

CHICHESTER DISTRICT COUNCIL
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER
2015

30th May 2023

Dear Sir/Madam

Planning Application: LX/23/00835/PA3Q

**Proposal: Proposed change of use from agricultural buildings to 1 dwelling - (C3 Use class);
resubmission further to LX/21/01852/PA3Q.**

Location: Mill House Farm Drungewick Lane Loxwood Billingshurst West Sussex RH14 0RS

I refer to the above application for a determination as to whether prior approval of the development is required by this authority, registered as valid by this office on 5th April 2023.

The authority requires prior approval in accordance with the above regulations and hereby **REFUSES** such approval for the following reasons:-

- 1) The Local Planning Authority (LPA) in consultation with Natural England are unable to be certain the proposal would not adversely impact the Arun Valley Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar site and Pulborough Brooks and Amberley Wild Brooks Site of Special Scientific Interest (SSSI). The proposed water neutrality mitigation measures are primarily reliant upon a tanked portable water supply sourced from outside of the Sussex North Water Resource Zone (SNWRZ), for which planning permission has not been obtained for the above ground tank and the sourcing of the water outside of the SNWRZ cannot be satisfactorily secured or enforced by the LPA in perpetuity. The water neutrality calculations also fail to consider any potential mains water supply. Consequently, the LPA does not consider the proposed offsetting measures to be a suitable form of mitigation to offset the water demands of the proposal. Consequently, the development would be contrary to Paragraph 180 of the NPPF 2021, and Paragraphs 70-74 of The Conservation of Habitats and Species Regulations 2017 and the scheme would not amount to development granted permission by The Town and

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Country Planning (General Permitted Development) (England) Order 2015 (as amended) as Article 3 (1) prevents development contrary to The Conservation of Habitats and Species Regulations 2017 being granted by the Act.

Yours faithfully



Andrew Frost

Director of Planning and the Environment
Chichester District Council

The plans the subject of this decision can be viewed on the Council's website www.chichester.gov.uk quoting the reference number of the application. For all applications after May 2003, the relevant plans are listed as 'Plans-Decided'.

NOTES

Town and Country Planning Act 1990
Town and Country Planning (Control of Advertisements) Regulations 1992
Town and Country Planning (Trees) Regulations 1999

Your attention is directed to the following notes. They are for information only and do not pretend to set out the whole of the law on the subject. It would be well for you to consult your solicitor if you are in any doubt.

1. If the applicant is aggrieved by the decision of the District Planning Authority to refuse permission for the development, or is aggrieved by a condition imposed on a planning permission, he may appeal to the Secretary of State in accordance with Section 78 of the Town and Country Planning Act 1990 within six months* from the date of notice or determination giving rise to the appeal. (All appeals must be made on a form which is obtainable from The Planning Inspectorate, Room 3/04A Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. www.planning-inspectorate.gov.uk. Advertisements and ELD/PLD appeal forms are available from County House, Portland Square, Bristol; Tree Preservation Order appeals forms are available from Government Office from The Planning Inspectorate, The Environment Appeals Team, Trees and Hedges, Room 3/25 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Email – environment.appeals@pins.gsi.gov.uk Telephone – 0303 444 5584. One copy of the appeal form must be submitted to the Director of Planning and the Environment, Chichester District Council, East Pallant House, Chichester, West Sussex PO19 1TY).

The Secretary of State has 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. The Secretary of State is not required to entertain an appeal if it appears to him that permission for the proposed development could not have been granted by the District Planning Authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the statutory requirements to the provisions of the development order, and to any directions given under the order.

*** APPLICANTS SHOULD NOTE THAT THE PERIOD FOR MAKING AN APPEAL IN RESPECT OF HOUSEHOLDER APPLICATIONS (SUFFIX /DOM) IS 12 WEEKS FROM THE DATE OF THIS NOTICE; FOR ADVERTISEMENT APPLICATIONS (SUFFIX /ADV) IT IS 8 WEEKS; AND FOR TREE APPLICATIONS (SUFFIX /TPA) IT IS 28 DAYS.**

2. If permission to develop land is refused or granted subject to conditions, whether by the District 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 by the carrying out of any development which has been or would be permitted, he may serve on the Council of the County 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 Part V of the Town and Country Planning Act 1990.
3. In certain circumstances a claim may be made against the District 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 the Town and Country Planning Act 1990.
4. By Section 195 of the Town and Country Planning Act 1990 where an application is made to a District Planning Authority for a Certificate of Lawful Use or Development and is refused in part, the applicant may by notice under this sub-section appeal to the Secretary of State and on any such appeal the Secretary of State shall:
 - (a) if and so far as he is satisfied that the Authority's refusal is not well-founded, grant to the appellant a Certificate of Lawful Use or Development accordingly or, as the case may be, modify the certificate granted by the Authority on the application, and:
 - (b) if and so far as he is satisfied that the Authority's refusal is well-founded, dismiss the appeal.
5. Applicants are advised to consult Regulation (15) of the Advertisements Regulations 1992 regarding appeals in respect of advertisements.
6. Where this notice conveys approval or permission, conditional or unconditional please note that the decision given does not purport to convey any consent or approval which may be required under the Public Health Acts and Building Regulations. Additionally applicants are advised to check the need for notice to be given under the Party Wall etc. Act 1996.
7. Where this notice conveys approval or permission subject to conditions, applicants are reminded that the onus is on them to ensure the conditions have been complied with. Under some circumstances a failure to comply with a condition may result in the whole development being unauthorised.

Fast Track Householder Appeal's pilot

The Planning Inspectorate's new Fast Track Householder Appeal Pilot (FTHA). The aim of the pilot is to dramatically shorten the length of time it will take you to receive a decision on any Householder appeal you may submit to us.

At the moment it can take around 20 weeks to receive a decision from the day your appeal is received. The Government and ourselves are committed to making the appeals process as quick and efficient as possible.

With a number of key changes to the way we administer the process and the way you and the local planning authority take part, we are aiming to decide 'Household' appeals in 12 weeks. This is a reduction of around 2 months.

Can I take part?

We are trialling these changes in a number of areas, one of which is administered by the council who determined your planning application. If you would like to take part you need to agree to the following;

- Use the 'written representation'* method to appeal
- We are also looking wherever possible to communicate with you by email. Whilst this is not essential, we would be grateful if you could provide an email address for us and the council to use.

*This is the method currently used by 90% of people choosing to appeal in Householder appeals.

How can I find out more information about the pilot?

More details and information can be found by visiting the Planning Portal at www.planningportal.gov.uk or by contacting the Planning Inspectorate on 0117 372 6372 or by contacting your local planning authority.

Please remember!

An appeal should only be a last resort. With only 36% of appeals being allowed, you should look carefully at the reasons for refusal before you submit an appeal to us. In some instances you may be able to negotiate a revised scheme with your local planning authority.