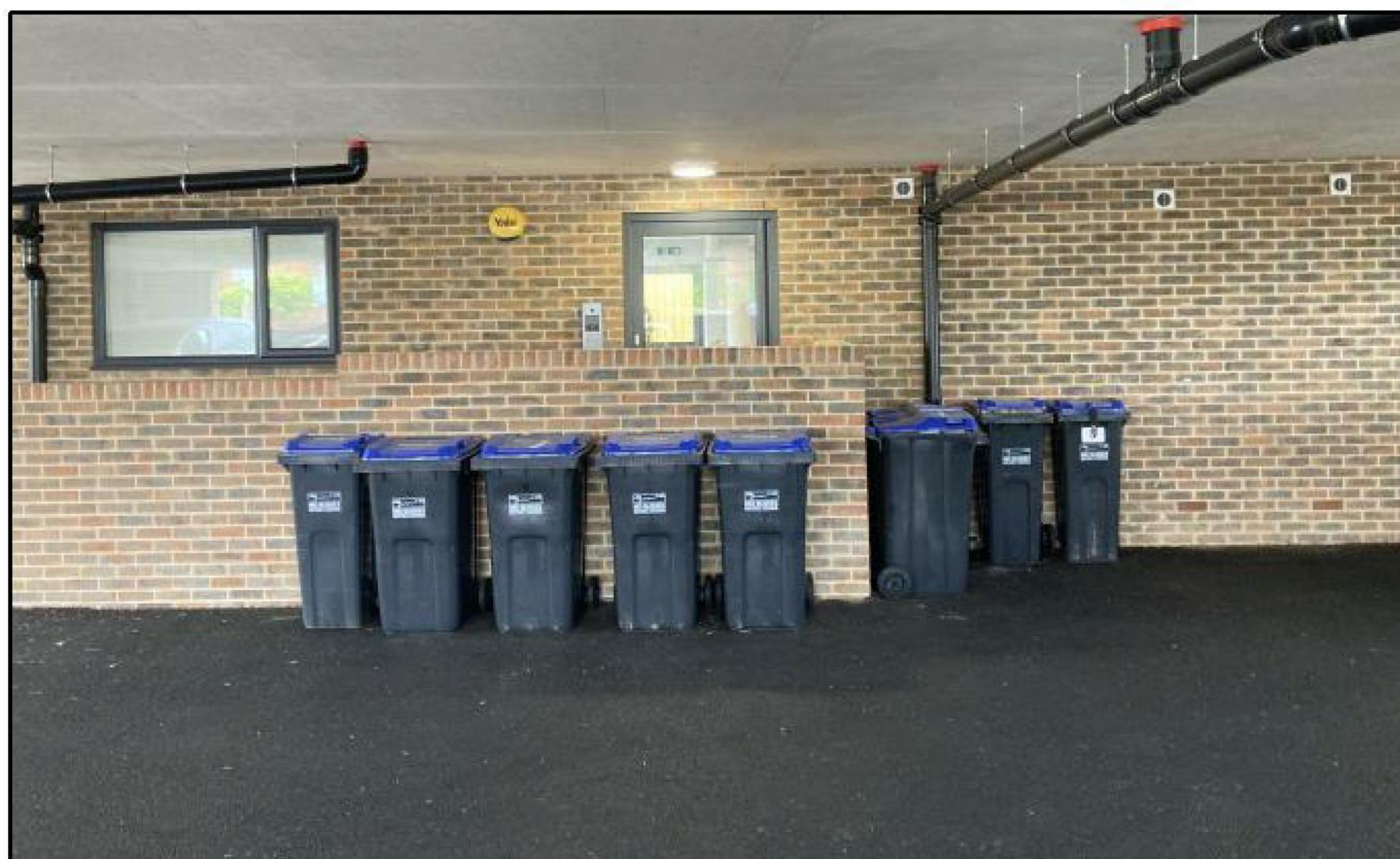
The entrance is now our 'dedicated bin and bike storage'. These are so unsuitable for the purpose as to be functionally useless. They remain unfinished, with unfinished brickwork (and bin storage) now forming part of the view for our neighbours. The bin storage area is inadequate, holding 8 bins with a 9th squeezed in, while recycling bins are now stored in the undercroft because there is no proper dedicated refuse area. The bicycle storage is plainly incapable of accommodating 10 bicycles securely and bears no resemblance to what was approved or marketed to buyers.



Dedicated secure storage for 10 bikes; Dedicated bin storage

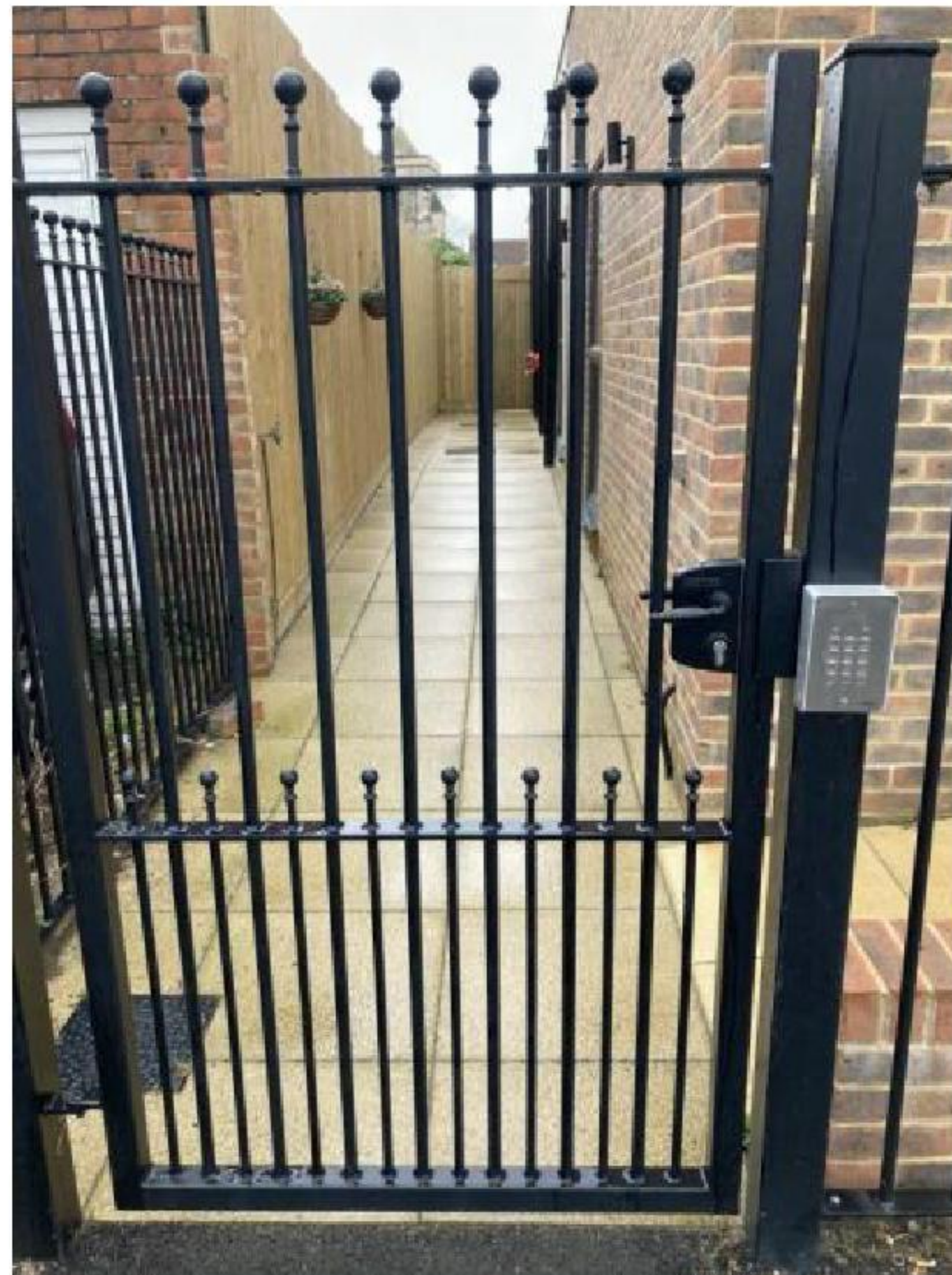
It would be funny if the property hadn't been marketed and sold as having dedicated secure bike storage, if said storage wasn't also mentioned when granting planning permission, and if several of the current freeholders hadn't purchased their property with this specific feature in mind.

Because of the change in purpose of this entrance from main entrance to bin and bike storage, the developer encroached onto the pavement and installed a walkway, and a gate with a numeric key lock. This key lock is currently disabled, and this is the access point we use now to bring our bins to the kerb for roadside collection. The original plans had a refuse area big enough for 2 large bins, which could be accessed by the refuse collectors. Due to the developer not providing this, the development was without refuse collection for a period of nearly 5 months, as the original bins could not be sited. Following a site visit we were given 18 bins (2 per household). Half of these now live in the undercroft, representing a potential fire hazard, as there is nowhere else for them to go. We are currently awaiting the delivery of 9 exterior foot waste caddies, which will likely also end up in the undercroft:



Nine Recycling bins kept within the undercroft

The rear gate now used by residents is also the access point the developer seeks to designate as the “allocated gated access” for the proposed 10th flat. If approved, residents would lose their rear means of escape and their practical route for moving bins to the kerbside. This is particularly concerning given that the property has been marketed as being “accessed via its own private front door”, which plainly suggests a private and self-contained means of access for that flat. The keypad has never been made operational for residents, and no access code has been provided.



Current back gate; keypad not currently in use

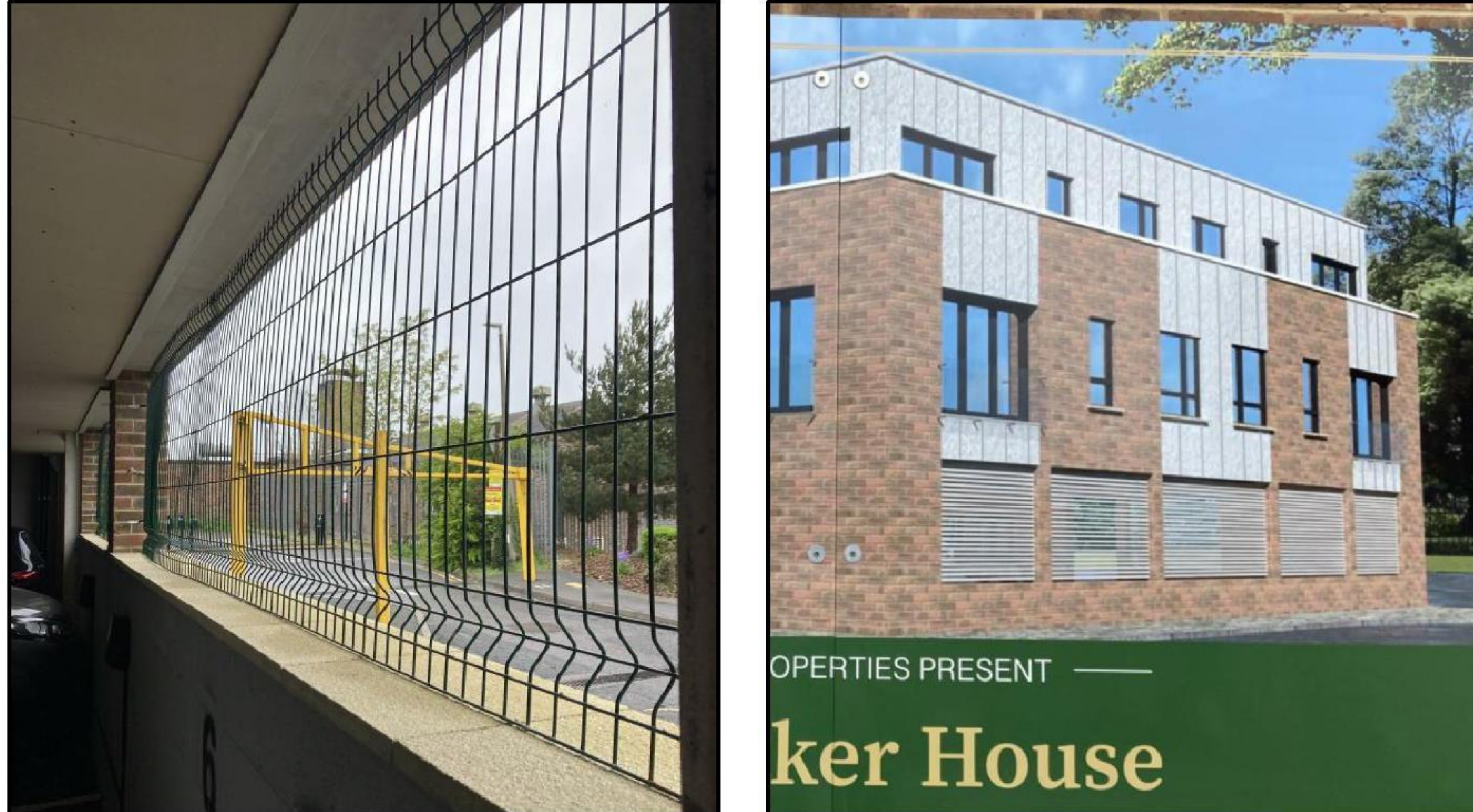


18 bins at a time are brought out here due to deviations from approved planning; bin day (not all 18 bins)

The developer had no intention of honouring the original plans or planning permission. Looking at the original footprint of the outside walkway, it is clear the developer planned to minimise this space from the foundations, with a deliberate attempt to maximise internal area for a 10th flat from the very beginning.

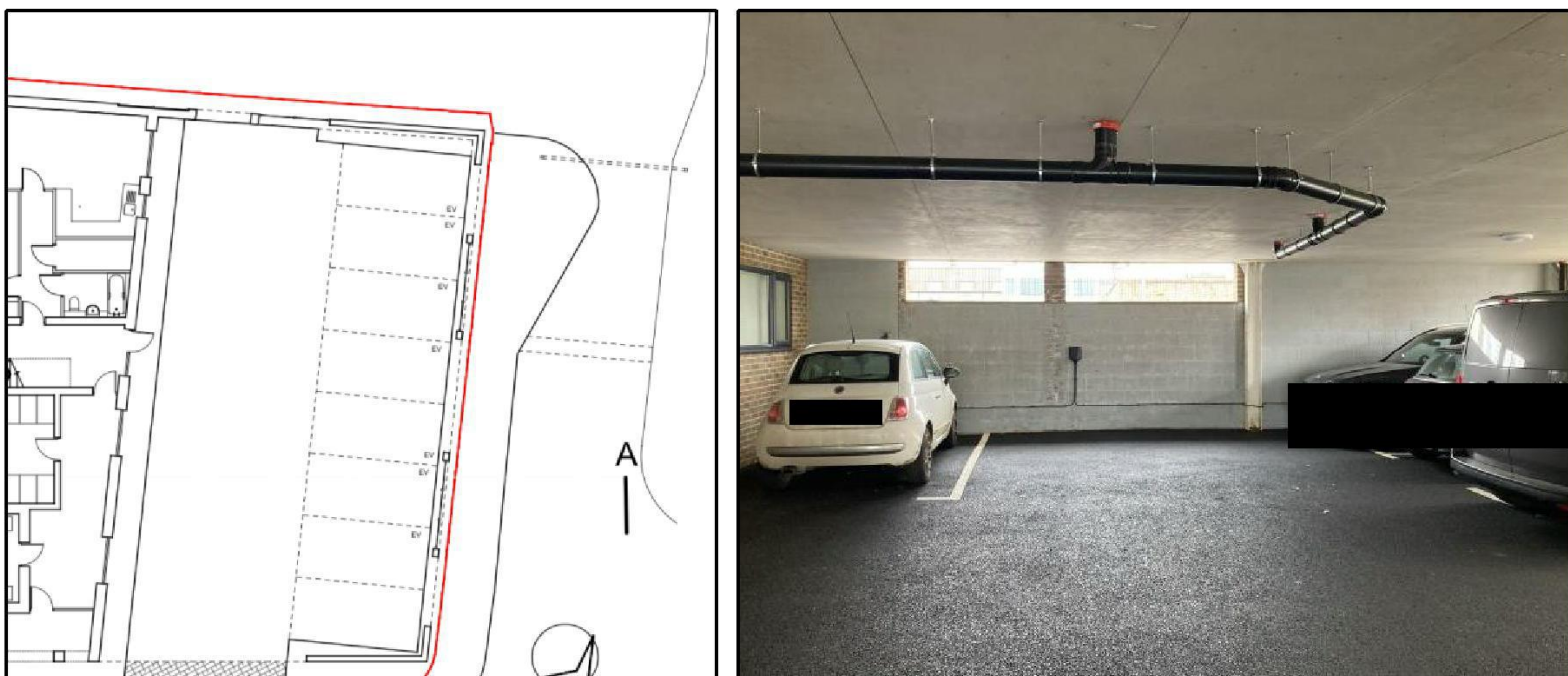
3. The Undercroft/Car Park

This was originally designated for 8 parking spaces, with tasteful exterior slats (or filigreed metal screens, depending on the submitted pictures). What we have been given more closely represents a snipers nest in Fallujah. This has a considerable effect on the exterior appearance of the building, and combined with the new front facing refuse area, significantly lowers the appearance of the neighbourhood:



The sales poster for Whittaker House (also submitted in plans); The current car park grills

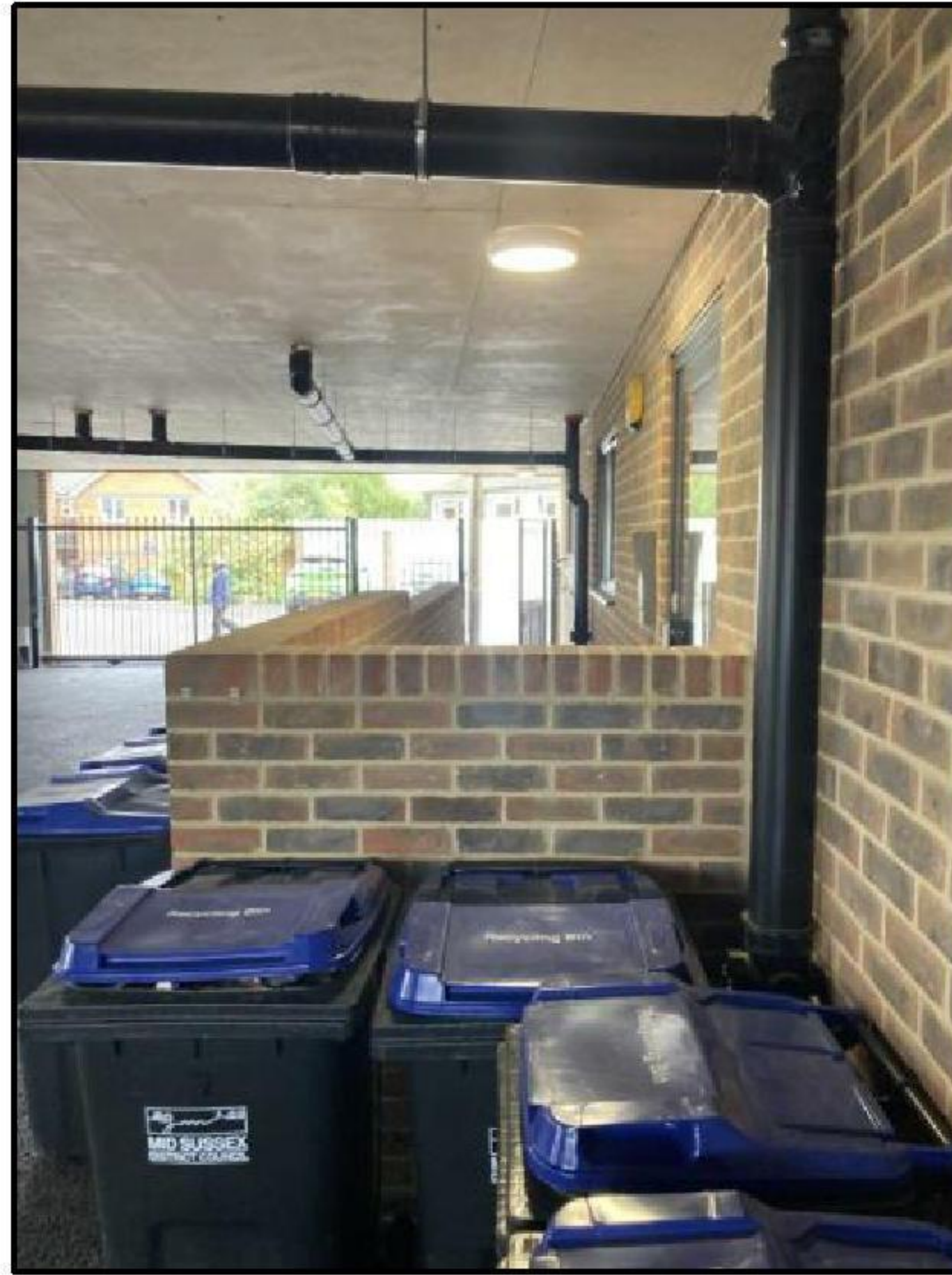
The developer has already placed an unauthorised 9th space, and you can clearly see he has installed EV charging points for 10. It's obvious that a 10-space layout was always the plan, with no intention whatsoever of building to the approved scheme. A 10th space would completely obstruct the parking for Flats 2, 3 and 4, but, as with everything else, you can see the developer has been trying to force 10 cars into this car park from the very beginning.:



Unauthorised 9th space; EV point for potential 10th space; original approved plan

The development has also always had a low brick wall cutting off the walkway seen in the approved plan, I suspect to keep as much width for the unauthorised extra spaces as possible.

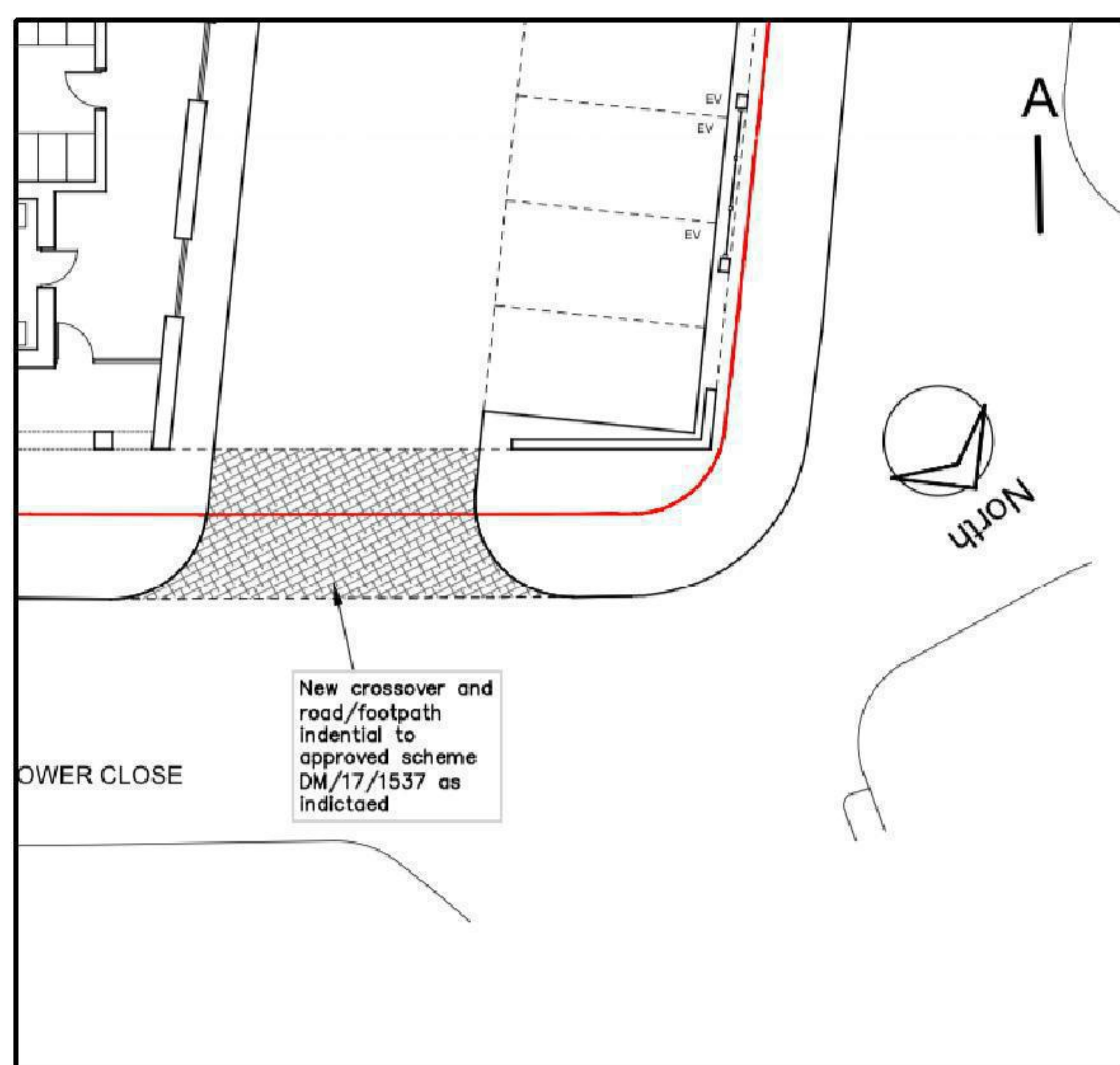
Unsurprisingly, this wall does not appear on any of the plans submitted in support of the proposed additional parking space, and combined with the bins, takes up a large area of the undercroft (9 food waste caddies awaited). This further highlighting the gap between what was approved and what was actually built:



Low wall and bins

4. The Pavement

As well as encroaching on the pavement directly in front of the property, the permitted design had pavement stretched around the corner of Whittaker House. What we have been left with instead is a blind corner, with cars entering the Aldi car park and pedestrians experiencing near-daily near-misses. **This is not a minor deviation; it is a serious and ongoing safety risk created entirely by the developer's failure to deliver the approved layout:**



The current corner, with no walkway; the approved plans

I am uncertain whether this is due to the increased footprint of Whittaker House, but the resulting corner is dangerously narrow and will inevitably lead to an accident if left unaddressed. **I have personally been almost hit by a car on multiple occasions** because the pavement has not been built, and drivers approaching from the opposite direction have extremely limited visibility. The situation is not only unsafe, but also wholly unacceptable.

5. The Unauthorised Flat (Flat 1A)

The erasure of the entrance, walkthrough, bin store and bike store, together with the enlarged footprint taking the walkway, were all undertaken to cannibalise already planned (and sold) parts of Whittaker House for the purpose of creating a 10th flat. These actions have directly caused the ongoing problems with waste storage, access, and highway safety described above. It has also led to obliteration of anything resembling secure bike storage ('for 10 bikes'), considerably encroached on the pavement, and forced our front entrance into the undercroft. If this wasn't enough of a breach of planning permission, and misrepresentation to buyers, the developer now seeks to retrospectively approve this 10th flat, as well as giving them 'allocated gated access' (our rear gate) and a 10th 'allocated parking space'.

I also strongly object to the developer presenting these assets as "allocated" when they are not his to sell. The undercroft and the rear gate belong to me and the other freeholders of Whittaker House. No permission has been given, no sale has been agreed, and nor will it be. These assets and access routes must not be treated as available for the purposes of any planning approval, and ownership will be contested if necessary.

The proposed flat is of extremely poor quality. Even after stripping the ground floor of all common space intended for existing residents, the developer has still produced something that does not meet minimum dwelling standards. The unit has no meaningful external windows: the main living space looks directly into the undercroft/car park, and the bedroom receives only indirect light from the walkway, which the developer has already narrowed.

The 'allocated parking space', quite apart from legal issues, is not physically possible unless the developer has discovered a way to shrink cars (instead of living spaces). **A 10th space is not feasible even if the undercroft wasn't filled with recycling bins**, and certainly not with the brick structure the developer built, which, tellingly, has never appeared on any of the plans he has submitted to the Planning Office. Leaving it off the drawings simply makes the impossible look marginally less impossible. There simply isn't room for a 10th car; in reality, there is barely room for nine, as evidenced by the unauthorised 9th space already created in direct breach of planning; a compromise we have learned to live with.

The developers relationship to submitted plans is best described as 'creative'; during the buying process for Whittaker House, plans changed several times, and the last iteration very clearly had the 9th unauthorised parking space on them. Yet this has mysteriously vanished from the plans accompanying the retrospective application. This inconsistency is highly concerning.

Fourthly, the 'allocated gate entry' that is being advertised, again aside from legal issues of ownership, would result in no access from our back door to the public highway; no access from our bins to the kerbside without taking them back up the walkway, through the stairwell, and out of the undercroft. This is not only absurd, but also a serious fire safety risk.

I would also note that allowing this 10th flat to be retrospectively approved cements the bike and bin storage as the front facing aspect of this development, significantly lowering the appearance of the area. Combined with the developers top notch finish for the undercroft windows, the end effect is nasty, ugly and cheap.

More broadly, by manipulating floor plans for individual flats and minimising bedroom numbers when applying for planning, the developer deliberately misrepresented the potential impact to neighbours in terms of noise, disturbance, and impact on the public highway of 8 (but he meant 9) cars. He now wishes to compound this with another car, another dwelling, and additional occupiers. The impact on the local area has already been excessive, and far greater than was originally represented.

Previous developments on this site were all turned down for precisely this reason; there is no acceptable way to accommodate two dwellings on the ground floor. The developer knew this, and yet has decided that forgiveness is easier to get from the Planning Office than permission.

Permitting this retrospective planning permission would set a deeply troubling precedent and represents a blatant attempt to sidestep the very objections that have repeatedly prevented this layout from being approved.

6. Solar Panels

Of course, the solar panels mentioned in the application and subsequent planning permission have not been installed; there are no solar panels on the property.

7. Other Misrepresentation During Planning and Sales

The report granting the developer planning permission makes note of expected occupancy based on bedroom numbers, and charges the developer accordingly for infrastructure; even here, the developer has deliberately misrepresented this development. The approved plans had an upstairs layout of 4 one bedroom flats; these are now 2/3 bed flats, and I would argue from the floor plan that this was the developers intent all along. False figures seem to have been presented to the authority to minimise the contributions payable to the community.

Some of the very features used to secure planning permission were the same features used to market and sell these properties, as is plainly evident from the sales literature. Their removal represents a substantial financial loss to those of us who purchased these flats and has had a significant negative impact on our quality of life. This was not accidental; it was pre-planned, deliberate, and fundamentally misleading.

I would also note that the developer has sold the entirety of the freehold of Whittaker House, and has no legal basis to claim a 10th flat in this property at this point in time. As with much of this development, his overreach looks very legally dubious.

Conclusion

I am imploring the Planning Office to look at this development in more detail, and consider enforcement and legal action against a developer who has misrepresented and missold this development to everyone involved. I would ask that removal of the unauthorised flat and full restoration of the original floorplan be strongly considered, alongside restoration of the facilities promised to the residents and Planning Office, including bin storage, bike storage, a dedicated entrance, solar panels, and slatting for the car park.

I respectfully urge the Planning Authority to examine this development in detail and to consider enforcement action against a developer who appears to have materially misrepresented both the scheme approved by the Council and the scheme sold.

I ask that retrospective application DM/26/0432 be rejected. I further ask that serious consideration be given to enforcement action requiring the removal of the unauthorised flat on the ground floor and the full restoration of the originally approved ground-floor layout and facilities, including::

- proper refuse storage;
- secure bicycle storage;
- a dedicated entrance independent of the undercroft;
- solar panels; and
- the approved screening/slatting for the car park.

Yours faithfully,

A solid black rectangular box used to redact a signature.