

[REDACTED]

From: paul collins [REDACTED]
Sent: 01 April 2021 12:02
To: Daniel Vick <Daniel.Vick@arun.gov.uk>

[REDACTED]

Subject: RE: P/35/21/PL

Mr Vick

How nice to hear from you. Given your lack of response to my numerous outstanding e mails on related matters I had assumed that you no longer worked for ADC.

I will be brief so as to be sure I do not waste any more of my time or my clients money on these obviously orchestrated shenanigans

The application made is not an overlapping application so that Section 70B of the Act (as amended) is not applicable and does not provide you with the authority or discretion to decline its determination as you state.

The application is the first submission of a refused application now at appeal (P/1/21PL) (usually known nationwide as being a repeat application)and it has been submitted in accordance with best practice (see for example *PPG Paragraph: 001 Reference ID: 16-001-20140306 Revision date: 06 03 2014*) and ADC may only decline to determine same in those circumstances specified in S70a Town and Country Planning Act 1990 (as amended) and none of those circumstances apply. (See the relevant PPG at *Dealing with 'repeat applications' for development that has already been refused Paragraph: 056 Reference ID: 14-056-20140306 Revision date: 06 03 2014 for the detail*).

None of this should be of surprise to the properly trained Team leader in Development Control that I used to know you to be so I must assume that you are acting under instruction from those above who must be obeyed but should know better?

The application is confirmed by ADC as being valid (Your Letter dated 24 March 2021) and the applicant has a statutory right to expect that ADC now determines the application in accordance with that letter and we have no need to trouble the courts with such a simple matter just to make ADC a legal laughing stock as you and your senior managers are doing that all on your own. .

Please confirm by return that your e mail was erroneous in intent and word and is withdrawn and that ADC will now determine the application as submitted in accordance with their statutory duty to do so.

Thank you

Paul Collins BA (Hons) DipTP
[REDACTED]

From: Daniel Vick [<mailto:Daniel.Vick@arun.gov.uk>]
Sent: Wednesday, March 31, 2021 6:22 PM
To: paul collins [REDACTED]
Cc: Simon Davis <Simon.Davis@arun.gov.uk>
Subject: P/35/21/PL

Mr Collins,

Further to validation of your application P/35/21/PL, I write to inform you that the Council has used its discretionary powers to decline to determine the application in accordance with section 70B of the Town and Country Planning Act 1990 (as amended). You will note that this states:

- (1) A local planning authority may decline to determine an application for planning permission for the development of any land which is:*
- (a) made on the same day as a similar application, or*
 - (b) made at a time when any of the conditions in subsections (2) to (4) applies in relation to a similar application*
- ..*
- (4) The condition is that a similar application –*
 - (a) has been granted by the local planning authority.*
 - (b) has been refused by them or*
 - (c) has not been determined by them within the determination period*
- and the time period within which an appeal could be made to the Secretary of State under section 78 has not expired.*

Section 70B(5) TCPA 1990 defines applications for planning permissions as ‘*similar*’ if the Local Planning Authority think that the development and the land to which the applications relate are the same or substantially the same.

In this case, we consider that the application is substantially the same as P/1/21/PL. The descriptions of development are the same, there has been no significant change in the development plan (so far as relevant to the application) or the relevant material considerations and the only difference in the site area is that on P/1/21/PL, the red edge included the Footpath/Bridleway at Summer Lane whereas on P/35/21/PL the red edge is in two halves avoiding Summer Lane.

Please note that there is no right of appeal against this decision but you may challenge this decision by way of judicial review in the court in the usual way if you so wish.

Daniel Vick
Team Leader, Development Control

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Essential maintenance is being carried out to the planning, building control and local land charges database during the week commencing 12 April 2021.

During this time there will be no public or staff access to any records held within this database, and it will not be possible to carry out any of the following tasks via the Arun website:

- **Research planning and building control history**
- **View any planning applications, plans, agreements, tree preservation orders or competent persons data**
- **Submit building control applications**

- **Submit planning application comments**
- **Report any planning compliance issues**

The publicity and consultation period for all planning applications that fall over this week will be extended by a further week to ensure no one is disadvantaged.

All other aspects of planning, building control and local land charges will be limited during this week and you are strongly advised to contact the individual departments before 12 April 2021 for specific restrictions during this time.