WORTHING BOROUGH COUNCIL

Mr Geraint John
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PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015
TOWN AND COUNTRY PLANNING GENERAL REGULATIONS, 1992

APPLICATION NUMBER: AWDM/0653/23

Details of Development
DEMOLITION OF EXISTING PUBLIC SHELTER AND REDEVELOPMENT TO PROVIDE TWO USE CLASS E(B) RESTAURANTS SET OVER TWO FLOORS.

Location of Development
SHELTER SOUTH OF WEST BUILDINGS THE PROMENADE MARINE PARADE WORTHING WEST SUSSEX

In pursuance of their powers under the Town and Country Planning General Regulations 1992 and the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development under Regulation 4, in accordance with the application and relevant correspondence registered on 17th May 2023.

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
21/09/2023

Ref: AWDM/0653/23

SCHEDULE

Reasons for Refusal

01. The proposed development by virtue of its overall scale, design and massing would fail to enhance the character of the site and prevailing character of the area, detract from the appearance of the seafront and Conservation Area and fail to protect, preserve and enhance the setting of heritage assets in the vicinity of the site. The proposal therefore fails to comply with policies DM5, DM23 and DM24 of the Worthing Local Plan and paragraphs 130, 134 and 202 of the National Planning Policy Framework.

Informative:

01. For the avoidance of doubt this refusal relates to the following drawings/plans:-

Reference/Drawing Number	Version	Date Rec
DAY & NIGHT SHOTS		17.05.2023
FLOOD RISK ASSESSMENT	FRA 23 1020	17.05.2023
PLANNING & HERITAGE STATEMENT		17.05.2023
LOCATION PLAN	PL-001 PL2	17.05.2023
PROPOSED SITE PLAN	DR A 90001 C06	17.05.2023
PROPOSED GA PLAN LAYOUTS	DR A 01001 C09	17.05.2023
PROPOSED ELEVATIONS	DR A 02000 C09	17.05.2023

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TOWN AND COUNTRY PLANNING ACT 1990

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 the decision relates to a householder application or minor commercial application, and you want to appeal, then you must do so within 12 weeks of the date of this notice. If the decision relates to express consent for the display of an advertisement, then you must do so within 8 weeks of the date of this notice. If the decision relates to a non-householder application, an appeal must be lodged within 6 months of the date of the decision notice. Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at https://acp.planninginspectorate.gov.uk.

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.

Purchase Notices

6. 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. 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.

7. 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).