ARUN DISTRICT COUNCIL

Town & Country Planning Act 1990 (as amended)
Town and Country Planning (Development Management Procedure) (England) Order 2015
Application for Planning Permission
DECISION NOTICE

Application Ref: P/125/14/PL

1 **To Addressee**

Miss R Gray
WYG
The Pavilion 1st Floor
Botleigh Grange Office Campus
Hedge End
Southampton
SO30 2AF

2 **Site Address**

251 Pagham Road & Land R/O
Pagham
PO21 3QB

3 **Description of Development**

Demolition of existing dwelling & ancillary buildings & erection of 40 no. dwellings with associated access, car parking, cycle & refuse storage, hard & soft landscaping & amenity space. This application is a Departure from the development plan

In pursuance of their powers under this Act and related Orders and Regulations the Council **PERMIT** this development to be carried out in accordance with the application and plans and subject to compliance with the following conditions and Section 106 Agreement.

1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

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2 The development hereby approved shall be carried out in accordance with the following approved plans:

* 1:20,000 Site Location Plan Ref 0.0144_02 Rev B;
* Landscape Designations Plan Ref 0.0144_03 Rev B;
* Aerial Imagery Ref 0.0144_04 Rev B;
* Zone of Theoretical Visibility Ref 0.0144_05 Rev B;
* Landscape Features Plan Ref 0.0144_06 Rev B;
* Draft Illustrative Masterplan Ref 0.0144_07 Rev B;
* Permavoid Arboraft Urban Tree Planting System Documents 19/08/15;
* Vehicle Swept Path Analysis at Junction Ref 002 Rev G;
* Swept Path - Refuse Ref 003 Rev E;
* Swept Path - Fire Appliance Ref 004 Rev E;
* Swept Path - Pantechnicon Ref 006 Rev E;
* Surface Water Strategy Ref P/250 Rev P4;
* 1:1250 Site Location Plan Ref 11-1065-001;
* Site Survey Ref 11-1065-002;
* Site Plan Planning Layout Ref 11-1065-005 Rev K;
* Site Plan Planning Layout Coloured 11-1065-006 Rev C;
* Site Plan Surface Finishes Ref 11-1065-007 Rev C;
* Site Plan Planning Layout Parking Provision Ref 11-1065-009 Rev D;
* Plot 1 Floor Plans and Elevations Ref 11-1065-010 Rev C;
* Plots 2-3 Floor Plans and Elevations Ref 11-1065-011;
* Plots 4-6 Floor Plans and Elevations Ref 11-1065-012 Rev B;
* Plots 7-9 Floor Plans and Elevations Ref 11-1065-013 Rev B;
* Plots 10-11 Floor Plans and Elevations Ref 11-1065-014 Rev A;
* Plots 12-14 Floor Plans and Elevations Ref 11-1065-015 Rev A;
* Plots 15-17 Floor Plans and Elevations Ref 11-1065-016 Rev A;
* Plots 18-21 Floor Plans Ref 11-1065-017 Rev A;
* Plots 18-21 Elevations Ref 11-1065-018 Rev A;
* Plots 22-27 2 Bedroom Apartments Floor Plans Ref 11-1065-019 Rev C;
* Plots 22-27 2 Bedroom Apartments Elevations Ref 11-1065-020 Rev C;
* Plots 28-30 Floor Plans and Elevations Ref 11-1065-021 Rev A;
* Plots 31-33 Floor Plans and Elevations Ref 11-1065-022 Rev B;
* Plot 34 Floor Plans and Elevations Ref 11-1065-023 Rev A;
* Plots 35-37 Floor Plans and Elevations Ref 11-1065-024 Rev B;
* Plots 38-40 Floor Plans and Elevations Ref 11-1065-025 Rev A;
* Garages Floor Plans & Elevations Ref 11-1065-030 Rev B;
* Street Scenes and Site Sections Ref 11-1065-035 Rev D;
* Site Plan Massing and Active Frontage Ref 11-1065-036 Rev C;
* Site Plan Refuse Strategy Ref 11-1065-037 Rev C;
* Site Location Development Grain Information Plan Ref 11-1065-040 Rev B;
* Site Plan Garden Plot Information Ref 11-1065-041 Rev D;
* Site Plan Garage Plot Information Ref 11-1065-042 Rev A; and
* Full Plot Information Schedule November 2015 Rev B 05-11-2015.

Reason: For the avoidance of doubt and in the interests of amenity and the environment in accordance with policy GEN7 of the Arun District Local Plan.

3 No windows (other than those shown on the plans hereby approved) shall be constructed in the first floor flank elevations of the dwellinghouses hereby permitted without the prior permission of the Local Planning Authority on an application in that behalf.

Reason: To protect the amenities and privacy of the future occupiers in accordance with policy GEN7 of the Arun District Local Plan.

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4 The following proposed windows shall at all times be glazed with obscured glass and fixed to be permanently non opening or top vent opening only:

Plot 40 - first floor east facing bathroom window;
Plot 1 - first floor north facing en-suite window;
Plots 12 & 14 - first floor west facing en-suite windows; and
Plots 15 & 17 - first floor west facing en-suite windows.

Reason: To protect the amenities and privacy of the adjacent properties in accordance with policies GEN7, DEV19 of the Arun District Local Plan.

5 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no extensions (including porches or dormer windows) to the dwelling houses shall be constructed unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To safeguard the privacy and amenity of adjacent/adjoining dwelling houses and their future occupiers, maintain adequate amenity space and safeguard the cohesive appearance of the development in accordance with policy GEN7 of the Arun District Local Plan.

6 Notwithstanding the provisions of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order, 2015 (or any Order revoking or re-enacting this Order) no buildings shall be erected within the curtilages of plots 12, 13, 16, 17, 18, 19, 31, 32, 33, 34, 35, 36, 37, 38, 39 or 40 unless permission is granted by the Local Planning Authority on an application in that behalf.

Reason: To maintain adequate amenity space in accordance with policy GEN7 of the Arun District Local Plan.

7 No development above damp proof course (DPC) level shall be carried out unless and until a schedule of materials and finishes to be used for external walls and roofs of the proposed buildings have been submitted to and approved by the Local Planning Authority. A 'statement of detail' shall be submitted setting out details of proposed windows and doors, details of the depth of recess/reveal from the brickwork, sills and lintels, brick bonding, brick detailing, eaves detailing and rainwater goods. The materials and 'statement of details' so approved shall be used in the construction of the buildings.

Reason: To enable the Local Planning Authority to control the development in details in the interests of amenity by endeavouring to achieve buildings of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

8 At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Prior to commencement of development, details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the local planning authority [as a part of the reserved matters submissions required by condition 1]. The approved details shall be implemented in accordance with the approved timetable and retained as operational thereafter, unless otherwise agreed in writing by the local planning authority.

Reason: In order to seek to achieve high levels of energy efficiency in accordance with the aims of the National Planning Policy Framework.

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9 Prior to the commencement of development, a strategy for the provision of the highest available headline speed of broadband provision to future occupants of the site shall be submitted to and approved in writing by the Local Planning Authority. The strategy shall take into account the timetable for the delivery of "superfast broadband" (defined as having a headline access speed of 24Mb or more) in the vicinity of the site (to the extent that such information is available). The strategy shall seek to ensure that upon occupation of a dwelling, the provision of the highest available headline speed of broadband service to that dwelling from a site-wide network is in place and provided as part of the initial highway works and in the construction of frontage thresholds to dwellings that abut the highway. Unless evidence is put forward and agreed in writing by the Local Planning Authority that technological advances for the provision of a broadband service for the majority of potential customers will no longer necessitate below ground infrastructure, the development of the site shall be carried out in accordance with the approved strategy.

Reason: To ensure suitable provision for all potential occupiers in accordance with paragraph 42 of the NPPF.

10 None of the dwellinghouses shall be occupied until refuse and recycling bins have been provided and space has been laid out for the storage of such in relation to that dwelling in accordance with details that shall have been submitted to and approved in writing by the local planning authority. Thereafter these areas shall not be used for any purpose other than the storage of refuse and recycling bins.

Reason: In the interests of the amenity of occupiers of nearby properties in accordance with Arun District Local Plan policy GEN7.

11 The development, hereby permitted, shall not be commenced until the access to Pagham Road and removal of layby on Pagham Road to south of proposed access point has been implemented in accordance with the approved planning drawings and to approved WSCC Highways specifications.

Reason: To ensure fit-for-purpose access constructed to appropriate design and safety standards in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

12 The development shall not be occupied until the internal road layout has been constructed in accordance with the approved plans.

Reason: To ensure fit-for-purpose roads constructed to appropriate design and safety standards in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

13 The development shall not be occupied until car parking has been provided in accordance with the approved planning layout. It shall, thereafter, be solely used for the purposes of the parking of cars.

Reason: To ensure adequate car parking for the development and to accord with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

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14 The development shall not be occupied until details of the measures to ensure that the 4 proposed visitor parking spaces at the eastern end of the site are promoted to and available for general public use; are submitted to and approved by the local planning authority. The approved measures shall thereafter be implemented and permanently retained/maintained.

Reason: To ensure compensatory parking for the wider public and to accord with policies GEN7 & GEN12 of the Arun District Local Plan, the Emerging Pagham Neighbourhood Plan and the National Planning Policy Framework.

15 The development, hereby approved, shall not be occupied until provision has been made within the site in accordance with details to be submitted to and approved by the Local Planning Authority after consultation with the Highway Authority to prevent surface water draining onto the public highway.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

16 The development, hereby approved, shall not be occupied until a scheme for street lighting has been provided in accordance with plans and details to be submitted to and approved by the Local Planning Authority.

Reason: In the interests of road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

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17 Prior to development commencing, a Construction Management Plan shall be submitted to and be approved in writing by the Local Planning Authority after consultation with the Highway Authority. This shall require the applicant and contractors to minimise disturbance during demolition and construction and will include (but not be limited to) details of the following information for approval:

· the phased programme of construction works;
· the means of access and road routing for all construction traffic associated with the development;
· provision of wheel washing facilities and details of their operation and location;
· Details of street sweeping;
· construction working times including delivery times;
· details of a means of suppressing dust arising from the development;
· details of all proposed external lighting to be used during construction;
· details of areas for the loading, unloading, parking and turning of vehicles associated with the construction of the development;
· details of areas to be used for the storage of plant and materials associated with the development;
· details of the temporary construction site enclosure to be used throughout the course of construction (including access gates).
· Contact details for the site contractor, site foreman and CDM co-ordinator (including out-of-hours contact details).
· Evidence of consultation with neighbours prior to works commencing.
· Details of any temporary traffic management that may be required to facilitate the development including Chapter 8 traffic signage.

Details of how measures will be put in place to address any environmental and/or highway problems arising from any of the above shall be provided. A named person shall be appointed by the applicant to deal with complaints, shall be available on site and their contact details (including out-of-hours and offsite contact details) made known to all relevant parties.

Reason: To ensure safe and neighbourly construction in the interests of amenity and road safety in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

18 The development shall not be occupied until cycle parking has been provided in accordance with plans to be submitted to and approved by the Local Planning Authority. It shall, thereafter, be maintained solely for the purpose of the parking of bicycles.

Reason: To ensure that adequate and satisfactory provision is made for the parking of bicycles in accordance with policies GEN7 and GEN12 of the Arun District Local Plan.

19 The garage buildings shall be used only as private domestic garages for the parking of vehicles incidental to the use of the properties as dwellings and for no other purposes.

Reason: To ensure adequate off-street provision of parking in the interests of amenity and highway safety.

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20 The burning of materials obtained by site clearance or from any other source shall not take place within 6 metres of the furthest extent of the canopy of any tree or group of trees to be retained on the site or on land adjoining.

Reason: To protect trees and vegetation from fire damage in the interests of the visual amenities of the locality and in accordance with the National Planning Policy Framework.

21 No development above damp proof course (DPC) level shall take place until there has been submitted to, and approved by, the Local Planning Authority, a landscaping scheme including details of hard and soft landscaping and details of existing trees and hedgerows to be retained. The approved details of the landscaping shall be carried out in the first planting and seeding season, following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which, within a period of five years from the completion of development, die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

22 No development above damp proof course (DPC) level shall take place until the details of any proposed screen walls/fences have been submitted to and approved by the Local Planning Authority and no dwellings/buildings shall be occupied until such screen walls/fences associated with them have been erected.

Reason: In the interests of the amenity of the site and neighbouring properties in accordance with policy GEN7 of the Arun District Local Plan.

23 All of the proposed works to trees as set out in the submitted Arboricultural Impact Assessment by "Sapling Arboriculture Ltd" shall be carried out in accordance with the following:

Crown Reduction
All side branches to be retained should be at least 1/3rd in diameter of the removed branch. Pruning cuts must be flat and smooth, kept as small as possible by cutting at an optimum angle and should not exceed 100mm in diameter.

Crown Clean
The Crown Clean should consist of deadwood and stub removal where all cuts should be made to the branch collar. Where crossing branches are encountered the weaker branch/branches should be reduced or removed to avoid contact between them. The remaining branch/branches should be shortened as appropriate to relieve 'end weight' and sudden exposure by reducing the leaf bearing branch tips by no more than 30%.

Crown Lift
Branches found within the clearance height having diameters greater than 100mm should be shortened and no more than 15% of the leaf bearing growth of that branch should be removed to facilitate the unobstructed free passage of vehicles and pedestrians.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

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24 No tree roots with a diameter of over 25mm shall be removed other than with the written consent of the local planning authority and under the supervision of the Council's Arboricultural Officer.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

25 No development including site access, demolition or associated construction activities, shall take place on the site unless and until the tree retention & protection scheme as described within the submitted Arboricultural Impact Assessment by "Sapling Arboriculture Ltd" is in place for all retained trees including trees whose root protection areas fall within the construction zone from neighbouring land. The tree protection fencing including ground protection shall then be checked on-site by the Councils Arboricultural Officer. All tree protection works shall be in accordance with BS 5837:20012 "Trees in relation to construction" and shall be retained for the duration of the development works.

Reason: To ensure the retention and maintenance of trees and vegetation which is an important feature of the area in accordance with policy GEN7 of the Arun District Local Plan and the National Planning Policy Framework.

26 No external lighting shall be installed on the site until plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The scheme should also minimise potential impacts to any bats using the trees, hedgerows and buildings by avoiding unnecessary artificial light spill through the use of directional light sources and shielding. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

Reason: In the interests of the amenities of the area, the site biodiversity (particularly in respect of bats) and to minimise unnecessary light spillage outside the development site in accordance with Policies GEN7, GEN29 & GEN33 of the Arun District Local Plan.

27 No demolition works shall take place to the property known as 251 Pagham Road unless a licenced ecologist is present on the site to supervise works.

Reason: In the interests of the protection of bats and their roosts in accordance with Policy GEN33 of the Arun District Local Plan.

28 The development must be carried out in accordance with the reptile mitigation and enhancement measures as set out in section 6.3 of the submitted Ecosupport "Phase I & II Ecological Surveys" Rev 10/6/15. The enhancements and mitigation measures shall be retained and thereafter maintained.

Reason: In accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

29 Prior to development or any preparatory works commencing the reptile population shall be translocated only in accordance with the submitted reptile mitigation strategy and retained as such thereafter, unless otherwise first agreed in writing by the Local Planning Authority.

Reason: To safeguard resident reptile species in accordance with Policy GEN29 of the Arun District Local Plan.

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30 No development including site access, demolition or associated construction activities, shall take place on the site unless and until a badger survey has been undertaken in order to ensure that badgers are not using the site. If a badger sett is found on the site, then the applicants shall provide a mitigation strategy to the Local Planning Authority for approval in consultation with Natural England.

Reason: To safeguard resident badgers in accordance with Policy GEN29 of the Arun District Local Plan.

31 Prior to first occupation of any of the dwellings hereby permitted, a scheme shall be submitted for approval by the local planning authority, in consultation with Natural England which details a proposed on-site dog walking route and an on-site dog off lead exercise area. Both of these measures shall then be implemented in accordance with the approved plans and retained thereafter.

Reason: In the interests of protecting the Pagham Harbour Special Protection Area and accordance with Arun District Local Plan policy GEN29 and the National Planning Policy Framework.

32 No development shall take place within the site, until the applicant has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: The site is of archaeological significance in accordance with Arun District Local Plan Policy GEN7.

33 The construction of Plot 1 must be carried out in accordance with the recommendations in respect of windows and ventilation as stated within sections 10 & 11 of the submitted BS4142 Acoustic Testing Report (27-28 April 2015). The mitigation measures shall thereafter be retained and maintained.

Reason: In accordance with Arun District Local Plan policies GEN7 and GEN32.

34 Development shall not commence until full details of the proposed surface water drainage scheme have been submitted to and approved in writing by the Local Planning Authority.

The design should follow the hierarchy of preference for different types of surface water drainage disposal systems as set out in Approved Document H of the Building Regulations, the recommendations of the SUDS Manual produced by CIRIA.

Winter groundwater monitoring to establish highest annual ground water levels and Percolation testing to BRE 365, or similar approved, will be required to support the design of any Infiltration drainage.

No building shall be occupied until the complete surface water drainage system serving the property has been implemented in accordance with the agreed details and the details so agreed shall be maintained in good working order in perpetuity.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

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35 The development shall not proceed until formal consent has been approved in writing from the Lead Local Flood Authority (WSCC) or its agent (ADC) for the discharge of any flows to watercourses, or the culverting, diversion, infilling or obstruction of any watercourse on the site.

Any discharge to a watercourse must be at a rate no greater than the pre-development run off values.

Reason: To ensure that the proposed development is satisfactorily drained in accordance with policies GEN7 and GEN9 of the Arun District Council Local Plan.

36 Development shall not commence until full details of the maintenance and management of the SUDs system is set out in a site-specific maintenance manual and submitted to, and approved in writing, by the Local Planning Authority. The manual is to include details of financial management and arrangements for the replacement of major components at the end of the manufacturers recommended design life. Upon completed construction of the SuDs System, the owner or management company shall strictly adhere to and implement the recommendations contained within the manual.

Reason: To ensure the efficient maintenance and on going operation of the SuDs system and to ensure the best practice in line with guidance set out in 'The SuDs Manual' CIRIA publication ref: C697 Chapter 22.

37 The development layout shall not be agreed until such time that arrangements for the future access and maintenance of any watercourse or culvert (piped watercourse) crossing or abutting the site has been submitted and approved in writing by the Local Planning Authority.

No construction is permitted, which will restrict current and future land owners from undertaking their riparian maintenance responsibilities of any watercourse on or adjacent to the site.

Reason: To ensure that the duties and responsibilities, as required under the Land Drainage Act 1991, and amended by the Flood and Water Management Act 2010, can be fulfilled without additional impediment following the development completion.

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 within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

INFORMATIVE: This decision has been granted in conjunction with a Section 106 legal agreement relating to Affordable Housing; Public Open Space; Pagham ANOGS contribution; Primary Education; Secondary Education; 6th Form Education; Libraries; Fire & Rescue; Fire Hydrants; on-site provision of 2 hydrants; a Traffic Regulation Order; a non-adoption clause; a management company to maintain the road; and provisions relating to the safeguarding of an area of land within the site to potentially be laid as a footpath to facilitate the provision of a link across the ditch to the adjoining site.

INFORMATIVE: A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel 033 0303 0119) or www.southernwater.co.uk.

INFORMATIVE: Should any protected species or evidence of any protected species be found

prior to or during the development, all works must stop immediately and an ecological consultant or Chichester District Council's ecologist contacted for further advice before works can proceed. All contractors working on site should be made aware of this advice and provided with the contact details of a relevant ecological consultant.

INFORMATIVE: Applications for S38 and/or S278 Agreements should be made to WSCC as Highway Authority. Full details are available on the WSCC website.

INFORMATIVE: Roads not forming part of the adopted highway network and/or not intended to be offered for adoption, will not be inspected by the Highway Authority during or after any construction phases. Such roads should, however, be assessed and formally signed-off or approved by a suitable Chartered civil engineer to the satisfaction of the Local Planning Authority.

INFORMATIVE: A Natural England Protected Species Licence will be required for the demolition works, and this will need to be obtained prior to any works taking place.

INFORMATIVE: Please note the following in respect of the surface water drainage conditions:

* The ditch needs significant clearance work to ensure it has capacity for a new development to drain into, and also further investigation off-site. The ditch appears to terminate at the south west corner of the site, where it may once have continued along the southern edge of the caravan site. However the only route appears to be a small pipe into the caravan park itself, slightly away from the boundary line of the park. This system needs to be investigated by the applicant, especially as it may be the only route for surface water to exit the site. We would need to know that the water coming off of the proposed development would not cause backing up or flooding of the ditch, and that the system it drains to will be able to cope with the runoff.

* A detailed design should show how roofs etc are drained and also include levels and construction details for structures. Infiltration should be utilised at the parts of the site where infiltration rates were good.

* Infiltration rates for soakage structures are to be based on percolation tests undertaken in the winter period and at the location and depth of the proposed structures. The percolation tests must carried out in accordance with BRE 365, CIRIA R156 or a similar approved method and cater for the 1 in 10 year storm between the invert of the entry pipe to the soakaway, and the base of the structure. It must also have provision to ensure that there is capacity in the system to contain below ground level the 1 in 100 year event plus 30% on stored volumes, as an allowance for climate change. Adequate freeboard must be provided between the base of the soakaway structure and the highest recorded annual groundwater level identified in that location.

* Any SuDS or soakaway design must include adequate groundwater monitoring data to determine the highest winter groundwater table in support of the design. The applicant is advised to discuss the extent of groundwater monitoring with the Council's Engineers. Supplementary guidance notes are also available for information.

Case Officer: Mr S Davis

Date of Decision: **30 June 2016**

Karl Roberts
Director Planning & Economic Regeneration

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

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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).

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