WORTHING BOROUGH COUNCIL

Mrs Elizabeth Lawrence
Elizabeth Lawrence Ltd
Woodend
Water Lane
Storrington
RH20 3LY

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/0429/24

Details of Development
RETROSPECTIVE CHANGE OF USE OF GROUND FLOOR FROM CLASS E (SHOP/OFFICE) TO 1NO. RESIDENTIAL DWELLING (CLASS C3) WITH ASSOCIATED CHANGES TO REPLACEMENT DOORS AND WINDOWS TO NORTH ELEVATION.

Location of Development
33 OXFORD ROAD WORTHING WEST SUSSEX

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 3rd April 2024.

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

G Peck

Gary Peck
Planning Services Manager
23/07/2024

Worthing Borough 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 application fails to satisfactorily demonstrate that the existing office floor space is no longer suitable or viable for continued employment use or that the introduction of an alternative use is required to retain a diverse and resilient local economy. The loss of the existing employment use is therefore contrary to policy DM11 of the Worthing Local Plan, the Council's SPD 'Sustainable Economy' and the NPPF.

02. The proposed one-bedroom flat by reason of its siting, orientation and fenestration would result in inadequate standard of accommodation for future resident(s). The proposal is therefore contrary to policies DM1 and DM5 of the Worthing Local Plan, the 'Guide for Residential Development' SPD and the relevant policies of the National Planning Policy Framework

03. The application fails to demonstrate that the existing and future occupants of the proposed dwelling would be safe from flood risk for the lifetime of the development when allowances for climate change are taken into consideration. Moreover, the proposed development fails the Sequential Test in that the application fails to provide justification for the development of this site for a more vulnerale use which although within Flood Zone 1 is at risk of surface water flooding, taking into account the availability of other more suitable small windfall sites of a similar size within the built-up area of Worthing with a lower risk of flooding. The proposed development is therefore contrary to policy DM20 of the Worthing Local Plan and the National Planning Policy Framework

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
ADDITIONAL MARKETING INFO		09.04.2024
EXISTING & PROPOSED PLANS & ELEVATIONS	4721.P01C	03.04.2024
LOCATION PLAN	4721.SP01	03.04.2024
SUPPORTING LETTER FROM TENANT		03.04.2024
DESIGN & ACCESS STATEMENT		03.04.2024
SUPPORTING LETTER		03.04.2024
FRA		03.04.2024

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 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 can be made online at: https://www.gov.uk/appeal-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.

6. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

7. 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.

8. 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.

9. Further correspondence about this application should quote the reference number at the top right hand corner of the form.

10. 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.

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).