

Rebecca Payne

From: Simon Davis
Sent: 22 August 2022 10:08
To: Planning Scanning
Subject: FW: P/51/22/PL - Land West of Pagham Road
Attachments: letter to Mr Roberts.pdf

Application Correspondence "Emails between Applicant and Director 09/08 to 22/08"

Please include the attachment.

From: Karl Roberts <Karl.Roberts@arun.gov.uk>
Sent: 22 August 2022 09:17
To: paul collins <p[REDACTED]>
Cc: Chief.executive <Chief.executive@arun.gov.uk>; clerk@paghamparishcouncil.gov.uk; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: P/51/22/PL - Land West of Pagham Road

Dear Mr Collins,
Please accept my apologies for referring to myself rather than yourself in the opening salutation.

Regards
Karl Roberts

From: Karl Roberts
Sent: 22 August 2022 08:01
To: paul collins <p[REDACTED]>
Cc: Chief.executive <Chief.executive@arun.gov.uk>; clerk@paghamparishcouncil.gov.uk; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Simon Davis <Simon.Davis@arun.gov.uk>
Subject: RE: P/51/22/PL - Land West of Pagham Road

Dear Mr Roberts

I am responding to your email below and your previous one.
In terms of the scheme of delegation I have set out the current scheme below list the delegation to the group head of planning.

2.1.1. Subject to the exceptions set out at paragraph 2.1.2 and 2.1.3 below, to act on behalf of the council in all matters related to the discharge of the council's functions and responsibilities relating to:

- Development Control*
- Local Plan and Policy*
- Strategic Development*
- Technical Administration Support*

2.1.2. To determine all planning applications except where the matters are reserved to the Planning Committee. Where the following exceptions apply, the application or matter will be determined by the Planning Committee:

- i Any major or minor application for planning permission which prior to its determination is subject to a written representation from the Parish Council, Town Council or formal Parish Meeting that the application site is within or one that immediately adjoins the application site, which is in conflict with the recommendation of officers
- ii Any application for Full or Outline planning permission by or on behalf of the council
- iii Any Major or Minor application as defined by the Ministry of Housing, Communities & Local Government which would be recommended for approval and would create a new access or egress via the A27, A29, A284, A259 and A280
- iv Any household application recommended for approval where the ward member has submitted a written request to the chair and/or vice-chair of the Planning Committee before the end of the statutory consultation period shall be referred to the Planning Committee where it is on sound planning grounds.

In respect of your latest email below I have nothing further to add to my earlier response.

Regards
Karl Roberts

From: paul collins [REDACTED]
Sent: 20 August 2022 13:16
To: Karl Roberts <Karl.Roberts@arun.gov.uk>
Cc: Chief executive <Chief.executive@arun.gov.uk>; clerk@paghamparishcouncil.gov.uk; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Simon Davis <Simon.Davis@arun.gov.uk>
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Mr Roberts

Please see our e mails below and my original letter dated 9 August 2022 (cc attached for bcc recipients). Please place the foregoing , this e mail and any responses on the file in accordance with the Planning protocol set out at Part 8 Section 3 of the Councils Constitution dated May 2022.

My letter was written professionally in accordance with Appeal best practice (PINS Procedural Guide -- Planning Appeals Updated 12 April 2022 Paragraphs 1.3.1 and 1.3.2) the Informative on the Councils decision letter and because Messrs Crowther, Vick and Davis have point blank refused to discuss my proposals with me as the applicant either before or after the decision was made and worse still (as evidenced on the file) failed to provide or request me to provide information in response to Consultee requests until after the decision was made and failed to give me an opportunity to amend the proposals prior to the decision being made. In respect of the latter I note that Mr Davis had correspondence with WSCC Highways and NE prior to the decision in support of RR2 and 3 and then deliberately made sure that the correspondence was not made public or available to me as the applicant until after the decision was made. (see upload notes currently on the file).

Regrettably I am forced to note that your e mail response (in my experience typically) does not answer the 3 points I raise in my letter and that you prefer instead to raise other superfluous and extraneous matters rather than address those points.

I note but disagree with your views regarding the Case Officers report but this is in any case irrelevant because my letter raises questions regarding the 3 RRs issued and it is precisely because I cannot find the answers to those questions in the Report that I am now forced to raise the same questions again (albeit in a more direct and succinct form) before pursuing an appeal as the last resort.

Please can I ask you to confirm

1. whether or not you agree or disagree with my assertion that my proposals, as a matter of fact, demonstrably accord with the wording of the only development plan policies cited in RR1 and the use of the subject land for the purposes specified (which includes a Primary school (F1 use)) could not and would not prejudice the use of the remaining land within the SD1 Allocation (circa 14 .24 hectares) being developed with 400 houses as allocated at a policy compliant gross density of circa 28 dph . If you agree with my assertion then I can make another application because RR1 is addressed. If you disagree with my assertion please can you explain why so that I can understand your reasoning as this is the only issue of relevance to RR1.
2. Whether you agree or disagree with my assertion that RR2 and 3 are based on grounds which are capable of being dealt with by conditions. If you agree we can then agree the wording of such suitable conditions irrespective of RR1 thereby narrowing issues should an appeal prove necessary. If you disagree please explain why with reference to the relevant PPG on the Use of Conditions so that I can properly consider your reasoning.

I note your comments regarding a claim for costs by the Council but also note that your belief is not supported by any references to the relevant PPG relating to appeal costs. If you are giving advance notice of the Councils intention to claim for its costs can I politely suggest that you do so after I have actually submitted an appeal and you have had an opportunity to consider my Statement of Case? Currently I can see no basis whatsoever for ADC to make such a claim given an appellants statutory right of appeal and my intention to argue that the proposals accord with the relevant development plan policies for the reasons given above.

I also note your comments regarding the previous appeal decision but do not believe that decision in respect of an entirely different proposal for only part of the subject site to be in any way relevant to the determination of the current proposals made as they are by a different applicant for different reasons. That decision has in any case been overtaken by events and I have moved on from that decision and I suggest you and your colleagues do the same.

I also note that you do not believe there is any merit in having any further discussions regarding my proposals but I beg to differ given the best practice quoted and the informative on the decision notice itself and I invite you to reconsider that position in the light of this e mail response.

Your comments in the last sentence of your e mail are also noted but I find it impossible to understand how you can justifiably make the assertion that these sites will be built out as approved without inappropriate pre determination of the current and future applications yet to be made and the representations made by me and many others to date and I am happy with my actions to date and satisfied that my energies are being spent on trying to improve the quality of the schemes thanks.

Finally but by no means least please can you provide a detailed explanation of your extraordinary assertion that alternative proposals for these sites have no realistic chance of implementation? Surely you accept that the Council is obliged to consider alternative proposals for any site and that there is always more than one way of skinning the same cat and that since my proposals do not include or exclude anything that is not already included in the relevant Development plan policies and the main currently unimplemented OPP for the site under ADC Ref: P/140/16 OUT it is impossible to make such an assertion unless you are saying that the SD1 Allocation has no realistic chance of implementation? If the latter can I suggest that you say so loudly and publically as I am sure that many in the Community and Pagham PC will be pleased to hear it!

I would be grateful if you could reply to this e mail by return as my time for making a decision regarding my next steps is pressing now.

Thanks

Paul Collins BA (Hons) DipTP

From: paul collins [REDACTED]
Sent: Friday, August 19, 2022 3:21 PM

To: 'Karl Roberts' <Karl.Roberts@arun.gov.uk>

Cc: 'Chief.executive' <Chief.executive@arun.gov.uk>; 'clerk@paghamparishcouncil.gov.uk' <clerk@paghamparishcouncil.gov.uk>; 'Cllr. June Hamilton' <Cllr.June.Hamilton@arun.gov.uk>; 'Cllr. David Huntley' <Cllr.David.Huntley@arun.gov.uk>; 'Neil Crowther' <Neil.Crowther@arun.gov.uk>; 'Daniel Vick' <Daniel.Vick@arun.gov.uk>; 'Simon Davis' <Simon.Davis@arun.gov.uk>

Subject: RE: P/51/22/PL - Land West of Pagham Road

Mr Roberts

Thank you for your response (such as it is) which is noted and I will consider and respond to same if necessary in due course.

In the meantime please can you provide me with a copy of the latest iteration of the specific Officer scheme of delegation for planning decisions under the Councils Constitution as I cannot find same anywhere in the latest iteration of the Councils Constitution dated May 2022 published on the Councils web site. Please can you also place my letter your response and this e mail on the file for public viewing and future reference if required.

Thank you

Paul Collins BA (Hons) DipTP

From: Karl Roberts [mailto:Karl.Roberts@arun.gov.uk]

Sent: Wednesday, August 17, 2022 10:29 AM

To: paul collins [REDACTED]

Cc: Chief.executive <Chief.executive@arun.gov.uk>; clerk@paghamparishcouncil.gov.uk; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>; Neil Crowther <Neil.Crowther@arun.gov.uk>; Daniel Vick <Daniel.Vick@arun.gov.uk>; Simon Davis <Simon.Davis@arun.gov.uk>

Subject: RE: P/51/22/PL - Land West of Pagham Road

Dear Mr Collins,

I refer to your letter of the 9th August in respect of the above and would offer the following response.

Firstly, in respect of the authority for Mr Vick to sign off the decision on this application I can confirm that the latest iteration of formal written authority to him to undertake such decisions is dated 1st October 2020.

Secondly, I have read the case officers report and believe it to be a sound assessment of the key issues. I also took the opportunity to refer back to the appeal decision in July 21 for a proposal with some similar elements to what is currently proposed for an area of land which in part also form part of this latest proposal. I believe that many of the Inspectors conclusions can be said to also apply to this latest proposal. I have also re-read the accompanying cost decision letter which found against the appellant. I believe if an appeal were to be made against this decision to refuse the application then the Council would have a strong case for submitting an application for costs. Given permission is not being recommended the other reasons for refusal are considered reasonable.

I do not believe there is any merit in having any further discussions regarding your proposals.

Finally, can I encourage you to move on from this course of action. These sites will be built out and I think our energies would be best spent focusing on the quality of the schemes rather than alternative proposals that have no realistic chance of implementation.

Regards
Karl Roberts

From: paul collins <[REDACTED]>
Sent: 09 August 2022 17:40
To: Karl Roberts <Karl.Roberts@arun.gov.uk>
Cc: Chief.executive <Chief.executive@arun.gov.uk>; clerk@paghamparishcouncil.gov.uk; Cllr. June Hamilton <Cllr.June.Hamilton@arun.gov.uk>; Cllr. David Huntley <Cllr.David.Huntley@arun.gov.uk>
Subject: P/51/22/PL - Land West of Pagham Road

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Dear Mr Roberts
Please find attached a letter for your response within the next 10 working days if possible .
Please place the letter and any response on the file.
Thank you

Paul Collins BA (Hons) DipTP
[REDACTED]

<http://www.arun.gov.uk>
DX 57406 Littlehampton
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PAUL COLLINS BA (Hons) Dip TP

Karl Roberts Director of Growth Arun District Council

BY E MAIL ONLY 10 AUGUST 2022

Dear Mr Roberts

ADC Refusal of Application made under ADC Ref: P/51/22/PL

As you will be aware the above application was refused for the 3 reasons set out on the decision notice dated 24th June 2022 and I am currently considering my appeal options in respect of that refusal in the light of the fact that the deadline for submitting any appeal expires 24 December 2022 but before lodging an appeal I consider it appropriate to raise the following concerns regarding the decision with you as the most Senior responsible Officer under the Councils Constitution so that you can personally review the case in the light of my concerns as part of sensible on-going case management.

Please note that I have raised my concerns with the Case Officer (Mr Davis), his Team Leaders (Messrs Easton and/or Mr Vick) and the Group Head of Planning (Mr Crowther) but I have received no satisfactory responses or explanations from the former and as you are aware Mr Crowther refuses to read or respond to any e mail from me regardless of subject or content.

My concerns are as follows:

1. The decision purports to have been made and issued under delegated powers by the Case Officer and/or one or other of his Team Leaders without prior recourse to either you or Mr Crowther in accordance with the Councils Scheme of Officer delegation.
2. In respect of RR1 the submitted scheme as a matter of fact, demonstrably accords with the wording of the only development plan policies cited in the RR and the use of the subject land for the purposes specified could not and would not prejudice the Councils Housing Strategy and paragraph 60 of the NPPF is not relevant to a s78 decision as it relates to plan making and not decision taking. Furthermore Policies HSP1, HSP 2 and HSP2a and the Councils Housing Strategy are in any case hopelessly, demonstrably and irrevocably out of date for the purposes of s38 (6) of the act and the PIF of sustainable development at paragraph 11 of the NPPF..
3. RR2 and 3 are capable of being addressed by way of standard conditions imposed on permission granted pursuant to this application/appeal or any future application in the same way as these matters have been dealt with on other relevant applications in Pagham.

Therefore the Officers cited have unlawfully (due to the failure to follow the scheme of delegation and the ultra vires doctrine) actively sought to prevent or delay a development which should clearly have been permitted, having regard to its accordance with the development plan, national policy and any other material considerations and have also refused planning permission on planning grounds capable of being dealt with by conditions.

Finally please note that I currently remain willing and able to resubmit my application rather than lodging an appeal but do not wish to do so unless you (as the most Senior Officer responsible) explicitly invite me to do so.

Please place this letter and any response you may care to give on the file. Thankyou

Paul Collins