

[REDACTED]

From: Nicola Spencer on behalf of Planning.Responses
Sent: 13 April 2022 21:17
To: Planning Scanning
Subject: FW: Planning applications Roundstone Farm

[REDACTED]

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[REDACTED]

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-----Original Message-----

From: Margaret Gilbert [REDACTED]
Sent: 13 April 2022 12:01
To: Planning.Responses [REDACTED]
Cc: sionedvos@gmail.com
Subject: Planning applications Roundstone Farm

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Dear Sir/Madam

I am on the committee of the East Preston and Kingston Preservation Society chaired by Sioned Vos. As you will be aware, she makes representations to you, on the Society's behalf, regarding planning applications in the local area, including this one.

I am writing to you about the application of s.70(A) Town and Country Planning Act 1990(as amended) to the second application, A/50/22/PL to build 76 houses on the above land following the refusal, on 16.11.21, of the first application A/168/21/PL to build 76 houses.

On 5/6 April you informed the applicants that the Council had used its discretionary powers under s. 70(A) to decline to determine the application.

What puzzles me is how this second application meets "any" of the 3 "conditions" set out in subsections (2), (3) and (4) necessary to trigger your discretionary powers to decline to determine it.

Subsections (2) and (3), about the Secretary of State, are not relevant here.

This leaves subsection (4)(a) and (b). This stipulates that "in that period", defined as "two years ending with the date the application is received" the "local planning authority have refused more than one similar application" subsection 4(a) and "there has been no appeal to the Secretary of State" subsection (4)(b).

I read this as meaning that there must have been more than one similar application refused before s.70(A) can be applied. Here, as far as I am aware, there has been only one application refused - A/168/21/PL.

There is the further requirement in subsection (4)(b) that there has been no appeal to the Secretary of State. The time frame here suggests otherwise, namely, that an appeal was lodged on 1 April and, therefore, preceded your communication.

This could be explained by the short interval of time involved. In any case, it is not the issue with which I am concerned. The difficulty I have is reconciling the requirement in subsection (4)(a) that "more than one" similar application must have been refused.

I appreciate that the appeal has now changed the course of these applications.

Nevertheless, s.70(A) could become relevant elsewhere, for example, the second application to develop Rustington Golf Centre A45/22/PL following the earlier refusal A/129/21/PL. Whilst the number of houses has been reduced in the second application, the legislation refers to a "similar" application and to there being "no significant change in the relevant considerations". Despite the reduction in numbers, the other objections in principle, set out in your refusal, remain.

There are also other likely future applications, such as Landsdowne Nurseries and Highdown Vineyard, in open areas along the A259 which might become repetitive.

Yours sincerely

Margaret Gilbert

Sent from my iPad