

Recommendation Report for

REF NO: FP/54/26/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 track 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 5.43 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 Rifles are classified as main rivers. 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.

A subsequent visit in February 2026 noted that the barn contained a caravan (used as an office, kitchen, and WC), hay storage and machinery. Livestock chickens were present in small pen and approximately half of the site was used as horse paddocks. The applicant is understood to have stated a future intention to rear sheep and goats and to keep pigs.

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/193/25/AG	Prior approval under Schedule 2, Part 6, Class A for the creation of a new agricultural track.	Objection 08-01-26
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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. The applicant stated at the time of the application that 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. The barn has since been implemented but built to a greater height (3.9m) than as permitted by FP/106/23/AG.

FP/193/25/AG was refused in January 2026 as the application had failed to demonstrate that the site was an agricultural unit and that the proposed track was reasonably necessary for the purposes of agriculture within that unit.

REPRESENTATIONS

None.

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.

Noting the previous refusal on the grounds of agricultural need, it is important to note that this new submission responds more comprehensively to this issue and therefore it is appropriate to reassess the

proposal.

The supporting statement states the barn permitted under application ref FP/106/23/AG is used for the storage of hay and agricultural machinery; and that the land is used for the grazing of horses, and the breeding and keeping of livestock (chickens, sheep, and pigs). It is accepted that all of these uses meet the statutory definition of "agriculture" according to section 336 of the TCPA 1990 (as amended) - and these uses have been witnessed by Council officers. The applicant also states that the site has the benefit of a County Parish Holding (CPH) number (required for the keeping of livestock) and a Customer Relationship Management (CRM) number (which identifies the applicant/business). Council officers have separately seen evidence of these numbers.

The applicant states the primary purpose of the proposed agricultural track is to provide access across the site, including to and from the recently permitted barn. Concerning the barn, whilst this is permitted, it has been built higher than the approved drawings so is currently unauthorised. However, it is recognised that a barn has been approved and regardless of its height, access would still be required.

It is noted that the site lies in a flood zone and so becomes waterlogged easily. The track will enable use of the whole site and specifically the agricultural barn and the hay and machinery stored within it. This will assist in a more efficient agricultural operation.

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 the applicant has worked with the Council to resolve the issues. The supporting statement notes that no machinery that is not reasonable for the purposes of agriculture is stored on the land, no caravans/mobile homes or shipping containers are present, no motor racing uses are taking place, all hardstanding has been removed and the previous agricultural access track that was retrospectively refused has been removed. Whilst some elements listed in the Notice remain, it is clear that the use and condition of the land is now agricultural in nature and not as per the time when the Notice was served.

In summary, the agricultural use of the land and the agricultural need for the track are now accepted.

(e) it is not necessary to consider the 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 previous officer report stated that the siting and means of construction was acceptable 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 could not be used as a reason to require prior approval.

CONCLUSION:

The proposed agricultural track is considered to be permitted development as it is reasonably necessary for the purposes of agriculture within the existing agricultural unit. As such, it is recommended that no objection be raised to this application.

RECOMMENDATION

NO OBJECTION

- 1 For the avoidance of doubt the approved details are the Proposed Location Plan (dated 10/04/26), the application form (received 29/04/26) and the Notification Statement (dated 22/04/26).