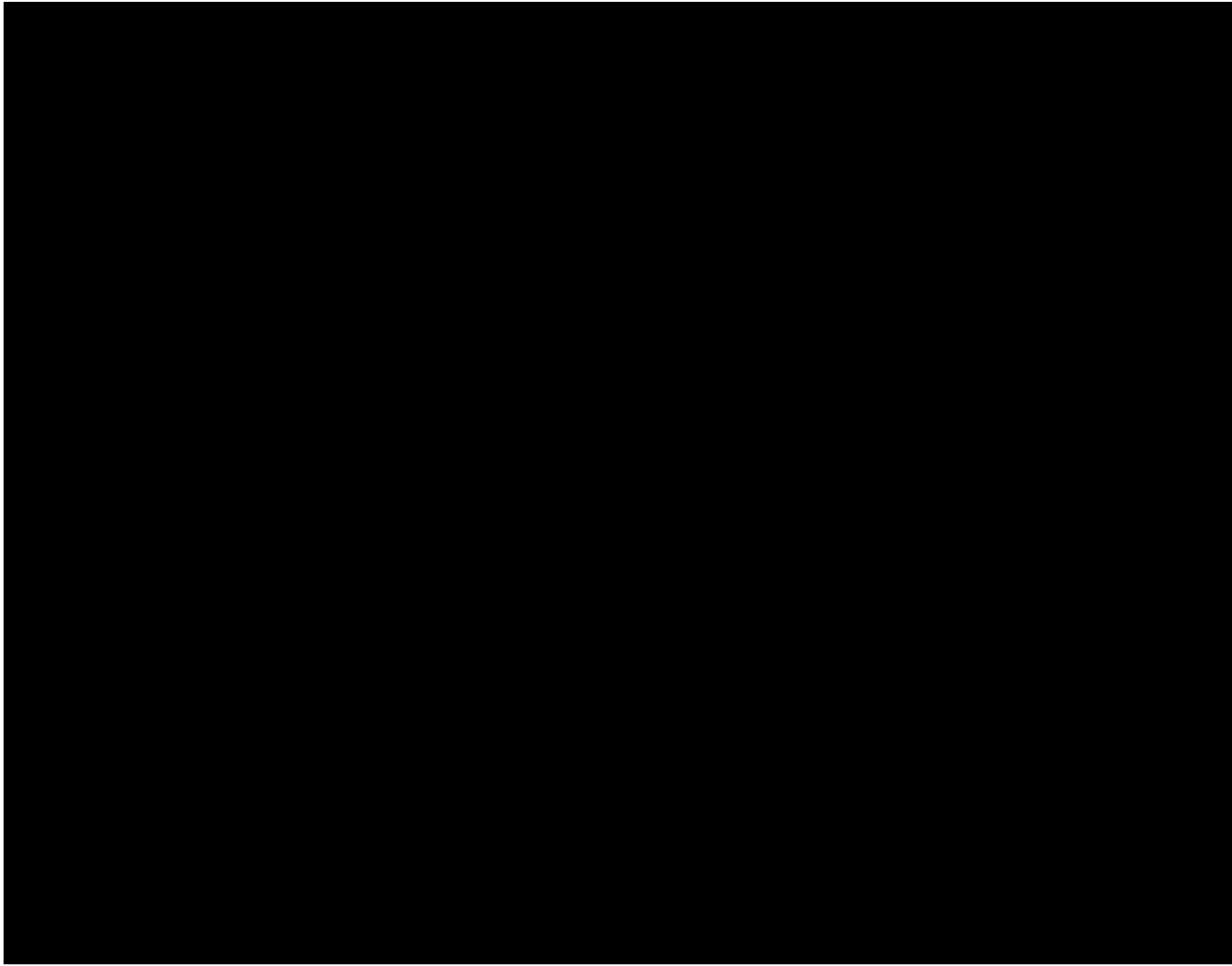




From: Juan Baeza

Sent: 06 April 2022 08:18

To: Peter Cleveland

Cc: Nicola Spencer <Nicola.Spencer@arun.gov.uk>; Anita Gardner <Anita.Gardner@arun.gov.uk>

Subject: A/50/22/PL

Dear Peter,

Further to validation of your application A/50/22/PL, I write to inform you that the Council has used its discretionary powers to decline to determine the application in accordance with section 70A of the Town and Country Planning Act 1990 (as amended). You will note that this states:

- (1) A local planning authority may decline to determine a relevant planning application if –
 - (a) any of the conditions in subsections (2) to (4) is satisfied, and
 - (b) the authority think there has been no significant change in the relevant considerations since the relevant event
- (2) The condition is that in the period of two years ending with the date on which the application mentioned in subsection (1) is received, the Secretary of State has refused a similar application [made to the Secretary of State under section 62A] referred to him under 76A or 77
- (3) The condition is that in the period the Secretary of State has dismissed an appeal –
 - (a) against the refusal of a similar application, or

- (b) under section 78(2) in respect of a similar application
- (4) The condition is that –
 - (a) in that period the local planning authority have refused more than one similar application, and
 - (b) there has been no appeal to the Secretary of State....
- (5) A relevant application is –
 - (a) an application for planning permission for the development of any land....
- (6) The relevant considerations are –
 - (a) the development plan so far as material to the application;
 - (b) any other material considerations
- (7) The relevant event is –
 - (a) for the purposes of subsections (2), (4) and (4B) the refusal of similar application;....
- (8) an application is similar to another application if, (and only if) the local planning authority think that the development and the land to which the applications relate are substantially the same”

In this case, we consider that the new application is substantially the same as A/168/21/PL and there has been no significant change in the development plan (so far as relevant to the application) nor any other material considerations.

Please note that there is no right of appeal against this decision but you may challenge this decision by way of judicial review in the court in the usual way if you so wish.

Regards

Juan Baeza
Team Leader,
Planning Department



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