

Application for Lawful Development Certificate for an Existing Use or Operation or
Activity including those in breach of a planning condition.

DECISION NOTICE

Application Ref: CM/60/19/CLE

To Addressee

Mr R Patel
Integrated Developments Ltd
17 Black Friars Lane
St Pauls
London
EC4V 6ER

Site Address

Clymping Mill
Climping Street
Climping
BN17 5RN

Description of Application

Application for a Lawful Development Certificate for an Existing operation - Excavation of ground to re-deposit earth within and around the boundary of the site.

In pursuance of their powers under this Act and these Regulations the Council **REFUSE** to certify that the development described above is Lawful for the reasons stated below.

- 1 The Council is not satisfied that the evidence submitted when considered with other information the Council has collated, demonstrates that the works undertaken namely the creation of a pond and associated spoil heaps do not constitute development or that they constitute permitted development under the Town and Country Planning (Use Classes) Order 1987 (as amended) as required to satisfy the issue of Certificate of Lawfulness under Section 171B (3) of the Town and Country Planning Act 1990.

The use described in the First Schedule to this certificate in respect of the land specified in the Second Schedule to this certificate and edged in black on the plan attached to this certificate, was not lawful within the meaning of section 192 of the Town & Country Planning Act 1990 by reason that the Council is not satisfied that the evidence submitted when considered with other information the Council has collated, demonstrates that the works undertaken, namely the creation of a pond and associated spoil heaps do not constitute development, that they have existed for the relevant time period, or that they constitute permitted development under the Town and Country Planning (Use Classes) Order 1987 (as amended) as required to satisfy the issue of Certificate of Lawfulness under Section 171B (3) of the Town and Country Planning Act 1990.

EXTENT OF USE

Retention of earthworks carried out in July 2018 within the site at Clymping Mill. The earthworks include excavation of a pond (approx. 26m wide and 4m deep) and depositing of the spoil at various locations on the

site.

FIRST SCHEDULE

The excavation of soil and creation of spoil heaps and a hole as detailed on the submitted drawings:

Location Plan IDL-NA-00-DR-A-01000 (3-00)

Existing Earthworks Site Plan & Section IDL-EW-00-DR-A-11000(3-00)

Based upon the information submitted the works which constitute development have not been present for a continuous period of 4 years; do not benefit from planning permission; and do not accord with the limitations of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

SECOND SCHEDULE

Climping Mill, Climping Street, Climping, BN17 5RN



Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner
Decision Issued: **24th December 2019**

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

RIGHTS OF APPLICANTS AGGRIEVED BY DECISION OF LOCAL PLANNING AUTHORITY

TOWN AND COUNTRY PLANNING ACT 1990

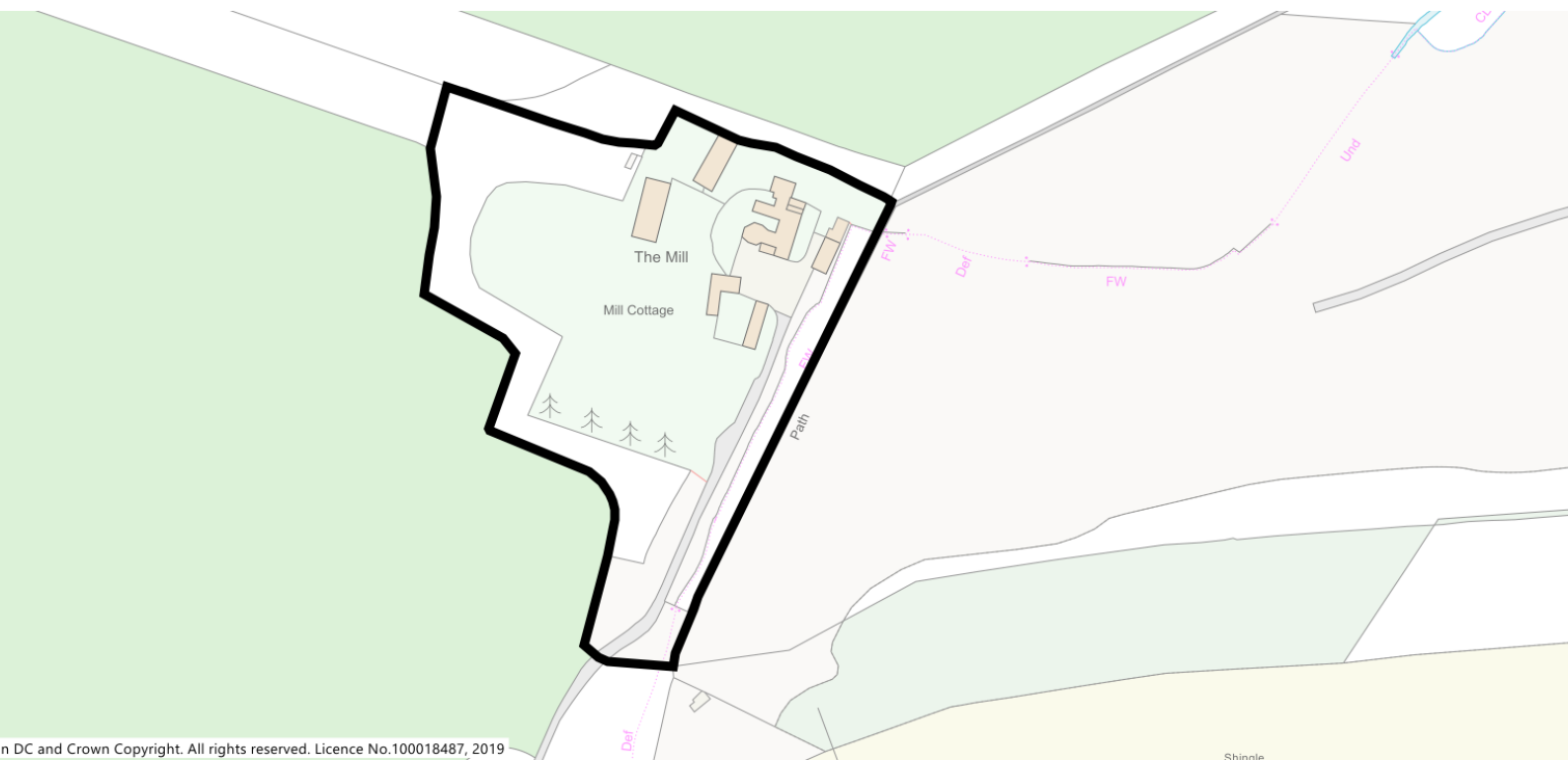
By Section 195 (as amended) of the Town and Country Planning Act 1990, where an application is made to a Local Planning Authority under Sections 191 or 192 and is refused, or is refused in part, the applicant may by notice under this subsection appeal to the Secretary of State and on any such appeal the Secretary of State:-

- a) if and so far as he is satisfied that the Authority's refusal is not wellfounded, grant to the appellant a Certificate under Section 191/192 accordingly or, as the case may be, modify the certificate granted by the Authority on the Application; and
- b) if and so far as he is satisfied that the Authority's refusal is wellfounded, dismiss the appeal.

If you wish to appeal to the Secretary of State you should write in the first instance to The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN.

There is no time limit for submission of an appeal following the Authority's decision.

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).



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