

From: Laura Gibbons

Sent: 26 July 2019 15:38

To: Anita Gardner <Anita.Gardner@arun.gov.uk>

Subject: RE: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU/APP/C3810/W/19/3232378

Hi Anita,

I have no further comments to make.

Thanks,

Laura Gibbons, MEng, GMICE
Engineer (Drainage & Coastal)

[Laura Gibbons](#) | Engineer (Drainage & Coastal), Engineering Services, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37818 | External: +44 (0) 1903 737818 | Fax: +44 (0) 1903 716018 | E-mail: laura.gibbons@arun.gov.uk

Arun is Working in Partnership with Chichester District Council

Visit Arun's web site at <http://www.arun.gov.uk/> and www.chichester.gov.uk



Save the environment - think before you print.

From: Anita Gardner
Sent: 24 July 2019 11:16
To: Laura Gibbons <Laura.Gibbons@arun.gov.uk>
Subject: FW: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU/APP/C3810/W/19/3232378

Hi Laura,

The agent has gone to appeal against non- determination of this application. Please see dialogue with agent below. We will be advising the Inspectorate that we would have refused the application given the agent's refusal to agree to the imposition of the drainage and construction management plan pre-commencement conditions. Do you have any further comments to make or shall I assume that the attached comments are the final version?

Thanks

Anita

[Anita Gardner](#) | Principal Planner, Directorate of Place, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37529 | External: +44 (0) 1903 737529 | E-mail: anita.gardner@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: paul collins [REDACTED]
Sent: 03 July 2019 16:38
To: Juan Baeza <Juan.Baeza@arun.gov.uk>; Anita Gardner <Anita.Gardner@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>
Subject: FW: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU/APP/C3810/W/19/3232378

Dear All

Following the lodging of the appeal yesterday does it remain your intention to refuse the application as recommended and issue a decision by the end of the week. Please advise by return.

Thanks

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: paul collins [REDACTED]
Sent: Tuesday, July 2, 2019 11:28 AM
To: 'Juan Baeza' <Juan.Baeza@arun.gov.uk>
Cc: 'Anita Gardner' <Anita.Gardner@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>
Subject: RE: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Noted.

Paul Collins BA (Hons) DipTP MRTPI





RTPI

Chartered Town Planner

From: Juan Baeza [<mailto:Juan.Baeza@arun.gov.uk>]

Sent: Tuesday, July 2, 2019 11:22 AM

To: 'paul collins' [REDACTED]

Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>

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

Paul

We have received legal advice and a refusal of this application is being recommended. Before it is issued the Group Head will look at the report for refusal and if satisfied it is expected to be issued by the end of this week.

Regards

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

Internal: 37765 | External: +44 (0) 1903 737765 | E-mail: juan.baeza@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment – think before you print.

From: paul collins [REDACTED]

Sent: 02 July 2019 11:19

To: Juan Baeza; Anita Gardner

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

Dear Both

Further to my last below please be advised that the applicants Drainage statement dated 20 June 2019 makes it clear that in accordance with ALP 2018 Policy WDM1 the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations and the SUDS manual produced by CIRIA will be followed and the appellant has chosen to address surface water drainage by way of soakaways which winter groundwater monitoring and percolation testing undertaken during the winter of 2017/18 demonstrates can be designed and installed in accordance with Approved Document H of the Building Regulations requirements are a satisfactory and effective means for the disposal of surface water from the proposed development.

However, in the absence of any proper explanation from the LPA as to the reasons for not reaching a decision within the relevant time limit, why permission would not have been granted had the application been determined within the relevant period and confirmation as to a date when the application will be determined my client intends to lodge an appeal against the Councils failure to determine the application within the statutory time period upon expiry of same today.

Please let me know by return whether or not the LPA considers that this unfortunate position can be avoided.

Thanks

Paul Collins BA (Hons) DipTP MRTPI

[REDACTED]



RTPI

Chartered Town Planner

From: paul collins [REDACTED]
Sent: Friday, June 28, 2019 4:13 PM
To: 'Juan Baeza' <Juan.Baeza@arun.gov.uk>
Cc: 'Anita Gardner' <Anita.Gardner@arun.gov.uk>; 'Laura Gibbons' <Laura.Gibbons@arun.gov.uk>
Subject: RE: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Juan

This is an unbelievable waste of your time, my time, public money and my clients money . There is no suggestion and never has been that there are any "flooding grounds" for a refusal and I have never argued that any such refusal was unlawful. How and why are you seeking a legal opinion on an argument that does not exist and a refusal reason that has not yet been issued?

However it is high time that this preposterous nonsense was brought to an end so I note your intention and will advise my client that he should take the matter out of the hands of those who are incapable of dealing with it properly and place it in the hands of someone who can. In doing so neither he nor I will need a legal opinion because we can both read the relevant policy and NPPG which is in this case clear cut and unequivocally in our favour.

Paul Collins BA (Hons) DipTP MRTPI



RTPI

Chartered Town Planner

From: Juan Baeza [<mailto:Juan.Baeza@arun.gov.uk>]
Sent: Friday, June 28, 2019 3:27 PM
To: 'paul collins' [REDACTED]
Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>; Laura Gibbons <Laura.Gibbons@arun.gov.uk>
Subject: RE: LU/133/19/PL - Site of Inglecroft Barn Close Littlehampton West Sussex BN17 6JU

Dear Paul

I have today reviewed the application with Anita and have decided to take a legal opinion on your argument that we are unlawfully entitled to refuse the application on flooding grounds. As soon as we have the advice we will return to you.

Regards

[Juan Baeza](#) Area Team Leader -- Planning Department, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

Internal: 37765 | External: +44 (0) 1903 737765 | E-mail: juan.baeza@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



Save the environment - think before you print.

From: paul collins [REDACTED]
Sent: 26 June 2019 12:36
To: Juan Baeza; Neil Crowther; Daniel Vick; Karl Roberts; Anita Gardner; Planning.Responses
Cc: Anita Gardner; Cllr. Martin Lury; Cllr. Gill Yeates; Cllr. Jamie Bennett
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 [<mailto:Juan.Baeza@arun.gov.uk>]
Sent: Wednesday, June 26, 2019 9:13 AM
To: 'ppcplanner@btinternet.com' [REDACTED]
Cc: Anita Gardner <Anita.Gardner@arun.gov.uk>
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
Internal: 37765 | External: +44 (0) 1903 737765 | E-mail: juan.baeza@arun.gov.uk

Visit Arun's web site at www.arun.gov.uk



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.

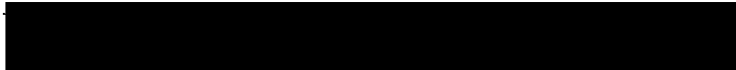
To assist and in view of the e mail from the Stephanie Evans dated 24 June 2019 on file I must point out that:

- 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

Sent: Thursday, June 20, 2019 5:34 PM

To: 'Anita Gardner' <Anita.Gardner@arun.gov.uk>

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

Paul Collins BA (Hons) DipTP MRTPI



From: paul collins

Sent: Thursday, June 20, 2019 5:33 PM

To: 'Anita.Gardner@arun.gov.uk.' <Anita.Gardner@arun.gov.uk>

Cc: 'Daniel.Vick@arun.gov.uk' <Daniel.Vick@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>;

'Planning.Responses@arun.gov.uk' <Planning.Responses@arun.gov.uk>

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

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

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

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.

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

DX 57406 Littlehampton

You can view Arun District Council's Privacy Policy from <https://www.arun.gov.uk/privacy-policy>

Important Notice This e-mail is intended exclusively for the addressee and may contain information that is confidential and/or privileged. If you are not the intended recipient (or authorised to receive it for the addressee), please notify the sender and delete the e-mail immediately; using, copying, or disclosing it to anyone else, is strictly prohibited and may be unlawful. Any views, opinions or options presented are solely those of the author and do not necessarily represent those of Arun District Council. The information in this e-mail may be subject to public disclosure under the Freedom of Information Act 2000, therefore we cannot guarantee that we will not

provide the whole or part of this e-mail to a third party. The Council reserves the right to monitor e-mails in accordance with relevant legislation. Whilst outgoing e-mails are checked for viruses, we cannot guarantee this e-mail is virus-free or has not been intercepted or changed and we do not accept liability for any damage caused. Any reference to "e-mail" in this disclaimer includes any attachments.
