



**The Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management
Procedure) (England) Order 2015 - Article 6**
**Application for Approval of Reserved Matters Following
Outline Approval**

DECISION NOTICE

Application Ref: BN/28/17/RES

1 To Addressee

Thrive Architects Limited
Building 300
The Grange
Romsey Road
Michelmersham
Romsey
SO51 0AE

2 Site Address

Land R/O Lillies
Yapton Road

PO22 0AY

3 Description of Development

Approval of reserved matters following outline consent BN/32/15/OUT relating to appearance, landscaping, layout & scale for erection of 38 No. dwellings including open space, landscaping & new access

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 plans for the reasons stated.

1 The proposed location of the Public Open Space at the rear of the site is poorly located resulting in an inappropriate and unacceptable layout of the development for the site. The proposed development is contrary to policy GEN7 of the Arun District Local Plan (ADLP) and policy H5 of the Barnham and Eastergate Neighbourhood Plan and the NPPF .

2 The proposed apartment building lacks a curtilage/defensible space which would allow users of the Public Open Space to access the area immediately in front of the apartment building which would result in unacceptable privacy for the residents of the apartment building and is therefore contrary to policy GEN7 of the Arun District Local Plan (ADLP) and policy H5 of the Barnham and Eastergate Neighbourhood Plan and the NPPF .

3

The proposed development excludes well designed, usable public open space as the land identified as POS would be largely occupied by an attenuation pond. The proposed development is therefore contrary to policy GEN20 of the Arun District Local Plan (ADLP) and policy H5 of the Barnham and Eastergate Neighbourhood Plan and the NPPF.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.



Neil Crowther
Group Head of Planning

Case Officer: Michael Eastham

Date of Decision:

19 January 2018

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

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

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

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but 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 the Secretary of State 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.

PURCHASE NOTICES

If either the local planning authority or the 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 Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 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