

Recommendation Report for Permission in Principle

REF NO: BR/51/26/PIP

LOCATION: Longbrook Pavillion
Hook Lane
Bognor Regis
PO22 8AT

PROPOSAL: Application for permission in principle for a maximum net gain of 8 No dwellings.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	The application is accompanied by a location plan and a block plan. The latter indicates the positions of 8 houses as well as parking (16 allocated, 2 visitor), bin/cycle stores, access, and landscaping. The plan states the houses will all have two storeys and 3 bedrooms. All of the details shown on the block plan are indicative at this stage and the important details are the location of the site and the number of dwellings (up to 8).
SITE AREA	0.31 hectares.
RESIDENTIAL DEVELOPMENT DENSITY	8 dwellings would represent 25.8 dwellings per hectare.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the proposed development.
BOUNDARY TREATMENT	Bordered by 2m high solid timber fencing.
SITE CHARACTERISTICS	Former nursery building currently occupied/used as a waste/waste transfer site. The building remains and the areas around it are bare ground/hardstanding. The site area excludes the attached bungalow and its garden within which there is a TPO concerning two Sycamore trees.
CHARACTER OF LOCALITY	Situated to the edge of the urban development of Bognor Regis. The immediate west and south comprise of urban development, mainly consisting of private residential dwellings with associated garden space. The east and north comprise of more open land with a small unit of woodland, and open grassland to the east forming part of the floodplain for the Aldingbourne Rife watercourse.

RELEVANT SITE HISTORY

BR/201/25/PIP	Application for permission in principle for a minimum net gain of 0 dwellings to a maximum net gain of 8 No dwellings.	Refused 04-02-26
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BR/201/25/PIP was refused for the following reason:

"The site is in Flood Zone 3a, and the submitted Flood Risk Assessment does not demonstrate that the development is safe without increasing risk elsewhere and does not demonstrate wider sustainability benefits thus failing the exceptions test. In addition, no floodplain compensation has been proposed, and the submitted sequential assessment is too narrow in search area. There is no certainty that the scheme will ensure future occupants are safe from flooding or that the development will not increase risk to surrounding residential properties. It is also not possible to secure suitable mitigation by conditions through this PIP application. The application is therefore in conflict with Arun Local Plan Policy W DM2, the NPPF and the associated NPPG on Flood Risk and Coastal Change."

The site is also subject to an Enforcement Notice concerning the material change of use of the land to a mixed-use comprising storage, residential, a residential caravan site, and furniture repair and sales, including operational development involving the erection of fencing and hard surfacing. This was subject of an appeal which was dismissed in March 2026. The Enforcement Notice was therefore upheld and requires that the following actions take place:

1. Cease the use of the land for mixed-use purposes, comprising storage, residential, a residential caravan site, and furniture repair and sales ('the unlawful use').
2. Remove all items and materials associated with the unlawful use.
3. Remove all hard surfacing and fences installed as part of the unlawful use.
4. Restore the land to its condition before the breach of planning control took place.

REPRESENTATIONS

Bognor Regis Town Council have not responded but 12 letters of objection have been received raising the following concerns:

- Inadequate on-site parking will lead to extra demands on local roads.
- Inadequate local road infrastructure which will not cope with additional traffic.
- Increased danger to pedestrians including school children.
- The style/design is not in character with the existing properties.
- The metal construction (use of shipping containers) is not appropriate.
- The area floods during the winter and the development will increase the risk of foul and surface water flooding.
- Harm to an existing quiet, peaceful residential area.
- Wildlife in the area will be affected, including bats.
- The site is contaminated and the old Nursery building is rumoured to contain asbestos.
- The site will be developed for Travellers as per the applicants other land at Rabbit Island.
- The site has been used for rubbish disposal and has been poorly maintained which has caused concern within the local community; and
- Risk of increased insurance premiums due to increased flood risk.

COMMENTS ON REPRESENTATIONS RECEIVED:

It is important to note that this is a Permission in Principle (PIP) application, and it is only possible to determine such applications with regard to the principle of development in terms of location, land use, and amount. All other issues would be determined at the subsequent Technical Details stage. On this basis where the objections are deemed material (flood risk) then they will be discussed in the conclusions of this report but anything else will not be considered. The following comments are made in

respect of the other objections:

- Parking would also be considered at the technical details stage however, according to the Council's Parking Standards SPD, the requirement for 8 dwellings would be 16 spaces (2 per dwelling) and 2 additional visitor spaces which is what has been indicated.
- Highway safety/capacity is a technical details matter.
- Style/design are technical detail matters.
- The drawings suggest two storey houses not shipping containers.
- Flood risk will be considered but it is not appropriate at this stage to assess the proposal in terms of proposals for foul or surface water drainage.
- Impact on wildlife is a technical details matter; and
- A condition could be imposed at the technical details stage to require careful demolition/precautions for asbestos removal.
- The drawings suggest two storey houses not mobile homes for travellers.
- The site's present use is unauthorised and actions are being taken to resolve this; and
- Financial impacts like this are not capable of being treated as a material planning consideration so cannot be considered.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

ENVIRONMENT AGENCY - object as the design flood levels are based on the defended situation and in order to demonstrate the dwellings will be safe for their lifetime, the undefended levels should be used. Floodplain compensation is also required but has not been included.

WSCC HIGHWAYS - state the proposed access from Brooks Lane is not of an appropriate width or design to accommodate all vehicle movements including those by larger vehicles. However, this is a matter for the technical details consent stage, so no objection is raised to this PIP. The access road operating as shared surface is appropriate considering likely level of vehicle movements and speeds. The following Information that will be required at the technical details stage:

- Visibility splays at the vehicle access on to the public highway.
- Appropriate access width and whether access is proposed to be widened
- Swept path tracking showing all anticipated vehicles (two cars passing/ refuse collection and fire appliance) can access and turn on site.
- Car and bicycle parking.
- Whether any improvements to nearby pedestrian infrastructure proposed (e.g. tactile paving to existing dropped kerb of Brooksmead).

ADC ENVIRONMENTAL HEALTH - state no objection but request conditions regarding contamination, noise pollution, and electric vehicle charge points.

ADC DRAINAGE - no reply but previously stated objection as a viable runoff disposal location had not been evidenced and the drainage proposals could impact on the amount and location of development.

COMMENTS ON CONSULTATION RESPONSES:

Whilst the previous drainage response made it clear that the PIP application type had been considered in formulating the response, officers disagree that drainage is a matter relevant to location, land use, or amount. The proposal is for up to 8 dwellings and the Local Planning Authority (LPA) will retain full

control at the technical details stage to insist on less than that amount if it is not possible to demonstrate an acceptable drainage scheme or layout. The LPA could also refuse if the drainage scheme was not appropriate for other reasons. It is also important to note (per the environmental health response) that it is not possible to impose conditions on PIP decisions.

POLICY CONTEXT

Designations applicable to site:

- Within the Countryside.
- Within the Felpham to Bognor Regis Settlement Gap.
- Flood Zone 3a; and
- Potential for high ground water levels.

DEVELOPMENT PLAN POLICIES

[Arun Local Plan 2011 - 2031:](#)

CSP1	C SP1 Countryside
DDM1	D DM1 Aspects of form and design quality
WDM2	W DM2 Flood Risk

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD13	Arun District Design Guide (SPD) January 2021
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POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012. There are no relevant Bognor Regis Neighbourhood Development Plan policies.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal conflicts with relevant Development Plan policies in that the site lies in the countryside, also within Flood Zone 3a and the Flood Risk Assessment is presently inadequate.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
 (a) the provisions of the development plan, so far as material to the application,

- (aza) a post examination draft neighbourhood development plan, so far as material to the application,
- (b) any local finance considerations, so far as material to the application, and
- (c) any other material considerations

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

CONCLUSIONS

INTRODUCTION:

This is a Permission in Principle (PIP) application, and the LPA can only assess whether the site is suitable in principle. The National Planning Practice Guidance (NPPG) states at paragraph 012 (Reference ID_ 58-012-20180615) that: "The scope of permission in principle is limited to location, land use and the amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Other matters should be considered at the technical details consent stage." There is no further guidance on which issues are relevant or not to the principle.

The NPPG confirms at paragraph 020 (Reference ID: 58-020-20180615) that conditions cannot be imposed. The following report solely analyses the proposal in terms of location, land use, and amount in respect of the principle of development.

LOCATION/LAND USE:

This section covers the location/use of the site with reference to countryside, settlement gap, and flood risk designations.

Countryside:

Arun Local Plan (ALP) policy C SP1 states residential development in the countryside outside the BUAB will not be permitted unless it accords with policies in the Plan which refer to a specific use or type of development. None of these relate to the proposal and so the proposal conflicts with the ALP.

However, it is material that the council cannot demonstrate a 5-year Housing Land Supply (HLS) (presently 3.23 years) and so the presumption in favour of sustainable development is engaged. This is also engaged by the latest Housing Delivery Test results (as published in December 2024) which showed that Arun delivered 70% of its housing requirements between 2020 and 2023. The Government has not yet published the results up until 2024 (or beyond).

The Bognor Regis Neighbourhood Development Plan (BRNDP) was made in October 2015. It contains some residential allocations but crucially no policies relevant to development in the countryside.

The NPPF is an important material consideration in determining planning applications. As the Council cannot demonstrate a 5-year HLS, para 11(d) of the NPPF and the application of the 'presumption' for sustainable development would be triggered. However, the additional provisions of para 14 would not apply as the BRNDP is more than 5 years old.

The site lies just adjacent to the edge of the designated Built-Up Area Boundary (BUAB) and were it not for the route of Brooks Lane between, it would adjoin the boundary and thus gain support from the council's Interim Housing Statement. The site is only a short distance from the University of Chichester (Bognor Regis Campus) and is situated with a green gap between Bognor Regis and Felpham and thus

technically within the wider Greater Bognor Regis area.

The site is in a sustainable location benefitting from pedestrian/cycle and bus access to shops and services. There is already a two-storey building on the site and a bungalow adjoining. There are further bungalows to the west and south-west. Whilst 8 No. two-storey dwellings could potentially be judged as harmful to the character and visual amenities of the area, there is potential for a lesser number and scale to be accommodated on the site without resulting in any adverse harm. In the absence of harm associated with the countryside location, it would then be difficult to justify a refusal on these grounds alone.

Settlement Gap:

The site is in a strategic gap between the settlement areas of Bognor Regis and Felpham. This area is characterised by open grassland/fields used primarily for agriculture and recreation. The area is also typically floodplain to the Aldingbourne Rife. Policy SD SP3 states development in such areas will only be permitted where it does not undermine the physical and/or visual separation of settlements, compromise the integrity of the gap (either individually or cumulatively with other existing or proposed development), cannot be located elsewhere and maintain the character of the undeveloped coast.

The proposed dwellings are to be contained within an existing developed site on the very western edge of the gap, and no other developments are proposed nearby. As such, the proposal will not undermine the physical or visual separation of the two settlement areas. There is also no harm to the character of the coast which is some distance to the south beyond existing developed areas. Whilst potentially, the dwellings could be sited elsewhere outside of the gap, this is not in itself a determinative factor given the lack of impact and the existing developed nature of the site. Given the lack of any obvious harm, a refusal on grounds of impact to the gap would not be sustainable.

Flood Risk:

The site is wholly within Flood Zone 3a (FZ3a) as is much of the wider settlement gap and also existing residential areas to the west and south. ALP policy W DM2 requires that proposals in areas at risk of flooding meet the sequential and exceptions tests, provide sustainability benefits to the wider community, demonstrate that the development will be safe for its lifetime and do not increase flood risk elsewhere.

National planning practice guidance (NPPG) states that new permanent dwellings are classed as 'more vulnerable' and should only be allowed with FZ3a where the Exception Test is passed. There is a separate requirement to carry out a Sequential Assessment. The purpose of the Sequential Test (ST) is to ensure land use planning takes due regard of flood risks and to ensure that areas at low or no risk of flooding are developed in preference to areas at higher risk.

Unlike with the previous application, the applicant has provided a standalone ST, and this also now assesses sites across the parishes of Bognor Regis, Felpham and Bersted (unlike the previous ST which restricted itself to Bognor Regis). Whilst the Council currently has no guidance on sequential assessment search areas or other parameters, it would typically be expected that the site would be assessed against other sites in the wider BUAB including adjoining parishes.

The new ST analyses 441 other sites within these three parishes and determines that there is no reasonable available land suitable for the proposed development. As such it should be deemed that the preferred location for the development is within the site. This is a comprehensive ST and meets the policy requirements. This requirement is therefore accepted.

The Exception Test (ET) requires (a) that development that has to be in a flood risk area will provide

wider sustainability benefits to the community that outweigh flood risk, and (b) that the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Government guidance on wider sustainability benefits indicates that these must be genuine benefits to the wider community and go beyond the benefits or policy requirements of a planning application. The guidance suggests the following examples:

- the re-use of suitable brownfield land as part of a local regeneration scheme.
- an overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure; or
- the provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding NPPF policy requirements for Sustainable Drainage Systems.

Noting that the previous refusal reason was part on the basis that the exceptions test had not been satisfied, the applicant has now provided a commentary in their planning statement on part (a) of the ET which sets out:

- (1) There are no sequentially preferable sites elsewhere in the sustainable Bognor Regis BUAB.
- (2) The proposed housing will contribute to the Councils current Housing Land Supply (HLS) shortfall.
- (3) The proposal is on previously developed land within the sustainable BUAB, and residents will be able to access nearby facilities using means other than the private car.
- (4) The application reduces development pressure on less sustainable greenfield sites; and
- (5) Other than in respect of flood risk matters, the site is suitable and there are no conflicts with development plan policies.

Items (1) and (5) are not accepted as the first relates to the separate ST requirement whilst the last is not a wider sustainability benefit. However, the rest are benefits to wider community and together would satisfy part (a) of the ET.

In respect of part (b) of the ET, the applicant has revised the FRA following the EA objection on the previous application. However, it is clear that the incorrect flood levels have been used and it appears that this has resulted in the applicant determining there is no need for flood storage compensation (which is contrary to the EA's position). On this basis the proposal does not ensure that the development will be safe for its lifetime and will not increase flood risk elsewhere. Therefore, the proposal fails part (b) of the ET.

For the above reasons, the proposal is determined to be in conflict with ALP Policy W DM2, the NPPF and the associated NPPG on Flood Risk and Coastal Change.

AMOUNT OF NEW DEVELOPMENT:

The proposal is for up to 8 dwellings and it is clear from the submitted block plan that this maximum number has been determined from how many houses could fit onto the site with parking and access included. However, this 'assessment' per the block plan does not appear to have taken account the requirements for drainage, floodplain compensation, or on-site Biodiversity Net Gain (BNG) or indeed as to whether the proposed layout and scale would be determined to be in character with the surroundings.

Therefore, the LPA has reservations as to whether 8 dwellings would be acceptable at any future technical details consent stage. Notwithstanding, as the proposal has been given as a range (up to 8 dwellings), there is flexibility to enable a lower amount to be achieved. Notwithstanding the flood risk issues, this assessment has identified no harm arising from the countryside location, and on that basis, it

would follow that if the flood risk concerns were to be resolved, then a number of dwellings would be acceptable. On the basis that the proposal is for a range, no objection is raised in respect of the amount at this time.

SUMMARY:

The NPPF presumption in favour of sustainable development states where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date (including for applications involving the provision of housing where a 5-year HLS cannot be demonstrated), planning permission should be granted unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places, and providing affordable homes, individually or in combination.

Whilst this assessment has determined no harm to the countryside or to the settlement gap, there is presently harm arising in terms of flood risk at the site due to the failure of the application to pass the relevant flood risk tests. Whilst it may be possible to resolve the conflict with additional information or by submitting an application type that allows consideration of floorplans/scale/layout and allows conditions to be imposed, this issue currently represents a strong reason for refusing the proposal and so it is recommended that permission be refused for the following reason.

RECOMMENDATION

REFUSE

- 1 The site is in Flood Zone 3a and the submitted Flood Risk Assessment does not demonstrate that the development is safe for its lifetime and does not demonstrate floodplain compensation to replace lost fluvial flood volume storage. There is no certainty that the scheme will ensure future occupants are safe from flooding or that the development will not increase risk to surrounding residential properties. It is also not possible to secure suitable mitigation by conditions through this PIP application. The application is therefore in conflict with Arun Local Plan Policy W DM2, the NPPF and the associated NPPG on Flood Risk and Coastal Change.
- 2 **INFORMATIVE:** Statement pursuant to Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended). The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.