Viki Beer

From: Whitworth, Jackie [Jackie.Whitworth@pins.gsi.gov.uk]
Sent: 27 July 2011 13:00
To: Planning
Subject: Planning Inspectorate: Ref 2154947: 47 Cuckfield Crescent, BN13 2EB
Attachments: 211B - General Letter 27_07_2011.pdf; Consultation documents.pdf; Letter to appellant.pdf

<<211B - General Letter 27_07_2011.pdf>> <<Consultation documents.pdf>> <<Letter to appellant.pdf>>

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www.clearswift.com

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The Planning Inspectorate

Room 3/13a
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2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 88846
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e-mail: fredrica.rose@pins.gsi.gov.uk

Viki Beer
Worthing Borough Council
Development Control Section
Planning Section
Portland House
Richmond Road
Worthing
BN11 1LF

Your Ref: WB/10/1058/FULL

Our Ref: APP/M3835/D/11/2154947

Date: 27 July 2011

Dear Ms Beer

Town and Country Planning Act 1990
Appeal by Mrs Samantha Fullman
Site at 47 Cuckfield Crescent, Worthing, BN13 2EB

Please find enclosed copies of correspondence in respect of the above planning appeal received by the Inspectorate on 15 June 2011.

Yours sincerely

Jackie Whitworth

PP Fredrica Rose

211B(BPR)

You can use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button

The Planning Inspectorate

3/02 Wing
Temple Quay House
2 The Square
Bristol, BS1 6PN

Direct Line: 0117 372 8858
Customer Services: 0117 372 6372
Fax No: 0117 372 8443
e-mail: rachel.henson@pins.gsi.gov.uk

Mrs Samantha Fullman
47 Cuckfield Crescent
Worthing
West Sussex
BN13 2EB

Your Ref:

Our Ref: APP/M3835/D/11/2154947

Date: 5 July 2011

Dear Mrs Fullman

Town and Country Planning Act 1990
Appeal by Mrs Samantha Fullman
Site at 47 Cuckfield Crescent, Worthing, BN13 2EB

Thank you for your email received on 5 July 2011. Having taken into consideration all the information provided within your email we have decided to exercise our powers and accept the appeal outside of the 12 weeks.

You have submitted a standard planning appeal form. However, we consider that this appeal meets the criteria for the Householder Appeals Service (HAS). We therefore intend to determine the appeal by this procedure.

As this appeal is being dealt with by HAS it will be decided on the basis of (i) the material considered by the local planning authority (LPA) at the point that it determined the application and (ii) the grounds of appeal. There is no opportunity for anyone to submit further representations.

Therefore you should ensure that your grounds of appeal represent the complete case you wish the Inspector to consider. Your full grounds of appeal should be submitted to me and the LPA, by 26 July 2011. If we do not receive any further grounds of appeal by this date we will continue with the appeal based on the information submitted.

If you consider that your grounds of appeal are complete then please contact me as soon as possible.

The Inspector will only consider the documents and plans, submitted in support of the application proposal, which were considered by the LPA. Therefore, you should not submit documents or plans which amend the scheme or suggest an alternative scheme. In the first instance materially changed schemes should be re-submitted to the LPA as a fresh planning application.

Please note that the LPA will supply all the material relevant to the application including the application plans and supporting documents, relevant development plan policies, planning officer's reports, site history and representations received.

Further information on the grounds of appeal is in our "How to complete your householder planning appeal form" guidance. Additional information on HAS is in Good Practice Advice Note 02. Both of these documents can be found at: www.planningportal.gov.uk/pcs

The Planning Inspectorate will aim to determine cases progressing through HAS within 8 weeks.

Yours sincerely

Rachel Henson

219HAS

You can use the Internet to submit and view documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is - http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp
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Whitworth, Jackie

From: Samantha Fullman [pumba.timone@sky.com]
Sent: 05 July 2011 12:10
To: Henson, Rachel
Subject: letters as per telephone conversation

Hello Rachel

As requested on our telephone conversation here is the scanned copy of the letter and leaflet.

At the time of recieving the decision letter I was 7mths pregnant and because I had these two pieces of literature stating six months time frame I left until on maturnity leave when I ould have more time to complete the appeal. I appreciate now it should have been completed earlier but I just acted on what I thought was correct.

I/We would be really greatful that on this occasion you could accept the appeal, we need the space for a room for our new daughter!!!!!

Thank you for your help,

Regards

Samantha Fullman

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Planning@worthing.gov.uk → Copies.

Vicky Bear

Worthing Borough Council

Planning, Regeneration and Wellbeing

Contact: Mr P Devonport (01903) 221345 (Direct Line)

Mrs S Fullman
47 Cuckfield Crescent
Worthing
West Sussex BN13 2EB

Householder

£8 exact money or chq.

21st December 2010

Dear Sir/Madam

Town and Country Planning Act 1990 (as amended by the Planning and Compensation Act 1991)

Application No: WB/10/1058/FULL
Location: 47 Cuckfield Crescent Worthing West Sussex
Proposal: Pitched roof on rear extension to replace current flat roof

Thank you for your application which was registered on 21st December 2010.

Your application will now be processed and our formal decision notice will be sent to you as quickly as possible. If by 15th February 2011 you have not received our decision, you can appeal to the Planning Inspectorate. Your appeal must be made within six months and needs to be submitted on a form which you can obtain from The Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The way we have described the proposal on this acknowledgement may differ from the wording on your application. If you do not agree with our description, I would be grateful if you could contact us as soon as possible, quoting application WB/10/1058/FULL.

Finally, if you do have any queries in relation to your application, please do not hesitate to contact Mr P Devonport on (01903) 221345.

Yours faithfully

P. Pennicott

WORTHING BOROUGH COUNCIL
Building Control and Planning Fees

33104

RECEIVED, with thanks from	AMOUNT PAID By Cheque etc.	P.O.	By Cash	Details	Date D. M. Y.		Receipt No.
W Fullman	150 00		—	47 Cuckfield Cres	29 11 10		2440 33104

RECEIPT

Fee applicable to Building Control are subject to Value Added Tax at the current rate. Planning Fees are not subject to Value Added Tax. The Borough Council's V.A.T. Reg. Number 193 6243 49.

T.S Constantine

IRV STD. Form 400

Worthing Borough Council, Portland House, ...
Tel: (01903) 239999 Fax: (01903) 2210/2 Minicom: (01903) 204500 DX: 142965 Worthing 10 web: www.worthing.gov... ...nning

You don't have to pay for the appeal itself, but you will inevitably have some expenses. The overall cost will depend on whether you employ professional advisers. Remember that you will have to pay your own costs and you can seldom recover them from the Local Planning Authority, even if your appeal is successful. You can, of course, withdraw an appeal at any time simply by informing the Secretary of State and the Local Planning Authority. However, if you withdraw your appeal after the Planning Inspectorate has arranged an inquiry or hearing and written to you to tell you the date and it thinks you have behaved unreasonably, you may have to pay the costs of the other people involved in the enquiry or hearing.

6. WHO DECIDES YOUR APPEAL?

You make planning appeals to the Office of the Deputy Prime Minister. Under the Town and Country Planning Act 1990, almost all appeals can be decided by Planning Inspectors. The Secretary of State can take over any planning decision, but does so in less than 20% of cases, usually if they are important or controversial.

7. THE INSPECTOR'S DECISION

The Inspector will write to you with his or her decision and send a copy of the decision letter to the Council. The Planning Inspectorate aims to decide all written representation appeals within four months from the date of the appeal and within nine months following an appeal inquiry.

8. CAN I CHALLENGE THE DECISION?

You can only challenge a point of law, if you feel the requirements of the planning acts or rules of procedure have not been carried out. Any challenge must be made through the High Court and you will need legal advice to pursue any challenge.

9. COSTS

You normally have to pay you own expenses for the appeal, as does the Council. You can ask the Office of the Deputy Prime Minister or the Inspector to order us to pay all or some of the costs. We can also ask the Inspector to order you to pay some or all of our costs.

The Secretary of State or the Inspector will only order costs to be made if the appellant or Council claiming costs, can show that the other side behaved unreasonably and put them to unnecessary expense. Such circumstances are infrequent.

10. YOUR CHANCES OF SUCCESS

Although some appeals are successful, most aren't. Typically, in Worthing appeals are lodged each year against 27% of all the applications refused permission by the Council. Of these appeals, only 14% are successful. The chances of any appeal succeeding depend on the merits of the proposals and how they fit in with local and national policies.

11. SETTING OURSELVES STANDARDS

We have an adopted Service Standard for Processing Planning Appeals, a copy of which is available upon request at the Planning Reception Desk.

12. IF YOU HAVE ANY FURTHER QUERIES

If you have any questions not answered by the above advice, please contact:

Planning Section -

Tel: 01903 221356
Fax: 01903 207365
E-Mail: planning@worthing.gov.uk

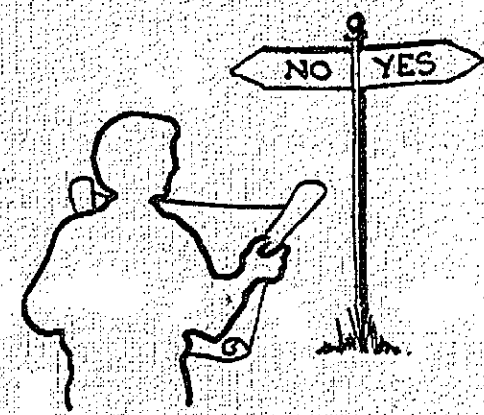
THIS LEAFLET IS AVAILABLE IN LARGE PRINT

01/06

Should I Appeal?

A Summary of the Process

(Topic Guidance Note 4)



Worthing Borough Council
Development Control Group
Planning Section
Portland House
Richmond Road
Worthing
West Sussex
BN11 1LF

Tel: 01903 221356
Fax: 01903 207365
E-Mail: planning@worthing.gov.uk
Website: worthing.gov.uk/planning

SHOULD I APPEAL AND HOW?

If the Council turns down your planning application, you have the right to challenge that decision and appeal to an independent body. The Planning Inspectorate (an Executive Agency of the Office of the Deputy Prime Minister deals with planning appeals. Before you appeal to the Planning Inspectorate, you should look carefully at the reasons why we turned the application down. You should also speak to us to see if you can sort out the problem - perhaps by changing your proposal. Often, if you change your proposal and apply again within one year of the refusal, you won't have to pay another fee. An appeal should be the last resort.

1. WHO CAN APPEAL?

The only person who can lodge an appeal is the person who made the planning application or through an agent acting on their behalf. Objectors to a planning application have no rights of appeal.

2. WHAT CAN BE APPEALED AGAINST?

You can appeal if:

- planning permission has been refused;
- you object to a condition imposed by the Council;
- the Council does not take a decision within eight weeks of your application, unless you have agreed to a request from the Planning Section, for extra time.

If you are going to appeal, you must do so within six months from the date of the notice of the Council's decision. If you are going to appeal against an enforcement notice or a breach of condition, the procedures are different and in such circumstances, you should seek advice from us and/or the Planning Inspectorate.

The guidance within this note applies to appeals against the refusal by the Council for planning permission, Listed Building Consent or Conservation Area Consent.

3. MAKING AN APPEAL

To make a valid appeal, you must use an official form. You can get forms from:

The Planning Inspectorate
Registry-Scanning 3/01 Kite Wing, Temple Quay House
2 The Square, Temple Quay, Bristol BS1 6PN
Phone ~~0117 9878754~~ 0117 3728000

Please tell the Planning Inspectorate whether your appeal is to do with planning permission or listed building or Conservation Area consent, as the forms are different. **Don't leave it too late - remember the six month time limit.**

The grounds of appeal are your statement of your case. It is important that you set them out fully and clearly. You need to explain why you disagree with the Council's decision. It isn't enough just to say that you don't accept the Council's reasons. If you don't give your grounds of appeal, your appeal may not be valid.

4. PROCEDURES FOR DEALING WITH APPEALS

There are three ways in which appeals are dealt with:

(a) **Written representations**
This method is usually easiest and quickest, provided that the Council agrees it avoids an expensive inquiry. A simple timetable follows: you make a statement in writing of your case; the Council does the same; you see the Local Authority's case and they see yours; both parties have the chance to comment. The Inspector receives this information, makes a site visit and comes to a decision.

If you said in your appeal that the Inspector can view the site from public land and the Council agrees, the Planning Inspectorate will arrange an unaccompanied site visit. On these visits the Inspectors aren't allowed to discuss anything about the case. If the Inspector needs to go on private land to make his or her inspection, an accompanied site visit will take place. Both you and the Council have to be there or have someone to represent you.

(b) **Public Inquiry**
If there are any particular points or statements from supporters which you feel would come out better at an inquiry, then this is the best method to use. If you are going to the expense of an Inquiry, it is usually better to seek professional advice on preparing and presenting your case. Inquiries are normally held for larger development proposals.

(c) **Hearings**
In certain cases, the Planning Inspectorate may suggest that the inquiry takes the form of a "Hearing". This is a less formal procedure where discussion takes place between the Inspector and interested parties.

5. THE TIME AND MONEY INVOLVED

The time and money it takes to make an appeal depends on how complicated the appeal is. Around 80% of appeals are decided on the basis of written exchanges of information. This is the quickest method.