



Appeal Decision

Site visit made on 12 September 2025

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2025

Appeal Ref: APP/L3815/W/25/3369395

1 & 2 Azara Parade, Bracklesham Lane, Chichester, West Sussex PO20 8HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr M Fitch (Fitch Estates Ltd) against the decision of Chichester District Council.
 - The application Ref is EWB/24/01943/FUL.
 - The development proposed is described as the demolition of existing units (A3 and A1 use) and erection of a two storey mixed use building with E(a) use on ground floor and 2 no. dwellings on 1st floor, with associated access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Chichester Local Plan 2021-2039 (the Local Plan) was formally adopted by the Council on 19 August 2025. Consequently, the policies within the adopted Local Plan have full weight in all decision making and replaces the Chichester Local Plan 2014-2029.
3. The Planning Practice Guidance (PPG) for flood risk and coastal change was updated on 17 September 2025. The parties have been given the opportunity to consider these changes, and I have taken any responses into account as part of this decision.
4. The appellant has provided a completed planning obligation (the obligation) pursuant to S106 of the Town and Country Planning Act 1990 (as amended) to overcome reasons for refusal 1 and 2. I will deal with this matter later in this decision letter.

Main Issue

5. The main issue in this appeal is whether the proposed development would comply with local and national planning policy, which seek to steer new development away from areas at the highest risk of flooding.

Reasons

Flood Risk

6. The existing building within the appeal site sits within Flood Zone 1 (FZ1). However, the front of the proposed building would be within Flood Zone 2 (FZ2) along with a large proportion of the site access/egress, which carries a medium flood risk¹. Although the appellant disputes the mapping accuracy to define the area of FZ2, no agreed alternative has been provided.

¹ National Planning Practice Guidance, Paragraph 078 Reference ID: 7-078-20220825

7. Policy NE15 of the Local Plan states that the planning process will avoid inappropriate development in areas at current or future risk of flooding. In addition, development will be directed to areas of lowest flood risk applying the sequential and exception test. The proposal seeks, along with the commercial use, the erection of dwellings which Annex 3 of the National Planning Policy Framework (the Framework) classifies as more vulnerable development.
8. The PPG makes it clear that the sequential test will be applied to development proposed in areas of flood risk. Paragraph 175 of the Framework states that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source and should not be permitted if there are areas of a lower risk of flooding for the proposed development.
9. I acknowledge that the revised PPG states that a proportionate approach needs to be taken in applying paragraph 175 of the Framework. However, this is in cases where a site specific flood risk assessment has been provided which demonstrates clearly that users would remain safe from current and future surface water flood risk. In this instance, the Environment Agency has confirmed that although the site is currently outside the 1,000 year defended tidal floodplain, future climate change means that for the lifetime of the development (>100 years), there is a medium to high risk of flooding from a tidal floodplain². Thus, as the site is at risk of tidal flooding in the long term, the sequential test would need to be applied.
10. The PPG states that the sequential approach is designed to avoid development in current and future medium and high flood risk areas. It is the most effective way of addressing flood risk as it places the least reliance on measures like flood defences, flood warnings and property level resilience features³. Thus, the appellant would need to identify whether there are any other 'reasonably available' sites within the area of search. Notwithstanding the appellant's site specific requirements, I cannot conclude that all other potentially available, and less harmful alternative options in relation to all sources of flood risk have been reasonably explored. In such circumstances, and despite the proposed mitigation measures and potential benefits of the development, the requirements of the sequential test have not been met. In such circumstances, it is not necessary to consider the exception test.
11. Thus, the development would be in conflict with Policy NE15 of the Local Plan and paragraph 175 of the Framework which seek, amongst other things, to avoid inappropriate development in areas at current or future risk of flooding.

Other Matters

12. The obligation provided by the appellant secures financial contributions towards Recreational Disturbance to the Chichester and Langstone Harbours Special Protection Area, and improvements to the A27 junction infrastructure. The Council has confirmed that the submission of the obligation adequately addresses reasons for refusal 1 and 2. I am satisfied that these contributions would be fair, reasonable, and directly related to the development before me. Thus, based upon the information that has been presented, the obligation overcomes reasons for refusal 1 and 2.
13. The appellant has referred to several developments in similar coastal areas that have been approved. However, I have not been provided with sufficient information to assess whether these developments share the same characteristics to the development before me. In any event, each application must be considered on its own merits which is a fundamental principle that underpins the planning system.

² Flood Map for Planning Service – Environment Agency (Appellant's Written Statement, Appendix 5)

³ Paragraph: 023 Reference ID: 7-023-20220825

14. It is also argued that the residential units would support the investment needed to deliver a new, fit for purpose and modern retail unit. Whilst I accept the development may be needed to achieve the appellant's overall aims for the site, it does not overcome the requirement to steer new developments to areas that have a lower risk of flooding.

Conclusion

15. For the reasons given above and having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Graham Wyatt

INSPECTOR