

[REDACTED]

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**From:** Amanda Scholes on behalf of Planning.Responses  
**Sent:** 26 April 2019 10:36  
**To:** Planning Scanning  
**Subject:** FW: P/134/16/OUT - Land North of Sefter Road & 80 Rose Green Road Pagham  
**Attachments:** e mail exchange.pdf; my e mail dated 8119.pdf; my e mail dated 31119.pdf; Order dated 19 March 2019.pdf

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**From:** David Easton  
**Sent:** 25 April 2019 17:20  
**To:** Planning.Responses  
**Subject:** FW: P/134/16/OUT - Land North of Sefter Road & 80 Rose Green Road Pagham

[REDACTED]

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David Easton | Principal Planning Officer, [Arun District Council](#) | Location: First Floor, Arun Civic Centre, Maltravers Road, Littlehampton, BN17 5LF

[REDACTED]

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**From:** paul collins [REDACTED] >  
**Sent:** 25 April 2019 16:29  
**To:** David Easton [REDACTED]  
**Cc:** Neil Crowther [REDACTED]  
**Subject:** P/134/16/OUT - Land North of Sefter Road & 80 Rose Green Road Pagham

Dear Mr Easton

I act for Pagham Parish Council in this regard.

I refer to the above, my e mails dated 16/1/19 and 31/1/19 and your recent e mail exchange with the applicants agent dated 3/4/19 ( copies attached for bcc recipients) recorded on the file.

I note from your recent e mail exchange that there are "issues" with the signing of the S106 and the decision has still not been issued as a result. Please can you advise Pagham Parish Council and their advisors as to what those issues are and a date when you now expect to issue a decision.

I also note that you acknowledge that the on going Judicial review in respect of your council's decision in respect of P/140/16 OUT and its outcome is a later material consideration that may affect your "recommendation" and therefore the resolution of your committee on 13 November 2018 (some 6 months ago) to grant an outline PP subject to a S106 Agreement. For your information I attach a copy of the High Court Order in that regard and confirm my understanding that the hearing has now been listed for 1 day on 25 June 2019.

With the above and the ongoing appeal under P/6/17 OUT and the resubmitted Application for that site ( P/30/19 OUT) in mind please can you now respond to the last paragraph of my e mail dated 8/1/19 and/or explain why Officers do not intend to take the application back to your committee for reconsideration.

Notwithstanding the foregoing please note that Pagham Parish Council considers that it has a statutory right to be consulted upon any changes made to application P/134/16 OUT, its emerging S106 and/or related conditions from those considered 6 months ago and that ADC should not issue a decision on the application until they have considered any representations they may wish to make following such consultation.

Please place this e mail and its attachments and any response on the following files P/25/17 OUT, P/140/16 OUT, P/6/17 OUT, P/30/19 OUT and P/134/16 OUT.

Thanks

**Paul Collins BA (Hons) DipTP MRTPI**



[REDACTED]

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**From:** Andrew Wilford [REDACTED]  
**Sent:** 03 April 2019 18:16  
**To:** David Easton <David.Easton@arun.gov.uk>  
**Cc:** Hardeep Hunjan [REDACTED]  
**Subject:** Re: P/134/16/OUT

Thanks David

I see no problem with the extension (albeit frustrating) but keen to understand further your last comment and 'issues' with the recommendation.

What 'issues' do you perhaps foresee?

Sent from my iPhone

Andrew Wilford  
Director



[REDACTED]  
W: [www.bartonwillmore.co.uk](http://www.bartonwillmore.co.uk)  
The Observatory, Castle Hill Drive, Castle Hill,  
Ebbesfleet Valley, Kent, DA10 1EE

**BARTON  
WILLMORE**

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On 3 Apr 2019, at 16:50, David Easton [REDACTED] wrote:

Dear Hardeep,

I would be grateful if you could please provide written confirmation of your agreement to an extension of time until the **19<sup>th</sup> April 2019**.

I have spoken with Jeremy Cook concerning the progress on the S106 and it appears that we are slowly getting there on the primary school issue which has been identified by WSCC. I am aware that your solicitor has provided additional comments on this to WSCC and we are currently awaiting their comments.

Prior to a decision being issued I will also need to review the application in light of the Judicial Review submitted by Pagham Parish Council to ensure that there are no issues with the

recommendation. Please do not hesitate to contact me should you wish to discuss this application further.

Kind regards,  
David Easton

David Easton | Principal Planning Officer, Arun District Council | Location: First Floor, Arun Civic Centre, Maltravers Road,  
Littlehampton, BN17 5LF

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**From:** Cllr. Phil Hitchins  
**Sent:** 15 January 2019 16:16  
**To:** paul collins  
**Cc:** Karl Roberts; Neil Crowther; David Easton; Planning.Responses; Cllr. Dawn Hall; Cllr. Ashvin Patel; Cllr. Gillian Brown; Cllr. John Charles; Cllr. Richard Bower  
**Subject:** Re: P/134/16 OUT - Land North of Sefter Road & 80 Rose Green Road Pagham/Aldwick

Dear Mr Collins  
Thank you for your email, however I am unable to comment.  
Kind regards

Sent from my iPad Cllr Phil Hitchins

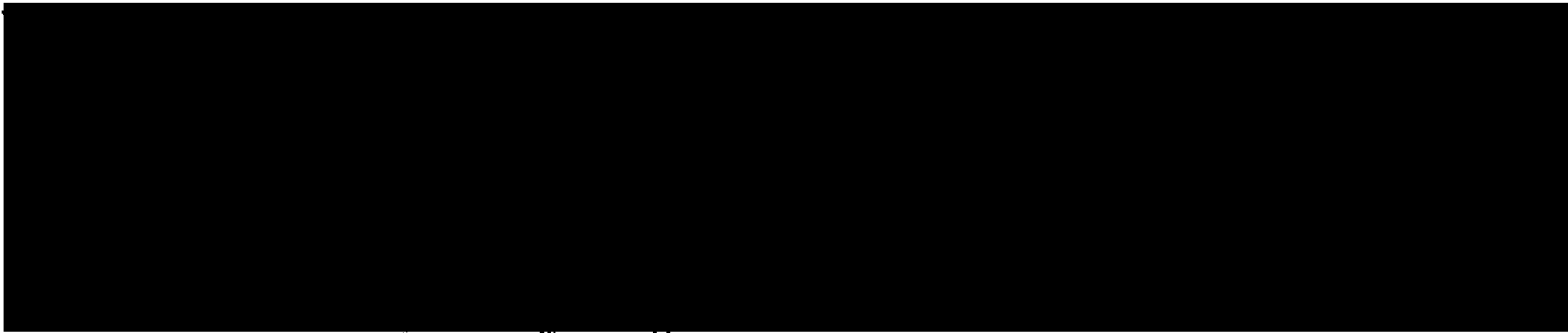
On 15 Jan 2019, at 13:55,  wrote:

Dear All  
Please can I have a reply to my e mail below so that I may advise my client Pagham Parish Council.  
Thank you  
Paul Collins BA (Hons) DipTP MRTPI



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**From:**   
**Sent:** Tuesday, January 8, 2019 11:42 AM



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**Subject:** P/134/16 OUT - Land North of Sefter Road & 80 Rose Green Road Pagham/Aldwick

Dear All

As you are aware this application was considered at the reconvened meeting of the Special Development Control Committee on 13 November 2018 and the Committee resolved to approve the application conditionally subject to the completion of a S106 Agreement with authority being delegated to the Group Head of Planning, in consultation with the Chairman and Vice-Chairman, to allow for minor amendments to be made to the S106 Heads of Terms.

However it is noted that the S106 Agreement has not yet been completed and the decision has not yet been issued.

Pagham Parish Council and others have made representations (recorded on the file) since 13 November 2018 which have brought to the attention of Officers a number of material considerations relevant to the question as to whether the application should be granted or refused since the Committee considered the application and passed its resolution and have requested that the application be returned to the Committee for determination in the light of those material considerations but thus far Officers have declined to confirm that they will do so.

**In R (Kides) v South Cambridgeshire District Council [2002] EWCA Civ 1370** the Court of Appeal considered the circumstances in which after the passing of a resolution by a committee to grant planning permission it was incumbent upon the officer to whom delegation to approve had been given to take the planning application back. Jonathan Parker LJ giving the lead judgment said:

*“121. In my judgment a consideration is “material”, in this context, if it is relevant to the question whether the application should be granted or refused; that is to say if it is a factor which, when placed in the decision-maker’s scales, would tip the balance to some extent, one way or the other. In other words, it must be a factor which has some weight in the decision-making process, although plainly it may not be determinative. The test must, of course, be an objective one in the sense that the choice of material considerations must be a rational one, and the considerations chosen must be rationally related to land use issues.*

*122. In my judgment, an authority’s duty to “have regard to” material considerations is not to be elevated into a formal requirement that in every case where a new material consideration arises after the passing of a resolution (in principle) to grant planning permission but before the issue of the decision notice there has to be a specific referral of the application back to committee. In my judgment the duty is discharged if, as at the date at which the decision notice is issued, the authority has considered all material considerations affecting the application, and has done so with the application in mind – albeit that the application was not specifically placed before it for reconsideration.*

*123. The matter cannot be left there, however, since it is necessary to consider what is the position where a material consideration arises for the first time immediately before the delegated officer signs the decision notice.*

*124. At one extreme, it cannot be a sensible interpretation of section 70(2) to conclude that an authority is in breach of duty in failing to have regard to a material consideration the existence of which it (or its officers) did not discover or anticipate, and could not reasonably have discovered or anticipated, prior to the issue of the decision notice. So there has to be some practical flexibility in excluding from the duty material considerations to which the authority did not and could not have regard prior to the issue of the decision notice.*

*125. On the other hand, where the delegated officer who is about to sign the decision notice becomes aware (or ought reasonably to have become aware) of a new material consideration, section 70(2) requires that the authority have regard to that consideration before finally determining the application. In such a situation, therefore, the authority of the delegated officer must be such as to require him to refer the matter back to committee for reconsideration in the light of the new consideration. If he fails to do so, the authority will be in breach of its statutory duty.*

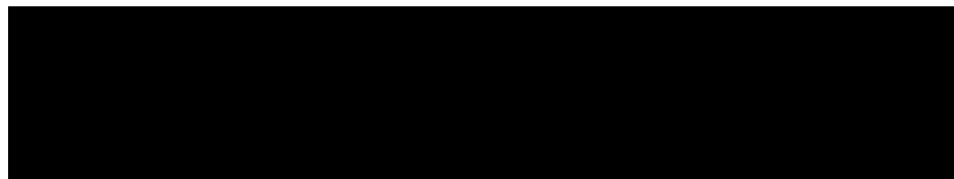
*126. In practical terms, therefore, where since the passing of the resolution some new factor has arisen of which the delegated officer is aware, and which might rationally be regarded as a “material consideration” for the purposes of section 70(2), it must be a counsel of prudence for the delegated officer to err on the side of caution and refer the application back to the authority for specific reconsideration in the light of that new factor. In such circumstances the delegated officer can only safely proceed to issue the decision notice if he is satisfied (a) that the authority is aware of the new factor, (b) that it has considered it with the application in mind, and (c) that on a reconsideration the authority would reach (not might reach) the same decision.”*

It is my professional view that in the light of this judgement and the circumstances of this application, the Group Head of Planning cannot be satisfied (a) that the authority is aware of the new material considerations brought to his attention in representations, (b) that it has considered the application with those material considerations in mind or that on a reconsideration the authority would reach (not might reach) the same decision regarding the application and that the officer must, therefore, be required to refer the matter back to committee for reconsideration in the light of the new material considerations highlighted as if he fails to do so before issuing the decision (with or without Chairman/Vice Chairman approval) , the authority will be in breach of its statutory duty.

**Please can you acknowledge receipt of this e mail and confirm whether or not the Group Head of Planning does intend to take the application back to Committee for reconsideration prior to issuing a decision and if so to which Committee.**

Thank you

**Paul Collins BA (Hons) DipTP MRTPI**



[REDACTED]

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**From:** [REDACTED]  
**Sent:** 31 January 2019 17:01  
**To:** Karl Roberts; Neil Crowther; David Easton  
**Cc:** Cllr. Dawn Hall; Cllr. Ashvin Patel; Cllr. Richard Bower; Cllr. Gillian Brown; Cllr. John Charles; Planning.Responses  
**Subject:** FW: Chichester District Council - Adoption of the Site Allocation Development Plan Document 2014 - 2029 & P/25/17 OUT,P/140/16OUT,P/6/17OUT & P/134/16 OUT

Dear All

See below and the Document itself which contains allocations and commitments in North Mundham, Oving and other Parishes between Pagham and the A27 with implications for all the same roads and key junctions affected by the Pagham applications and which have not been taken into account in any of their associated cumulative Transport work and sensitivity testing or the responses from WSCC Highways or Highways England pertaining to same.

Too late for P/140/16 OUT but strong support for the refusal reason in respect of P/6/17 OUT at appeal (if necessary) and yet another new material consideration (if one were needed) that would justify returning P/25/17 OUT and P/134/16 OUT to the DCC for reconsideration before any S106 is signed or decision issued.

Paul Collins BA (Hons) DipTP MRTPI



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**From:** [REDACTED] **On Behalf Of** PlanningPolicy  
**Sent:** Thursday, January 31, 2019 2:31 PM  
**To:** [REDACTED]  
**Subject:** Chichester District Council - Adoption of the Site Allocation Development Plan Document 2014 - 2029

Dear Consultee,

**Regulation 26 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (As Amended) –  
Adoption of the Site Allocation Development Plan Document 2014 - 2029**

Following the receipt of the Inspector's Report to the Site Allocation Development Plan Document 2014 - 2029, Chichester District Council, at its Full Council meeting on the 22<sup>nd</sup> January 2019 has formally adopted the Site Allocation Development Plan Document. The Site Allocation Development Plan Document represents the second part and 'daughter' document to the adopted Chichester Local Plan: Key Policies 2014 – 2029.

There now follows a 6 week Judicial Review period until the 5<sup>th</sup> March 2019. Copies of the Site Allocation Development Plan Document, the Adoption Statement, and the Sustainability Appraisal of the Site Allocation Development Plan Document 2014 – 2029 – Post Adoption Statement can be viewed at the Council office, Selsey area office, and Chichester Library or on our website <http://www.chichester.gov.uk/siteallocation> shortly. Paper copies will be available to purchase from February 2019.

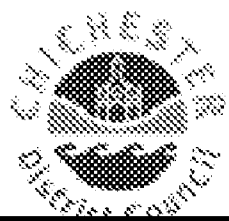
**You are receiving this email as you have previously expressed an interest in the progress of the Chichester Local Plan. If you do not wish to be contacted again regarding this matter, then please notify us using the above contact details.**

For more information, or if you need assistance accessing the documents, please contact Planning Policy by email at [REDACTED] or telephone [REDACTED]

Yours sincerely,

[REDACTED]

Mike Allgrove  
Planning Policy Manager



**Hannah Chivers**  
Planning Policy Officer  
Planning Policy  
Chichester District Council

[REDACTED]

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**In the High Court of Justice  
Queen's Bench Division  
Planning Court**

CO/50/2019

**Before the Honourable Mrs Justice Lang**

**On 19 March 2019**

**In the matter of an application for Judicial Review**

**THE QUEEN**

**on the application of**

**PAGHAM PARISH COUNCIL**

**Claimant**

**-v-**

**ARUN DISTRICT COUNCIL**

**Defendant**

- (1) CLAUDIA LANGMEAD  
(2) OLIVIA LANGMEAD  
(3) MELANIE JENKINS  
(4) VICTORIA LANGMEAD  
(5) LESLIE JAMES LANGMEAD  
(6) PATRICIA LANGMEAD  
(7) HANBURY (PM) LIMITED  
(8) ASHMARDEN LIMITED

**Interested Parties**

**ORDER**

**UPON** the Claimant's renewed application for permission to apply for judicial review;

**AND UPON** hearing Dr A. Bowes of Counsel on behalf of the Claimant, Mr J. Cook of Counsel on behalf of the Defendant, and Mr J. Litton QC on behalf of the Interested Parties;

**IT IS ORDERED THAT:**

1. Permission is hereby granted on grounds 1 and 2 only.
2. Permission is refused on ground 3.
3. Ground 4 is discontinued.
4. The Claimant must pay a further fee (as specified on the Court website) to continue with the proceedings, within 14 days of the date of service of this order. Failure to pay the fee may result in the claim being struck out.
5. This is an Aarhus Convention claim within the meaning of CPR 45.41. The Claimant's liability for the costs incurred by the Defendant and Interested Parties is limited to £10,000. The Defendant's and Interested Parties' joint liability for the costs incurred by the Claimant is limited to £35,000.

6. The order of Mrs Justice Lieven, dated 18 February 2019, that the Claimant do pay the Defendant's costs in the sum of £1,742, is set aside.
7. Costs reserved.

#### **Case management directions**

8. The Defendant, and any Interested Party participating in the proceedings, must file and serve detailed grounds for contesting the claim or supporting it on additional grounds and any written evidence, within 35 days of service of this order.
9. The Claimant must file and serve any reply and/or further evidence within 21 days of the service of detailed grounds for contesting the claim.
10. The Claimant must file and serve a trial bundle not less than 4 weeks before the date of the hearing of the judicial review.
11. The Claimant must file and serve a skeleton argument not less than 21 days before the date of the hearing of the judicial review.
12. The Defendant, and any Interested Party participating in the proceedings, must file and serve a skeleton argument not less than 14 days before the date of the hearing of the judicial review.
13. The Claimant must file an agreed bundle of authorities, not less than 5 days before the date of the hearing of the judicial review.

#### **Listing Directions**

The application is to be listed for 1 day.

**Dated 19/3/2019**

***By the Court***

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