

[REDACTED]

From: Amanda Scholes on behalf of Planning.Responses
Sent: 27 June 2019 08:59
To: Planning Scanning
Subject: FW: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

From: paul collins [REDACTED]
Sent: 26 June 2019 12:36
To: Juan Baeza <[REDACTED]>; Neil Crowther <[REDACTED]>; Daniel Vick <[REDACTED]>; Karl Roberts <[REDACTED]>; Anita Gardner <[REDACTED]> Planning.Responses <[REDACTED]>
Cc: Anita Gardner <[REDACTED]>; Cllr. Martin Lury <[REDACTED]>; Cllr. Gill Yeates <[REDACTED]>; Cllr. Jamie Bennett <[REDACTED]>
Subject: RE: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Dear Juan

Thank you for your e mail which is noted.

There are no ecology or drainage issues to resolve and there never has been and "waiting for advice from our engineers" is not appropriate.(see correspondence).

The 8 week determination period for the application expires on 2/7/19 and there is a DCC on 10/7/19.

I have asked that the application be determined as submitted and on the basis of the information I have subsequently provided and the only confirmation/information I have (reasonably in the circumstances) sought on behalf of the applicant is the date when the Case Officer intends to do so and her intended recommendation and once again I request that this information is provided by return so that the applicant can consider his options accordingly.

My client wishes to make a start on the proposed development before the end of August so that he can substantially complete the development before Christmas ready for sale and occupation in the new year and he has provided all the relevant information reasonably necessary for ADC to grant the planning permission sought which will enable him to do so.

As you will be aware NPPG Paragraph: 048 Reference ID: 16-048-20140306 states: "*If it is clear that the local planning authority will fail to determine an application within the time limits, it should give the applicant a proper explanation. In any appeal against non-determination, the local planning authority should explain their reasons for not reaching a decision within the relevant time limit, and why permission would not have been granted had the application been determined within the relevant period. If an appeal in such cases is allowed, the local planning authority may be at risk of an award of costs, if the Inspector or Secretary of State concludes that there were no substantive reasons to justify delaying the determination and better communication with the applicant would have enabled the appeal to be avoided altogether*" and Officers have not done so.

NPPG Paragraph: 049 Reference ID: 16-049-20140306 states: *Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this include:.*

- *preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations.*

- *vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.*
- *refusing planning permission on a planning ground capable of being dealt with by conditions risks an award of costs, where it is concluded that suitable conditions would enable the proposed development to go ahead*
- *imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations*

and Officers have thus far exhibited text book behaviour in these regards in this case.

Also on a wider note if this is how ADC Officers are instructed by senior officers to process proposals for simple, straightforward, minor and non-controversial housing developments which demonstrably accord with all relevant ALP 2018 Policies, it is no wonder that many consider that all your relevant Development Management procedures need reviewing, the ALP 2018 needs reviewing or that the Council is failing to meet its housing delivery targets and that its appeal record in terms of decisions and costs against is so appalling.

For my part I have done all that I reasonably can in this case to provide the evidence required for you to recommend that the application is approved by no later than 10/7/19 so as to avoid these scenarios arising and I can only suggest that it would be in the best interests of your client authority and Arun District residents generally for you and Anita to stop prevaricating and get on with it.

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: Juan Baeza [REDACTED]

Sent: Wednesday, June 26, 2019 9:13 AM

To: [REDACTED]

Cc: Anita Gardner [REDACTED]

Subject: RE: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Dear Paul

Thank you for the email which has been forwarded for my attention.

I have spoken to Anita and we are waiting for advice from our engineers. Once she's in receipt of their comments I will be discussing next steps with Anita. I understand the ecology issue has been resolved and drainage is final issue to deal with.

I will revert back to you once I have further news.

Regards

Juan Baeza Area Team Leader – Planning Department, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

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Save the environment - think before you print.

From: Daniel Vick
Sent: 26 June 2019 08:40
To: Juan Baeza
Subject: FW: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

From: paul collins [REDACTED]
Sent: 25 June 2019 16:52
To: Anita Gardner
Cc: Daniel Vick; Neil Crowther; Planning.Responses
Subject: FW: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Anita

Please may I have the response and confirmation I have requested in my e mail below.

Please can you also provide me with a copy of the photographs attached to your e mail to Stephanie dated 19 June 2019.

To assist and in view of the e mail from the Stephanie Evans dated 24 June 2019 on file I must point out that:

- The applicant is the owner of the site and he is entitled to clear the site and demolish buildings under permitted development rights. No bats or any other protected species were present or affected when he undertook the site clearance works and as a responsible landowner had they been he would of course followed all relevant legislation relating to the protection of same and there is no evidence that he did.
- The condition suggested fails all the relevant tests set out in NPPG at Paragraph: 003 Reference ID: 21a-003-20140306 and should not and cannot be imposed even if we did agree to it.
- There are no statutory consultees in this case and all commenting are doing so as non *statutory consultees* (i.e they are only commenting because you chose to consult them) . *NPPG Paragraph: 028 Reference ID: 15-028-20140306 states: "The decision to grant or refuse a planning application ultimately rests with the local planning authority taking in to account all relevant planning considerations, and not just the advice from one consultee. Local Authorities should be aware of the need to be able to justify a decision taken, including where it is contrary to a statutory consultee's view".*

The clock is ticking so I look forward to an early response.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



From: paul collins [REDACTED]
Sent: Thursday, June 20, 2019 5:34 PM
To: 'Anita Gardner' [REDACTED]
Subject: FW: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Paul Collins BA (Hons) DipTP MRTPI
T: 07709993015 E:ppcplanner@btinternet.com



From: paul collins [REDACTED]
Sent: Thursday, June 20, 2019 5:33 PM

To: [REDACTED]
Cc: [REDACTED] 'Neil Crowther' [REDACTED];

Subject: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Anita

Our previous correspondence refers.

In the absence of any confirmation regarding a decision timescale as requested and/or a written request/explanation as to the need for an Extension of time I must advise you that my instructions are to lodge an appeal against your council's failure to determine the application within the statutory determination period however I have and continue to do all that I can to avoid that scenario.

You are aware that I have requested that the application be placed before the DCC at its meeting on 10 July 2019 with a recommendation of approval and I attach a number of additional statements designed to assist you to do so. Please note these and the previous advice offered regarding conditions and confirm that this is your intention by return.

In this regard you will be aware that the relevant PPG at Paragraph: 049 Reference ID: 16-049-20140306 states: *Local planning authorities are at risk of an award of costs if they behave unreasonably with respect to the substance of the matter under appeal, for example, by unreasonably refusing or failing to determine planning applications, or by unreasonably defending appeals. Examples of this (amongst others) include:*

- *preventing or delaying development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and*
- *imposing a condition that is not necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects, and thus does not comply with the guidance in the National Planning Policy Framework on planning conditions and obligations.*

I look forward to receiving the confirmation requested.

Paul

Paul Collins BA (Hons) DipTP MRTPI



<http://www.arun.gov.uk>

DX 57406 Littlehampton

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