WORTHING BOROUGH COUNCIL

Mr Chris Barker
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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/0183/24

Details of Development
EXTENSION TO EXISTING DWELLING (FOREST BARN) AND THE SUBDIVISION OF EXISTING RESIDENTIAL CURTILAGE AND ERECTION OF 1NO. 3-BEDROOM CHALET BUNGALOW, RETENTION OF EXISTING ACCESS, PROVISION OF LANDSCAPING.

Location of Development
FOREST BARN FOREST LANE WORTHING WEST SUSSEX BN13 3FD

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 9th February 2024.

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
05/04/2024

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

SCHEDULE

Reasons for Refusal

01. The proposals and supporting ecological submissions fail to satisfactorily demonstrate the proposed development would not be unacceptably harmful to existing green infrastructure, ecology and nature conservation, or that it would result in an adequate biodiversity net gain, and is therefore contrary to policies DM18 and DM19 of the Worthing Local Plan, the relevant policies of the NPPF and nature conservation legislation.

02. The siting, layout, form, massing, detailed design and materials of the proposed development, together with the removal of existing important landscape features, fails to satisfactorily respect local distinctiveness and sense of place, including the significance of Forest Barn as a non-designated heritage asset, and the strategic landscape character and setting of the West Durrington urban extension. As a result the proposed development would be unacceptably harmful to local character and the environment, and the setting of the Castle Goring Conservation Area contrary to Policies DM5 and DM24 of the Worthing Local Plan, the Council's SPD 'A Guide to Residential Development' and the relevant policies of the NPPF.

03. By reason of its siting, scale, massing and detailed design, the proposed new dwelling would have an unneighbourly impact on the amenities of 1 Forest Barn Mews resulting in an overbearing effect and loss of privacy contrary to Policy DM5 of the Worthing Local Plan and the relevant policies of the NPPF.

04. The application is not supported by a site specific flood risk assessment and fails to demonstrate that future occupants of the proposed new dwelling would be safe from flood risk for the lifetime of the development when allowances for climate change are taken into consideration, or that the proposals would not increase the flood risk for existing development. The proposed development fails the Sequential Test in that the application fails to provide adequate justification for the development of this site which although within Flood Zone 1 is at risk of surface water flooding, taking into account the availability of other more suitable small windfall sites of a similar size within the built-up area of Worthing with a lower risk of flooding. The proposed development is therefore contrary to policy DM20 of the Worthing Local Plan and the National Planning Policy Framework.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
PRELIMINARY ECOLOGICAL APPRAISAL & BAT ROOST ASSESSMENT	23/47 REV 1	09.02.2024
GREAT CRESTED NEWT & BAT SURVEY REPORT	23/47b REV 0	09.02.2024
BNG ASSESSMENT	23/47c	09.02.2024
EXISTING PLANS	01	09.02.2024
EXISTING ELEVATIONS & SECTIONS	02	09.02.2024
PLANNING, DESIGN & HERITAGE STATEMENT	P2049 PL4	09.02.2024
BIODIVERSITY METRIC		09.02.2024
BIODIVERSITY METRIC CONDITION ASSESSMENTS		09.02.2024
LOCATION PLAN	TA1496/03 B	09.02.2024
EXISTING & PROPOSED BLOCK PLANS	TA1496/04 B	09.02.2024
PROPOSED SITE PLAN	TA1496/10 D	09.02.2024
PROPOSED GF PLANS	TA1496/11 D	09.02.2024
PROPOSED FF PLANS	TA1496/12 B	09.02.2024
PROPOSED ELEVATIONS	TA1496/13 B	09.02.2024
PROPOSED ELEVATIONS	TA1496/14 B	09.02.2024
PROPOSED ELEVATIONS	TA1496/15 B	09.02.2024
EXISTING PLANS	01 REV A	09.02.2024

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 reasons for the refusal.

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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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals can be made online at: https://www.gov.uk/appeal-planning-decision 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.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. 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.

8. 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.

9. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

10. 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.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).