

[REDACTED]

From: paul collins [REDACTED]
Sent: 20 February 2021 12:53
To: Simon Davis <Simon.Davis@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>

[REDACTED]

Subject: P/1/21 PL - Material change of use of land from agricultural use to use for open space.

Mr Davis

I have now had the opportunity to consider your report in respect of this application to the Development control committee on 3 March 2021.

As we have made clear in the submission itself we take the view that this is a development which should clearly be permitted, having regard to its accordance with the development plan, national policy and any other material considerations and that the putative refusal (if accepted and endorsed by the DCC) would result in your authority preventing or delaying the development proposed by requiring the applicant to pursue an unnecessary appeal in order to secure a planning permission.

As indicated at the outset the applicant is minded to appeal in the event that this application is refused for the 2 reasons recommended and stated in your report and in the interests of trying to avoid the need for such an appeal and/or narrowing the issues between us thus reducing the expense associated with such an appeal I would be grateful if you would provide the following reasonably requested information.

As you will be aware Article 35 b of The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as mended) states:

where planning permission is refused, the notice must state clearly and precisely their full reasons for the refusal, specifying all policies and proposals in the development plan which are relevant to the decision.

With this in mind I note that your report identifies and lists the following development plan policies as being relevant to the determination of this application:

ENVSP1 ENV SP1 Natural Environment. ENVDM1 ENV DM1 Designated Sites of Biodiversity or geographical, ENVDM2 ENV DM2 Pagham Harbour, ENVDM5 ENV DM5 Development and biodiversity, GISP1 GI SP1 Green Infrastructure and Development, HSP1 Housing allocation the housing requirement, HSP2 Strategic Site Allocations, HSP2A Greater Bognor Regis Urban Area HWBSP1 Health and Wellbeing, OSR SP1 Allotments, OSR DM1 Open Space, sport & recreation, SD SP1 Sustainable Development SD SP1a Strategic Approach, T DM1 Sustainable Travel and Public Rights of Way, T SP1 Transport and Development and recommended refusal reasons 1 and 2 cite and rely on a conflict with just 5 of those policies namely HSP1, H SP2 , H SP2a. T SP1 and T DM1 of the Arun Local Plan 2011-2031.

Firstly given that no conflict is asserted in the putative refusal reasons with regard to relevant policies ENVSP1 ENV SP1 Natural Environment. ENVDM1 ENV DM1 Designated Sites of Biodiversity or geographical, ENVDM2 ENV DM2 Pagham Harbour, ENVDM5 ENV DM5 Development and biodiversity, GISP1 GI SP1 Green Infrastructure and

Development HWBSP1 Health and Wellbeing, OSR SP1 Allotments, OSR DM1 Open Space, sport & recreation and SD SP1 Sustainable Development please can you confirm that the applicant is entitled to assume that the proposals are considered to be in accordance with these relevant policies?

Secondly and having regard to the wording of NPPF 2019 Paragraph 11 d please can you confirm that the applicant is entitled to assume that in the view of officers those policies cited and relied upon in putative refusal reason 1 are those that should be considered to be the most important for determining this application and if so whether or not those policies should or should not be considered to be up to date for these purposes?

Finally and with regard to refusal reason 2 and PPG at Paragraph 049 Reference ID: 16-049-20140306 (bullet point 4) and the fact that WSCC Highways in their consultation response state that *Details of access for maintenance purposes could be secured via condition* please could you confirm whether or not you have given any consideration to the use of such a condition to date and if not why not?

It is our view that the following suitably worded condition could address putative refusal reason 2 and we invite you to consider same and advise whether or not you think otherwise and if so why?:

The land shall not be used for open space unless and until details of an access for vehicles associated with the maintenance of the land as open space have been submitted to and approved in writing by the LPA.

As you are aware the applicant or their representative have a right to address the Committee so I would be grateful if you could provide your response to all of the above by no later than Friday 26 February 2021 so that we might consider our options in this regard.

Thank you

Paul Collins BA (Hons) DipTP

