WORTHING BOROUGH COUNCIL

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PLANNING REFUSAL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (AMENDMENT) (ENGLAND) ORDER 2015

APPLICATION NUMBER: AWDM/1396/24

Details of Development
APPLICATION TO VARY CONDITION 1 (APPROVED PLANS) OF AWDM/0692/20 TO RETAIN DOUBLE GARAGE ON PLOT 3A.
[PLANNING PERMISSION AWDM/0692/20: AMENDMENT TO PLANNING PERMISSION AWDM/1107/15 TO DEVELOP 2NO. 4-BEDROOM DETACHED HOUSES ON PLOT 3 OF CONSENTED SCHEME AWDM/1566/13. AMENDMENTS INVOLVE LARGER DWELLING FOOTPRINTS.]

Location of Development
THE DRIVE MILL LANE WORTHING WEST SUSSEX BN13 3DF

In pursuance of their powers under the above-mentioned Act and Order the Council hereby notify you that they REFUSE to permit the above development, in accordance with the application and relevant correspondence registered on 13th November 2024.

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
29/05/2025

Worthing Borough Council, Development Management, Economy Directorate,
Portland House, 44 Richmond Road, Worthing, West Sussex, BN11 1HS
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SCHEDULE

Reasons for Refusal

01. The Turkey Oak Tree (T 2 of 2013) is an established feature which contributes positively to the local character and landscape of the area. The retrospective garage is within close proximity of the tree and well within the root protection area. The position of the extended garage has an impact on the canopy, future growth and pressure on the tree and without evidence to the contrary potential damage to the tree roots and viability of the tree. The proposal is therefore contrary to policies DM5 and DM18 of the Worthing Local Plan (2023) and the relevant policies of the NPPF.

02. The retrospective extended garage by reason of its size and siting has resulted in a cramped overdevelopment of the plot having a detrimental impact on the character and visual amenity of this small group of houses off Mill Lane. The garage extension furthermore does not provide the TPO Turkey Oak its appropriate setting within its "sylvan character' as part of the original planning consent. The proposal would therefore be contrary to policies DM5 and DM18 of the Worthing Local Plan (2023) and the relevant paragraphs of the NPPF.

Informatives / Notes to Applicant

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

Reference/Drawing Number	Version	Date Rec
SUPPORTING STATEMENT	01.10.2024	13.11.2024
SITE LAYOUT PLOTS 3(A) & 3(B)	PL-010 P7	13.11.2024
FLOOR PLANS, ELEVATIONS & SECTIONS PLOTS 3(A)	PL-011 P5	13.11.2024
TREE CONSTRAINTS PLAN	PL-012 P5	13.11.2024
ARBORICULTURAL IMPACT ASSESSMENT	206582	13.11.2024

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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, and you want to appeal, then you must do so within 12 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 can be made online at: https://www.gov.uk/planning-inspectorate. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

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.