Town & Country Planning Act 1990 (as amended) Town & Country Planning (General Permitted Development) Order 1995 (As Amended) Schedule 2, Part 3

Application for Prior Notification for Change of Use

DECISION NOTICE

Application Ref: Y/84/14/PD

BY FIRST CLASS RECORDED DELIVERY

1 **To Addressee**

Landlink Estates Ltd
Ham Farm
Main Road
Bosham
Chichester
West Sussex
PO18 8EH

2 **Site Address**

South Barn
Drove Lane

3 **Description of Development**

Prior notification under Class MB for change of use of agricultural building to a dwellinghouse (C3)

4 In pursuance of their powers under this Act and related Orders and Regulations the Arun District Council, as local planning authority hereby **REFUSE PRIOR APPROVAL** for the above development for the reasons stated below:

1 Part 3, Class MB.1 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) states that development is not permitted where the site is occupied under an agricultural tenancy, unless the express consent of the tenant has been obtained. In this case, the site is occupied as an agricultural tenancy and the tenant farmer has not given his express consent to the change of use. Therefore, the proposal change of use is not permitted development under the terms of Class MB and the prior approval application must fail.

Case Officer: Mr S Davis

Date of Decision: **23 December 2014**

Karl Roberts
Assistant Director Planning & Economic Regeneration

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

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 Secretary of State at the Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or on line at www.planningportal.gov.uk/pcs

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 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 Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 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).