The Planning Inspectorate

Environment Appeals Team
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Mr H Barnes-Moss
Senior Planning Officer
Worthing Borough Council
Portland House
Richmond Road
Worthing
BN11 1LF

Your Ref: WB/10/0500/TPO

Our Ref: APP/TPO/M3835/1370

Date: 19 October 2010

WORTHING BOROUGH COUNCIL
PLANNING SECTION
RECEIVED 20 OCT 2010
TO HBM REF.NO. WB/ 1928
REGISTRATION

Dear Mr Barnes-Moss

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED), SECTION 78
APPLICATION FOR CONSENT TO CARRY OUT WORKS TO PROTECTED TREES
APPELLANT: COMBINED ESTATES TRADING COMPANY
SITE: 89 POULTERS LANE, WORTHING, WEST SUSSEX BN14 7SX

I enclose a copy of our Inspector's decision on the above appeal following the site visit on 12 October 2010.

The appeal decision is final unless it is quashed following a successful challenge in the High Court on a point of law (see enclosed leaflet). If the challenge is successful the decision may be quashed but the case will probably be returned to the Secretary of State for re-determination. However, if it is to be re-determined, it does not necessarily follow that the original decision on the appeal will be reversed.

An application under Section 288 of the Town & Country Planning Act 1990 must be made to the High Court promptly and in any event within 6 weeks of the decision in question. This is an absolute time limit that cannot be extended by the Court.

A challenge must be made on one or both of the following grounds:

(1) the decision is not within the powers of the Town and Country Planning Act 1990;

(2) any of the relevant statutory requirements have not been complied with.

A decision will not be overturned by the Court merely because someone does not agree with an Inspector's judgment. It would need to be shown that a serious mistake was made by the Inspector when reaching his or her decision or, that the site visit was not handled correctly, or that the appeal procedures were not carried

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out properly. Even if a mistake has been made, the Court may decide not to quash the decision if it is decided that the interests of the person who has sought to challenge the decision have not been prejudiced.

If you have any complaints or questions about a decision, or about the way we have handled the appeal write to:

Quality Assurance Unit
The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

Phone No. 0117 372 8252

Or visit:

http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm

The Quality Assurance Unit will investigate your complaint and will endeavour to reply within three weeks.

Yours sincerely

Lee Richards

Mr Lee Richards
Environment Appeals Administration

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