From: Zac Denton <zac.denton@lewisplanning.co.uk>
Sent: Wednesday, April 24, 2024 11:25 AM
To: NEW RT1 <RT1@planninginspectorate.gov.uk>
Subject: RE: Planning Inspectorate APP/Y3805/W/24/3336671: Land adjacent to 2 Brighton Road, BN15 8RH

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Dear Madam/Sir,

Please accept this email as our final response to the LPA's Statement of Case for this appeal.

The comments received from the Local Authority are mostly the same as those submitted to the previous application and found within the Officers Report. This is all agreed upon and is unchanged from their delegated report. The main difference between the comments is the section titled 'The Case for the Local Planning Authority'.

The Officer has stated that the only material difference between the application and the previous application is the revised application is "now described as two storeys". This is not correct, as the development proposal (as detailed in the submitted plans) is not merely described as a two-storey dwelling – it is a two storey dwelling and is therefore a whole storey less tall than the previous appeal proposal. This is a significant and material difference which is very relevant to the determination of the appeals given the importance the LPA has placed on the height of the proposals and how the height of building sits within the context of surrounding development. In addition to the significant reduction in height for this second appeal scheme, the Inspector will note that the design and materials of the proposed house have also significantly changed from that which was previously proposed. To say that the only material difference in the schemes is the description of the number of storeys is simply incorrect and is a gross and misleading oversimplification of the differences between the two sets of proposals.

Further, the Case Officer has stated that "due to the character of the surrounding area, the principle of the development is unacceptable". From a review of the Officer's Statement, and the Officer's Report, there is nothing to suggest an in principle objection to the construction of a dwelling within the built up area boundary. On the matter of the "character" of the surroudsing area, it will be clear to the Inspector on visiting the site that the proposal is for a residential dwelling, within an area who's character is overwhelmingly that of a residential area. With regards to the principle of development, the Inspector is pointed to the submitted Planning Statement which fully articulates the considerations of principal, including housing land supply and delivery and government guidance to maximise the delivery of new homes.

The Officer's Statement states that the appellant has incorrectly referenced the Council ignoring the block of flats in their determination of the scale of the application. We note that the Officer referenced Milford Court within their description of the site and its surroundings, however, the point of contention relates to the fact that the block of flats and their scale was ignored entirely when considering the character of the area. In referring to the scale of development in the locality, the LPA purposefully ignores the ten storey block of flats immediate opposite the appeal site, which clearly is relevant as it is the most dominant building in the locality, and particularly in views towards the site from the West. To describe the proposed development as obtrusive when viewed from the west again fails to acknowledge the presence of the very large and very obtrusive block of flats adjacent to the site. This has been shown in application drawings and supporting statements clearly.

The remainder of the Officer's Statement mostly relies on previous Inspector's decisions from 2012. These appeal decisions, which are relied on by the Council to demonstrate that the principle of any development on the site is unacceptable pre-date, both the current NPPF, and the Adur Local Plan 2017. Most importantly, neither of these appeals cases was concerned with the provision of a new dwelling, they were for the use of the land for car parking and therefore were concerned with a different set of issues and considerations, under a different set of planning policies. Most pertinently, those appeals did not consider the presumption in favour of development, issues of 5 year supply of deliverable housing sites and the need to balance these pressures. Quite simply, the appeal proposal is not comparable in any way to an application/appeal twelve years ago to use the land for temporary car parking, and the Inspector is invited to consider how much weight can be given to these previous appeal decisions which form the bulk of the LPAs Appeal Statement of Case for the current appeal. It is contented that there is a significant difference between a planning application for the construction of a car park and the construction of a residential dwelling within a residential area.

The LPA agrees that the site is within the Built Up Area Boundary (BUAB), and remains so following the adoption of a new local plan in 2017. This raises the question of why, if development on this site could never be supported by the Council, was this site not taken out of the BUAB when the Local Plan was Reviewed. It is assumed that during the preparation of the 2017 Adur Local Plan, the LPA considered the location of its BUAB, in the knowledge of the 2012 appeal decisions, and decided to leave this land inside the BUAB.

The LPA refers to the beach to the west of the appeal site as "open" in its nature and "undeveloped coastline punctuated only by beach huts". This is incorrect as the beach huts are clearly "development" by any measure, and this run of beach huts also serves to obscure views of the sea from the A259 coast road, thereby ensuring that this is not "open" land. It is notes that in the appeal decisions cites by the LPA, the Inspector described the beach huts as "a ribbon of development".

With regard to coastal squeeze, the LPA provides no evidence to support its position that this development is unacceptable, and provides no response to the comprehensive information and justification provided in the Lewis & Co appeal statement. Similarly, with respect to Biodiversity, the LPA acknowledges the submitted ecological assessment and its findings that "the impacts upon biodiversity of the development will be negligible and non significant", yet the Council maintains its position that biodiversity has not been addressed by the application. This is not understood. However, in the list of proposed conditions the LPA suggests a condition that would seek further information about biodiversity measures and this condition is agreed by the appellant.

In summary, the LPA has provided no reason to dismiss this appeal in their statement of case.

All of the suggested conditions are agreed by the appellants.

Sincerely,

Zac Denton