ARUN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE

Application Ref: BN/27/09/

1 **To Addressee**

Mr PP Collins BA(Hons)DipTP MR
Forum House
Stirling Road
Chichester
West Sussex
PO19 7DN

2 **Site Address**

Angels & Hyde Nurseries
Yapton Road
Barnham
PO22 0AY

3 **Description of Development**

Outline application for demolition of all existing structures and redevelopment with up to 95 dwellings (including up to 38 affordable homes) together with associated open space, landscaping and access improvements (This is a Departure from the Development Plan)

4 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plan for the reasons stated.

REASON 1 The application site is located outside of the defined built up area where the countryside is protected and new development is strictly controlled. They represent a significant encroachment into the countryside on a site not well related to the existing settlement. It is divorced from the settlement of Barnham and will result in a significant adverse impact on character of the area. The proposals are contrary to policies GEN2, GEN3 and GEN7 of the Arun District Local Plan, policy CC6 of the South East Plan and policy statements PPS1, PPS3 and PPS7.

REASON 2 The applicants have failed to demonstrate that there is any prospect of an acceptable foul sewage proposal that will not result in adverse impacts on capacity, pollution to water quality or that the risks of pollution and water quality could be safely managed. The proposals are contrary to policy GEN9 of the Arun District Local Plan, policy NRM2 of the South East Plan and PPS23.

REASON 3 The information submitted with the application is incomplete, inaccurate and inadequate to demonstrate that the maximum number of dwellings applied for can be satisfactorily accommodated on the site. It fails to provide evidence that existing trees (including those covered by a Tree Preservation Order), will not be unacceptably affected by a proposed layout for the quantum of development proposed contrary to policy GEN28 of the Arun District Local Plan.

REASON 4 The development proposed generates a need for public infrastructure in the form of financial contributions towards education, library infrastructure and fire service. No Section 106 unilateral undertaking has been completed in order to secure these requirements and the development therefore conflicts with policy GEN8 of the Arun District Local Plan.

REASON 5 The applicant indicates that a number of the proposed dwellings would be affordable housing but no Section 106 unilateral undertaking has been completed to secure the provision of affordable housing for the long term including socially rented housing. The proposed development therefore conflicts with policy DEV17 of the Arun District Local Plan.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr N Crowther

Date of Decision: 9th April 2010

Date Decision Issued: 9th April 2010

Karl Roberts
Assistant Director Planning Services &
Housing Strategy

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

APPEALS TO THE SECRETARY OF STATE

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 First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

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.

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.

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

If either the local planning authority or the First Secretary of State refused 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 & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).