
Appeal Decision

Site visit made on 24 November 2025

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/C3810/W/25/3372439

17 High Steet, Bognor Regis, West Sussex PO21 1RJ

- 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 Dean Chahboune against the decision of Arun District Council.
 - The application Ref is BR/72/25/PL.
 - The development proposed is the conversion of vacant Class E (Old Class A2) building and erection of a First-Floor extension to create 7 x C3 dwellings and a reduced Class E unit.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A signed Unilateral Undertaking dated 14 May 2025 has been submitted during the appeal process. This would secure a financial contribution to mitigate the effect of the development on the Pagham Harbour Special Protection Area (SPA). The Council considers that the legal agreement addresses its third reason for refusal and has advised that this reason for refusal is no longer contested. The appeal will be determined on this basis, and I shall return to the legal agreement later in my decision.

Main Issue

3. The main issue is whether the site is a suitable location for the proposed development with regard to flood risk.

Reasons

4. The appeal site comprises a three-storey building to the side of High Street, within the town centre of Bognor Regis. The building is a mid-twentieth century construction with a vacant commercial unit at ground floor level. The proposal is for the conversion of an existing building to create seven dwellings, including five at ground floor level. An extension at first floor level would relate to the proposed two dwellings within the upper floor.
5. The site is currently within Flood Zone 1, and the Planning Practice Guidance (PPG) indicates there is a low probability of flood risk consisting of land having a less than 0.1% annual probability of river or sea flooding. The appellant's Flood Risk Assessment¹ (FRA) references the site's position within the current Flood Zone 1, as shown in the Environment Agency (EA) Flood Map for Planning (Rivers

¹ Dated 2025, prepared by Knight Consulting

and Sea) and also notes that the site is located within an area at potential risk of surface water flooding and sets out suggested flood risk management measures.

6. However, the FRA acknowledges that the Flood Zones shown on the map do not take account of the possible impacts of climate change and consequent changes in the future probability of flooding. Data from the EA indicates that in the future the site would be in within Flood Zones plus climate change. Consequently, the EA states that the site should be treated as falling within Flood Zone 2.
7. Paragraph 170 of the National Planning Policy Framework (the Framework) states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Although the proposal includes a change of use, an extension to the building is also proposed. Accordingly, while the FRA states that the Sequential Test is not required, the development does not fall within the exemptions within the PPG, the Framework and the EA's standing advice, which state that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding.
8. The Sequential Test aims to steer new development to areas with the lowest risk of flooding, taking all sources of flood risk and climate change into account. The Sequential Test within the FRA does not set out a review of whether there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. On this basis, it has not been demonstrated that there are no reasonably available sites, and the Sequential Test has therefore not been passed.
9. The FRA states that there are no flood defences in the area. The appellant contends that it is likely that flood defences would be constructed to protect residents from future flooding. However, there is no evidence before me that such defences would be constructed. In any case, the PPG states that flood risk is a combination of the probability and the potential consequences of flooding. Therefore, it is appropriate to consider the undefended flood levels given the potential severity of future flood risk.
10. The PPG states that residential development can be assumed to have a lifetime of at least 100 years. The appellant suggests that the development would be safe for its lifetime due to the age of the building. Nevertheless, there is no substantive evidence before me that shows that the that the condition of the building would reduce the lifetime of the development.
11. The building would undergo flood proofing works, including the installation of a flood gate. In addition, a formal flood warning and evacuation plan would be prepared. The FRA states that occupants of the ground floor accommodation could access the first floor during a flood event. However, there is limited space within the landing area to provide a safe refuge for all ground floor residents. In addition, the accommodation at first floor level would comprise separate dwellings, which may prevent the provision of a suitable refuge facilities for the ground floor occupants. Moreover, given that the FRA does not consider the future flood risk at the site, I cannot be certain that the suggested measures would be sufficient to ensure that the development is safe for its lifetime.
12. My attention has been drawn to development at No 19 High Street for the change of use from four self-contained flats to a 13 bed House in Multiple Occupancy.

While the details presented are limited, I note that the development involved no change in the vulnerability classification and the change in use related to upper floors only, which is not the case with the appeal proposal. In any event, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations, which is what I have done in this case.

13. I conclude that the site is not a suitable location for the proposal with regard to flood risk. The development therefore conflicts with Policies W SP1 and W DM2 of the Adoption Arun Local Plan 2018 (LP), which collectively state that the Council will support development that is appropriately located, taking account of flood risk and where the Sequential Test has been met. The development also conflicts with the Framework in this regard.

Planning Balance

14. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the LP. The proposal conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
15. The Council concedes that it is unable to demonstrate at least a five year supply of deliverable housing sites that the Framework requires. Paragraph 11. d) of the Framework indicates that permission should be granted unless the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework details that this includes policies relating to areas at risk of flooding or coastal change.
16. The proposed development would make a positive contribution to the supply and delivery of housing through the efficient use of land. This is particularly the case given the Council's housing supply position. The Framework explains that small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. In addition, the proposal would deliver social and economic benefits both during construction through the creation of jobs, and following occupation through the use of facilities and services in the surrounding settlements.
17. Nonetheless, given that the site is not a suitable location for the proposal with regard to flood risk, which the identified benefits would not outweigh, the application of the policies in the Framework provide a strong reason for refusing planning permission for the development proposed. When considered as a whole, the proposal does not conform with the presumption in favour of sustainable development outlined in paragraph 11 of the Framework.

Pagham Harbour SPA

18. The site is within the Zone of Influence of Pagham Harbour SPA. Pagham Harbour is an estuarine site which includes intertidal mudflats, saltmarsh, lagoons, shingle, open water, reed, swamp and wet grassland. It is an important summer breeding and wintering ground for wildfowl. The SPA supports western European populations of dark bellied Brent Goose and Black-tailed Godwit. The SPA is vulnerable to disturbance, including from recreational pressures.

19. The Council has a strategy that seeks to mitigate the impacts on this site arising from recreational pressures. The appellant has submitted a UU that the Council has confirmed would secure mitigation. However, as I have found the proposal to be unacceptable for other reasons there is no need to consider the implications of the proposal on the protected site.

Conclusion

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

J Pearce

INSPECTOR