Planning (Listed Buildings and Conservation Areas) Regulations 1990 (as amended)

Application for Listed Building Consent for Alterations, Extension or Demolition of a Listed Building

DECISION NOTICE

Application Ref: R/57/12/L

1 **To Addressee**

Mr M Pearce
3 West Ridings
East Preston
West Sussex
BN16 2TD

2 **Site Address**

Old Orchard House
47 The Street

BN16 3NU

3 **Description of Development**

Application for Listed Building Consent for extension and conversion of existing garage to form a separate studio. Resubmission following R/238/11/L.

4 In pursuance of their powers under this Act and the Regulations the Council **GRANT** Listed Building Consent Consent for the works as described to be carried out in accordance with the application and plans and subject to compliance with the conditions specified.

If the works approved involve a measure of demolition applicants are reminded of their obligation under Section 8(2)(c) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give at least one months notice of their intention to carry out the work to English Heritage, Brooklands, 24 Brooklands Avenue, Cambridge, BC2 2BU.

1 No development shall be carried out unless and until a schedule of materials and finishes and samples of such materials and finishes to be used for external walls, roofs, rooflights, windows and doors of the proposed extensions have been submitted to and approved by the Local Planning Authority and the materials so approved shall be used in the construction of the extension.

Reason: To enable the Local Planning Authority to control the development in detail in the interests of the setting of the the Listed Building by endeavouring to achieve a building of visual quality in accordance with policy GEN7 of the Arun District Local Plan.

2 The works for which Listed Building Consent is hereby granted must be begun not later than the expiration of 3 years beginning with the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990.

3 The making good of the building to complete the execution of the works for which consent is hereby granted shall be carried out as far as may be practicable with original materials. Any variation from the original materials must be with the written approval of the Local Planning Authority.

Reason: To preserve the appearance and special character of the building for the future in accordance with policy GEN7 of the Arun District Local Plan.

4 The accommodation hereby permitted shall be occupied solely for purposes incidental to the occupation and enjoyment of Old Orchard House, 47 The Street, Rustington as a dwelling and shall not be used as a separate unit of accommodation.

Reason: To accord with policies GEN7 and DEV19 of the Arun District Local Plan and to prevent the establishment of an additional independent unit of accommodation which would give rise to an over-intensive use of the site and lead to an unsatisfactory relationship between independent dwellings.

INFORMATIVE: Summary of Reasons for Grant Article 31 Development Management Procedure Order 2010

SUMMARY
This listed building is granted because it complies with the policies listed below in that the development would not cause any material adverse effect upon the setting or appearance of the listed building and there are no material considerations to indicate otherwise.

RELEVANT POLICIES

LOCAL PLAN: GEN2, GEN7, DEV19, AREA2

SOUTH EAST PLAN: BE6

NATIONAL PLANNING POLICY STATEMENT

RUSTINGTON VILLAGE DESIGN STATEMENT

This is only a summary of reasons for granting to comply with Article 31 and full reasons appear in the Officer report.

Head of Planning Services
Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

Case Officer: Mr P Cleveland

Date of Decision: **14 May 2012**

Karl Roberts
Assistant Director Planning Services &
Housing Strategy

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

NOTES RELATING TO LISTING BUILDING AND CONSERVATION AREA APPLICATIONS
PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) ACT 1990

If the applicant is aggrieved by the decision of the local planning authority to refuse listed building consent or conservation area consent for the proposed works, or to grant consent subject to conditions, he may appeal to the Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Buildings and Conservation Areas) Act 1990 within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Secretary of State, Temple Quay House, 2 The Square, Temple Quay, Bristol BS16PN. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

If listed building consent or conservation area consent is refused, or granted subject to conditions, whether by the local planning authority or by the Secretary of State, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any works which have been or would be permitted, he may serve on the council of the district in which the land is situated, a purchase notice requiring that council to purchase his interest in the land in accordance with the provisions of section 32 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

If the applicant is aggrieved by the decision of the local planning authority:-
a) to refuse to vary or discharge the conditions attached to a listed building consent or a conservation area consent; or
b) to add new conditions consequential upon any such variation or discharge,

He may appeal to the Secretary of State in accordance with sections 20 and 21 of the Planning (Listed Building and Conservation Areas) Act 1990 within six months of receipt of this notice. Appeals must be made on a form which is obtainable from the Planning Inspectorate at the address referred to above. The Secretary of State has the power to allow a longer period for the giving of a notice of appeal but he will not normally be prepared to exercise this power unless there are special circumstances which excuse the delay in giving notice of appeal.

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).