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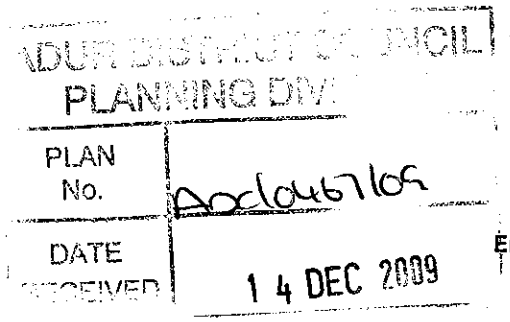

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4 December 2009

Dear Sir

The Pump House, New Erringham Farm, Mill Hill, Shoreham-by-Sea – retention of storage building

This letter accompanies an application under s73A for planning permission for the permanent retention of a storage building at the above site, lodged with your authority via the Planning Portal (reference PP00846539). The application seeks removal of the temporary retention condition attached to the grant of permission reference SU/214/99/TP. A separate letter accompanies the application fee of £170 made payable to Adur District Council.

Background

The building subject to this application is used as a domestic garage/store/outbuilding by the applicant's family, in association with their occupation of the dwelling known as The Pump House. Mr & Mrs D Rostron have lived at the property since December 1994, when they bought the dwelling from the original owners responsible for converting the building to residential use.

Shortly before the applicant purchased the property, the previous owner made a retrospective application for planning permission for a storage building, together with an extension of the residential curtilege to the dwelling to include the siting of the new building. Permission was granted under reference SU/164/94/TP on 6th February 1995. This permission was granted subject to a condition that required the removal of the building by 31st December 1999. The reason for the imposition of this condition according to the decision notice was "to retain control over a building which, owing to its construction materials, is likely to deteriorate". A copy of the original decision notice is at Document G1 attached. The approved site plan is also submitted with this application.

Prior to the expiry of the original permission, the applicant applied for permission to retain the building. On 8th February 2000, permission was granted under reference SU/214/99/TP for the retention of the building, subject to a planning condition requiring the removal of the building by 31st December 2010. A copy of this permission is at Document G2 attached.

It is also noteworthy that permission was granted on appeal in 1997 for the replacement of the existing building with a larger structure, to include stabling (reference SU/68/96/TP, copy at Document G3). This

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permission was not implemented. However, the inspector made the following pertinent comments about the existing building:

"I found that the present building blends well into the landscape by reason of its siting adjacent to woodland at the foot of a slope and its use of materials of subdued colour. The building closely adjoins the existing house in a similar position and is partially concealed by the house, nearby trees and the adjacent hill and is visible from the public footpath which passes through Erringham Farm. Nevertheless it does not appear out of place..."

The Application Site

The application site lies to the north west of The Pump House. It lies within the residential curtilage of the property (as permanently approved under SU/164/94/TP). As the Inspector states, it is closely associated with The Pump House and is set well into the local landscape.

Planning Issues

The advice in Circular 11/95 at paragraph 109 is that "temporary permission will normally only be appropriate either where the applicant proposes temporary development, or when a trial run is needed in order to assess the effect of the development on the area". In this case, the original application was made by the previous owner on a retrospective basis. However, there is no indication that it was regarded as a short-term use/building in the sense described in paragraph 110 of 11/95.

The temporary condition appears to have been imposed because of the nature of the construction of the building. However, the Circular advises that "a temporary permission would not be justified merely because, for example, a building is to be made of wood rather than brick" (paragraph 111). In fact, the building has shown no signs of significant deterioration since its erection in the mid-1990s, as your site visit with testify.

The Circular also advises that a second temporary permission should not normally be granted (paragraph 112). The advice to local Authorities is that any trial period should sufficiently long for it to be clear by the end of the first permission whether permanent permission or a refusal is the right answer. In this case, a second temporary permission was granted, contrary to this guidance. However, there can be no justification for a further temporary grant. Nor can there be any suggestion that the development itself is inappropriate, given that the nature and siting of the building was considered appropriate by the Planning Inspector who was content to grant permission for a larger building in the same location.

This application under s73A of the Act is for the removal of the temporary retention condition, which should be accepted based on the present condition of the building, its suitability in terms of siting and design, and in recognition of two previous temporary permissions.

.Yours faithfully

[redacted]

Craig Noel BA MSc DipUP FRGS MRTPI

STRUTT PARKER

Partner

