

From: Simon Davis
Sent: 05 October 2018 12:47
To: 'Lee Farndell'
Subject: RE: Application BR/146/18/PO

Dear Lee,

The Governments Planning Practice Guidance (paragraph: 009, reference ID: 23b-009-20160519) states that:

"Planning obligations can be renegotiated at any point, where the local planning authority and developer wish to do so. Where there is no agreement to voluntarily renegotiate, and the planning obligation predates April 2010 or is over 5 years old, an application may be made to the local planning authority to change the obligation where it "no longer serves a useful purpose" or would continue to serve a useful purpose in a modified way (see section 106A of the Town and Country Planning Act 1990)"

However, we consider that the obligation still serves a useful planning purpose and so cannot approve the application.

I would recommend that you read the officer report which will be available on our website through the application search page <https://www.arun.gov.uk/weekly-lists> either by the end of today or at the weekend/Monday. This report references the similar decision that I mentioned.

The application has now been refused. You of course have the right to appeal.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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Save the environment - think before you print.

From: Lee Farndell [REDACTED]
Sent: 04 October 2018 15:59
To: Simon Davis
Subject: RE: Application BR/146/18/PO

Dear Simon,

Thank you for your email. I hope that you understand that this is very disappointing news and not at all the decision that I was expecting. I was under the impression that it was now policy that contributions through planning obligations over 5 years old should now **not** be sought from developers – as highlighted in the government planning obligation guidelines <https://www.gov.uk/guidance/planning-obligations>

Are there any circumstances where infrastructure contributions through planning obligations should not be sought from developers?

As set out in the Starter Homes written ministerial statement of 2 March 2015, starter homes exception sites should not be required to make affordable housing or tariff-style section 106 contributions.

There are specific circumstances where contributions for affordable housing and tariff style planning obligations (section 106 planning obligations) should not be sought from small scale and self-build development. This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the written ministerial statement of 28 November 2014 and should be taken into account.

These circumstances are that;

- contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)*
- in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under section 157(1) of the Housing Act 1985, which includes National Parks and Areas of Outstanding Natural Beauty*
- affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home*

Paragraph: 031 Reference ID: 23b-031-20161116

Revision date: 16 11 2016 See previous version

In particular the first bullet point would relate to our planning application.

I also note from the website that there were no objections from Andy Elder at ADC, which must surely help our application. The only obvious mention of an objection came from Bognor Regis Town Council (who I'm guessing are objecting as the Sect 106 money may filter through to them?)-- though their actual written objection does not seem to be recorded (other than in your reply to them). Again from this I fail to see why our application would be rejected.

You mention that there has been a recent similar case that has recently been rejected. I would be interested in receiving details of that case from you to ascertain the similarities for myself. If this is the only reason for the refusal then perhaps it was this previous case that was decided incorrectly?

Since this application was received by you on the 24th May and a decision was supposed to have been made before the 19th July we are now in a position where the decision is 11 weeks overdue. Therefore I do not understand your request to extend the timescale by one day. Perhaps you could explain?

In conclusion, if you continue to proceed with refusing the application then I feel I have no other option, given the above information, other than to appeal and ask the Planning Inspectorate to make the decision instead.

I look forward to your reply.

Best regards,

Lee Farndell
Farndell Builders Ltd
[REDACTED]

From: Simon Davis [mailto:Simon.Davis@arun.gov.uk]

Sent: 04 October 2018 12:08
[REDACTED]

Subject: Application BR/146/18/PO

Dear Lee,

I am sorry for the length of time it has taken to determine your application. This being as a result of a staff shortage which sent caseloads up and essentially created a backlog which I am slowly working my way through.

Unfortunately, my recommendation on your application is to refuse. This is in line with a decision made recently on a similar case elsewhere in the district and you will appreciate that we have to be consistent in cases that are materially the same.

I write to ask if you would be prepared to grant us an extension of time until this Friday 05 October to enable a decision to be issued within an agreed timescale. However, I accept that as we are refusing you may not be willing to agree this.

Kind Regards

Simon J Davis MRTPI | Principal Planning Officer, Planning Department, Directorate of Place, Arun District Council |
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