Appeal Reference APP/M3835/W/23/3329368

Town and Country Planning Act 1990 (as amended).

Appeal by Mark Pilkington

Site Address: Ground Floor Flat, 31 Church Walk, Worthing, BN 11 2LT

Local Planning Reference: AWDM/0884/23

Statement of Case of the Local Planning Authority

Rebuttal of Appellants grounds of appeal

This statement is intended to address the appellant's grounds of appeal and where necessary elaborate further upon the Council's reasons for refusing prior approval for the appeal proposal.

Reasons for refusal

There is one reason for refusal

1. The development results in the unacceptable loss of a unit of much needed permanent residential accommodation contrary to Policy DM1 of the adopted Worthing Local Plan.

Relevant Adopted Worthing Local Plan Policies

The Worthing Local Plan was adopted on 28th March 2023.

Policy SS1 sets out the Housing supply over the period 2020-2036 and gives a total figure of 3672 (an annual target of 230 dwellings per annum).

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The most recent housing trajectory and 5 year housing land supply for Worthing can be found in the Annual Monitoring Report:
https://www.adur-worthing.gov.uk/media/Media,170961,smxx.pdf

Table 9 indicates the Five Year Supply and includes a 20% buffer, which results in a 7 year supply of deliverable sites. However Worthing's current level of identified housing need is at much higher level than the borough has previously planned for or delivered.

As indicated within the officer report:

The most up-to-date assessment of objectively assessed housing need (based on the standard method as set out in national planning guidance and the 2014 household projections published in September 2016) is 14,160 dwellings over the Plan period (2020 to 2036) which currently equates to 885 dwellings per annum. Whilst the newly adopted Worthing Local Plan seeks to plan positively for increased housing delivery, including maximising the use of previously used land, the constraints imposed not least by the geography of the town (with the sea to the south and National Park to the north) provide limited opportunities for new housing sites to close the gap between the level of identified need and recent delivery levels. Given the limited amount of land available for new residential development it is important to retain existing housing in full time use.

Policy DM1 of the WLP states amongst other things that

e) The Council will seek to resist any net loss of existing residential accommodation (Use Class C3). Planning applications that result in the loss

of residential accommodation will not be permitted unless one or more of

the following exceptions apply:

i) it can be demonstrated that the accommodation cannot be renovated to

achieve satisfactory housing standards;

ii) the proposal would result in a net gain in units of affordable housing;

iii) the loss would enable residential units to be enlarged to meet

residential space standards;

iv) the proposed change of use will provide a local community service/

facility that meets an identified need;

v) it can be demonstrated that a proposed change of use is the only

practicable way of preserving the special architectural or historic

interest of a listed building or other building of heritage significance;

Discussion

The applicants statement of case indicates that they will only let the property for special events like Goodwood Revival, the Festival of Speed at Goodwood and maybe provide events in Brighton and Worthing and that it will be used for lettings for 30-50 days a year at the most. No further evidence has been provided by the appellant. However as indicated within the officers report it would be difficult for the LPA to control the usage and would effectively sterilise the property for permanent much needed housing and would be contrary to policy as set out in policy DM1 above.

The inspector will be aware of the recent statement by the Secretary of State for Levelling Up Housing and Communities, Michael Gove who said:

-Short-term lets can play an important role in the UK's flourishing tourism economy, providing great, easily-accessible accommodation in some of the most beautiful parts of our country.
-**But in some areas, too many local families and young people feel they are being shut out of the housing market and denied the opportunity to rent or buy in their own community.**
-So the government is taking action as part of its long-term plan for housing. That means delivering more of the right homes in the right places, and giving communities the power to decide.
- This will allow local communities to take back control and strike the right balance between protecting the visitor economy and ensuring local people get the homes they need.

Worthing has a large number of airbnb type accommodation advertised in the local area which has the potential to sterilise much needed local housing. There is a shortage of housing and/or rented properties in Worthing and so any proposal that reduces the availability of residential accommodation is not desirable, the appeal proposal would further add to this and would be contrary to policy as set out above.

Conclusion

The Council contends that the appeal should be dismissed as the development fails to achieve social or environmental gains by failing to improve the conditions in which people live. The adverse impacts of allowing the appeal would therefore significantly and demonstrably outweigh the benefits, when assessed against policies and the NPPF taken as a whole.

Should the inspector be minded to allow the appeal the Local planning Authority conditions are set out in appendix 1

Appendix 1

Suggested conditions Appeal Reference APP/M3835/W/23/3329368

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

2. The property shall not be used for Airbnb accommodation for more than 50 days in a calendar year.

Reason: To ensure that the property is not permanently lost as residential accommodation and to safeguard the amenities of the occupiers of neighbouring properties having regard to policy DM1 and DM5 of the Worthing Local Plan