

Appleton Town Planning
31 Eastcourt Road
Worthing
West Sussex
BN14 7DA

Date: 5th March 2020

Please ask for: Mrs A Gardner

Tel: 01903 737529

Your Ref:

Our Ref: FG/20/20/DOC

Dear Mrs Appleton,

Town & Country Planning Act 1990 (as amended)

Town and Country Planning (Development Management Procedure) (England) Order 2015

Approval of details reserved by condition imposed under FG/115/17/PL relating to condition 3-visibility splays.

Paddock House 44 Ferringham Lane Ferring BN12 5LU

Notification regarding the above application:

Condition Number 3

No part of the development shall be first occupied until visibility splays of 2.0 x 43 metres to the south of the site and 2.0 x 39 metres to the north of the site have been provided at the site vehicular access onto Ferringham Lane in accordance with the approved planning drawings. Once provided the splays shall thereafter be maintained and kept free of all obstructions over a height of 0.6 metre above adjoining carriageway level or as otherwise agreed.

Reason: In the interests of road safety and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

Decision:

Arun District Council have decided to **APPROVE details reserved by this condition**

This condition is discharged on the basis that the necessary visibility splay details cannot reasonably be provided and maintained. There is no prospect of the splays being achieved across private land in third party ownership, over which the applicant has no control, which is outside of the approved red edge of the application site. The condition is unenforceable. It does not meet the six tests for imposition of a condition within para 55 of the NPPF and is ultra vires.

Please do not hesitate to contact the above officer if you require any further assistance.

Yours sincerely

A handwritten signature in black ink, appearing to be 'NC', followed by a small dot.

Neil Crowther
Group Head of Planning