The Planning Inspectorate

For official use only
Date Recieved

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name MR ARSHADUL HOQUE

Company/Group name (if applicable)

Address 163 WINDMILL PARADE OLD SHOREHAM ROAD

SOUTHWICK

WEST SUSSEX Postcode BN42 4QB

Daytime phone Fax

I prefer to be contacted by Post Email*

*Email address

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name MR RICHARD J MAILE BSc FRICS

Company/Group name (if applicable)

Address 72 PORTLAND ROAD

WORTHING

WEST SUSSEX Postcode BN11 1QG

Your reference RJM/CJS

Daytime phone 01903 231438 Fax N/A

I prefer to be contacted by Post Email* ✓

*Email address rjm@richardmaile.plus.com

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA ADUR DISTRICT COUNCIL

LPA's application reference number AWDM/1457/18

Date of the application 24/09/2018

Did the LPA validate and register your application? Yes ✓ No

Date of the LPA's decision notice 30/11/2018

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address 1 WINDMILL PARADE 163-183 OLD SHOREHAM ROAD

SOUTHWICK

WEST SUSSEX Postcode BN42 4QB

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

1 Is the appeal site within a Green Belt? Yes No ✓

2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No ✓

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No ✓

GARAGE CONVERSION TO FORM A SELF-CONTAINED ANNEXE COMPRISING A STUDIO APARTMENT.

Area of the whole appeal site (i.e. the boundary) in hectares 0.03

Area of floor space of proposed development in square metres 39.13

Does the proposal include demolition of non – listed buildings within a conservation area? Yes No ✓

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

1 Refused planning permission for the development described in Section E. 1 ✓

2 Refused permission to vary or remove a condition(s) 2

3 Refused prior approval of permitted development rights 3

4 Granted planning permission for the development subject to conditions to which you object 4

5 Refused approval of the matters reserved under an outline planning permission 5

6 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object 6

7 Refused to approve any matter required by a condition on a previous planning permission (other than those above) 7

8 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval 8

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation 9

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE W ✓ *

This is normally the quickest and most straightforward way of making an appeal. The written procedure is suited to the vast majority of appeals.

* a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ✓ No

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes No ✓

2 THE HEARING PROCEDURE H ◈

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. If you are proposing that this appeal follows the hearing procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

◈ If the hearing procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No

3 THE INQUIRY PROCEDURE I ▲

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You are required to provide information concerning the number of witnesses and the length of time they need to give their evidence. If you are proposing that this appeal follows the inquiry procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

▲ a) How many witnesses do you intend to call? No. of witnesses

b) How long do they need to give their evidence?

c) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

G. CHOICE OF PROCEDURE (continued)

- If the inquiry procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

d) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes No

H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes No ✓

Have you made a costs application with this appeal? Yes No ✓

PLEASE SEE ATTACHED.

H. FULL STATEMENT OF CASE (continued)

Please continue on a separate sheet if necessary

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals. See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies. *Please tick **ONE** box only* ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

OR C/D

CERTIFICATES C & D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals. See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b). *Please tick **ONE** box only* ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding: A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

1 A copy of the **planning application** sent to the LPA. 1 ✓

2 A copy of the **site ownership certificate and agricultural holdings certificate submitted** to the LPA at application stage (this is usually part of the LPA's planning application form). 2 ✓

3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. 3 ✓

4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. 4 ✓

5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA. 5 ✓
Please number them clearly and list the numbers here or on a separate sheet.

6 Copies of any **additional** plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes). 6
Please number them clearly and list the numbers here or on a separate sheet.

You **must** send copies of the following, if appropriate:

7 A copy of the **design and access statement** sent to the LPA (if required). 7 ✓

8 A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. 8

9 Additional plans, drawings or documents relating to the application **but not previously seen by the LPA**. Acceptance of these will be at the Inspector's discretion. 9

Please number them clearly and list the numbers here or on a separate sheet:

10 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. 10

11 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission**, please enclose:
a) the relevant outline application; 11a
b) all plans sent at outline application stage; 11b
c) the original outline planning permission. 11c

12 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. 12

13 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). 13

14 If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application 14

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

N/A

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge. ✓

2 I have enclosed **all** the essential supporting documents listed in section J. ✓

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal). ✓

4 I have signed and dated the form *(unsigned forms will be returned to you)*. ✓

Signature [redacted] Date 29 MARCH 2019

Name (in capitals) RICHARD J MAILE On behalf of (if applicable) ARSHADUL HOQUE

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we RECEIVE your appeal form and ALL supporting documents within the time limit. See section M of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Initial Appeals
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Helpline: 0303 444 5000

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

You may wish to keep a copy of the completed form for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

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H. FULL STATEMENT OF CASE

1.0 Description of site and surrounding area.

1.1 The property comprises a detached, brick built garage having rendered elevations under a low pitch, mineral felt covered roof. It is located to the rear of 163 Windmill Parade, a long-established Indian restaurant. No. 163 is the end one of a mixed parade of shops and A3/A5 uses, including a Londis general store and a pharmacy.

1.2 The majority of these premises include two storeys of residential accommodation above. Indeed, planning permission has recently been granted under ref: AWDM/1456/18 for the construction of a first floor extension to the west elevation of no. 163 to provide two additional residential units. A copy of that planning permission and of the approved plans is attached to this Statement as Appendix 1.

1.3 To the north of the subject building is residential development (Overhill). Opposite the site is a large garage and car showrooms occupying the whole of the corner site.

1.4 The appeal site is in a very sustainable location, being on a main 'bus route with services to Brighton, Shoreham-by-Sea and Worthing and within easy walking distance of Southwick Station (rail services to London, Portsmouth, Gatwick and Southampton).

2.0 Policy Background

2.1 National policy in the Framework sets out a presumption in favour of sustainable development (paragraphs 10 and 11). The Council does not have an up-to-date Local Plan. Moreover, it is unable to demonstrate a 5 year supply of housing sites.

2.2 Given the sustainable location of the appeal site and the fact that the small unit would make effective use of an existing building, the proposal would accord with the thrust of paragraph 11 d) of the Framework. Moreover, the provision of housing in this location would not significantly and demonstrably outweigh the Council's objectives as set out in their policies.

2.3 In this regard, the proposal would assist in the delivery of a cross-section of house types within the District (see paragraph 61). The small unit would provide cheap rented accommodation for a single person, possibly working in the restaurant or nearby, or for a student.

Adur Local Plan 2017

2.4 Development as proposed would meet the thrust of Policy 15 by enhancing the appearance of the existing structure with a more attractive front elevation, together with landscaping between the extended structure and the back edge of pavement.

2.5 The character of the area is currently dominated by unattractive garages and an unmade service road. The layout and design of the proposal seeks to provide a small, self-contained unit for a single person in a sustainable location. Development will not affect the sense of place given the very varied character, as described in paragraphs 1.1 to 1.3 above.

2.6 Policy 20 does allow for conversions and changes of use. It refers to the need for a range of dwelling types, tenures and sizes that reflect and respond to Adur's identified housing needs and demands.

2.7 The supporting text to these policies confirms the presumption in favour of sustainable development.

2.8 Policy 1 specifically refers to the need for development to be sustainable. That, of course, would be the case here since the proposal would make full and effective use of an existing building within a sustainable location.

2.9 Policy 3 identifies the housing provision over the Plan period and includes 1,538 dwellings within the built-up area of Adur. I have known the district for over 60 years and am well aware of the density of existing developments within it. The provision of 1,538 dwellings within such a constrained area can only be achieved by grasping every opportunity for densification, as in the case of the recently granted planning permission in respect of 163 Windmill Parade, or the conversion of existing buildings such as that the subject of this appeal.

2.10 The Council refers to Development Management Standard No. 1 (Space around new dwellings and flats). At paragraph 1.1 it is confirmed that this is largely aimed at the provision of dwellinghouses and flats on small infill and redevelopment sites. The scheme the subject of this appeal relates to the conversion of an existing structure with only a minimal extension.

2.11 The standards for amenity space are set out at Section 3 of the document. There are no standards for flats and bedsitters set out in

the table on page 9. Clearly, the unit the subject of this appeal is not suitable for family occupation (see paragraph 3.1).

2.12 The application of these standards was determined in a recent appeal where I acted on behalf of the appellant (see Appendix 2 – ref: APP/M3835/W/16/3167411 dated 5 May 2017). In particular, please see paragraph 8 of the Inspector's decision letter and the reference to a studio flat of only 21m^2 with no external amenity space or balcony, for which permission was granted on appeal. By comparison, the proposal the subject of this appeal has a floor area of nearly double this figure (some 39m^2).

3.0 Conclusion

3.1 The existing building is of substantial construction. It is within a sustainable location close to shops, travel facilities, the South Downs, the sea and public open space. The scheme will enhance the appearance of the rather mixed surroundings by allowing for some meaningful landscaping between the extended building and the back edge of pavement.

3.2 The new studio flat would provide much-needed, cheap rented accommodation, either for local employees, students, older persons or for employees of the restaurant, none of whom would require a garden or other amenity space.

3.3 The Council is currently unable to provide an adequate supply of housing without relying upon a substantial area of new dwellings (some 600) upon land that was formerly liable to flood.

3.4 Development as proposed will meet national policy in the Framework by assisting in the provision of a wide cross-section of new houses (see paragraph 61) whilst also meeting the detailed Development Plan policies to which I have referred above.

3.5 I would ask, therefore, that planning permission should be granted, subject to conditions.

APPENDIX 1