From: Luke Carter <luke.carter@lewisplanning.co.uk>
Sent: Wednesday, March 6, 2024 5:42 PM
To: NEW RT1 <RT1@planninginspectorate.gov.uk>
Subject: RE: Planning Inspectorate APP/Y3805/W/23/3331496: Land Adjacent 2 Brighton Road, BN15 8RH

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Dear Sir,

Please accept this email as our final response to the LPA's Statement of case for this appeal.

The first three and three quarter pages of the LPA statement simply repeats a description of the site, the proposed development and the relevant policies. This is all agreed and is unchanged from their delegated report.

The Section entitled "The Case for the Local Planning Authority" seems to predominantly rely on previous Inspector's decisions from 2012. Neither Lewis & Co Planning (agents for the appeal) or Mr Creasey (Appellant) have been sent copies of these documents and it is therefore impossible to respond fully. However I would make the following general comments:

The appeal decisions relied on by the Council to demonstrate that the principle of any development on the site is unacceptable pre-date both the current NPPF, and the Adur Local Plan 2017. Most importantly, neither of these appeals cases were concerned with the provision of a new dwelling, they were for use of the land for car parking and therefore were concerned with a different set of issues and considerations, under a different set of planning policies. Most pertinently, those appeals did not consider the presumption in favour of development, issues of 5 year supply of deliverable housing sites and the need to balance these pressures. Quite simply, the appeal proposal is not comparable in any way to an application/appeal twelve years ago to use the land for temporary car parking, and the Inspector is invited to consider how much weight can be given to these previous appeal decisions which form the bulk of the LPAs Appeal Statement of Case for the current appeal.

The LPA agrees that the site is within the Built Up Area Boundary (BUAB), and remains so following the adoption of a new local plan in 2017. This raises the question of why, if development on this site could never be supported by the Council, was this site not taken out of the BUAB when the Local Plan was Reviewed. It is assumed that during the preparation of the 2017 Adur Local Plan, the LPA considered the location of its BUAB, in the knowledge of the 2012 appeal decisions, and decided to leave this land inside the BUAB.

The LPA refers to the beach to the west of the appeal site as "open" in its nature and "undeveloped coastline punctuated only by beach huts". This is incorrect as the beach huts are clearly "development" by any measure, and this run of beach huts also serves to obscure views of the sea from the A259 coast road, thereby ensuring that this is not "open" land. It is notes that in the appeal decisions cites by the LPA, the Inspector described the beach huts as "a ribbon of development".

In referring to the scale of development in the locality, the LPA purposefully and mischievously ignores the ten storey block of flats immediate opposite the appeal site, which clearly is relevant as it is the most dominant building in the locality, and particularly in views towards the site from the West. To describe the proposed development as obtrusive when viewed from the west again fails to acknowledge the presence of the very large and very obtrusive block of flats

adjacent to the site. This has been shown in application drawings and supporting statements clearly.

With regard to coastal squeeze, the LPA provides no evidence to support its position that this development is unacceptable, and provides no response to the comprehensive information and justification provided in the Lewis & Co appeal statement. Similarly, with respect to Biodiversity, the LPA acknowledges the submitted ecological assessment and its findings that "the impacts upon biodiversity of the development will be negligible and non significant", yet the Council maintains its position that biodiversity has not been addressed by the application. This is not understood. However, in the list of proposed conditions the LPA suggests a condition that would seek further information about biodiversity measures and this condition is agreed by the appellant.

In summary, the LPA has provided no reason to dismiss this appeal in their statement of case.

All of the suggested conditions are agreed by the appellants.

END

Sincerely

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