WORTHING BOROUGH COUNCIL

Mr Jeremy Butterworth
J Butterworth Planning
71 - 75 Shelton Street
London
WC2H 9JQ

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015
Schedule 2, Part 3, Class MA

APPLICATION NUMBER: NOTICE/0005/23

Details of Development
APPLICATION FOR PERMITTED DEVELOPMENT FOR PRIOR APPROVAL FOR CHANGE OF USE FROM (USE CLASS E) AT PART GROUND FLOOR AND FIRST FLOOR TO 2 FLATS (USE CLASS C3)

Location of Development
1 - 3 BROADWATER STREET WEST WORTHING WEST SUSSEX BN14 9BP

In pursuance of their powers under the above-mentioned Act and Order the Council hereby confirm that PRIOR APPROVAL IS REFUSED for the above development, in accordance with the application and relevant correspondence registered on 19th May 2023

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
12/07/2023

SCHEDULE

Reasons for Refusal

01. The proposed development does not afford adequate natural daylight to all the habitable rooms of the ground floor flat. The Local Planning Authority is not satisfied that satisfactory living conditions would be provided for the future occupiers of the residential dwellings. As a result the proposed development would be contrary to policy DM2 and DM5 of the Worthing Local Plan 2023 and the provisions of the National Planning Policy Framework (NPPF) As such the application does not accord with requirements of Paragraph MA (2)(f) and therefore the conditions of Schedule 2, Part 3, Class MA of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) have not been met.

Plans Referred to in Consideration of this Application:-

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

Reference/Drawing Number	Version	Date Rec
FLOOD RISK ASSESSMENT	WTFR-FRA-2023/03/Q20	19.05.2023
PLANNING STATEMENT	23025	19.05.2023
LOCATION PLAN	P-01 1000 ZXX 01	19.05.2023
BLOCK PLAN	P-01 0201 ZXX 01	19.05.2023
EXISTING PLANS	P-01 0010 Z00 02	19.05.2023
EXISTING ROOF PLAN	P-01 0011 Z00 02	19.05.2023
EXISTING & PROPOSED ELEVATIONS	P-01 0012 Z01 02	19.05.2023
EXISTING & PROPOSED ELEVATIONS	P-01 0013 Z01 02	19.05.2023
PROPOSED PLANS	P-01 0210 Z00 02	19.05.2023
PROPOSED ROOF PLAN	P-01 0211 Z00 02	19.05.2023

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 the decision relates to a householder application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision 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.