



Town & Country Planning Act 1990 (as amended)
Town & country Planning (Development Management
Procedure) (England) Order 2015 - Article 5
Application for Outline Consent
DECISION NOTICE

Application Ref: LU/376/17/OUT

1 To Addressee

Batcheller Monkhouse
 New Bartram House
 3-5 Swan Court
 Station Road
 Pulborough
 RH20 1RL

2 Site Address

The Bungalow Southdown Nursery
 Old Mead Road

 BN17 7PU

3 Description of Development

Outline application with all matters reserved for demolition of a bungalow & outbuildings & erection of up to 25 No. dwellings of which 30% will be affordable, with associated open space. Departure from the Development Plan.

In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

- 1 The application site falls within Flood Zone 3 as defined by Environment Agency Flood Map as having a high probability of flooding and the development type in the proposed application is classified as highly vulnerable in accordance with Table 2 of the Section 25 of the Flood Risk and Coastal Change Planning Practice Guidance to the National Planning Policy Framework. The submitted Flood Risk does not satisfactorily demonstrate that the development will be safe and appropriately flood resilient/ resistant and is therefore in conflict with the National Planning Policy Framework and policy GEN11 of Arun District Local Plan.
- 2 The proposal would involve unsustainable development outside the built up area boundary within the Littlehampton to Arundel Strategic Gap, which policy AREA10 requires should be permitted only in compelling circumstances; these are not considered to exist in the present case. The proposal would therefore be contrary to policy AREA10 of the Arun District Local Plan and the National Planning Policy Framework.

- 3 The proposed development fails to make an adequate contribution towards education, library and fire services provision and is thereby contrary to the aims and objectives of policy GEN8 of the Arun District Local Plan.
- 4 Based on the information submitted with the application the Local Planning Authority is not satisfied that the proposal would not adversely affect the long distance views of Arundel Castle or Cathedral in conflict with policy AREA3 of Arun District Local Plan.
- 5 The proposed development fails to secure the provision of affordable affordable housing provision and is thereby contrary to policy DEV17 of Arun District Local Plan the aims and objectives of the Council's Affordable Housing Policy and the NPPF.
- 6 Having regard to the limited information submitted as part of this outline approval it has not been satisfactorily demonstrated that the proposal would not give rise to an unneighbourly form of development which would be prejudicial to the amenities and environment of the locality in conflict with policy GEN7 of the Arun District Local Plan.

INFORMATIVE: Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure)(England) Order 2015. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.


Neil Crowther
Group Head of Planning

Case Officer: Mrs A Gardner

Date of Decision:

2 July 2018

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

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 12 weeks of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals must be using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN (Tel: 0303 444 5000) or online at <http://acp.planninginspectorate.gov.uk>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

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).

