

Application for Outline Consent

DECISION NOTICE

Application Ref: LU/72/25/OUT

1 To Addressee

ECE Planning Limited
64-68 Brighton Road
Worthing
BN112EN

2 Site Address

Land to the West of New Courtwick Lane
Wick
BN17 7RZ

3 Description of Development

Hybrid Planning Application comprising of the following: 1) - Outline application with all matters reserved (except access) for Phase 2 (West of Site) comprising development of approximately 8,800sqm GIA Light Industrial/Storage and Distribution (Use Class E(g)(iii) / B8), and 2) - Full Application for Phase 1 (East of the Site) for a food store (Use Class E(a)), 2 No. Drive-Thru food/beverage units (Sui Generis) with revised vehicular access, associated parking and landscaping. This application may affect the setting of a listed building and is in CIL Zone 2 and is CIL Liable.

4 In pursuance of their powers under this Act and related Orders and Regulations the Council **REFUSE** to approve the development as described in the application and plans for the reasons stated.

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The Reasons below refer to the 'FULL' matters within the planning application

2 The proposed development fails to demonstrate a viable and policy-compliant surface water drainage strategy. The submitted information does not robustly establish the seasonal high groundwater level, with monitoring data incomplete and insufficient to confirm compliance with the required separation distances for infiltration in accordance with national SuDS Standards. The proposed reliance on infiltration is therefore unproven. The alternative drainage strategy involving discharge to a watercourse is also unproven in terms of deliverability, since it is not supported by fully sufficient hydraulic calculations, and lacks evidence of legal agreement to outfall. In the absence of a confirmed and deliverable drainage solution, it has not been demonstrated that the development would not increase flood risk on site or elsewhere. The proposal is therefore contrary to Arun Local Plan Policies W DM3 the National Planning Policy Framework (paragraphs

181, 182 and 187) and the National Standards for Sustainable Drainage Systems.

- 3 In the absence of improvements to pedestrian crossings on the A259, the proposed development would result in significant harm to highway safety contrary to Arun Local Plan Policies T SP1 and T DM1 and the National Planning Policy Framework.
- 4 The proposed development would result in an unacceptable impact on highway safety. The proposed access arrangement would generate vehicular movements to and from the site in a northerly direction via Courtwick Lane, resulting in adverse impacts on highway safety on Courtwick Lane and at its junction with Lyminster Road. The development has therefore failed to demonstrate that safe and suitable access can be achieved for all users, contrary to Arun Local Plan Policy T SP1 and the National Planning Policy Framework
- 5 In the absence of a signed Section 106 legal agreement, the development is unable to secure mitigation to off-set the retail impact of the proposed development in conflict with Arun Local Plan policy RET DM1, and the National Planning Policy Framework.
- 6 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the National Planning Policy Framework and the associated Planning Practice Guidance on Biodiversity.
- 7 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of Travel Plan and Travel Plan Auditing Fee in conflict with Arun Local Plan policies T SP1 and T DM1, the National Planning Policy Framework.
- 9 In pursuance of their powers under this Act and related Orders and Regulations the Council REFUSE to approve the development as described in the application and plans for the reasons stated.

The Reasons below refer to the 'OUTLINED' matters within the planning application

- 10 The application fails to demonstrate a viable means of surface water disposal for the outline element of the development. No site-specific infiltration testing or groundwater monitoring has been undertaken for Phase 2, and as such the feasibility of the proposed infiltration-based drainage strategy has not been established. The alternative drainage strategy involving discharge to a watercourse is also unproven in terms of deliverability, since it is not supported by fully sufficient hydraulic calculations, and lacks evidence of legal agreement to outfall. In the absence of a confirmed runoff destination at this stage, it cannot be concluded that the scale and layout of development can be safely accommodated without increasing flood risk. The proposal is therefore contrary to Arun Local Plan Policies W DM3 the National Planning Policy Framework (paragraphs 181, 182 and 187) and the National Standards for Sustainable Drainage Systems.
- 11 In the absence of improvements to pedestrian crossings on the A259, the proposed development would result in significant harm to highway safety contrary to Arun Local Plan Policies T SP1 and T DM1 and the National Planning Policy Framework.
- 12 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of on and off site Biodiversity Net Gain and the future monitoring of the on-site proposals in conflict with Arun Local Plan policy ENV DM5, the NPPF and the associated Planning Practice Guidance on Biodiversity.
- 13 In the absence of a signed Section 106 legal agreement, the development is unable to secure the provision of Travel Plan and Travel Plan Auditing Fee in conflict with Arun Local Plan policies T SP1 and T DM1, the NPPF.

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 discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm, which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

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Neil Crowther
Group Head of Planning

Case Officer: Emma Sheppard

Decision Issued: **23rd September 2026**

Arun District Council
The Arun Civic Centre
Maltravers Road
Littlehampton
West Sussex BN17 5LF

IT IS IMPORTANT THAT YOU READ THE NOTES ATTACHED TO THIS DOCUMENT

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice, and you want to appeal against this planning application decision, then you must do so within 28 days of the date of this notice.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and you want to appeal against this planning application decision, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months of the date of this notice, whichever period expires earlier.

Otherwise, if you want to appeal against this decision then you must do so within 6 months of the date of this notice.

Appeals should be made on line via Appeal A Planning Decision <https://appeal-planning-decision.service.gov.uk/before-you-start> If someone does not have access to the internet and needs help completing the appeal digitally, they should contact the Planning Inspectorate customer service team on 0303 444 5000 who will provide details of the support options available.

Before making an appeal, you may find it useful to review guidance and watch a video explaining the appeals process at <https://www.gov.uk/government/collections/make-an-appeal-to-the-planning-inspectorate-and-associated-guidance>

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

If either the local planning authority or the Secretary of State refused permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (that is, where the land is situated in a National Park, the National Park authority for the Park, or in any other case the district council in whose area the land is situated). This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter 1 of Part VI of the Town & Country Planning Act 1990.

Please note that this decision notice only relates to matters under the Planning Acts and does not give consent under any other legislation that may apply to the development. You will need to carry out your own checks to determine whether any other consents or permissions are required. For example, the Building

Regulations are likely to apply to most developments, and a Highways Licence may be required from West Sussex County Council for any development within the public highway (including the placing of skips on highway land).