

PLANNING STATEMENT to accompany:

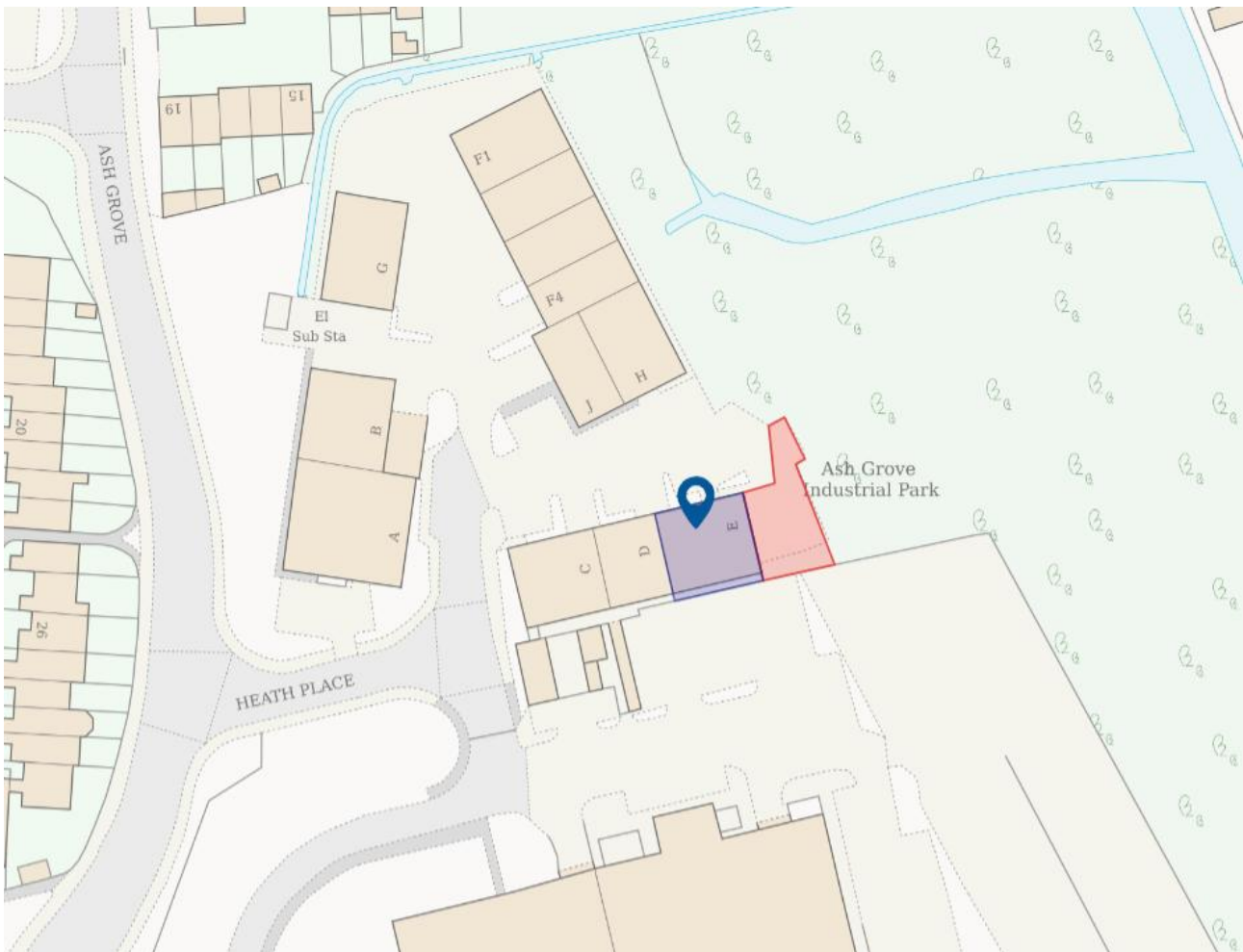
**Land to the East of Unit E Heath Place Business Centre, Heath Place, Bognor Regis,
West Sussex, PO22 9SL**

**Lawful Development Certificate to confirm the mixed (suis generis) parking and B8
general open storage use of the land adjacent and in connection with Unit E, Heath
Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of
storage containers for more than 10 years.**

Executive summary

The area of the site that the application refers to is outlined and shaded red.

For more than 10 years it has been part of the Unit E planning unit outlined and shaded blue.



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An Enforcement Notice (EN) was issued Dated: 8th November 2022 along with the plan below. The Notice was not appealed. The Notice referred to the land shaded red. **The areas circled blue were excluded.**

This application seeks to regularise the use of the area circled blue **to the immediate east of Unit E, Heath Place.**



Above – The Enforcement Notice plan

Below - The B8 open storage planning unit subject of the application.

For completeness the EN allegation was as follows:

THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission, the use of the land for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers and portable buildings and the storage of imported waste. The creation of earth bunds along the northern and eastern boundaries and the laying of hardstanding.

In planning law, the case of *Burdle v Secretary of State for the Environment* (1972) All E.R. 240 gives guidance as to how a planning unit (or in this case a separate planning unit) can be recognised. In a well-known passage in that case, Bridge J gave the following guidance on how to determine the appropriate planning unit:

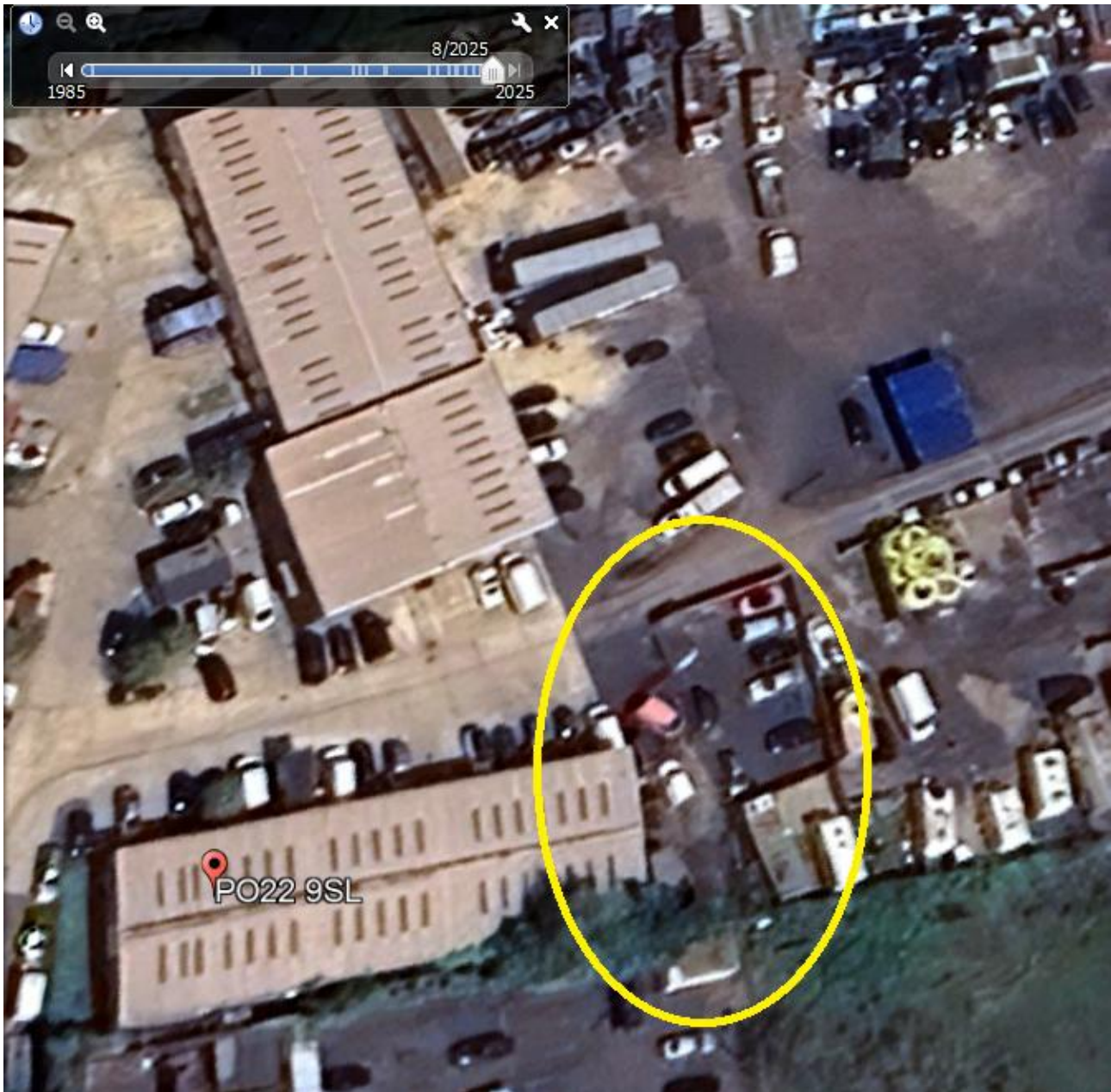
“First, that whenever it is possible to recognise a single main purpose of the occupier’s use of his land to which secondary activities are incidental or ancillary, the whole planning unit should be considered.... But, secondly, it may equally be apt

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to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time but the different activities are not confined within separate and physical distinct areas of land. Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit”

The evidence confirms that **the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers use for more than 10 years** falls **entirely within the first proposition** on the basis this has remained the main purpose of the use of the site for more than 10 years and that these uses are ongoing.



Above –The latest aerial photo below showing the site circled yellow

The applicant confirms, "...when the land was for sale the ND autos work shop was told by the owners they had to start moving there containers of the land and car storing because the land was being sold.

I actually ended up buying ND autos work shop and the land together which means they

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did not need to move containers or move there cars as we become the new owner of the land and ND autos work shop”.

This statement forms the evidence for a **Certificate of Lawfulness of Existing Use** to be submitted to Arun District Council. This statement has been put together using the evidence that forms the planning history and following conversations with the applicant to confirm **how they have continued to use the site has been used.**

To be precise and remove any ambiguity in the definition of the area of land or ‘planning unit’ this Certificate of Lawfulness relates to the ‘red line area’ of the application used for commercial storage purposes.

As is clear from the historic aerial photos the yard area has always been used for the purposes outlined.

COMMENT – The Council by excluding the application site area appear to have accepted a use for the site. The reasons for serving the Notice in italics below, particularly 4.4, focus on other areas of the site for hardstanding and parking and storage of vehicles, trailers and lorry bodies.

To put it another way their concerns regarding the *introduction of “an alien and incongruous form of development within an open amenity space”* are not directed at the application site area. Nor rationally could they – the application site area has always been intimately associated with Unit E.

4. REASONS FOR ISSUING THIS NOTICE

4.1 When considering any application for development the Council will have regard to the following aspects:

4.2 1. Character

Make the best possible use of the available land by reflecting or improving upon the character of the site and the surrounding area, in terms of its scale, massing,

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aspect, siting, layout, density, building materials (colour, texture), landscaping, and design features craftsmanship and hard and soft landscaping to reflect the local area.

4.3 The engineering operations of the bunds.

The bunds have resulted in a negative visual impact on the amenity of the area, as well as displacing surface water run-off, increasing flood risk to neighbouring properties. As such the development would conflict with policies C - SP1, W - DM2, QE - SP1 and QE - DM4 of the Arun Local Plan 2011 - 2031 and paragraphs 134, 159, 160 and 167 of the National Planning Policy Framework (NPPF), 2021.

ENF/159/22

4.4 The hardstanding and associated parking and storage of vehicles.

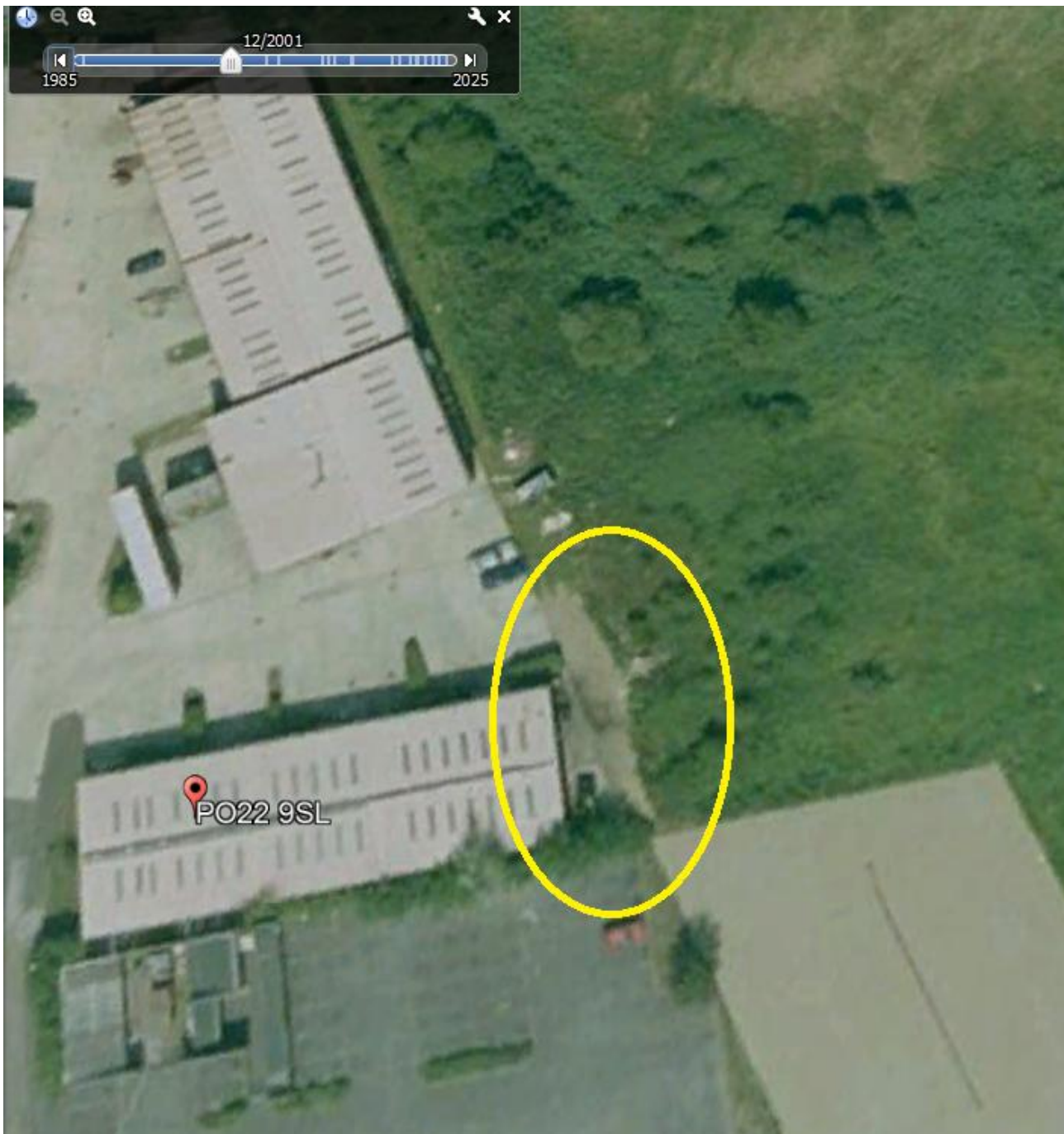
The hardstanding and parking and storage of vehicles, trailers and lorry bodies has introduced an alien and incongruous form of development within an open amenity space to the detriment of visual amenity and the character and appearance of the landscape. The industrial estate has been designed to incorporate the parking of vehicles within the existing hardstanding areas to the front and side and to retain the amenity space at the rear as a natural gap between the industrial estate and the caravan park to the east. The encroachment of which results in material harm to the landscape setting of the area, contrary to policy D DM1 of the Arun Local Plan 2011 - 2031.

Evidential submissions.

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Analysing the historic aerial photos below it is clear to see **the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers** (circled yellow on each aerial photo), for more than 10 years.



Baseline position – Aerial photo from 2001

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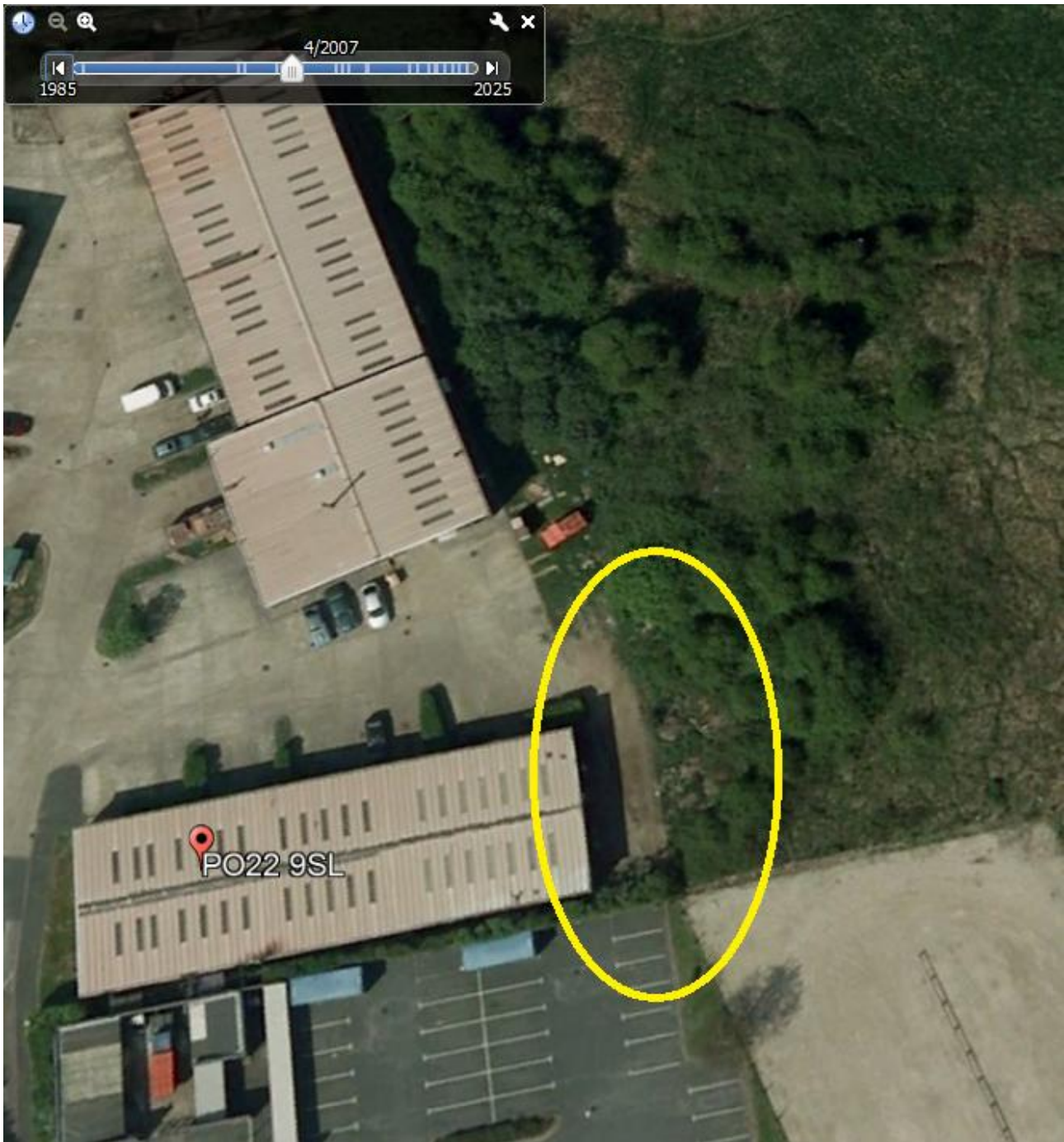
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Above 2005 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)



Above 2007 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)

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Above January 2012 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land

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adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)



Above September 2012 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the

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parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)



Above June 2013 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the

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parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)



Above April 2015 aerial photo showing the mixed (suis generis)

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parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)

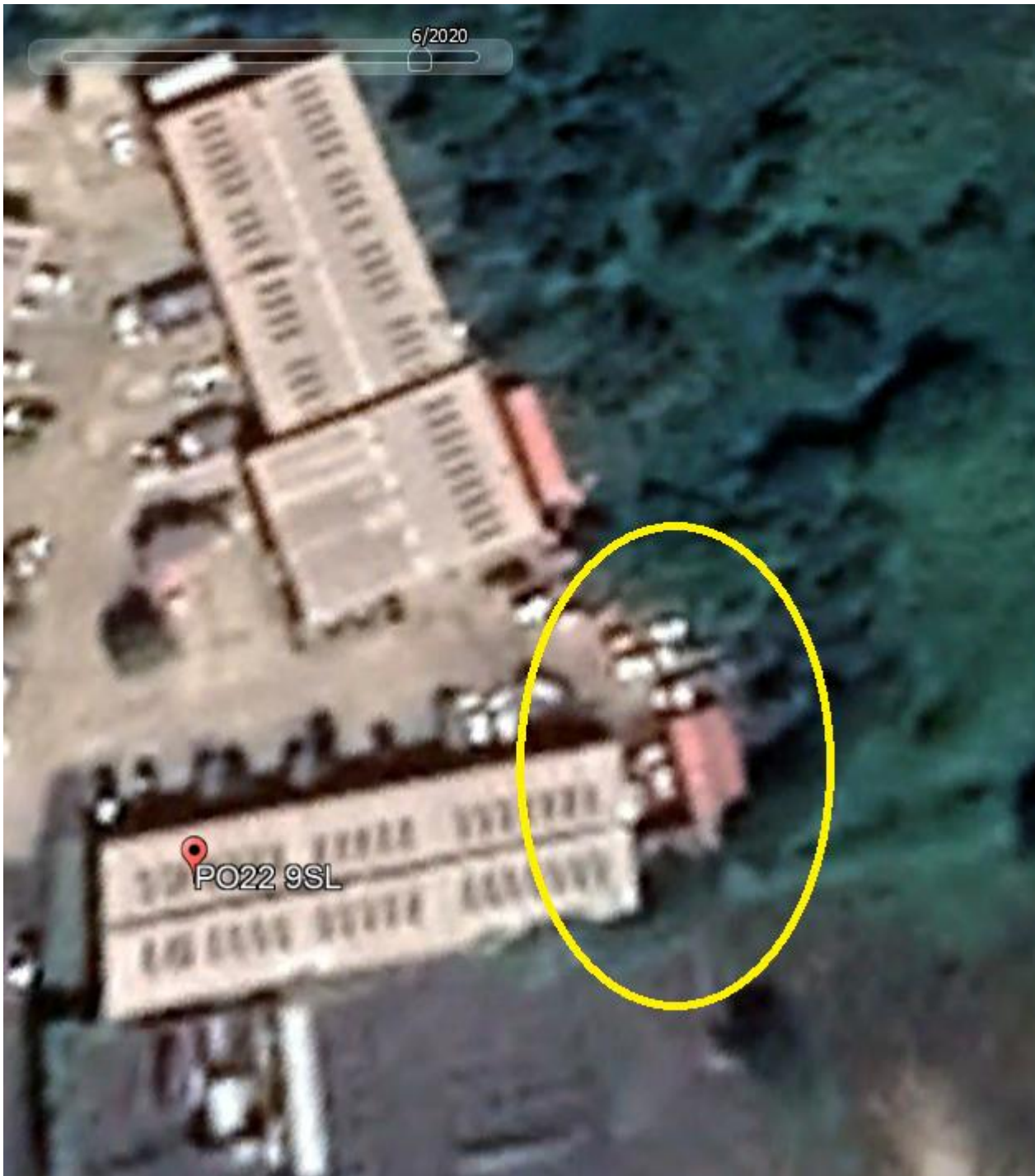


Above September 2019 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the

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siting of storage containers (circled yellow on each aerial photo)

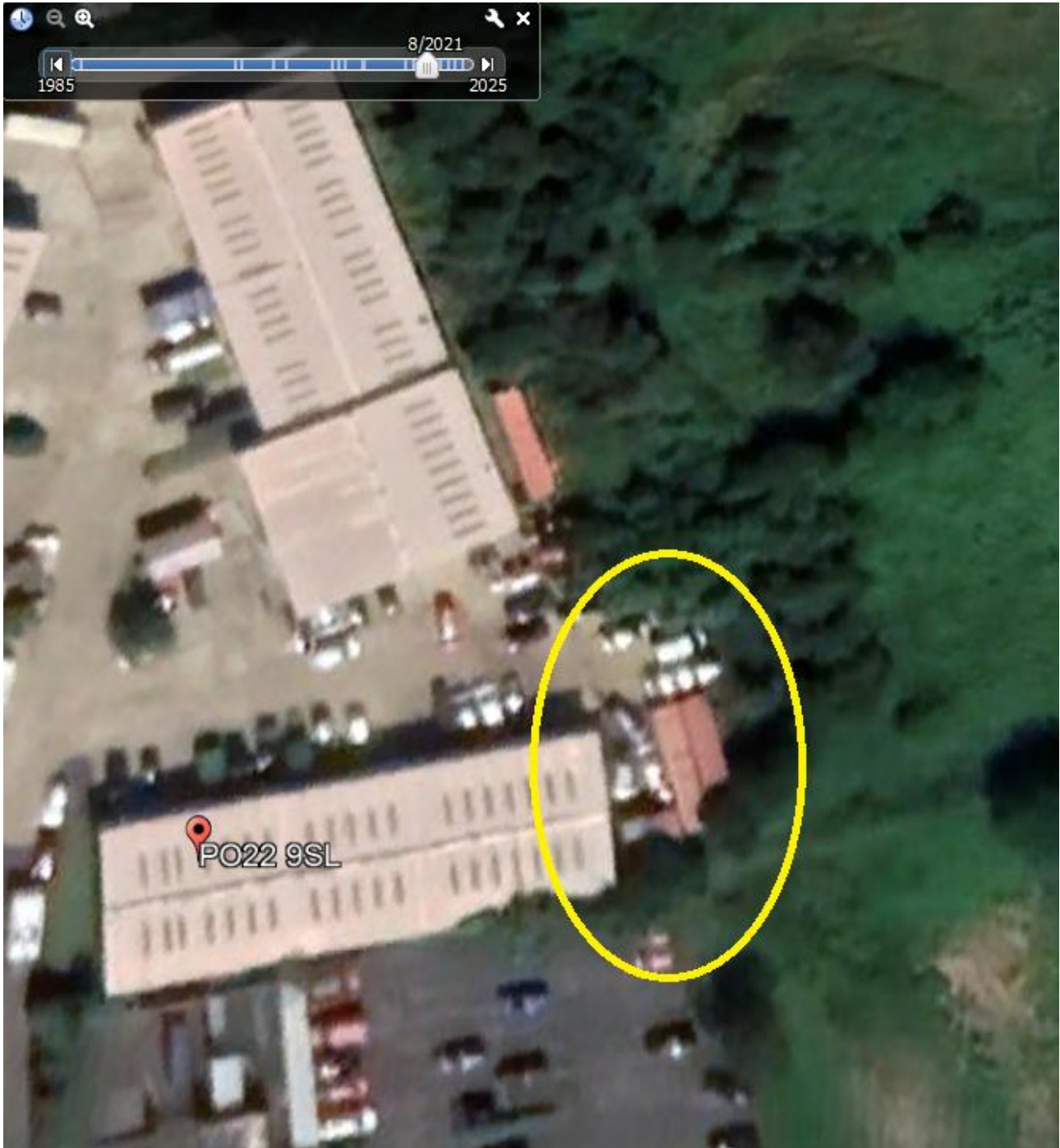


Above June 2020 aerial photo showing the mixed (suis

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generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial photo)



Above August 2021 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers (circled yellow on each aerial

photo)

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Above April 2022 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of

storage containers (circled yellow on each aerial photo)

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Above April 2023 aerial photo showing the mixed (suis generis) parking and B8 general open storage use of the land adjacent and in connection with Unit E, Heath Place for the parking and storage of vehicles, trailers and lorry bodies, the siting of

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storage containers (circled yellow on each aerial photo)

The historic aerial photos along with the current August 2025 aerial photo above serve to confirm the ongoing B8 general open storage use of the land for the parking and storage of vehicles, trailers and lorry bodies, the siting of storage containers and portable buildings and the storage of imported inert soils for more than 10 years.

The evidence contained within this planning statement has been prepared in accordance with the guidance on Lawful Development Certificates contained within Circular 10/97 particularly paragraphs 8.12 and 8.15 which states, "As this test will accordingly be applied by the Secretary of State in any appeal against their decision, a LPA should not refuse a certificate because the applicant has failed to discharge the stricter, criminal burden of proof, namely "beyond reasonable doubt". Moreover, the Court has held (see *F W Gabbitas v SSE and Newham LBC* [1985] JPL 630) that the applicant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted. If the LPA have no evidence of their own, or from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate "on the balance of probability".

Thank you in advance of your balanced consideration of the proposed application.

Please maintain a dialogue with myself and the applicants if you have any questions, concerns or matters that require further elaboration.

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