

I submit this objection in serious opposition to this retrospective application.

As stated in the Adur Plan 2017–2032, Shoreham-by-Sea's historic centre and its setting provide much of the town's character, and it is vital that Shoreham's heritage assets are protected and not undermined by new development. 'Where development affecting any heritage asset is permitted, it must be of a high quality, respecting its context and demonstrating a strong sense of place.' The Adur Plan substantiates conservation area protections and requires new developments to be of a design that respects and enhances the character and appearance of the area.

1 Breach of approval

The background to this application is that the applicant, the Co-op have not followed the consent they were given. This retrospective application for a development further breaks Planning's approval on both sets of plans, in design, scale, materials, and place-sense. Everyone, including the applicant and Planning, agree that they have breached the approval.

They have failed to preserve or enhance the character and appearance of the Conservation Area and their application strongly conflicts with the adopted development plan, and with Shoreham's Conservation Area Character Appraisal & Management Strategy (18 March 2008), and the National Planning Policy Framework (December 2024), 'NPPF'. Yet, with care, they could have used materials such as bungaroosh, or built a mansard roof, to meet statutory directions.

2 Planning breaches of Statutory Duties

The Planning department has a statutory duty to apply a higher level of scrutiny in judging planning applications concerning the conservation area and its listed buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, mandates that in exercising planning functions, special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

The statutory presumptions in sections 66(1) and 72(1) of the Act, are reflected in paragraph 132, which states that the desirability of preserving the settings of listed buildings should not simply be given careful consideration but must be given 'considerable importance and weight'. This wording reflects the importance of this statutory duty and Local Planning Authorities must demonstrate that they have given 'special attention' to this statutory duty when determining planning applications in their balancing exercise.

They have an 'Active Duty' that requires a positive approach to preserving or enhancing, not merely avoiding harm, although avoiding harm is a key component. [1, 2, 3, 4]. This duty is distinct from, but often runs alongside, the Section 66(1) duty for listed buildings, and is a mandatory consideration in the UK planning system. This application, however, is in direct conflict with these presumptions.

Importantly, the applicant's plans (both sets) are incomplete, materially inaccurate, and quite inadequate to the task of making informed judgments as to the suitability of this industrial-scale structure, which is now the height of a typical warehouse. For example, the number of beams is inaccurate: no third course of beams is shown on drawings, and these are the very same incorrect plans that were sent to consultees, including (ADCAG).

It is the Planning department's duty to consult plans carefully. The applicant, the Co-op, acknowledges that the plans were inaccurate and incomplete but they have consciously introduced new inaccuracies in their revised plans, which are also fundamentally wrong. They have not done what they said they would do, and continue to abuse planning rules. When are they going to stop this?

Obviously and significantly, one cannot make good decisions, or issue an approval, based on drawings which bear little or no resemblance to the reality of the actual building. ADCAG

unanimously approved the application based on these inaccurate plans, their approval is therefore inadmissible.

Worst of all, the applicant began works without informing the council at any time that its plans were inaccurate and incomplete, which is strong evidence that they were absolutely conscious that Planning decision makers would be misled, and would inevitably be led to give wrong advice to the Council. It is a serious matter that Planning officers, Councillors, neighbours, Adur District Conservation Advisory Group, and all consultees have been misled in this way.

The Co-op have built what they have no consent for. If this is approved it will still not have consent, because the plans are fundamentally wrong. The Co-op have not built what they said they would build and will have to reapply once again, at great inconvenience, and significant cost in public money and officers' and councillors' time.

That the structure serves an established Manchester-based multi-billion-pound business cannot be introduced at this stage, and for the first time, as a reason to approve a recently unapproved development, not least because the conflict between significant harm and business utility has not been properly established.

3 Design, materials, and the absence of building consent

Article 2 of the Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy (18 March 2008) says that, 'greater emphasis is now placed on involving the community in evaluating what makes an area 'special'. Article 4 identifies Church Street as a particularly important part of the conservation area, a special area of interest, and a really important Streetscape demanding special attention to preservation. The Co-op's two adjacent listed buildings are dominated by this overbearing structure and both are within this area of 'special interest', as is the building on which it now stands. The strategy nominates Church Street as the least altered street within the conservation area and directs new developments to be made using locally appropriate materials sympathetic to the historic grain of the area. Indeed, an Article 4 Direction removes permitted development rights for extensions, alterations to roof slopes, and new fences when the proposed work fronts a highway. In serious conflict with these directions, the new bulky and overbearing structure is visible from two highways: Church Street and Middle Street, as acknowledged in the plans.

The Adur District Local Plan (1993-2006) calls for 'sympathetic new development and redevelopment', but this structure is the opposite. The applicant has acknowledged, the significance and importance of the Middle Street view by including drawings of it, thus recognising that it is an important vista.

But the materials used here actively detract from the 'special character' of the area and harm the setting of nearby heritage assets, including adjacent listed buildings. Retrospective consent should not be granted for a development in conflict with the adopted development plan, which embeds the very shortcomings the Appraisal & Management Strategy was introduced to correct.

Supporting Statement 93080 of 16/07/2025 says that, 'the proposed plan is replacing similar existing plant...'. But the applicant has not replaced the structure with something similar. The structures are hugely bigger than what was there before, not similar to the plan that was approved, and not similar to the adjoining historic buildings.

Furthermore, this development was executed without prior consent and without any engagement with the local planning authority or local community. Beginning unauthorised development without consultation, in a designated conservation area and with the applicant's conscious knowledge of the inadequate and misleading plans, does not meet the reasonable expectations of the local community, and ignores the basic tenets of Shoreham-by-Sea's Planning rules, as well as the avowed community aims of the applicant.

Conclusions

The Planning Act 1990 states that the desirability of preserving the settings of listed buildings must be given 'considerable importance and weight'. Local Planning Authorities must demonstrate they have given 'special attention' to this statutory duty when determining planning applications.

It is a key point that the applicant's plans (two incompatible sets) are incomplete, inaccurate, and quite inadequate to the task of making informed judgments as to the suitability of this new industrial-scale structure.

The applicant cannot seek to regularise, after the fact, structures which would assuredly not have been approved had they been properly submitted in advance. The development, which breaches planning approval, is much too large, is entirely out of keeping with the conservation area, and now dominates views from especially important streets and houses.

The submission for retrospective approval cannot be retroactively approved by using as grounds the fact that the structures have already been built. If Planning's original approval was right then, it cannot suddenly be wrong now.

Summary

The development:

1. Fails the statutory duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to preserve or enhance the character and appearance of the conservation area;
2. Fails to comply with the statutory duty under the same Act, which states that in their duty to preserve the settings of listed buildings, it is insufficient to give this duty careful consideration but that these matters must be given 'considerable importance and weight';
3. Fails in their mandatory 'Active Duty' to demonstrate that they have paid 'special attention' to preserving or enhancing the character or appearance of the conservation area, not merely avoiding harm;
4. Was built in conflict with approved plans;
5. Is in conflict with NPPF (December 2024);
6. Is contrary to the Adur Local Plan (2017) policies on design and heritage;
7. Fails to comply with the adopted Shoreham-by-Sea Conservation Area Character Appraisal & Management Strategy (18 March 2008) on both massing/design and materials;
8. Defeats the purpose of the Article 4 Direction in force in or adjacent to this location, and;
9. Was constructed after an approval based on materially inaccurate, incomplete, and inadequate plans;
10. Was carried out without consent and without pre-application engagement.

For the foregoing reasons, all of which, count against its retrospective approval, this application should be denied.

Regards