

Recommendation Report for

REF NO: FP/193/25/AG

LOCATION: Rabbit Island
Rear of 84 Brooks Lane
Bognor Regis
PO22 8DN

PROPOSAL: Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	This application is a prior notification under the Town and Country Planning Act (General Permitted Development) Order 2015 (as amended) Part 6, Class A, A.2, (2), (b), (i) to determine whether the prior approval of the Local Planning Authority will be required as to the siting and means of construction of the private way. The road will be 230m long with a width of 5m and will be constructed using crushed stone/crushed aggregate with a grey colour finish.
SITE AREA	The track is stated to lie within an agricultural unit of 5.2 hectares.
TOPOGRAPHY	Predominantly flat.
TREES	None affected by the development.
BOUNDARY TREATMENT	The site is bordered by the Aldingbourne Rife to the western boundary, and Lidsey Rife to the north (both hereby referred to as 'The Rife'). The Rife is classified as a main river. Trees of various species and heights, along with hedgerows border to the site to the east and south, alongside a drainage ditch connecting between the two branches of the Rife.
SITE CHARACTERISTICS	The land is predominantly flat and has small trees and hedging to the edges of the Rife and drainage ditch. The site was visited by an officer in October 2025 and noted to be comprised of the following: - The agricultural storage barn permitted by FP/106/23/AG. - Areas of rough hardcore and concrete hardstanding. - Horse paddocks with field shelters/stables. - Other animal enclosures/sheds. - Mix of green palisade and timber close-boarded fencing demarcating certain areas. - Rough grassland. - Some items of waste including within a skip; and - Some parked vehicles.
CHARACTER OF LOCALITY	The site is rural in character and is clearly read visually as part

of a swathe of open green land between the settlements of Bognor Regis and Felpham which runs between the A259 to the North and the University of Chichester buildings to the south.

The closest residential dwellings are to the west on the other side of the Rife and are predominantly single storey. To the southeast beyond the drainage ditch and part of a field is the Arun Leisure Centre and Felpham Community College. A railway line lies a short distance to the north with commercial & industrial development beyond. The land to the immediate north is an airfield occupied by the Bognor Regis Gliding Club.

RELEVANT SITE HISTORY

FP/201/23/PL	Erection of an agricultural storage barn (revised application further to permission granted under FP/106/23/AG). This application is in CIL Zone 5 (Zero Rated) as other development.	Refused 02-02-24
FP/122/23/PL	Erection of an agricultural storage barn (revised application further to FP/91/23/AG). This application is in CIL Zone 5 (zero rated) as other development, and is a dual Parish application Bognor Regis Town Council.	Refused 18-10-23
FP/106/23/AG	Prior approval under Schedule 2, Part 6, Class A for a new agricultural storage barn.	No Objection 31-07-23
FP/91/23/AG	Prior approval under Schedule 2, Part 6, Class A for a new agricultural storage barn.	Objection 10-07-23

Formerly, the site was open grassland crossed by paths with evidence of previous recreation uses. An agricultural storage barn was approved under FP/106/23/AG with a roof height at 2.9m, to meet the allowed height limit requirements of agricultural buildings within the proximity of an aerodrome. This was approved in 2023 and has only recently been built. The applicant stated the barn was required to store hay and agricultural machinery for the maintenance of the land and to produce hay bales for sale.

Two further applications for a taller barn were made but were refused with the most recent (FP/201/23/PL) on the grounds of flood risk, insufficient information relating to biodiversity and it not being demonstrated that fire vehicles could access the site.

REPRESENTATIONS

As of 07/01/26, three letters of objection have been received raising the following issues:

- The access track is already in place and has been since Summer 2025.
- No site notice has been posted to advertise the application.
- The public footpath signs have been damaged or removed by the landowner; and
- The bridge to the site has been damaged by several large vehicle movements none of which are agricultural in nature.

COMMENTS ON REPRESENTATIONS RECEIVED:

- It is possible for the applicant to seek retrospective consent for the track.
- As per the requirements of Class A, Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended), it is not necessary to advertise the application unless the Local Planning Authority first determines that prior approval is required.
- The removal/damage of footpath signs is not something that can be treated as a material planning consideration in the determination of this application; and
- Similarly, damage to the bridge is not a material planning consideration. However agricultural need will be explored in this report.

CONSULTATION RESPONSES RECEIVED:

None.

POLICY CONTEXT

Designations applicable to site:

- Outside the Built-Up Area Boundary.
- Flood Zone 3a.
- Low potential for high ground water levels.
- TPO/FP/1/21 (affects the southern edge of the site).
- Public Right of Way ref FEL/3800/1 crosses the site.
- Public Right of Way ref FEL/3801/1 circles the edge of the site.
- Area of Special Advert Control.
- Part WSCC Waste Consultation Area.
- ALP designated Biodiversity Improvement Area.
- ALP designated Strategic Gap; and
- Within the 2km buffer of the Bognor Regis and Felpham SSSI's.

DEVELOPMENT PLAN POLICIES

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

This application falls to be determined under Class A, Part 6 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (as amended).

CONCLUSIONS

PRINCIPLE:

The site lies outside the built up area boundary but where the principle of agricultural/horticultural development is permitted subject to a Prior Notification application under Part 6, Class A, A.2, (2), (b), (i) of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) for the

consideration of whether the prior approval of the Local Planning Authority (LPA) is required for the siting and means of construction of the track.

However, in order to qualify as permitted development, the proposal must comply with the limitations set out in A.1 (a) to (l). Only then it is appropriate to assess whether prior approval is required in respect of the siting and means of construction. These are assessed below:

(a) the development is not being carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area - so this requirement is met.

(b) No development under Class Q or S of Part 3 (changes of use) of the Schedule has been carried out within a period of 10 years - so this requirement is met.

(c) The building is not to be constructed as a dwelling - so this requirement is met.

(d) This states development is not permitted if the works are not designed for agricultural purposes. In addition, it is relevant that Part 6, Class A, A.1 states the permitted development rights under Class A must be reasonably necessary for the purposes of agriculture within the agricultural unit.

The application form refers the reader to the supporting statement with regard to whether the proposal is reasonably necessary for the purposes of agriculture. The supporting statement states the site is an agricultural field and that it along with the recently constructed barn are being used for agricultural purposes. It is said that the track would provide appropriate access to and from the barn to enable it to be used for its permitted agricultural purpose. No specific evidence of agricultural use has been provided with the application and at the same time, objections from residents argue that no agricultural vehicles have been seen on the site.

The previous approval of the barn was accepted on the grounds of the applicant's statements regarding it being needed to store hay and agricultural machinery for the maintenance of the land and for the sale of hay bales. However, it was stated that should the building be erected and there be no change to the use of the land/the building was not used for agricultural purposes then enforcement action may be taken to seek its removal as it may no longer qualify as permitted development.

At the time of the previous application, the land was predominantly in use as horse paddocks and in this regard, there has been no change. There were previously also caravans on the land and whilst these have been removed, the associated hardstanding and fencing was still present as of October 2025.

The barn itself is required to be a maximum of 2.9m however in photos supplied by local residents, it appears to be much taller, and investigations are currently under way by compliance officers to check the building is in accordance with the permitted plans.

Whilst the keeping of horses can imply an agricultural use, this is dependent on whether they are simply being kept for grazing the land or are exercised and used for leisure purposes. Photos taken in October would suggest the former however the presence of field shelters, feeding stations and small stables suggest more of a leisure use. Therefore, the presence of horses on the land does not evidence an agricultural use.

It is material that an Enforcement Notice was served on the land in November 2024 and concerned a material change of use of the land from agriculture to operational development including:

- the general storage of vehicles, machinery and equipment and fully remove all vehicles, machinery and equipment that are not reasonably being used for the purposes of agriculture.

- the siting and habitation of caravans and mobile homes.
- a motor racing use and associated operational development.
- hardstanding.
- shipping containers.
- earth bunds and buried tyres.
- other operational development that was obstructing footpath routes.
- sheds; and
- electrical power points and associated infrastructure.

This took effect in November 2024 and whilst some elements have been resolved, the Notice has not yet been fully complied with.

In summary, it has not been proven, for the purposes of this application, that the use of the land is agricultural such that the site benefits from permitted development rights for a track. It is acknowledged that permission has already been granted for an agricultural barn however, given the history of the land the use of this will be checked and, in any case, it appears to have been built to the incorrect dimensions, and should it be proven to exceed the 2.9m height then it would no longer be considered as permitted development.

(e) it is not necessary to consider ground area for a track - so this requirement is met.

(f) & (g) height is not a relevant consideration for the formation of an access track - so this requirement is met.

(h) no part of the access track is within 25 metres of a metalled part of a trunk road or classified road - so this requirement is met.

(i) the track is not proposed to be used for the accommodation of livestock or for the storage of slurry or sewage sludge and the building is not within 400m of the curtilage of a protected building - so this requirement is met.

(j) the proposal does not involve excavations or engineering operations on article 2(4) land that is required for fish farming - so this requirement is met.

(k) the proposal is not for a building used to store fuel - so this requirement is met.

(l) the proposal is not a building, and the site is not within the curtilage of a scheduled monument.

SITING AND MEANS OF CONSTRUCTION:

Only where a proposal meets the above criteria, is it necessary to proceed to determine whether prior approval is required in respect of the siting and means of construction of the track. The LPA is of the view that no agricultural justification for the track has been demonstrated.

However, for completeness were this track to be considered to be solely for agricultural purposes then it would be unlikely that the LPA would require prior approval. This is on the basis that the track connects the means of access to the location of the barn by a direct route and is therefore not excessive in area. In addition, the means of construction is typical of a track created across natural/agricultural land and would allow vehicles to move without being stuck in mud or eroding the ground.

It is noted that although the width of the track at 5m is stated as necessary to accommodate agricultural vehicles, the only access into the site is across a 3m wide footbridge. It is understood that the largest

tractors are less than 3m wide and so it is unclear why a 5m width is required. However, the width of the track is not relevant to its siting so this would not be used as a reason to require prior approval were it appropriate to proceed to this consideration.

CONCLUSION:

The proposed agricultural track is not considered to be permitted development as it is not considered to be reasonably necessary for the purposes of agriculture within an agricultural unit. As such, it is recommended that an objection be raised to this application.

RECOMMENDATION

OBJECTION

- 1 **INFORMATIVE:** This decision is based on the failure of the application to demonstrate that the site is an agricultural unit and that the proposed track is reasonably necessary for the purposes of agriculture within that unit.