Adur District Council

Planning, Regeneration and Wellbeing

Mr James Breckell
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The Adur Business Centre
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PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1826/17

Details of Development

REMOVAL OF CONDITION 7 OF AWDM/1541/13 WHICH STATES 'NOTWITHSTANDING THE PROVISION OF THE TOWN AND COUNTRY PLANNING GENERAL PERMITTED DEVELOPMENT ORDER 1995 AS AMENDED (OR ANY ORDER REVOKING AND REENACTING THAT ORDER WITH OR WITHOUT MODIFICATION) NO WINDOWS OR OTHER OPENINGS (OTHER THAN AS HEREBY APPROVED) SHALL BE FORMED IN THE EAST OR WEST WALLS OF THE BUILDING; OR THE DWELLING EXTENDED OR OUTBUILDINGS OF MORE THAN 10 CUBIC METRES ERECTED WITHOUT THE PRIOR PERMISSION OF THE LOCAL PLANNING AUTHORITY ON AN APPLICATION IN THAT BEHALF'.

Location of Development

89 OLD FORT ROAD SHOREHAM-BY-SEA WEST SUSSEX BN43 5HA

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 5th December 2017.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.

G Peck

Gary Peck
Planning Services Manager
30/01/2018

ADUR DISTRICT COUNCIL
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SCHEDULE

Reasons for Refusal

01. The removal of condition 7 would enable unfettered permitted development rights which could result in significant loss of private rear garden space harmful to occupiers living conditions, harm to neighbour amenity, and a diminution of the quality of the original design of the bungalow. Accordingly, the proposal is contrary to Adur Local Plan policy 15 and Development Management Standard No.1 "Space Around New Dwellings and Flats", Development Management Standard No.2 "Extensions and Alterations to Dwellings" as well as the Core Planning Principle of the National Planning Policy Framework to always seek to secure high quality design and a good standard of amenity for all.

Informatives / Notes to Applicant

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-.

Reference/Drawing Number	Version	Date Rec
EXISTING BLOCK PLAN	June 2016 drawing 02A	05.12.2017
DAS		05.12.2017
PROPOSED BLOCK PLAN	June 2016 drawing 02A	
EXISTING LOCATION PLAN	June 2016 drawing 01B	05.12.2017
APPROVED PLANS 1541/13	Drg No 02 Rev C	05.12.2017

02. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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YOUR ATTENTION IS DIRECTED TO THE FOLLOWING NOTES FROM THE ABOVE ORDER. THEY ARE FOR INFORMATION ONLY AND DO NOT PRETEND TO SET OUT THE WHOLE OF THE LAW ON THE SUBJECT. IT WOULD BE WELL FOR YOU TO CONSULT YOUR SOLICITOR IF YOU ARE IN ANY DOUBT

Appeals to the Secretary of State

1. If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

2. If the decision relates to a householder application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

3. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

4. The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements to the provisions of any development order and to any directions given under a development order.

5. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

Purchase Notices

6. If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Planning Act 1990.

7. Where this notice conveys approval or permission, conditional or unconditional, please note that the decision given does not purport to convey any consent or approval which may be required under the Building Act and Building Regulations, or any other legislation.