ARUN DISTRICT COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

DECISION NOTICE

Application Ref: WA/38/09/

1 **To Addressee**

ADM Architects
Park Surgery
Albion Way
Horsham
West Sussex
RH12 1BG

2 **Site Address**

Land adjacent to Felsted Cottage
Arundel Road
Fontwell

3 **Description of Development**

Outline application for erection of one dwelling using existing access. (Departure from the Development Plan)

4 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plan for the reasons stated.

REASON 1 The site lies in a rural area and the proposal, being unrelated to the needs of agriculture, forestry, recreation, the extraction of minerals or disposal of waste, conflicts with policies GEN2, GEN3 of the Arun District Local Plan which seeks to protect the countryside, safeguard agricultural land, and ensure that the amount of land taken for development is kept to a minimum, consistent with the provision of high quality and adequate space within the built environment and to resist the consolidation of linear or sporadic development.

REASON 2 The proposal is unacceptable in that it has not been demonstrated that there is an overriding and essential need for the dwelling to be located in the countryside, that the need cannot be met in an existing settlement, and that the dwelling proposed is of a size and type appropriate to its purpose. The proposal therefore conflicts with policy DEV7 of the Arun District Local Plan.

REASON 3 The proposal would constitute an alien intrusion in the countryside which would be out of keeping with and detrimental to the rural character of the locality in conflict with policies GEN2, GEN3, GEN7 of the Arun District Local Plan.

REASON 4 The proposed use is unacceptable in that the dwellings are not located conveniently in relation to sustainable transportation or services.The proposal would therefore be contrary to policies GEN4, GEN7 of the Arun District Local Plan.

REASON 5 The layout and siting of the proposed development would be likely to result in the loss of a tree important in the local landscape, being located so close to that building development as would be likely to result in significant physical damage to the tree, thereby diminishing the health, appearance and longevity of the same to the detriment of the visual amenities of the locality, in conflict with policies GEN7, GEN28 of the Arun District Local Plan.

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

Case Officer: Mr J Baeza

Date of Decision: 6th August 2009

Date Decision Issued: 6th August 2009

Karl Roberts
Assistant Director Planning Services &
Housing Strategy

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

NOTES RELATING TO PLANNING APPLICATION
TOWN AND COUNTRY PLANNING ACT 1990

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the First Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal, then you must do so within 6 months of the date of this notice using a form which you can get from the Planning Inspectorate, Customer Support Unit, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

PURCHASE NOTICES

If either the local planning authority or the First Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the District Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town & Country Planning Act 1990.

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).