

REPORT UPDATE

Application No: LU/96/26/PL

Reason for the Update / Changes

The site history did not appear to have copied into the agenda.

SITE HISTORY

Two enforcement notices (EN) have been issued and quashed. The first was issued on 13 September 2024 and required all development be removed and the land returned to its previous condition. The notice was quashed on the 26 August 2025 as the Inspector concluded the EN did not specify with sufficient clarity the alleged breach of planning control and the steps required for compliance.

A second EN was issued on 1 October 2025. This notice was quashed on 25 March 2026 as the Inspector identified the appeal site in the EN is not one planning unit and the description is incorrect. This was not an issue in the first notice and its unclear why this was a concern in the second appeal and not the first. The notice referred to the whole site which includes two separate businesses with individual accesses and it could not been considered as one planning unit.

The notices were served for the following reason:-

The development is deemed harmful to residential amenity and is inappropriate and detrimental in terms of the context of the local character of the area. The development is of poor design and there is an unknown risk in terms of drainage and flooding on site, with no known consideration to the natural environment. The development is contrary to policies QE SP1, QE DM1, QE DM2, QE DM3, ECC SP1, W DM3, W SP1, D DM1, D SP1 and ENV DM5 of the Arun Local Plan

Additional drainage details were received which proposed discharge to an existing storm water pipe provided for this site within the design by the adjacent developer, if infiltration was found unfeasible. No additional comments have been received from the drainage engineers.

The NPPF has been updated.

Policy E2.1 (a) requires substantial weight be given to economic benefits for commercial development which allow businesses to invest, expand and/or adapt; especially where this would support the economic vision and strategy for the area. The proposal does not support the vision for the area and does not change the officer recommendation.

Policy P3.1 states development should be appropriate for its location. Policy P3.2 (a) makes reference to living conditions and avoid exposure to levels of air, noise, artificial light and other sources of pollution which can have an adverse effect.

Paragraph 116 of the NPPF is replaced by policy TR6.4 states development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety.

Notes: Changes to recommendations, conditions and / or reasons for refusal will always be reflected in the recommendation section of the attached Officer's Report.

Recommendation Report for Planning Permission

REF NO: LU/96/26/PL

LOCATION: Flint Acre
Toddington Lane
Littlehampton
BN17 7PN

PROPOSAL: Retention of change of use from agricultural land to containerised storage facility (B8). This application may affect the setting of a listed building and is in CIL Zone 2 (Zero Rated) as other development.

SITE AND SURROUNDINGS

DESCRIPTION OF APPLICATION	Retrospective permission for the change of use from agricultural land to storage container unit (B8). There are 35 storage containers on site which are of a standard rectangular metal box type structure with a height of 2.6m, length of 6m and width of 2.4m.
	The application has been submitted following the issuing of two Enforcement Notices (EN).
	The site has an existing access from an unadopted track which connects to Toddington Lane.
TREES	There is hedging to the north west boundary but no trees which will be impacted by the proposal.
BOUNDARY TREATMENT	The site has a fence to the northeast and hedging to the north.
SITE CHARACTERISTICS	35 shipping containers used for storage.
CHARACTER OF LOCALITY	The area is mixed in use forming part of a strategic mixed-use allocation, with residential properties to the north, south and west and commercial units to the northwest.

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The notices were served for the following reason:-

The development is deemed harmful to residential amenity and is inappropriate and detrimental in terms of the context of the local character of the area. The development is of poor design and there is an unknown risk in terms of drainage and flooding on site, with no known consideration to the natural environment. The development is therefore contrary to policies QE SP1, QE DM1, QE DM2, QE DM3, ECC SP1, W DM3, W SP1, D DM1, D SP1 and ENV DM5 of the Arun Local Plan.

REPRESENTATIONS

Littlehampton Town Council - no objection.

- Encourage conditional inclusion of biodiversity mitigation detailed in the applicants Planning and Heritage Statement.

13 letters of support received from nearby occupiers.

- The site provides access to additional overflow space for my business. This provides temporary storage and without it would create operational difficulties.
- The site allows local businesses to operate effectively without causing disruption elsewhere.
- There are no other options locally for storage which are financially viable for small businesses.
- The containers are used for the day to day running of many local businesses.
- They provide secure and affordable storage.
- The loss of this storage would result in a devastating impact on businesses who rely on it.
- The storage containers pay dividends to the community but enabling business to continue.

A petition was submitted by the applicant which has 394 signatures of support.

COMMENTS ON REPRESENTATIONS RECEIVED:

Comments noted.

CONSULTATIONS

CONSULTATION RESPONSES RECEIVED:

Archaeology - No objection.

WSCC Highways - Do not consider the proposal would have an unacceptable impact on highway safety.

Environmental Health (EH) - No objection subject to a condition regarding plant equipment.

ADC Drainage - Object. In the absence of a Flood Risk Assessment (FRA), we object in principle. Areas of flood risk need to be considered as part of the drainage strategy. It is unclear how this site may be drained without increasing flood risk in both regular and extreme events. It is unclear how flood water (from the flood zone) will be prevented from entering the drainage system. No information regarding water treatment has been submitted. No information regarding interception drainage has been submitted.

COMMENTS ON CONSULTATION RESPONSES:

Comments noted.

POLICY CONTEXT

Built up area boundary
Archaeological Notification Area

DEVELOPMENT PLAN POLICIES

Arun Local Plan 2011 - 2031:

DDM1	D DM1 Aspects of form and design quality
DSP1	D SP1 Design
QEDM1	QE DM1 Noise Pollution
QESP1	QE SP1 Quality of the Environment
HERDM1	HER DM1 Listed Buildings
HERSP1	HER SP1 The Historic Environment
SDSP2	SD SP2 Built-up Area Boundary
SODM1	SO DM1 Soils
TSP1	T SP1 Transport and Development
WDM2	W DM2 Flood Risk

Littlehampton Neighbourhood Plan 2014 Policy 1 The Presumption in Favour of Sustainable Development

Littlehampton Neighbourhood Plan 2014 Policy 2 A Spatial Plan for the Town

PLANNING POLICY GUIDANCE:

NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance

SUPPLEMENTARY POLICY GUIDANCE:

SPD11	Arun Parking Standards 2020
SPD13	Arun District Design Guide (SPD) January 2021

POLICY COMMENTARY

The Development Plan consists of the Arun Local Plan 2011 - 2031, West Sussex County Council's Waste and Minerals Plans, The South Inshore & South Offshore Marine Plan and Made Neighbourhood Development Plans. The policies are published under Regulations 19 and 35 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The proposal is considered to conflict with relevant Development Plan policies in that it would have unacceptable harm to the visual amenity and character of the area and has not demonstrated that it could drain surface water and not result in an increase in flood risk.

Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that

- (2) in dealing with an application for planning permission the authority shall have regard to -
- (a) the provisions of the development plan, so far as material to the application,
 - (aza) a post examination draft neighbourhood development plan, so far as material to the application,
 - (b) any local finance considerations, so far as material to the application, and
 - (c) any other material considerations.

OTHER MATERIAL CONSIDERATIONS

There are no other material considerations to be weighed in the balance with the Development Plan.

BIODIVERSITY NET GAIN

This application is not liable for Biodiversity Net Gain (BNG) as it is a retrospective application.

CONCLUSIONS

PRINCIPLE

The site falls within the built-up area boundary (BUAB) where the principle of development is acceptable subject to compliance with relevant development plan policies. These policies relate to matters such as appearance and design, impact on neighbouring amenity, highway, flood risk and heritage.

The land in which is sought for change of use, forms part of a wider masterplan for the development of 1,260 new dwellings, up to 13,000 sqm of B1 employment floorspace, up to 3,500 sqm of Class A local facilities, a 100 bed hotel, 60 bed care home, a new 2 Form Entry primary school, community centre, youth and leisure facilities.

Littlehampton has a made Neighbourhood Plan with policy 1 and 2 of relevance which seeks to locate development within the BUAB.

BACKGROUND

The site was agricultural land, surrounded by glasshouse development in around 2013. Google Earth shows that a small parking area was constructed to the southeast of the site around 2015 and subsequently the development on the land started to expand, with the whole site covered in hardstanding in 2022. Following this, the site split into two, with one half serving as a storage container business and the other a scaffold/construction business (LU/95/26/PL).

EMPLOYMENT LAND

ALP policy EMP DM1 refers to relocation and expansion of existing businesses and states the Council will act positively to encourage the relocation of existing firms wishing to expand within Arun District where this will improve their economic and environmental sustainability, improve the local environment for local residents and/or enhance the sustainable development potential of adjoining sites.

The planning statement confirms that the business re-located a small number of shipping containers onto the site and subsequently expanded to include 35 containers. These are used by local business who wish to securely store equipment/tools and are accessed daily. Numerous letters of support have been received from those who use the containers.

The site contributes to the local economy through the provision of storage space for local businesses. Based on the harm to the environment as discussed in the relevant sections below, the proposal does not comply with the policy.

LOSS OF AGRICULTURAL LAND

ALP policy SO DM1 restricts development unless need for the development outweighs the need to protect such land in the long term.

The site was agricultural land prior to the change of use of the site and its loss needs to be considered. The soil classification is unknown and there is no data on magic maps.

The site was sandwiched between horticultural development and residential properties to the southwest. Over time, the area has undergone significant development, primarily due to a strategic allocation.

The planning statement essentially justifies the loss of the agricultural land due to the economic benefit of the business which was relocated from elsewhere in the district.

The wider vicinity is no longer in use for horticultural purposes and it is unlikely the site would be used in the future as it is a small area of land surrounded by development of non-agricultural uses. It is isolated from other agricultural sites and is not physically connected with adjacent countryside.

Whilst limited information has been provided to justify the loss, due to the location of the site which is unlikely to have potential for agricultural/horticultural use, the loss of agricultural land is acceptable.

DESIGN AND VISUAL AMENITY

ALP policy D DM1 looks at aspects of form and design quality, including character, attractiveness, innovation, residential amenity impact, adaptability, density, scale, trees, crime prevention. New buildings should be harmonious with their surroundings and successfully integrate with the existing surrounding environment.

ALP policy D SP1 requires that development proposals make efficient use of land but reflect the characteristics of the site and local area in their layout, landscaping, density, mix, scale, massing, character, materials, finish and architectural details. ALP policy QE SP1 seeks to ensure that all development contributes positively to the quality of the environment.

The site has altered from agricultural land to a storage container business. There are 35 shipping containers which are stored on site. These are rented out to third parties for B8 storage such as for tools and materials which are accessed daily by its users. The containers are single storey and located predominately to the northeast and northwest boundary, approximately 2.6m in height. Whilst the containers have a flat roof, they are visible from the highway.

Whilst there is some commercial use in the vicinity, the proposal is a piecemeal development, isolated from existing commercial premises to the north and to the commercial land allocated as part of the wider masterplan for the site.

Whilst the character of the area has changed over time with a transition from agricultural to residential, the use of the site for a B8 storage is nonetheless out of character with the context of the immediate area, resulting in an industrial appearance. The cumulative impact of the storage containers, which are relatively cluttered in nature, with no formal layout adversely harms the character and visually impacts the appearance of the site, contrary to the surrounding environment and ALP policies D DM1 and D SP1.

Part J of the Arun Design Guide (ADG) concerns building design. This states the design of new development must ensure the existing character and sense of place of an area is respected and enhanced. It states that the form and character should incorporate architectural forms and features that predominate in the surrounding area.

The siting of containers on this land results in significant harm to the visual appearance of the area, as the appearance of the containers are of no design merit nor do they contribute positively to the appearance of the locality.

The design and appearance of the site does not reflect the local character, nor respect and enhance the sense of place, in direct conflict with ALP policies D DM1, D SP1, QE SP1 and the ADG.

RESIDENTIAL AMENITY

ALP policy D DM1(3) indicates planning permission will only be granted where it has minimal impact on the users or occupiers of nearby land. This would be avoiding significant loss of sunlight, privacy and outlook and unacceptable noise and disturbance.

It is likely there would be some noise associated with the use of the site by way of the opening of container doors and loading/unloading of vehicles. A noise assessment has not been submitted. The site is accessed during normal working hours to collect and drop off tools before/after the working day and this is unlikely to result in noise which is significant. This could be controlled via condition restricting opening hours. The only neighbour adjoining the site is to the southwest and there is a reasonable separation between the containers and the neighbouring property which are predominately located to the opposite boundary. Properties to the northeast on Kenney Drive are approximately 50m away and further separated by a scaffold business. EH have no objection.

There is no lighting on site and this helps ensure that light levels do not adversely impact adjoining neighbours.

The proposal whilst resulting in daily activity to and from the site, is unlikely to result in significant harm upon nearby amenity. However an alternative B8 use on the site, may give rise to significant harm. If the application were to be approved, a condition could be included to restrict a change to other B8 uses on the site unless an application is submitted. The proposal complies with ALP policy D DM1 and QE SP1.

FLOOD RISK

The site is predominately in Flood Zone 1, although there is a small element to the access of the site which falls within Flood Zone 2. The site is at risk of flooding from climate change 2070-2125. No site-specific flood risk assessment has been submitted.

The site has been altered from greenfield site to a hardstanding and the introduction of impermeable surfaces may have increased flood risk. The applicant states this is hardcore which is permeable. However, no supporting information has been provided to demonstrate that the ground conditions are suitable for infiltration. Groundwater depths in this area are known to be variable and high, with nearby sites unable to rely on the use of infiltration. The adjoining site (LU/95/26/PL) has provided some groundwater monitoring however this was inadequately evidenced and can't be used to support that infiltration is suitable.

ADC Drainage Engineers object. The application form states there are no watercourses within 20m of the site and yet proposes to dispose of surface water to a watercourse. No further information has been provided to demonstrate the drainage method proposed. No information has been submitted on interception, nor on how flood water (from the flood zone) will be prevented from entering the drainage system. Both of which could affect the scale and layout of the site. The proposed use is medium to high hazard risk and water treatment will need to be carefully considered as it may affect pollution risk from the site. This can affect the scale and layout of the site.

In the absence of suitable information to address how the site will drain, the proposal conflicts with ALP

policy W DM2 and W DM3.

PARKING/HIGHWAYS

ALP policy T SP1 seeks to ensure development provides safe access on to the highway network; contributes to highway improvements (where appropriate) and promotes sustainable transport.

The site has an existing access from an unadopted track, which then connects to Toddington Lane. The access track is also a public right of way. This appears to have been constructed around 2015.

Arun Parking Standards require 1 space for 100sqm for B8 (storage). The storage containers cover approximately 540sqm of floor space. This would require 5 parking spaces. The site has sufficient space to accommodate these, with space to turn. The application notes most of the containers are rented to small businesses who use the containers to store materials and tools for their trade. As a result of the nature of the use, it is unlikely that cars would be parked on site for a long period of time, primarily and picking up and dropping items off up at the beginning and end of the working day.

Within the contents of the representations it is stated that some businesses use the site as an overflow area to store vehicles that require repair and cannot be stored in the businesses own premises. This would reduce some of the space available if it is being used as car storage. Based of the comments received this appears to only be for one or two businesses and is unlikely to result in a situation where there is no space available for other users.

The site can accommodate a number of vehicles and complies with the Arun Parking Standards.

WSCC Highways have no objection. A private access road links the maintained highway to the site. There are no apparent visibility concerns with the existing point of access. There appears to be sufficient parking and turning space to meet the needs of the site.

The proposal would not result in harm upon the highway and complies with ALP policy T SP1.

BIODIVERSITY

The proposal is exempt from mandatory net gain as the development is retrospective. It would still need to provide a net gain in compliance with policy ENV DM5. This could be achieved through the installation of features bird/bat boxes or the provision of new habitat on site.

Whilst no information has been provided to demonstrate how net gain will be achieved, this could be controlled via condition through the addition of bird/boxes or planting around the periphery of the site. If the application were to be approved it could accord with ALP policy ENV DM5.

HERITAGE

ALP policy HER DM1 set out criteria for development where they might affect the setting of listed buildings. As such, the works should aim to conserve and contribute to the building's heritage assets, including its setting. Para 201 requires the Local Planning Authority consider the significance of the impact upon that heritage asset.

The site is near Grade II Listed Buildings to the west; The Old Farmhouse & Holly Cottage identified as being C16 or early C17 and Dovecote at Toddington Farm. The Dovecote is dated 1699 and is a 2-storey square building with flint elevations and a tiled roof. It is attached to, and forms part of the property known as Old Byrne House. Both properties are considered to derive its significance from its architectural and historical interest.

The Conservation Officer does not object.

The site does not form part of the setting in which the significance of the listed buildings is experienced, either from the public realm or within their curtilages. It would appear there is effectively no intervisibility, including from publicly accessible viewpoints, between the site and the listed buildings. As a result, the proposal does not influence the way in which the significance of the listed buildings is understood, including the appreciation of their form, plan and historic function within their immediate curtilage.

On that basis, the proposal is considered to preserve the significance of the listed buildings, including their setting, and results in no harm in compliance with relevant policy.

SUMMARY

The proposal seeks retention of the change of use. Due to its location in the BUAB, the principle of development on this site is acceptable subject to compliance with development plan policies.

The proposal results in a development that is out of character with its surroundings, which is cluttered in nature, with no formal layout or design, adversely harming the character and appearance of the local area and conflicts with ALP policies D DM1, D SP1, QE SP1. The proposal also does not provide adequate information to demonstrate how the site will drain and not result in an increase in flood risk. Overall, the proposal conflicts with the Plan as a whole.

The policies most relevant to the determination of the proposal are considered consistent with the NPPF, not out of date, and are therefore given substantial weight. As guided by para 12 of the NPPF, those applications which fail to accord with an up-to-date plan, should normally be refused.

If para 11(d)(ii) were to be applied to the proposal, the use of the site for business purposes does result in moderate benefit, contributing to the economy and employing locally. However, the benefits of the change of use do not outweigh the significant and demonstrable negative impacts to the character of the area.

The application is recommended for refusal.

If Committee resolve to refuse the application, a further Enforcement Notice will be served to rectify the breach of planning control.

HUMAN RIGHTS ACT

The Council in making a decision, should be aware of and take into account any implications that may arise from the Human Rights Act 1998. Under the Act, it is unlawful for a public authority such as Arun District Council to act in a manner, which is incompatible with the European Convention on Human Rights.

Consideration has been specifically given to Article 8 (Right to respect private and family life), Article 1 of the First Protocol (protection of property). It is not considered that the recommendation for refusal of permission in this case interferes with applicant's right to respect for their private and family life and their home, except insofar as it is necessary to protect the rights and freedoms of others (in this case, the rights of neighbours). The Council is also permitted to control the use of property in accordance with the general interest and the recommendation for refusal is considered to be a proportionate response to the submitted application based on the considerations set out in this report.

DUTY UNDER THE EQUALITIES ACT 2010

Duty under the Equalities Act 2010

In assessing this proposal the following impacts have been identified upon those people with the following protected characteristics (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation).

The proposal would have a neutral impact on the protected characteristics.

CIL DETAILS

This application is not CIL liable.

RECOMMENDATION

REFUSE

- 1 The proposal has not satisfactorily demonstrated that the development can sustainably drain surface water. As such, it has not been proven that the development can be adequately drained and would not increase flood risk elsewhere. This is in conflict with Arun Local Plan policies W DM2 and W DM3 and the NPPF.
- 2 The proposal, by reason of its siting, isolated from other commercial sites and its appearance, it would appear out of keeping with the character of the locality, and would have adverse harm on the visual amenity of the area. This is in conflict with Arun Local Plan policies D DM1, D SP1 and QE SP1, the Arun Design Guide and the NPPF.
- 3 **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 determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.