WORTHING BOROUGH COUNCIL

Mr Tony Allen
Allen Planning Ltd
The Old Fire Station EC
Salt Lane
SALISBURY
SP1 1DU

PLANNING REFUSAL

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

APPLICATION NUMBER: AWDM/0287/24

Details of Development
CHANGE OF USE AT GROUND FLOOR (REAR) FROM RETAIL (USE CLASS E) TO ONE SELF-CONTAINED RESIDENTIAL UNIT (USE CLASS C3) INCLUDING CREATION OF TERRACE

Location of Development
123 MONTAGUE STREET WORTHING WEST SUSSEX BN11 3BP

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 5th March 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
23/05/2024

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 proposed development in association with existing commercial and residential development on the site would result in an overdevelopment of the site and would provide accommodation with a poor unsafe layout and amenity for future residents, particularly in terms of outlook and light, with inferior access via a narrow passage leading to a bin store. The proposal would therefore be contrary to policy DM2 and DM5 of the Worthing Local Plan, 'Guide for Residential Development' SPDs and the relevant policies of the National Planning Policy Framework.

02. Without evidence to the contrary that the unit has been marketed adequately, the reduction in size may have an impact on the viability of the unit and the viability and vitality of this part of the Town Centre. The proposal is therefore contrary policy DM13 of the Worthing Local plan and relevant policies of 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
PLANNING, HERITAGE, DESIGN & ACCESS STATEMENT	February 2024	05.03.2024
MARKETING LETTER 29 Feb 2024	DWM/ksh/001-008542	05.03.2024
LOCATION PLAN	Drg 1505-14 Rev A	05.03.2024
EXISTING & PROPOSED BLOCK PLAN	Drg 1505-15 Rev A	05.03.2024
EXISTING FLOOR PLANS & ELEVATIONS	Drg 1505-01 Rev D	05.03.2024
PROPOSED FLOOR PLANS & ELEVATIONS	Drg 1505-02 Rev J	05.03.2024

02. The applicant is advised that drainage from the site is potentially dripping onto neighbouring sites which is causing concerns and should be addressed.

03. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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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).