ADUR DISTRICT COUNCIL

Mrs Rohima Hoque
66 Brook Way
Lancing
West Sussex
BN15 8DH
United Kingdom

# PLANNING REFUSAL

**TOWN AND COUNTRY PLANNING ACT 1990**
**TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015**

**APPLICATION NUMBER: AWDM/0134/26**

Details of Development
**RETROSPECTIVE APPLICATION FOR A FLUE ON OUTBUILDING IN REAR GARDEN**

Location of Development
**66 BROOK WAY LANCING WEST SUSSEX BN15 8DH**

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 20th July 2026.

The reasons for the Council's decision to refuse to permit the development are stated on the schedule overleaf.

G Peck

Gary Peck
Head of Planning & Development
10/11/2026

Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Email: planning@adur-worthing.gov.uk
Web: www.adur-worthing.gov.uk

## SCHEDULE

## Reasons for Refusal

01. The flue, by reason of its height, appearance and location, is an incongruous and visually intrusive feature at the rear of residential properties. It would set a precedent for future, similar development which would result in cumulative visual harm. The proposal is therefore contrary to Policy 15 of the Adur Local Plan and the NPPF 2026.

02. Due to its close proximity to neighbouring windows and gardens, the flue is likely to give rise to harm to residential amenity as a result of the smoke and fumes emitted from it. The local planning authority is not satisfied that the dispersal of smoke, particulate matter, and odours would not result in an unacceptable detriment to the living conditions and residential amenity currently enjoyed by the occupiers of the neighbouring dwellings. The proposal is therefore contrary to Policies 15 and 34 of the Adur Local Plan and policy P3 of the NPPF 2026.

## Informatives / Notes to Applicant

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

| Reference/Drawing Number | Version | Date Rec |
|---|---|---|
| SKETCH PLAN PRE EXISTING GARDEN ROOM AND FLUE LOCATION | | 20.07.2026 |
| LOCATION PLAN | | 20.07.2026 |
| EXISTING AND PROPOSED PLANS AND ELEVATIONS | 16/07/2026 | 20.07.2026 |
| PHOTOS X 2 | | 20.07.2026 |

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 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/appeal-householder-planning-decision. 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. 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.

7. 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 on the same, or substantially the same, development as in the householder application within 2 years of the date the application was made, the period for receiving an appeal is within 28 days of the date on the decision notice or of the date by which the LPA should have decided the application. Where an enforcement notice was served after the decision notice was issued or after the end of the period the LPA had to determine the application, the period for receiving an appeal is within 28 days of the date the enforcement notice was served (unless this extends the normal 12 weeks deadline).