Adur District Council

Planning, Regeneration and Wellbeing

Jackie Betteridge
91 Grinsread Lane
LANCING
BN15 9DT

Your Ref:
Our Ref: ADC/0137/10

Date: 5 October 2010

Dear Mrs Betteridge,

Refusal of planning application for bungalow to rear of 91 Grinstead Lane, Lancing (ADC/0137/10)

Thank you for your letter of 24 September 2010. I am sorry that you feel aggrieved by the way in which this application was dealt with but note that you have lodged an appeal which is currently in process.

I recognise that your enquiry pre-dated the new Government's deletion of 'gardens' from the definition of 'brownfield' land and their removal of the minimum density requirements from PPS3 'Housing'. I agree that it is highly regrettable that, at the time of your preliminary enquiry, you were not made aware of refusal being a significant possibility. However, applications have to be determined on the basis of whatever policies are in force at the time the Council makes the actual decision on those applications, not on the basis of those in force at the time of its submission or any earlier preliminary enquiry.

The matter of the access being over Council property seems to have been overlooked completely at this pre-application stage. However, this was more a fundamental matter for you to have checked, as it relates to property law, not planning law and, if you win the appeal, you would still appear to need the Council's separate consent as owner of the access roadway.

With regard to the section 106 Obligation, the original letter of 19 April 2010 to your agent, Stuart Wickham, did point out in the last paragraph that permission might not be granted for the development. It also stated that the Obligation would still be needed if the application were to be refused and you were to lodge an appeal. Consequently, the Obligation that has been drafted is not abortive work and will still need to be finalised.

The letter of 3 September from the Planning Inspectorate to your agent states that any section 106 Obligation must be submitted within 9 weeks of the ‘appeal start date’ (ie. by no later than 5 November 2010). I see that your agent, Nigel Locke, refers to the Obligation that has been drafted but has not submitted it. Therefore, you need to contact your solicitor to ensure it is signed and completed as a valid legal document and submitted to the Planning Inspectorate within the above deadline.

Yours sincerely,

Keith Morgan
Planning Services Manager

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