Adur District Council

Planning, Regeneration and Wellbeing

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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/1942/17

Details of Development
DEMOLITION OF EXISTING BUNGALOW (NO.20), CONSTRUCTION OF NEW ACCESS ROAD, INCLUDING ALTERATIONS TO PART OF THE FIRLE ROAD FOOTPATH, AND ERECTION OF 9NO. DETACHED TWO STOREY HOUSES (2 X 2 BED, 5 X 3 BED AND 2 X 4 BED), WITH 34 PARKING SPACES AND AN ECOLOGY CORRIDOR SURROUNDING THE PROPOSED DEVELOPMENT. (PLAY AREA AND PEDESTRIAN ACCESS TO THE SOUTH DOWNS REMOVED)

Location of Development
LAND TO THE NORTH OF 20 TO 40 FIRLE ROAD LANCING WEST SUSSEX

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 2nd January 2018.

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
12/07/2018

ADUR DISTRICT COUNCIL
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SCHEDULE

Reasons for Refusal

01. The proposed development by virtue of its scale, siting and design would fail to reflect the prevailing character of the area and would have an overbearing impact upon the local environment and the amenities of neighbouring properties. The proposal therefore conflicts with the National Planning Policy Framework, advice within the Planning Practice Guidance and policy 15 of the Adur Local Plan 2017.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
SECTIONS P-P, Q-Q,N-N, M-M, L-L	Drg No 383/08A	13.02.2018
SITE DRAINAGE STRATEGY	Drg No 6355/102 B	13.02.2018
DESIGN & ACCESS STATEMENT		13.03.2018
LOCATION PLAN	Drg No 383/02B	13.03.2018
PROPOSED SITE PLA	Drg No 383/04B	13.03.2018
SECTION LINES	Drg No 383/05 Rev A	13.03.2018
SECTIONS H-H G-G J-J K-K P-P	Drg No 383/07C	13.03.2018
FOUNDATION SPREAD		04.07.2018
EXCAVATION PLAN		04.07.2018
BLOCK PLAN	Drg No 383/03B	13.03.2018
ACCESS PLAN ATT TO TRANSPORT REPORT	Drg No 6355/101 Rev B	23.03.2018
PARKING & ACCESS SURVEY	6355B 2.3	23.03.2018
VEHICLE TRACKING	Drg No 6355/100 Rev D	27.03.2018
TREE LAYOUT PLAN	Drg No NJCL 025A	02.01.2018
TREE PROTECTION PLAN	Drg No NJCL 025B	02.01.2018
ARBORICULT ASSESS&METHOD STATEMENT	Ref: NJCL 025	02.01.2018
BADGER MONITORING 2017		02.01.2018
BAT ACTIVITY SURVEY 2017		02.01.2018
PRELIMIN ECO APPRAISAL BAT INSPECTION		02.01.2018
REPTILE SURVEY 2017		02.01.2018
LANDSCAPE STATEMENT	Ref: HBA-765-001 Rev	02.01.2018
PLANNING SUPPORT STATEMENT		02.01.2018
SCHEDULE OF INFORMATION		02.01.2018
DIGITAL SURVEY	Drg No 383/01 planning	02.01.2018
SECTIONS AA,BB,CC,DD,EE,FF	Drg No 383/06 planning	02.01.2018

Reference/Drawing Number	Version	Date Rec
HOUSE 1-UPPER FP,LOWER FP	Drg No 383/09 planning	02.01.2018
HOUSE 1-ELEVATIONS	Drg No 383/10 planning	02.01.2018
HOUSE 2-UPPER FP,LOWER FP	Drg No 383/11 planning	02.01.2018
HOUSE 2-ELEVATIONS	Drg No 383/12 planning	02.01.2018
HOUSE 3-UPPER FP, LOWER FP	Drg No 383/13 planning	02.01.2018
HOUSE 3-ELEVATIONS	Drg No 383/14 planning	02.01.2018
HOUSE 4-UPPER FP,LOWER FP	Drg No 383/15 planning	02.01.2018
HOUSE 4-ELEVATIONS	Drg No 383/16 planning	02.01.2018
HOUSE 5-UPPER FP,LOWER FP	Drg No 383/17 planning	02.01.2018
HOUSE 5-ELEVATIONS	Drg No 383/18 planning	02.01.2018
HOUSES 6 TO 9-UPPER FP,LOWER FP	Drg No 383/19 planning	02.01.2018
HOUSES 6 TO 9 - ELEVATIONS	Drg No 383/20 planning	02.01.2018
TYPICAL SECTION 3 BEDROOM UNIT	Drg No 383/21 planning	02.01.2018
TYPICAL SECTION 3 BEDROOM UNIT	Drg No 383/22 planning	02.01.2018
OWNERSHIP & MAINTENANCE PLAN	Drg No 383/23 planning	02.01.2018
E&S ELV COLOUR,TEXTURE,MAT STUDY	Drg No 383/24 planning	02.01.2018
EXISTING FLOOR PLANS,ELV,ROOF P	Drg No 383/25 planning	02.01.2018
GROUNDSMANS SHED ELEVATIONS	Drg No 383/26 planning	02.01.2018
TRANSPORT REPORT	6355	02.01.2018
DRAINAGE REPORT	6355A/2.3F	02.01.2018

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 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/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.

7. 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.

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

9. 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).