Rec'd 11/3/25

Ref : APP/Y3805/W/25/3359461

08 March 2025 12:45

Attention : Caroline Harvey
The Planning Inspectorate
C Eagle, 3rd Floor
Temple Quay House
2 The Square
Bristol
BS1 6PN

Dear Caroline,

Please find our final comments to be included in the above appeal documents

Best wishes

Dave and Brenda Collins

Appellants Final Comments - APP/Y3805/W/25/3359461

08 March 2025 11:29

A recording of the Planning Committee Meeting of the 30th September 2024 can be listened to by
Going online @ Adur & Worthing Councils - Agenda & Minutes for Adur Planning Committee -
Monday 30th September 2024 - Recording : Adur Planning.

During the course of Application AWDM/1058/24 the Chairman was advised by their legal representation that any Conditions imposed by the planning Committee must meet
Paragraph 55 of the National Planning Policy Framework in England and Wales and outline
The six tests that planning Conditions must pass.

1. **Necessary** : The condition must be necessary.

2. **Relevant to planning** : The condition must be relevant to planning.

3. **Relevant to the development** : The condition must be relevant to the development being permitted.

4. **Enforceable** : The condition must be enforceable.

5. **Precise** : The condition must be precise.

6. **Reasonable** : The condition must be reasonable in all other respects.

The LPA have placed condition 15 upon a private property for perpetuity in not allowing the Lower Ground Floor for sleeping.

The LPA's planning officer recommended approval of the application for the Lower Ground Floor to be Habitable and used for sleeping accommodation.

The PPG is clear that local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal. And not determining similar cases in a consistent manner.

The Appellant asserts that the Council has failed to determine similar cases in a consistent manner.

The Appellant asserts that the six tests do not pass, and therefore the LPA have been unreasonably and not behaved consistently.

At the planning meeting the Committee discussed under "Schedule of other

matters" - (copy attached)

6.0 Human Rights Issue - 6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

The Appellant asserts that the LPA have acted unreasonably as they have infringed the Appellants Human rights to have and enjoy a peaceful existence in a Private Property.

Further **14.0 Financial implications**

14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award for costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications,

The Appellant asserts that the LPA have acted unreasonably in not taking into account the FRA provided by an Independent Consultancy, which confirms that the Lower Ground Floor is protected against Flooding. That there is a total lack of reasoning in the council's reasoning in accepting both the EA's and WSP's recommendations

The LPA have not acted in a consistent manner by determining similar cases in a consistent manner and refer you to Appeal Application of number 66 Old Fort Road. Ref: APP/Y3805/W/21/3270585

30th September 2024

Schedule of other matters

1.0 Council Priority

1.1 As referred to in individual application reports, the priorities being:-
- to protect front line services
- to promote a clean, green and sustainable environment
- to support and improve the local economy
- to work in partnerships to promote health and wellbeing in our communities
- to ensure value for money and low Council Tax

2.0 Specific Action Plans

2.1 As referred to in individual application reports.

3.0 Sustainability Issues

3.1 As referred to in individual application reports.

4.0 Equality Issues

4.1 As referred to in individual application reports.

5.0 Community Safety Issues (Section 17)

5.1 As referred to in individual application reports.

6.0 Human Rights Issues

6.1 Article 8 of the European Convention safeguards respect for family life and home, whilst Article 1 of the First Protocol concerns non-interference with peaceful enjoyment of private property. Both rights are not absolute and interference may be permitted if the need to do so is proportionate, having regard to public interests. The interests of those affected by proposed developments and the relevant considerations which may justify interference with human rights have been considered in the planning assessments contained in individual application reports.

7.0 Reputation

7.1 Decisions are required to be made in accordance with the Town & Country Planning Act 1990 and associated legislation and subordinate legislation taking into account Government policy and guidance (and see 6.1 above and 14.1 below).

8.0 Consultations

8.1 As referred to in individual application reports, comprising both statutory and non-statutory consultees.

9.0 Risk Assessment

9.1 As referred to in individual application reports.

10.0 Health & Safety Issues

10.1 As referred to in individual application reports.

11.0 Procurement Strategy

11.1 Matter considered and no issues identified.

12.0 Partnership Working

12.1 Matter considered and no issues identified.

13.0 Legal

13.1 Powers and duties contained in the Town and Country Planning Act 1990 (as amended) and associated legislation and statutory instruments.

14.0 Financial implications



14.1 Decisions made (or conditions imposed) which cannot be substantiated or which are otherwise unreasonable having regard to valid planning considerations can result in an award of costs against the Council if the applicant is aggrieved and lodges an appeal. Decisions made which fail to take into account relevant planning considerations or which are partly based on irrelevant considerations can be subject to judicial review in the High Court with resultant costs implications.