



AH/220010/L0018v1

9th September 2026

By planning portal and email

Chief Planning Officer
Arun District Council
Civic Centre
Maltravers Road
Littlehampton
BN17 5LF

Dear Sir

**On behalf of Kier Logistics (Bognor) Limited, Saltbox, Bognor Regis:
Non-material amendment to the description of development of the outline
permission granted under reference BE/135/18/PL**

Please find enclosed an application for a non-material amendment ("NMA") to planning permission BE/135/18/PL to amend the approved description of development.

The submission comprises:

- 1 This letter; and
- 2 Application forms.

The application fee has been paid directly by the applicant.

Background

Kier Logistics (Bognor) Limited ("Kier") is the owner and developer of the remaining parts of the outline consent for the Saltbox employment site at Shipley Road, Bognor Regis.

As you will be aware, the Saltbox site is a key employment site for the local planning authority which is allocated under Policy EMP DM2 "Enterprise Bognor Regis" for *".. a phased mix of B1, B2 and B8 uses..."*. The indicative phasing of sites shown in Table 8.2 envisages Saltbox as delivering 25,130 sq m of new floorspace comprised of B1/B2 floorspace.

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Mango Planning & Development Limited
29 Old Field Road, Bocam Park, Pencoed, Bridgend. CF35 5LJ

The development is close to completion and Kier is in advanced negotiations with a number of prospective tenants to occupy the new employment space that has been created.

During negotiations, Kier has been asked to clarify the specific reference in the description of development within the operative part of the outline planning permission.

Planning permission BE/135/18 reads:

*"Hybrid application comprising of **Outline application for the principle of employment uses B1-B8**. Full application for Class B8 warehouse with fuel-island and car parking (Unit 2), 2 No. Class B1/B8 employment units with associated parking and servicing (Units 6 and 7), Class A1 retail food store with car parking and servicing (Unit 8), 2 No. drive thru units with car parking and servicing (Units 4 and 5), car showroom, workshops (including MOT testing), vehicle storage, external display areas, service areas and parking (Unit 9) together with access roads, associated ground and engineering works, landscaping and ancillary works."* (Our emphasis).

The application sought consent simply for outline permission for employment uses, but the specific reference "B1-B8" was added to the "employment uses" description at registration.

The prospective tenant has asked for clarification that the reference in the outline permission to "B1-B8" means Use Classes B1 and/or Class B2 and/or Class B8.

Planning review

The starting point is to read the permission on its face, without need for reference to extrinsic evidence (i.e. information not on the decision notice itself) ¹. We understand that "B1-B8" was used as shorthand for the employment "B classes" of use actually sought by the applicant. The permission is reasonably capable of being read in that way, in our view.

At the time of the decision, the relevant B classes under the Town and Country Planning (Use Classes) Order 1987 were Classes B1, B2 and B8, and the expression "B1-B8" has been used in planning practice as shorthand for those B-class uses.

The same shorthand can be found in other decisions and policies:

- For example, the consent for the Southern Cross Trading Estate (Reference BE/31/97) was granted for *"Outline Application for the erection of buildings for general and special industrial uses [i.e. B2 use], storage and distribution;- use classes B1-B8.* "
- The shorthand use of the term "B1-B8" to cover all B class uses is also evident in the adopted Arun Local Plan. Policy EMP DM1, which is the relevant policy for employment land, states at (2):

*"Existing employment sites and premises will be protected where there remains a reasonable prospect of employment use. Excepting Permitted Development Rights or Local/Neighbourhood Development Orders, **change of use from Business Class (B1-B8) or similar sui generis uses**"* (Our emphasis).

¹ R v Ashford Borough Council, ex parte Shepway District Council [1999] PLCR 12

- Policy EMP DM2 deals specifically with Enterprise Bognor Regis and interchangeably refers to a "mix of B1, B2 and B8 uses" and "B class uses".

That approach is also more widely adopted. By way of illustration, we have identified examples at appeal in Basildon² and in Brighton³ where Inspectors have used the B1-B8 as a shorthand to cover all B class uses.

We also note that the permission in this case does not include any condition seeking to prevent a specific class of employment use.

In our view, "B1-B8" properly refers on its face to the employment B classes then in existence, including Class B2. The proposed amendment is sought to remove any potential ambiguity and to make that position express.

The amendment is therefore sought as an expedient means of providing express clarification for the prospective tenant and future occupiers.

Proposal

To provide the prospective tenant with the clarification that they seek, and to avoid this issue arising in future with other negotiations, a non-material amendment is sought of the description of development for the outline part of the permission to read:

"Hybrid application comprising of **Outline application for the principle of employment uses (Classes B1 and/or B2 and/or B8).**"

Assessment

Section 96A of the Town and Country Planning Act 1990 grants Local Planning Authorities (LPAs) the power to make changes to any planning permission, provided they are satisfied that the amendment is not material.

The Court of Appeal in *Finney*⁴ identified expressly that while a description of development may not be amended by a Section 73 application, Section 96A was an available route to make such amendments, as long as they are not material.

The *National Planning Practice Guidance (NPPG)* confirms that there is no statutory definition of 'material', and it is a matter of fact and degree for the LPA to determine whether a change is material or not.

In this case, as outlined above, the change sought simply expands the shorthand reference to use classes to make specific reference to each.

As such, the proposed clarification would not materially alter the development authorised by the permission and is appropriately dealt with under section 96A.

² APP/V1505/W/25/3360641 – Unit 2, Heron Trading Estate, Wickford. 5th June 2025. Paragraph 5

³ APP/Q1445/W/16/3142430 – Land adjacent to 4 Clyde Road, Brighton. 6th June 2016. Paragraph 12

⁴ *Finney v Welsh Ministers* [2019] EWCA Civ 1868]

If consented, the clarification would also assist in facilitating the take up of consented employment space at a key employment location, in full accord with the objectives of the development plan and national guidance.

Conclusions

On the basis of the above, it is respectfully requested that description of the outline part of the development is clarified by NMA, as set out above.

Yours faithfully

A black rectangular box redacting the signature of Arfon Hughes.

Arfon Hughes
Director