



Additional Retail Response

Land West of Courtwick Lane, Wick, Littlehampton Planning Application Reference LU/72/25/OUT

1 Scope & Purpose

- 1.1 This Additional Retail Response has been prepared in respect of the pending planning application at land west at Courtwick Lane, Wick, Littlehampton ('the Application Site'). This follows a meeting with Officers at Arun District Council ('ADC') and Nexus Planning ('Nexus') on 11th November 2025.
- 1.2 At the meeting all parties **agreed** that the retail impact test has been satisfied, with Nexus confirming that the proposals are unlikely to lead to a significant adverse impact (the policy test) on neighbouring centres, including Littlehampton town centre. However, further clarification has been requested regarding addressing the sequential approach, and specifically the potential of a new local centre at North Littlehampton being able to accommodate the proposed development. This site has already been considered and dismissed as a sequential alternative, including most recently in the Retail Response prepared by Quod (dated October 2025), when assessed against the requirements of the NPPF and the supporting Planning Practice Guidance ('PPG') – as agreed during pre-application discussions with ADC. However, for completeness, as requested, further consideration of the potential suitability and availability of North Littlehampton is provided.
- 1.3 In terms of all other sequential alternatives, it is **agreed** that all other sites can be discounted as not being suitable and available for the proposed development.

2 Further consideration of North Littlehampton as a Sequential Alternative

The Proposed Local Centre

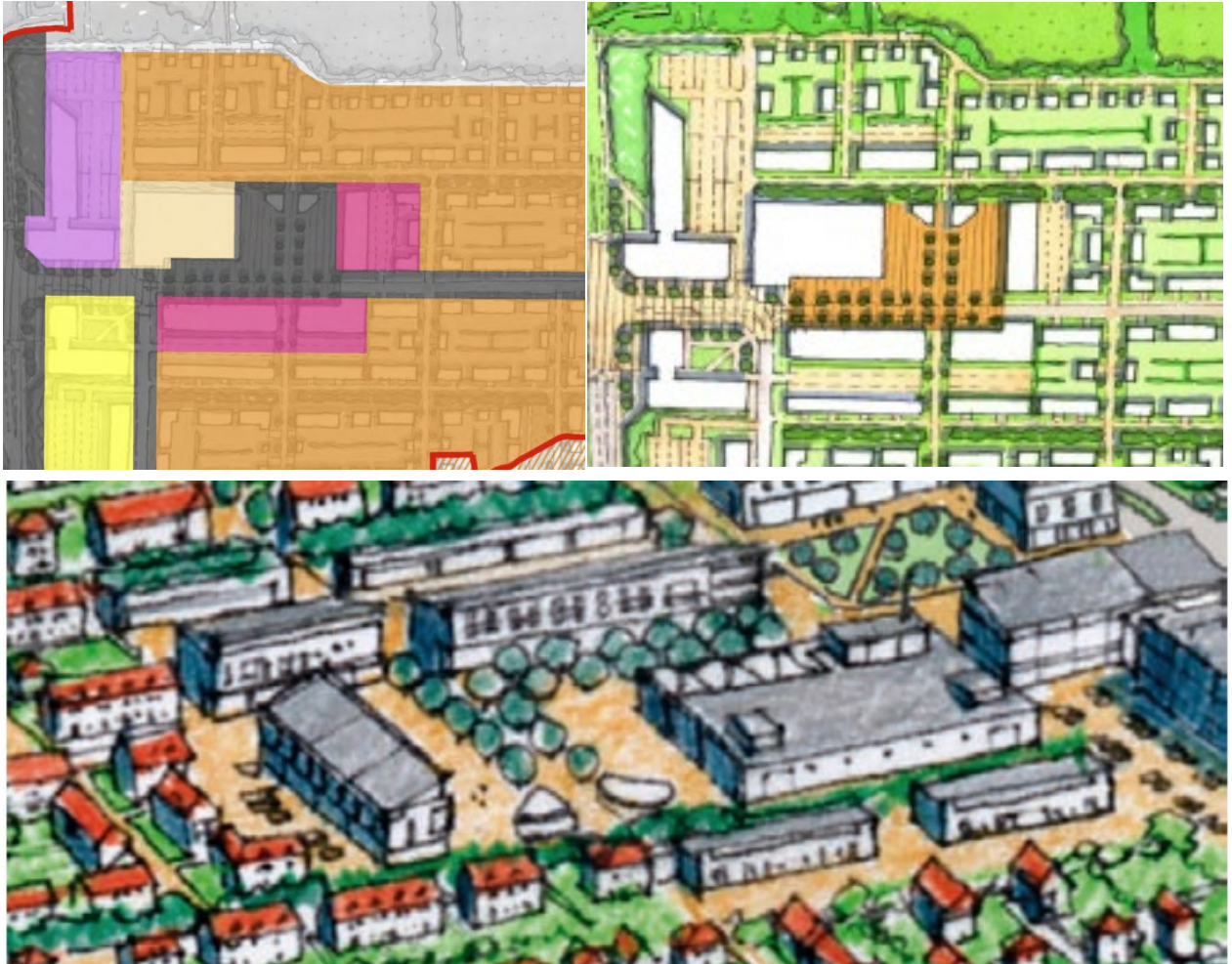
- 2.1 As set out by previous correspondence¹, outline planning permission was granted on 23rd January 2013 (ref. LU/47/110) for mixed-use development, including up to 3,500 square metres of retail floorspace to be provided as a 'local centre'. Two key points arise from the permission:
 - The permitted retail floorspace is controlled. This includes a Parameters Plan (drawing ref. GR.L-006 Rev A) that limits retail uses to a maximum of 0.73 hectares with residential above. Condition 6 states that: "*The development hereby permitted shall not be carried out except in substantial accordance with the illustrative masterplan drawing number GR.L[1]002 Rev A ('the Masterplan'), and the Design and Access Statement incorporating Design Guidance dated February 2011*". These approved plans, identify three separate buildings with retail at ground floor and residential above in the Civic Square parcel of the site. A departure from such approved plans and layouts would not be reasonable or appropriate in my view and a single retail store would not be in

¹ Retail Response, October 2025



Note continued

“substantial accordance” with the approved plans. Extracts from these approved plans / documents (land use plan, masterplan and Design and Access Statement) are shown for ease below.



- Reserved Matters for the local centre must comply with the identified parameters and must be submitted by 23rd January 2026. Given this is approximately 2 months away, in the absence of a reserved matters application for the local centre, this part of the outline permission will expire, as previously acknowledged by Nexus².

2.2 Within this context, the retail area permitted under the outline permission is **not suitable** for the proposed development (i.e. a discount foodstore and 2no. drive thru units). The outline consent provides significant controls in place to restrict the typologies and size of retail provision in the Civic Square area. A discount foodstore of the size proposed at the Application Site would be entirely inappropriate for consideration in a future Reserved Matters Application.

² Paragraph 6.42 of 'Assessment of Retail, Leisure & Town Centre Planning Policy' (September 2025)



Note continued

In applying the sequential approach, the PPG is clear in stating that an alternative site needs to be “*proportionate and appropriate*” for the given proposal and needs to be available within a “*reasonable period*” in the context of what is being proposed³; and certain main town centre uses have particular “*locational requirements*” that means they can only be located in certain locations⁴. For these reasons, North Littlehampton does not provide an available and suitable alternative for the application proposals.

2.3 In addition, as set out in our Retail Impact Assessment⁵ (RIA), case law has established that the approach to applying the sequential approach should not fundamentally compromise the development proposed.

2.4 The *Dundee* Supreme Court Judgment⁶ established that if a site is not suitable for the commercial requirements of the development in question, then it is not suitable for the purposes of the sequential approach. In terms of size of the alternative site, if the applicant has demonstrated flexibility in format and scale, the question is:

“...whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced to that it can fit an alternative site.”
(our emphasis)

2.5 The interpretation of ‘suitability’ was also clarified in the Secretary of State decision at Rushden Lakes⁷. In particular, the Inspector identified that the *Dundee* Judgment to be of ‘seminal importance’. To this end, when commenting on suitability, the Inspector (para. 2.64, Inspector’s Report) concluded that:

“...if a site is not suitable for the commercial requirements of the developer in question then it is not suitable for the purposes of the sequential approach.”

2.6 Linked to these decisions, in determining an appeal in Sheffield⁸, the Inspector stated (para. 35, Inspector’s Report) that:

“In considering the issue of suitability I have had regard to a ruling of the Supreme Court [Dundee] which indicates, amongst other matters, that what needs to be established is whether an alternative site is suitable for the development proposed, not whether the proposed development can be altered or reduced so that it can be made fit for purpose.”
(our emphasis)

³ Paragraph: 011 Reference ID: 2b-011-20190722

⁴ Paragraph: 012 Reference ID: 2b-012-20190722

⁵ Dated March 2025

⁶ Tesco Stores Limited (Appellant) v Dundee City Council (Respondent) (Scotland)

⁷ APP/G2815/V/12/2190175

⁸ APP/J4423/A/13/2189893



Note continued

- 2.7 This position was built upon further in an appeal decision in Stoke-on-Trent⁹, where the Inspector concluded (para. 12, Inspector's Report) that:

"...taking account also of the 2012 judgement in Tesco Stores Limited v Dundee City council, although an applicant is expected to demonstrate flexibility in assessing alternative sites, there is no unequivocal requirement to reduce the size of a proposed development to fit a particular site."

- 2.8 In operating in the 'real world', the approach to site selection should not be applied to fundamentally compromise the development proposed.

- 2.9 Likewise, case law¹⁰ has established that there is no requirement to disaggregate the proposed development, particularly when a development is not speculative – a position entirely consistent with ADC's approach in determination similar proposals elsewhere in the district.

- 2.10 Within this context it is necessary for an alternative site to accommodate the proposed development as a whole and not whether the development can be fundamentally altered or reduced so that it can be made fit for purpose.

- 2.11 The 'local centre' approved by the 2013 permission at North Littlehampton cannot accommodate the proposed development. The extent of the area identified for the local centre is too small, and the intention (as reflected by the documents approved under the outline permission and the marketing brochures) is to deliver small scale retail and other uses around a civic square with residential above. Such development permitted under the 2013 outline consent is fundamentally different to that being proposed. Furthermore, the outline consent can not be amended to include the provision of a retail scheme of the scale we propose. It would be unreasonable and potentially unlawful of the Local Planning Authority in our view to allow such an amendment, which would be such a departure from the originally envisaged proposals. A full permission or entirely new outline consent would be required for such a vastly different proposal.

- 2.12 Against this background, the 'local centre' permitted under the 2013 outline permission for North Littlehampton is not available and suitable and can be dismissed on this basis.

Policy Position of a Local Centre at North Littlehampton

- 2.13 Nexus suggests that a new local centre at North Littlehampton will form part of the retail hierarchy set out by the development plan and is sequentially preferable to the Application Site. In considering this specific matter it is important to understand the status of the permitted local centre at North Littlehampton within the adopted Development Plan, with Local Plan (Policy RET SP1) identifying the following retail hierarchy.

⁹ APP/M3455/A/13/2195541

¹⁰ Including the Rushden Lakes Secretary of State decision and Court of Appeal decision (Salford Estates (No.2) Ltd v Durham County Council & ANR (dated 18th October 2019)



Note continued

Classification	Centre
Town Centres	Bognor Regis Littlehampton
Local Service Centres	Rustington Arundel
Village and Suburban Centre ¹¹	Aldwick Angmering East Preston Barnham Bersted (North Bersted – Royal Parade / Chichester Road Felpham (Village) Ferring Middleton – Middleton Road / Elmer Road Rose Green Walberton West Meads Wick Yapton

2.14 Significantly, this hierarchy **does not include** the new local centre at North Littlehampton despite planning permission being granted in 2013, well ahead of the adoption of the Local Plan in 2018. However, it is acknowledged that the supporting text to Policy RET SP1 (paragraph 9.1.6) does state that *“some further centres will be developed in accordance with the site allocations”*. It is understood that Nexus considers that the ‘further centres’ includes North Littlehampton. We do not agree with this position, and we strongly refute that this meaning can be implied. North Littlehampton is not a strategic housing site allocated under Policy H SP1 (‘The Housing Requirement’) of the adopted Local Plan.

2.15 Linked to this point, Criterion ‘I’ of Policy H SP2 (‘Strategic Site Allocation’) of the adopted Local Plan states that:

“integration of community hubs and local centres of an appropriate form and scale into the design and layout of development proposals where identified in the specific allocation policies in H SP2 a-c” (our emphasis)

2.16 Significantly, North Littlehampton is *not* identified as a specific allocation under policies H SP2 a-c.

2.17 Within the Greater Littlehampton Urban Area, Policy H SP2b allocates a single strategic allocation (Littlehampton – West Bank (SD4)). It does not include North Littlehampton, which

¹¹ Identified at Paragraph 9.1.6 of the Local Plan as being the equivalent of local centres in NPPF terms



Note continued

was approved prior to the adoption of the current Local Plan (under the Arun District Local Plan adopted in 2003) – although was still not a strategic allocation at the time of determination.

- 2.18 Given that planning permission was granted in January 2013, well in advance of the adoption of the current Local Plan (in July 2018), it would have been expected that North Littlehampton would have been explicitly identified under Policy RET SP1. This is simply not the case. Whilst North Littlehampton is identified on the Policies Map as a commitment, it is not identified as a strategic allocation by policies in the adopted Local Plan – as confirmed by Table 12.3 of Policy H SP 1 of the Local Plan, which is replicated overleaf. It plainly follows that reference to ‘further centres’ in the supporting text to Policy RET SP1 cannot be interpreted to apply to North Littlehampton, which is not a site allocation under Policy H SP2 a-c.

Table 12.2

The following strategic housing sites are allocated as shown on the Policies Maps:

Reference	Location	Number of units
Greater Bognor Regis Urban Area		
SD1	Pagham South	400
SD2	Pagham North	800
SD3	West of Bersted	2,500
Greater Littlehampton Urban Area		
SD4	Littlehampton – West Bank	1,000
Inland Arun		
SD5	Barnham/Easterngate/Westerngate	2,300
SD10	Climping	300
SD11	Angmering South and East	250

Table 12.3

Additional non-strategic allocations will be made across the District through emerging Neighbourhood Plans or reviews of made Neighbourhood Plans. On adoption of the Local Plan the Council will assess progress on Neighbourhood Plans and immediately commence the production of a Non-Strategic Site Allocations DPD for those areas of the District which will not be covered by, or committed to the preparation of, an up-to-date Neighbourhood Plan.



Note continued

- 2.19 Against this background, in our view, North Littlehampton is not a defined centre (of the type suggested by supporting text to Policy RET SP1¹²) under the adopted Local Plan.
- 2.20 It is acknowledged that Policy 9 of the Littlehampton Neighbourhood Plan (October 2014) does designate the following local centres:
- Wick Street
 - Horsham Road / Elm Grove Road
 - Finisterre Way
 - Norfolk Road / Western Road
 - The proposed local centre approved as part of the North Littlehampton masterplan.
- 2.21 Although the local centre at North Littlehampton is identified as forming part of the retail hierarchy, critically, this refers to **the local centre as approved by the North Littlehampton masterplan** (i.e. the 2013 outline permission).
- 2.22 Furthermore, Policy 9 states that within local centres, the Neighbourhood Plan “*supports proposals for the development of A1-A5 uses, provided the number of A2-A5 uses does not exceed 50% of the proportion of the total number of A1-A5 uses in the local centre.*” This policy requirement reflects the intention for the local centre (as per the outline permission) and has implications for the nature of uses delivered as part of a potential alternative local centre, particularly in terms of accommodating the proposed development – a discount foodstore and two drive thru units.
- 2.23 Whilst the use classes order has been revised and now certain drive thru units used for hot food takeaways are defined as being *sui generis* use rather than A3/A5 uses at the time of the Neighbourhood Plan, locating the proposal within the approved local centre at North Littlehampton would lead to Class A2-A5 uses exceeding 50% of the uses. Notwithstanding the local centre is too small to accommodate the proposed development, the uses proposed would be contrary to Policy 9 of the Neighbourhood Plan.
- 2.24 Given the wording of Policy 9 of the Neighbourhood Plan, if retail and town centre uses are to be delivered that do not accord with that approved as part of the North Littlehampton Masterplan, it is our view that this does *not* form a defined centre within the hierarchy – particularly in the absence of wider policy support in the adopted Arun Local Plan.

¹² Paragraph 9.1.6



Note continued

2.25 Overall, if North Littlehampton local centre is to form part of the local hierarchy, this will only be in respect of that permitted by the outline permission not for an alternative scheme that may or may not come forward in the future.

Other Parcels of Land within the wider North Littlehampton permission

2.26 It has also been suggested by Nexus that there may be other parcels of land at North Littlehampton that are currently permitted for other uses that could be used / incorporated for retail purposes.

2.27 In considering this specific matter it is important note that, under the 2013 permission, retail uses are restricted to a defined area on the approved parameters plan. Other parcels of land do not benefit from consent for retail purposes. Planning permission would therefore be required.

2.28 Nevertheless, the marketing brochure for other plots at North Littlehampton published by Lambert Smith Hampton¹³ identifies a potential alternative scheme for Plot C (0.86 hectares) and Plot D (0.31 hectares). The 2013 permission currently permits a hotel and leisure uses respectively on these plots. The marketing brochure suggests that these plots may be developed for alternative uses (subject to planning) and includes an alternative scheme, which is replicated overleaf.

¹³ https://hive.agencypilot.com/crm/store/documents/other/3061315_xw24x2849k5g5y6y.pdf



Note continued



Source: Hampton Park Market Brochure prepared by Lambert Smith Hampton (November 2025)

- 2.29 This indicative scheme suggests a hotel, drive-thru unit, restaurant and 3no. small retail units totalling c. 1,369 square metres (gross) of floorspace together with a limited quantum of car parking. This indicative scheme cannot accommodate the proposed development.
- 2.30 Nevertheless, we are not aware of any planning application for this scheme or any other scheme being submitted. The Planning Practice Guidance that supports the NPPF is clear in applying the sequential approach this needs to be 'proportionate and appropriate for given proposal'. Likewise, when considering what is a reasonable period of time in considering alternative sites, this needs to be assessed in the context of the 'scale and complexity' of the proposed scheme.
- 2.31 It is therefore entirely unreasonable for an applicant to wait an unknown period for a site that may or may not potentially come forward in the future. Such an approach would be at odds with established practice in applying the sequential approach.



Note continued

- 2.32 Notwithstanding, it is our view that other potential parcels of land at North Littlehampton will not form part of the local centre – as identified by the Neighbourhood Plan. Whilst it could be argued that these parcels of land could, in the future, be deemed edge-of-centre in policy terms, this will only be the case if the local centre, as approved by the 2013 permission, is built out. As previously highlighted, this is highly uncertain, with the outline permission about to lapse.
- 2.33 Even if the local centre approved at North Littlehampton is delivered (which is not certain), any thought of neighbouring parcels of land being delivered for alternative uses, will still require planning permission. Moreover, they can only be deemed to be adjacent to a defined centre once the local centre has been actually delivered. In applying the sequential approach, The NPPF (at Paragraph 91) is clear in stating that this relates to an “existing” centre, not a planned centre.
- 2.34 Currently, there is no existing centre at North Littlehampton. It is our view that the planned new centre at North Littlehampton (as approved by the 2013 outline) is not an existing centre and means neighbouring parcels of land would be deemed out-of-centre if delivered in isolation from the outline approved local centre. This position is supported by the Local Plan, which states that “*some further centres will be developed*” and the Neighbourhood Plan, which refers to “proposed” new local centre. The adopted development plan does not identify North Littlehampton as an existing centre – this is understandable given the current position in its delivery.
- 2.35 To reiterate, without the permitted local centre being delivered first, neighbouring parcels of land will be deemed out-of-centre in policy terms and offer no sequential advantage over the Application Site. The need for the local centre to be delivered first, further demonstrates that neighbouring parcels of land cannot be delivered in a reasonable period.
- 2.36 The fact that the new local centre is also not an ‘existing’ centre also has implications on whether it can be deemed a defined centre. Should a scheme be delivered that is substantially different to that approved by the parameters of the outline permission, which is the basis for it forming part of the hierarchy in the Neighbourhood Plan – such as through increasing the site area for retail – then it is not in accordance with the appropriate policy. Therefore, both the sequential and impact tests would need to be addressed.
- 2.37 Similar matters were considered by a High Court decision in Buckinghamshire¹⁴. This Judgment noted that if a proposal relates to a planned new centre and is in accordance with the appropriate policy then a sequential assessment (and retail impact) is not required. However, where the proposal does not apply with the appropriate policy, then different conditions will or are likely to apply.

¹⁴ Morbaine Limited v Aylesbury Vale District Council (dated March 2011)



Note continued

2.38 In respect of North Littlehampton, Policy 9 of the Neighbourhood Plan is relevant and clear. This states that the local centre will only form part of the retail hierarchy where this is in line with that approved by the outline permission.

2.39 The High Court Judgment also noted (at Paragraph 21) that:

“...if the claimants were correct then the consequence would be that in relation to a proposal for a planned new centre that was not policy compliant, because of its size and function, no sequential analysis would be required. This would be a surprising outcome. The proposal does not meet the relevant policy tests because, as the Inspector concluded, what was proposed was materially different from the type of store envisaged by policy AY.5 and significantly larger than that envisaged by either policy AY.5 or the relevant retail strategy.”

2.40 Whilst this judgment was considered in respect of the PPS4 rather than the NPPF, the approach to addressing retail policy remains broadly the same and the overall conclusions remain valid.

2.41 Against this background, neighbouring parcels of land are not available within a reasonable period due to the need to deliver the approved local centre first, in accordance with the set parameters. This represents a substantial time period for delivery and further demonstrates that other parcels of land at North Littlehampton will not be available within a reasonable period. There is also substantial doubt over the delivery of the local centre that was approved 12 years ago.

Consistency of ADC's approach

2.42 In considering ADC's current position in respect of the suitability of North Littlehampton, it is important to understand the approach adopted by ADC when considering other retail applications in the district. This includes planning permission being granted in June 2014 for an Aldi / Next development on land south of the A259 and west Mill Lane, Rustington (ref. A/125/13).

2.43 In granting consent for the Aldi / Next scheme, ADC did not suggest that the local centre at North Littlehampton represented a sequential alternative to the proposed development and needs to be considered. This is despite planning permission being granted in June 2014, over 16 months after North Littlehampton was approved in outline.

2.44 Likewise, planning permission was granted for a drive-thru coffee shop with associated car park at Rustington Retail Park (ref. R/298/21/PL) in March 2022. Again, in granting planning permission, ADC did not suggest that the local centre at North Littlehampton provided a sequential alternative for a drive-thru unit. Indeed, the Officer's Report for this permission concluded (*sic*) that:



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“A sequential test has also be provided which demonstrates that consideration of alternative sites had taken place. This assessed 14 locations within Littlehampton and Rustington and the application site was considered to represent the only site suitable and available for the type of development proposed.”

2.45 Given ADC’s consideration of previous proposals for retail and drive-thru units within the local area, it is significant to note that at no point did Officers at ADC, or any third parties, suggest that North Littlehampton provides a sequential alternative that should be assessed as part of the sequential test. We question why this position has now changed and we would strongly challenge the consistency in approach being taken by Nexus.

3 Summary

3.1 The potential new local centre at North Littlehampton does not represent a sequential alternative for the following reasons.

- The Site does not form part of the defined retail hierarchy under the adopted Arun Local Plan. Whilst, the Neighbourhood Plan does identify this within the local hierarchy, this is only in line with that approved under the 2013 outline permission; the time period for the submission of Reserved Matters is soon to expire. It is only if the local centre is delivered to that approved by the 2013 permission will North Littlehampton form part of the retail hierarchy.
- The outline permission includes a number of controls limiting the development potential of the approved local centre. The approved scheme is not suitable in terms of being able to accommodate the proposed development.
- The potential for a larger local centre or an alternative local centre to be delivered on the site / different location would require a fresh planning application. More critically, an alternative local centre would not be in accordance with the development plan given the specific wording of Policy 9 of the Neighbourhood Plan and the fact that North Littlehampton is not a strategic allocation in the adopted Local Plan. Such an application would therefore need to be treated as being out of centre and subject to the retail policy tests.
- For neighbouring parcels of land to be deemed sequentially preferable it will be necessary to deliver the permitted local centre first. This phased approach has implications on the likely timescales of further retail proposals coming forward. This would not be a ‘reasonable period’ in the context of the proposed development.
- No alternative proposals for retail development at North Littlehampton have been submitted, and it is entirely unreasonable for a developer to wait an unspecified period of time on the basis that a new application may come forward.



Note continued

- 3.2 For all the reasons identifies we maintain that the sequential approach to site selection continues to be met.

ENDS