



PLANNING & PROPERTY CONSULTANTS LTD

Registered Office: 3 Chapel Street Chichester West Sussex PO19 1BU

Tel/Fax: 01243 601285 E-mail: ppcplanning@tiscali.co.uk

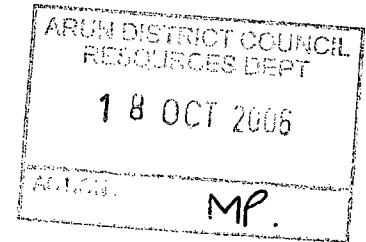
3 October 2006

Mr M Porter
Planning Services
Arun District Council
Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Your ref; P/110/06

Dear Mr Porter

ARUN DISTRICT COUNCIL				
No.	P	110	06	
RECEIVED	18/10/06			



1A The Parade, Pagham – Change of Use from A1 to A2

Thank you for your compliment slip and your request to complete the attached questionnaire.

Firstly I note that the completion of this questionnaire is not mentioned in the relevant Local Plan Policy DEV 30 and is also not a formal part of the planning application process. It seems to be part of an internal consultation arrangement and is provided as a guide rather than being a planning policy requirement. Secondly I note that whilst the questions it asks may be relevant to some scenarios and some applications they are not relevant to this application and the scenario that led to its submission.

Policy DEV 30 is not prescriptive as to the evidence required and simply states **“An exception may be made where it can be demonstrated that retailing is no longer a viable use, particularly where the premises have remained vacant for a long period and reasonable attempts have been made to market the premises for retail purposes”**

In my submission the lack of prescription in the policy strongly suggests that when it was originally written, it was envisaged that such prescription would be inappropriate as it is self evident that the circumstances relating to any particular application or site may vary and the authority should make a planning judgement on the basis of the information provided and the circumstances of the particular case rather than simply refuse all applications which cannot provide the prescriptive information in the questionnaire particularly as this was devised (as a guide) some considerable time after the adoption of the policy. Surely the wording of the policy makes it clear that where a unit has remained vacant for a long period of time and reasonable attempts have been made to market it for retail purposes the Council will allow alternative uses in preference to it remaining vacant and unused?

Equally the reason for the policy is stated as being **“To prevent the loss of local village shops which are of community benefit”** and as the supporting statement already submitted makes clear this unit was last used as a Post Office which closed some 3 years before my clients purchased the lease and before that purchase the unit had remained vacant and unused despite its marketing as a retail unit. Therefore my clients' intentions for the unit (or indeed their proposed use) did not cause the closure nor did it lead to the loss of the benefit to the community that the Post Office provided. Therefore even if the current application was refused and their current use ceased as a result of enforcement action the unit would simply become vacant and unused again.



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At anytime during the 3 year period prior to their purchase (and indeed before their interest arose) any proposed retail user could have purchased the lease whilst it was being marketed if they considered it to be a viable proposition but this did not happen primarily because in the circumstances of the site this is clearly not a viable retail unit.

This said I now enclose the questionnaire which has been completed to the best of our ability and knowledge given that my clients were not party to the process of marketing that took place for a 3 year period prior to their purchase.

I have also attached the following:-

- a copy letter from Austin Gray who were the Auctioneers that handled the sale of the lease to my clients and
- a copy memorandum dated 20 June 2006 between Mr R Dunn (RD) of Chamberlain Martin Solicitors to Mr C Martin (CM) of the same firm. Mr R Dunn acted for the owners (Mr & Mrs Kerr) and Mr C Martin acted for the applicants.

In my view these are self explanatory and provide yet more evidence and verification of the case we make.

All the available evidence submitted clearly indicates that:-

1. This small retail unit was only created some 18 years ago (Planning permission P/71/88) by way of a sub division of the original unit as built
2. The retail use of this unit ceased when the Post Office closed in 2003
3. The unit remained vacant for over 3 years prior to the purchase of the lease by my clients
4. Reasonable attempts were made to market the lease by the owners for retail purposes during this period without success and;
5. Had my Clients not purchased the lease at a much reduced value at auction and brought the unit back into active use it would still be vacant and unused.

Surely in this case common sense should take precedence over the unreasoning application of informal procedures and I can only urge you to exercise some discretion and planning judgement and approve the current application so that we can all avoid the need for the concurrent appeal to proceed.

Yours sincerely

Paul Collins

Director PPC Ltd

Encs

Cc Mr Rogerson The Planning Inspectorate, The Clients