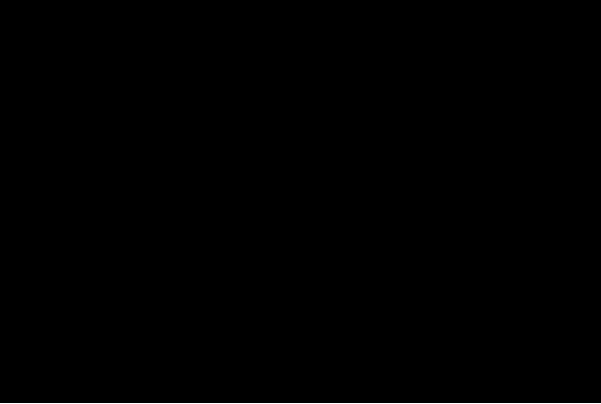


[REDACTED]

From: Elaine Walby on behalf of Planning.Responses
Sent: 18 May 2026 14:02
To: Planning Scanning
Subject: FW: FP/54/26/AG Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track. Rabbit Island, Rear of 84 Brooks Lane, Bognor Regis PO22 8DN.



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From: Simon Davis <Simon.Davis@arun.gov.uk>
Sent: 18 May 2026 10:38
To: Planning.Responses <Planning.Responses@arun.gov.uk>
Subject: FW: FP/54/26/AG Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track. Rabbit Island, Rear of 84 Brooks Lane, Bognor Regis PO22 8DN.

Objection.

From: Stephen Brown [REDACTED]
Sent: 17 May 2026 14:20
To: Simon Davis <Simon.Davis@arun.gov.uk>
Cc: Dennis Payne <[REDACTED]> 'Alan Barker' [REDACTED] Paul King [REDACTED] rachelmsearle <[REDACTED]> Gill Gallagher [REDACTED] Francisoppler <[REDACTED]> 'Wildlife' [REDACTED]
Subject: FP/54/26/AG Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track. Rabbit Island, Rear of 84 Brooks Lane, Bognor Regis PO22 8DN.

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Dear Mr Davis,

Unfortunately, the following comments was too many characters to send in the normal way. I consider the proposed track is unnecessary.

Sorry for the late submission, but only just heard about this application. Please would you kindly give consideration to the following comments which are made in relation to the submitted Notification Statement (NS), dated 22 April 2026.

Page 3: “*The building and site are being used for agricultural purposes, with the barn, which has now been erected on site, used for agricultural storage”.* Recent site visits to the field have not indicated that any such activity is currently operating? The Council will be aware that the field and barn were recently part of an online auction. Photographs, provided as part of the site sale description, also do not indicate any agricultural activity on the land. Pictures show the interior of the barn, and again they do not show any obvious signs of agricultural storage. Would this suggest that the agricultural enterprise has not yet started, or is being conducted purely as a hobby?

Page 6 “*The proposal relates to the creation of an agricultural access track.*” There is no mention here of an “area of hardstanding”? Also, the accompanying plan does not show any obvious form of hardstanding? What is correct, please?

1

"The track would allow access across the site and to and from the agricultural barn." It is obvious from the NS commentary that the recently constructed barn is a very important element in connection with the provision of this access track. I have therefore included comments below relating to the barn where appropriate.

Page 12 'Agricultural Need for development': "The barn permitted under application ref FP/106/23/AG **is used** for the storage of hay and agricultural machinery; the land **is used** for the grazing of horses; and the breeding and keeping of livestock is taking place in form of chicken, sheep, and pigs being kept on the land...." With the exception of the horses, where is the evidence of these uses, please?

The grazing of horses. This was discussed in the previous application (FP/193/25/AG), where it was noted "Therefore, the presence of horses on the land does not evidence an agricultural use." Additionally, returning to the online auction sales description for the field, it says, "There are currently two tenants occupying the farm on rolling licences, one operating a livery business ... collectively generating £900 per month." Is it not the case that if the grazing is part of a commercial activity, such as livery, this will normally require planning permission? Also, if horses are turned out on the land for exercise, grazing is incidental so keeping horses on land, as opposed to grazing them is not considered to be an agricultural use. Similarly, if the land is subdivided into paddocks and shelters provided, there can be a material change from agricultural to recreational use, therefore requiring planning permission?

Concerning, the 'chicken, sheep, and pigs' if this development is not deemed to be an agricultural business, but more like 'hobby farming', would this not require a full planning permission application submission for the track? A visit today, 17 May 2026, did not identify any of these animals being on site? However, a large caravan was located behind the close-boarded fencing.

County Parish Holding (CPH) number. A PINS Inspector involved with a recent planning appeal reported that: "The appellant states that the wider site operates under a County Parish Holding number. However, this does not, in itself, demonstrate that the land or any of its buildings are used for agricultural purposes, nor does it confirm that the land forms part of an agricultural unit." (Source: Paragraph 12, Appeal Decision APP/V3120/W/25/3372734).

Comment 5 – 'The Agricultural Barn': The NS states on page 13 that "the core purpose of the agricultural access track is still that it will be used to provide access to and from the recently permitted barn." It goes on to say "It is understood that action is being taken by the applicant to remedy an issue regarding the height of the barn built out under application ref FP/106/23/AG ..."

It is understood that the barn-built height has been measured as being 4 metres. However, Part 6, Class A, A.1 of the GPDO clearly states that development is not permitted where (f) the height of any part of any building, structure or works within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres. The site is within 105 metres of the LEC Airfield which meets the definition of an aerodrome. This height restriction is for air safety reasons.

In addition, Part 6 Paragraph A.2.(1) states that in order for development to be permitted by Class A, it is subject to a number of conditions. Two are considered relevant here:

Paragraph A.2.(5) the development must be carried out: (aa) where prior approval is required, in accordance with the details approved.

The Council recommendation for FP/106/23/AG stated that for the avoidance of doubt the approved details were the Application Form submitted 11/07/23. This Application Form, clearly stated (in two places) that the height to ridge will be 2.90 metres. The Agent for the landowner signed the declaration at the end of the form which specified that "I/We hereby apply for Prior Approval: Building for agricultural/forestry use as described in this form and accompanying plans/drawings and additional information. I/We confirm that, to the best of my/our knowledge, any facts stated are true and accurate .." FP/106/23/AG was a re-submission application which was solely to address the issue of building height (see the Systems Correspondence).

Paragraph A.2.(7) requires that the developer must notify the local planning authority within 7 days of the substantial completion of the development. This is a condition of the works being permitted under Part 6 Class A of the GPDO. Presumably, this is to allow the LPA the opportunity to check the development? Did this actually take place? If not, then the development is not permitted development under Part 6.

Given all the above, it is difficult to understand how an error could have been made regarding the building height? The conclusion must be that the barn cannot be permitted development, and that the structure must be considered to be unauthorised development?

It is noted that, if feasible, the barn height will either be lowered by the landowner to comply with application (FP/106/23/AG). Or, alternatively, an application will be submitted retrospectively to regularise the height of the permitted barn. If the latter, then the Council will need to approach it in exactly the same manner as a normal planning application, by considering the merits of the application and assessing it against all relevant planning policies. As the PD height restriction was related to aircraft safety, will the Council consult on the "Guidance The town and country planning (safeguarded aerodromes, technical sites and military explosives storage areas) direction 2002. Updated 22 December 2016"?

Final thoughts. Is all of the references in the Statement to agricultural use a little bit too late? In *Nicholson v Secretary of State* (2005), the courts ruled that PD rights for agricultural development require the land to be in actual use for agriculture at the time the development commences. Also, the GPDO does not permit development based on future intended agricultural use. In relation to what has happened with the barn, do the provisions of Article 3(5) come into play regarding the proposed track?

Thank you,

Steve Brown

