



Appeal Decision

Site visit made on 12 November 2025

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2025

Appeal Ref: APP/C3810/W/25/3371932

Rabbit Island, rear of 84 Brooks Lane, Bognor Regis PO22 8DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr Callan Wood against the decision of Arun District Council.
 - The application Ref is BR/48/25/PIP.
 - The development proposed is application for permission in principle for a 3 pitch Traveller caravan site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted¹. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.
4. The PPG says that the amount of development must be expressed as a range². The application form specifies a minimum and maximum 3 pitch traveller caravan site, and I have considered the appeal on this basis.

Main Issue

5. The main issue is whether the appeal site is suitable for Gypsy and Traveller residential caravans (mobile homes), having regard to its location, the proposed land use, and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

² 9 Paragraph: 052 Reference ID: 58-052-20180615

Reasons

6. Policy H SP5 of the Adopted Arun Local Plan 2011-2031 (Local Plan) is a criteria-based policy which seeks to provide 5 private Gypsy and Traveller pitches on unallocated land. Criteria include that particular attention should be given to avoiding locations prone to flooding unless robust mitigation measures are in place. Development must respect the character and appearance of the surrounding area through appropriate scale, landscaping, and boundary treatments that integrate with existing features. Sites should also safeguard the amenity, privacy, and safety of neighbouring residents and land uses. These requirements apply alongside other policy criteria relating to contaminated land, connectivity, environmental designations, infrastructure provision, heritage considerations and managing on site business uses. The policy also states that a site for at least 9 public pitches is to be identified through a Gypsy and Traveller and Travelling Showpeople Site Allocations Development Plan document (DPD).

Location

7. The appeal site is adjacent to the Aldingbourne Rife on its east side and is within Flood Zone 3a with a high risk of fluvial and tidal flooding. The appellant's Flood Risk Assessment July 2025 (FRA) identifies the site as within Flood Zone 3a (High risk of flooding from fluvial and tidal sources, greater than 3.3 % chance of flooding in any year where defences are not considered). The site is protected from flooding by existing flood defences and the modelled defended data from the Environment Agency shows the site to be predicted to remain safe in the 2070 and 2115 0.5% modelled scenarios if the flood defences are in place and operational.
8. Nevertheless, in accordance with the National Planning Policy Framework (the Framework) a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any sources. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding.
9. The appellant's FRA considers that the proposals satisfy the sequential test because there are no other reasonably available Travellers' sites within the Bognor Regis area and the Council does not have a quantified understanding of the need for Gypsy and Traveller pitches in the district. However, the PPG advises that the absence of a 5-year housing land supply is not a relevant consideration in applying the sequential test for individual applications and I see no reason why this advice should not apply to Gypsy and Traveller accommodation. Furthermore, the appellant acknowledges in his FRA that it is necessary to demonstrate that there are no reasonably available alternative sites within the local area of lower flood risk that are suitable for the proposed development; in this case sites suitable to provide Traveller pitches within the local area in Flood Zones 1 or 2.
10. The FRA shows that the extent of the high flood risk area is a relatively limited part of the urban area. It has not looked at other similar sites on brownfield or greenfield land within Bognor Regis that have a lower risk of flooding than the appeal site. Since that has not been done, the sequential test has not been met. As the sequential test is not passed, it is not necessary for me to go on to consider the exception test.

11. Even so, the appellant has provided evidence in the FRA as to how the exception test may be passed on the basis that the development is classed as more vulnerable. However, the FRA does not take into account that the proposal is for the siting of caravans for the Traveller community that, without any evidence to the contrary, I must assume are likely to be occupied on a permanent basis. Annex 3 of the Framework classes caravans, mobile homes and park homes intended for permanent residential use as 'highly vulnerable' uses. According to table 2 in the PPG³ it is not appropriate to apply the exception test to highly vulnerable development proposed in Flood Zone 3a. Paragraph 13(g) of the Planning Policy for Travellers Sites (PPTS) also states that Traveller sites should not be located in areas at high risk of flooding given the particular vulnerability of caravans. The FRA evidence in respect of the exception test cannot therefore be relied upon.
12. I have noted the cases brought to my attention by the appellant in relation to flood risk. The Reading site was agreed to be in flood zone 2 and the site at Wisbech passed the sequential test. Consequently, neither of these cases are directly relevant to my assessment in this permission in principle application.
13. Overall, the sequential test has not been passed, and therefore I cannot be satisfied that the appeal site is an acceptable location for the development with regard to the risk of flooding. The proposed development would conflict with Policies H SP5 and W DM2 of the Local Plan where these policies seek to manage development in areas of flood risk and ensure that Traveller development is not located in areas prone to flooding. It would also conflict with the Framework and the PPTS.

Amount of Development

14. The submitted drawing indicates provision for three pitches, each intended to accommodate a mobile home, a touring caravan, and parking for two vehicles. No day rooms or other facilities are shown on the submitted drawing, although the FRA refers to amenity blocks. While alternative site layouts may be possible, the application specifies an upper and lower limit of three pitches. Given the site's size, opportunities to position the mobile homes further from the shared boundary with adjacent residential properties are limited.
15. The appeal site shares a common boundary with single-storey semi-detached bungalows that front Whitfield Close. This boundary is marked by fencing and sections of brick wall that separate the appeal site from the rear gardens of these properties. The depth of the gardens varies along the boundary due to its angled alignment. Nos. 2, 4, and 6 have relatively shallow rear garden depths, bringing their main rear elevations near to the appeal site. The proposed development would be seen at relatively close proximity from bedroom and living room windows from these properties. The development would also be close to the rear gardens of all the bungalows adjacent to the shared boundary.
16. The proposed mobile homes would be visible above the joint boundary because the units would be raised above ground level. The appellant suggests that obscure glazing would be used for windows on the boundary side of the mobile homes. However, the introduction of windows in the proposed rear elevation directly next to the gardens of properties on Whitfield Close would give the impression of the

³ PPG paragraph: 079 Reference ID: 7-079-20220825

gardens being overlooked. This impression would be intensified at dusk and at night when the spaces in the mobile home are lit.

17. While some landscaping could be introduced along the boundary, the restricted space available would limit its effectiveness. In any case, planting could not provide a permanent or reliable screen, as it changes with the seasons and takes time to mature. Consequently, I am not satisfied that landscaping would adequately protect the living conditions of the neighbouring dwellings given the closeness of the proposed development.
18. I conclude that the proposals would be significantly detrimental to the living conditions of neighbouring properties in conflict with Policies D DM1, QE SP1, H SP5 of the Local Plan as far as these policies seek to protect the privacy of nearby residents.

Land use

19. The appeal site is a narrow strip of land which is bordered by residential development and faces Brooks Lane. The land can be distinguished from the open site beyond the Rife and is clearly part of the established built-up area.
20. The front boundary of the land is defined by metal fencing, which is utilitarian in appearance, but it is set back from the road frontage and is not especially out of place. A public footpath runs along the southern boundary of the site with additional routes to the east. The site is prominent to footpath users but less conspicuous to those travelling along Brooks Lane.
21. The surrounding area is generally characterised by single-storey development. In this context, the proposed mobile homes would be comparable in scale to nearby dwellings. From Brooks Lane, the development would integrate with the prevailing built form and would not appear incongruous. While the site would be fully visible from the adjacent footpath, built development here would not be unexpected given the established pattern of development. In principle, the proposal would sit acceptably within the character and appearance of the area.
22. In respect of the land use the proposal would not be harmful to the character and appearance of the area and does not conflict with Policies D DM1 or H SP5 which seek to ensure that development is of a scale appropriate to its setting.

Other Matters

23. The Council previously sought to address the accommodation needs of Gypsies, Travellers and Travelling Showpeople through a dedicated DPD. However, this work was withdrawn at an advanced stage following changes to the PPTS. The Council now intends to assess the need for retained and new pitches through the emerging update to the Arun Local Plan (2023–2041). Consequently, the Council does not have a quantified, up-to-date understanding of the need for Gypsy and Traveller pitches in the district.
24. The appellant states that the DPD indicated a need for 9 permanent Gypsy and Traveller pitches and West Sussex County Council have confirmed that there are no such pitches available in the Bognor Regis area. This is consistent with Policy H SP5. This means that unmet need can only be met through windfall sites with no possibility of securing a further supply of plan led sites until the adoption of the emerging Local Plan.

25. Therefore, having regard to the lack of clarity on the scale of the under supply of pitches, I attach considerable weight to this matter, whilst acknowledging that the Council has a criteria-based policy under which the unmet need can be considered.

Planning Balance

26. Paragraph 28 of the PPTS states that the provisions of Paragraph 11(d) of the Framework apply if the Council is unable to demonstrate a five-year supply of deliverable sites. This means granting planning permission unless under Paragraph 11d (i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusal or under Paragraph 11d(ii) any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole having particular regard to key policies.
27. In this case the appeal site is in an area of flood risk, the site is a highly vulnerable use as set out in the Framework and the sequential test has not been met. The proposed development would have an adverse effect with regard to flood risk in conflict with the Framework that provides a strong reason for refusing the proposed development in accordance with paragraph 11d(i). The presumption in favour of sustainable development does not therefore apply.
28. The Council is currently unable to meet the identified accommodation needs of Gypsies and Travellers, and I have given considerable weight to this undersupply. Addressing this to a modest degree by permitting 3 pitches is therefore a contribution to the undersupply and attracts weight accordingly.
29. Furthermore, the appeal scheme would facilitate the establishment of 3 no. pitches which would enable Gypsies and Travellers to continue to pursue a nomadic lifestyle for economic purposes and would support the traditional way of life of families that have a protected characteristic. This would allow cultural traditions to be balanced with the practicalities of modern living thereby, advancing equality of opportunity.
30. These are important points in achieving the social sustainability sought by Paragraph 13 of the PPTS. Furthermore, the equality implications weigh notably in favour of permitting pitches at the appeal site because dismissing the appeal would perpetuate the disadvantages currently endured by Gypsies and Travellers.
31. Nevertheless, while in respect of the character and appearance of the area I find no conflict with the Local Plan, the proposal conflicts with the development plan as a whole because of the location of the development in an area at risk of flooding and because of significant harm to the living conditions of neighbouring occupiers. Of the material considerations, the general need for Gypsy and Traveller sites and the uncertainty about any future provision given the current status of the DPD does not, in this instance, outweigh the harm I have identified.
32. The appellant refers to several other decisions which highlight the ongoing unmet need for Gypsy and Traveller sites within the Council area. These other cases considered the personal needs and circumstances of the appellants. However no intended occupiers of the appeal site have been identified. As such there are no personal needs or circumstances to take into account in this case.

Conclusion

33. 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. Therefore, for the reasons given above the appeal is dismissed.

Diane Cragg,

INSPECTOR