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Mr S Cronk
Bevis Digitech Limited
William Booker Yard
The Street
Walberton
Arundel
West Sussex BN18 0PF

28 February 2011

Your Ref:

Our Ref: COM/275/11/1-KR/SDB

Please ask for:
Karl Roberts
Strategy Department
Direct Dial: 01903 737760

Dear Mr. Cronk,

Complaint in Respect of Planning Application AL/106/10

I refer to your complaint regarding the above planning application and my holding response to you dated 25th January 2011, I have now had the opportunity to complete a full appraisal of your complaint dated 17th January 2001.

Your e-mail is constructed with headings to which I will reply in turn.

Background

The description and subsequent approval of application AL/106/10 that you refer to is "change of use of implement & equipment store approved under AL/92/08/ to tourist accommodation unit."

I deal with the objections that you raised in your representations to this application below.

With respect to your claim that your dispute with Mr May has no bearing on the comments you made in relation to AL/106/10, Mr Baeza's report (please find a copy enclosed) under the heading Comments on Representations Received states "**disputes between neighbours are not material planning considerations.**" This was in response to your representation highlighting that you were in dispute with Mr May.

Openings on the Building

I note your point that Mr May had altered the barn prior to the submission of AL/106/10 and that these changes may have required permission in their own right. However, central to this is whether these changes, if they needed permission, were acceptable or not.

When dealing with possible breaches of planning control the Council has to have regard to national advice in the form of Planning Policy Guidance 18 – Enforcing Planning Control. In this case paragraph 6 applies and the issue was whether the Council would have invited the submission of a retrospective planning application rather than issue formal enforcement proceedings. The planning merits of AL/106/10 were fully addressed and the proposed development was considered acceptable. Mr Baeza's report outlines why planning consent was recommended.

Misrepresentations in the Design and Access Statement

With regard to your assertion that the Council did not mention your objection that the applicant's claim, in the Design and Access Statement, that you were consulted on this proposal was incorrect, I would refer you to Mr Baeza's report. In the section under Representations Received the summary of your representation includes ***"The residents of the property known as The Hovel have not been informed of this application by the applicant."*** There were no representations submitted pointing out that neighbours to the south were not "The Harvest".

Ignored Objections

- 1) Please refer to my comments made above.
- 2) Your comment concerning potential danger to pedestrians from increased traffic levels was included within your objection regarding harm to your residential amenity. Unfortunately whilst Mr Baeza identified your amenity objection he failed to point out your claim about increased traffic levels endangering pedestrian traffic. I can only apologise on his part for this error. However, in my opinion this would not have altered the final decision to approve the application given the comments provided by the Highway Authority which stated that ***"The proposal could potentially increase vehicle movements at the site, however there is no apparent visibility issue at the point of access onto the highway and the most recently available verified accident records reveal there have been no personal injury accidents in this location."***
- 3) The investigations by the Compliance Team are to do with separate units covering separate issues. The fact that there are ongoing enforcement investigations elsewhere in New House Farm does not constitute planning grounds to withhold dealing with further applications.

Inadequate Provision for Screening Between Properties

A 1.5m high screen is considered sufficient screening to protect the amenities enjoyed towards the end of your garden. There will be little potential for visual intrusion into your property. The lawful tourist use of the premises is likely to mean that there will not be an all year occupation of the premises: you claim that the users of such a tourist use ***"would rarely be at their property"***. All in all your residential amenities are not considered to be unacceptably affected by this proposal.

The condition will have the added benefit of ensuring that a fence to that height is maintained in perpetuity thereby preventing its removal which would not require planning permission in normal circumstances.

Processing of Single Letter of Support

All representations received are afforded equal weight and given the same attention. It would be unreasonable to do otherwise.

Conclusion

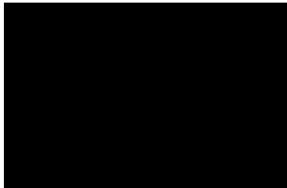
Just as you are obliged to comply with the terms of your approval reference AL/92/08 then so are the owners of AL/106/10. If you become aware that following this permission, works are carried out that deviate from the approved plans then this may constitute a breach of planning control.

I have addressed your allegations of inaccurate information submitted with AL/106/10. I consider that notwithstanding these allegations the planning grounds for granting permission in this case were sound.

In light of the above I have concluded that with one exception all the grounds of complaint are unjustified. The one point where I agree with you is the failure to make reference to your observations on highway safety. Notwithstanding this the issue was considered and therefore I do not believe the validity of this permission is effected.

I trust the above has demonstrated that the Council has considered and responded to your representations. However, if you feel that the Planning Department has not resolved the issue to your satisfaction, then you have the right to take your complaint through to Stage 2 of the complaints procedure. In order to do this, please write to the Corporate Complaints Administrator, Mrs. Sharon Lilleywhite, within 3 weeks of the date of this letter. If we do not hear from you within the 3 week period, we will consider the complaint closed.

Yours sincerely,



Karl Roberts
Assistant Director
Planning Services & Housing Strategy



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