Adur District Council

Development Management

Mr Luke Carter
Lewis and Co Planning
2 Port Hall Road
Brighton
East Sussex
BN1 5PD

FULL APPLICATION SPLIT DECISION

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

APPLICATION NUMBER: AWDM/0384/17

Part retrospective application for the retention of an extension to the northernmost shed to replace a small shed on site; and to alter southern shed and fence line to enable part of this shed to be used as a domestic garden shed by the occupiers of house at 23 Brighton Road.

23 Brighton Road Lancing West Sussex BN15 8RJ

In pursuance of their powers under the above-mentioned Act and Order, the Council hereby notify you that they PART REFUSE AND PART PERMIT the above development, in accordance with the application and relevant correspondence registered on 14/03/2017.

This is for the reasons stated on the schedule overleaf and subject to compliance with the conditions specified thereon.

GPeck

Gary Peck
Planning Services Manager
Date: 21/06/2017

Adur District Council
Adur District Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
Tel: 01903 221065 Fax: 01903 221072 Minicom: 01903 204500
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SCHEDULE

PROPOSAL: **TO ALTER SOUTHERN SHED AND FENSE LINE TO ENABLE PART OF THIS SHED TO BE USED AS A DOMESTIC GARDEN SHED BY THE OCCUPIERS OF HOUSE AT 23 BRIGHTON ROAD.**

REFUSE, on the grounds that: -

01. The southern shed/storage building by way of its size and siting results in an overbearing effect on adjoining occupiers and its use for storage purposes is also unacceptable due to the impact of noise and disturbance. The retention of the building in its current form is therefore materially harmful to the living conditions of number 23 Brighton Road and conflicts with policy AH7 of the Adur District Local Plan 1996 and Policy 15 of the Submission Adur Local Plan 2016.

Informatives:

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

Reference/Drawing Number	Version	Date Rec
SHED B ELEVATIONS	Number 6020/PL/021	14.03.2017
SITE/BLOCK PLAN - SOUTHERN SHED	Number 6020/PL/001	14.03.2017
SITE LAYOUT - STORAGE SHED B	Number 6020/PL/020	14.03.2017

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.

PROPOSAL: **RETENTION OF AN EXTENSION TO THE NORTHERNMOST SHED TO REPLACE A SMALL SHED ON SITE.**

PERMIT, subject to: -

Conditions

01. The development hereby permitted shall be carried out in accordance with the following approved plans unless specified otherwise in a subsequent condition imposed on this decision notice.

Reference/Drawing Number	Version	Date Rec
SITE/BLOCK PLAN -NORTHERN SHED	Number 6020/PL/001	14.03.2017
SITE LAYOUT - STORAGE SHED A	Number 6020/PL/020	14.03.2017
SHED A ELEVATIONS	Number 6020/PL/021	14.03.2017

Reason: *For the avoidance of doubt and in the interests of proper planning.*

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Informatives

01. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

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

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 you want to appeal, then you must do so within six months, 12 weeks for a minor commercial (shop front) of the date of this notice. Appeals must be made using a form which you can get from the Secretary of State online at https://acp.planninginspectorate.gov.uk or at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (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.

Reduced time for making a planning appeal where enforcement action is being taken

Where an enforcement notice has been served in relation to the same, or substantially the same, development as in the planning application no earlier than 2 years before the date the application was made, the period for receiving a planning appeal is within 28 days of the date on the planning application decision notice or of the date by which the LPA should have decided the application.

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However, the LPA may formally decline to determine a retrospective planning application for permission for any development contained within a pre-existing enforcement notice served on or after 6 April 2012, where that notice was issued before the application was received by the LPA (see above). There is no right to make a planning appeal in such circumstances.

Where an enforcement notice was served in relation to the same, or substantially the same, development after the decision notice on the application was issued or after the end of the period the LPA had to determine the application, the period for receiving a planning appeal is within 28 days of the date the enforcement notice was served (unless this would extend the period beyond the normal 12 weeks or 6 months deadline).