

PLANNING STATEMENT

Application for Removal of Condition 7 under Section 73 of the
Town and Country Planning Act 1990 (as amended)

Planning Permission Reference: SU/40/83/TP/FP

Site: Mill Warbler, Mill Lane, Shoreham-by-Sea, West Sussex BN43 5AG

Applicant: Kate Atkinson

Date: 19 May 2026

1. Introduction

1.1 This Planning Statement is submitted in support of an application under Section 73 of the Town and Country Planning Act 1990 to remove Condition 7 from planning permission SU/40/83/TP/FP, granted by Adur District Council on 26 April 1983 for the erection of a bungalow and garage with widening of the access road and surfacing.

1.2 Condition 7 states:

“Notwithstanding the provisions of the Town and Country Planning General Development Order 1977-1981 the building hereby permitted shall not be extended or altered externally by the insertion of additional windows, unless permission is granted by the Local Planning Authority on an application in that behalf.”

The reason given was: “To safeguard the amenities of neighbouring properties.”

1.3 No other conditions or the description of development are sought to be varied. The original permission remains extant and fully valid.

1.4 This statement should be read alongside the supplementary note and supporting documents also submitted.

2. Site Description and Context

2.1 Mill Warbler is a detached hipped-roof bungalow constructed in the early 1980s as a backland infill development on former rear garden land of Nos. 22–26 (even) Southdown Road. It is accessed via an unmade private access road off Mill Lane.

2.2 The site benefits from domestic rear gardens immediately abutting the northern, southern and western boundaries. The eastern boundary is the private access road and the other side of this road are the gardens of neighbouring properties. Neighbouring residential properties are set at a significant distance from the bungalow, with substantial intervening garden land providing a strong degree of separation. All directly facing dwelling houses are in excess of 20meters from the bungalow on the site (measured from the point of the property closest to the dwelling house).

2.3 The property lies within the established built-up area boundary of Shoreham-by-Sea and forms part of a mature, low-density residential neighbourhood. It is adjacent to (but not within) the Shoreham-by-Sea Conservation Area, is not a listed building, and has no protected trees or other designations.

2.4 The bungalow has been in continuous residential use as a family home for over 43 years and is now a well-established part of the local streetscene and character.

3. The Condition and Relevant National Policy and Guidance

3.1 Condition 7 was imposed more than 43 years ago under legislation that has long been superseded (the Town and Country Planning General Development Order 1977-1981). It imposes a blanket restriction on the insertion of additional windows.

3.2 National Planning Practice Guidance (NPPG) Paragraph 017 (Reference ID: 21a-017-20190723) is clear that:

“Area-wide or blanket removal of freedoms to carry out small scale domestic alterations ... are unlikely to meet the tests of reasonableness and necessity.”

3.3 The National Planning Policy Framework (NPPF) requires that planning conditions must meet the six tests set out in paragraph 57. These tests are addressed in detail below.

4. Assessment Against the Six Tests for Planning Conditions (NPPF Paragraph 57)

Condition 7 no longer meets the six tests for planning conditions. The most significant failures are as follows:

Necessary

After more than four decades of residential occupation, there is no evidence that the condition remains necessary to protect neighbouring amenity. The generous separation distances, intervening rear gardens on three sides (with the private access road and more intervening rear gardens on the fourth side), and backland location mean that any future modest window insertions would not result in material harm to privacy, outlook or light. The original reason for the condition has ceased to apply.

Relevant to planning and to the development

These tests are met in principle, but the condition’s ongoing application is no longer justified by planning considerations.

Enforceable

The condition is enforceable in theory, but this does not justify its retention where it fails the other tests.

Precise

The condition refers to the obsolete 1977-1981 General Development Order. It is imprecise and out of date.

Reasonable in all other respects

The blanket restriction is no longer reasonable. Surrounding properties in Mill Lane and Southdown Road benefit from normal permitted development rights under the current General Permitted Development Order 2015 (as amended). There is no justification for treating this established backland bungalow differently from its neighbours in perpetuity. Any future proposals would remain subject to the current GPDO, Building Regulations, and (where required) a full planning application.

5. Key points

5.1 The property would remain subject to the current GPDO, Building Regulations and (where required) a full planning application were this condition removed.

5.2 The site is a backland site – any changes made if the condition were removed would not impact the street scene as the site cannot be seen from the public highway.

5.3 The bungalow on the site benefits from substantial garden buffers on three sides, on the fourth side there is a private road and further garden buffers after this. It is a low-density backland development, not a tightly constrained urban infill. Any changes made (in

accordance with the general planning restrictions referenced at 5.1) above would not result in any material harm to the amenities of other properties.

6. Conclusion

6.1 Condition 7 was imposed in 1983 under now-obsolete legislation. After 43 years, it no longer meets the tests of necessity, precision or reasonableness set out in the National Planning Policy Framework.

6.2 The removal of the condition would not result in any material harm to the amenities of neighbouring properties or the character of the area. It would simply restore the normal position that applies to all other dwellings in the locality and bring the property into line with current national policy and guidance.

6.3 I therefore respectfully request that Adur & Worthing Councils approve this application and remove Condition 7 from planning permission SU/40/83/TP/FP.

Supporting Documents

The following documents are submitted in support of this application:

- Block/site plan showing separation distances to neighbouring properties
- Site photographs illustrating the backland character and garden buffers on three sides (see below_
- Supplementary Note dated 19 May 2026

Kate Atkinson
Mill Warbler, Mill Lane, Shoreham-by-Sea, West Sussex BN43 5AG
19 May 2026

SITE PHOTOGRAPHS

All photographs were taken from approximately 1.8meters high

Photo A (below)

This photograph shows the North boundary – the site cannot be seen by the property to the North. Behind the very tall trees on the north boundary (shown on the photo) there are substantial gardens before the dwelling.



Photo B (be This photograph shows the (North) East boundary of the property abutting the private road





Photo C (above) – This photo shows the (South) East boundary abutting the private road – please note that the building on the other side of the wall is an outbuilding situated at the bottom of a very long residential garden.



Photo D (above) showing the Southern boundary which faces the bottom of very long residential gardens – again including an outbuilding in the distance



Photo E (above) showing the Western boundary looking towards the houses on Southdown Road, as can be seen in this photo all the near houses on Southdown Road have constructed outbuildings at the end of their gardens against the boundary to the site