



Appeal Decision

Hearing held on 28 January 2026

Site visit made on 28 January 2026

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2026

Appeal Ref: APP/C3810/W/25/3373126

27 Clifton Road, Littlehampton, West Sussex BN17 5TE

- 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 A Green of Castle Accommodation against the decision of Arun District Council.
 - The application Ref is LU/308/24/PL.
 - The development proposed is a Sui Generis Ground Floor HMO (with internal stair leading to First Floor) and 1no. self-contained C3 unit. Raising of internal floor level by 600mm.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the heading above has been taken from the planning application form. In section E of the appeal form it is stated that the description of development has not changed from that stated on the application form. Neither of the main parties has provided written confirmation that a revised description of development as set out in the decision notice has been agreed. Accordingly, I have used the description given on the original application form. I do not consider that this has prejudiced any of the parties and I have proceeded with the appeal on this basis.

Main Issues

3. The main issues are whether the site is a suitable location for the proposed development, with regard to:
 - flood risk: and
 - the development plan's approach to the provision of Houses in Multiple Occupation (HMO).

Reasons

Flood risk

4. The appeal site comprises a two-storey semi-detached building within the Built-up-Area Boundary of Littlehampton as set out within the Arun Local Plan 2018 (ALP). The first floor of the building consists of a 10-bed HMO and a one-bedroom flat and is accessed via an external staircase. The first floor HMO includes a communal kitchen/dining room and an office. The ground floor is currently vacant

but has previously been used for garaging and storage purposes and a one-bedroom flat.

5. The site is located within Flood Zone 3a with a high probability of flooding, and is defined in Table 1 of the Planning Practice Guidance (PPG) as land having a 1% or greater annual probability of river flooding, or a 0.5% or greater annual probability of sea flooding. Clifton Road is within an area at a medium risk of surface water flooding, but this does not include the land at the site. The proposal would increase vulnerability through the introduction of a 'more vulnerable' use at ground floor level, according to Annex 3 of the National Planning Policy Framework (the Framework).
6. Paragraph 170 of 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). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
7. Policy W DM2 of the ALP sets out the requirements for development in areas at risk of flooding. These include the need for a sequential test, provision of a site-specific flood risk assessment to demonstrate that the development will be safe, identification of adaptation and mitigation measures and for appropriate flood warning and evacuation plans to be in place.
8. The proposal is for a permanent change of use of the ground floor to a 10-bed HMO as well as the reconfiguration of a one-bedroom flat. While physical works are proposed, the parties acknowledged that the proposal is primarily for a change of use of the ground floor of the building. Paragraph 176 of the Framework states that applications for some minor development and changes of use should not be subject to the sequential test, nor the exception test. The proposal does not fall within the list of changes of use set out in footnote 62 that would be subject to the sequential and exception tests. Accordingly, the sequential and exception tests are not applicable.
9. Footnote 63 of the Framework requires a site-specific flood risk assessment and the appellant's Flood Risk Assessment (FRA) concludes that existing flood defences reduce the annual probability of fluvial and tidal flooding to less than 0.1% in the present day up to 2070. The proposal includes raising the ground floor level by 600mm and the installation of an internal stair to provide access to the first floor. The parties agree that with the increase in floor level to 2.74 metres Above Ordnance Datum (AOD) the modelling within the submitted FRA demonstrates that present-day flood levels would not exceed the proposed ground floor level.
10. Nonetheless, the Framework requires consideration of future flood risk and that the development should be made safe for its lifetime, which is agreed to be 100 years. Due to the anticipated rise in sea level resulting from climate change, which would be expected to rise gradually over time, flood levels could exceed the proposed floor level by approximately 2 metres by 2125 if flood defences are not raised in the future.
11. Thereby, even with the proposed increase in floor levels, during a flood event within the lifetime of the development, the water level within the ground floor accommodation would be such that a risk to life could occur. This would be

especially so if the flooding occurred when occupiers were asleep or occupiers had disabilities or mobility impairments and could not easily access the proposed first floor refuge.

12. The area is subject to flood defences, including to the east bank of the River Arun. This comprises a floodwall with steel sheet piles driven into the riverbed, part of which was completed in 2015. At the coast, the promenade and Sea Road (the B2140) provide a second line of defence beyond the raised shingle beach, which absorbs wave energy and provides height relative to sea level.
13. Whilst flood defences can fail, their existence diminishes the prospect of a flooding event. The existing hard defences along the River Arun appear robust and there is no substantive evidence before me that indicates any point of weakness or that a failure in the existing flood defences would be likely. The Environment Agency (EA) acknowledged that a breach of the hard defences would be improbable. However, whilst the defences are inspected approximately every five years, the risk of a breach would increase over time as the condition of defence structures deteriorate towards the end of their lifetime.
14. The rise in sea level without an improvement of flood defences could affect a large area of Littlehampton resulting in great economic loss. The appellant contends that given the considerable scale of the social and economic loss that would occur, it is highly likely that flood defences will be raised in the future. The EA stated that it is not a duty to protect people from flooding, but maintaining and improving defences could take place where expenditure can be justified. Mr O'Connor referred to the plan for replacement within the current strategy¹, which would maintain the current standard of defence. However, he acknowledged that there is no guarantee of future funding for such works.
15. The PPG states that flood risk is a combination of the probability and potential consequences of flooding. The probability of a severe flood event in the present-day is low but would increase in the medium to long-term if sea levels rise as anticipated, particularly if flood defences are not improved. If a flood event were to occur at this point, the level of harm to future occupants would be significant and occupants would be exposed to hazardous flooding if defences are breached or overtopped.
16. Even if the flood defences were to be improved in line with climate change predictions, the parties agreed that it would be impossible to guarantee that a failure of the defences would not occur and that it is necessary to consider the residual risk. The PPG identifies that areas behind flood defences are at particular risk from rapid onset of fast-flowing and deep-water flooding, with little or no warning if defences are breached. Measures need to be designed to avoid internal flooding from residual risk from flood risk management infrastructure wherever possible; and ensure people are not exposed to hazardous flooding, irrespective of the development's vulnerability classification.
17. The appellant has submitted a Flood Emergency Action Plan (FEAP), which sets out how the site would be managed during a flood event. If a flood warning is issued, future occupants could be evacuated from the site to a place of safety within the town centre. However, the FEAP concedes that, in the event of a

¹ Planning for the future: Rivers Arun to Adur flood and erosion management strategy 2010-2020

breach if defences are not raised in response to climate change, the flood level would be hazardous.

18. If a breach were to occur, the FEAP suggests that the proposed internal staircase would provide access to a safe refuge at first floor level, which would be above anticipated future flood levels. The areas accessible on the first floor would consist of the communal kitchen and dining area currently serving the existing first floor HMO accommodation. In addition, occupants would have access to the large external platform, the hallway and a WC.
19. The FEAP places the responsibility for implementing evacuation of ground floor residents to the first floor with a member of staff. The appellant confirmed that as part of the management of the entire HMO, a member of staff would always be present. It was evident from discussions that the existing HMO is managed to a high standard and that occupants' health and safety is taken very seriously, including conducting regular and orderly fire drills.
20. Nevertheless, the ground floor would be rapidly inundated in the event of a breach and rising flood levels may not be immediately detectable, particularly during nighttime hours when occupants may be asleep. The appellant suggested that a flood alarm, sensitive to water levels, could be installed and this could be secured by a condition if I were to allow the appeal. However, given the likely speed of onset and the considerable depth of anticipated flood levels, a flood alarm may not give occupants and the member of staff sufficient time to reach a place of safety at first floor level.
21. The future flood risk at the site comprises a worst-case scenario, if defences are not renewed or improved in due course or if a breach of defences occurs. The future maintenance and improvement of flood defences would be expected, given the likely substantial costs to the urban area such works were not carried out. Whilst this would reduce the probability of a severe flood occurring in the lifetime of the development, if such an event were to occur, the consequent level of harm to future occupants would be substantial and I cannot be certain that the development would be safe for its lifetime. Moreover, there would not only be a risk to occupiers of the development but also to emergency responders who may be required to assist in evacuating the development during a flood event.
22. The appellant has been in discussion with the housing team at the Council to utilise the proposed HMO accommodation for people who would otherwise be homeless. Existing residents of the first floor HMO accommodation outlined how the HMO had provided them with a secure and supportive environment that has assisted them in their lives and provided them with housing. The proposal would provide safer accommodation for persons who would otherwise be homeless and exposed to risks, other than flood risk on the streets. However, the appellant advised that the contract is for a five-year period and there is no mechanism before me that would ensure that the accommodation could only be used for homeless persons. Moreover, future occupants of the ground floor HMO would remain at risk of flooding due to anticipated rises in flood levels due to climate change.
23. The appellant referred to development allowed at appeal at Arundel² and permission granted by Hull City Council at Goat and Compass, 107 Falkland

² APP/C3810/W/24/3354570

Road, Kingston Upon Hull³. While the detail presented in respect of these schemes is limited, it was noted that the specific circumstances at Arundel were not comparable to the appeal proposal. The Arundel proposal included a freeboard and water exclusion strategy and there was no dispute that the scheme would be made safe for its lifetime.

24. The EA advised that the approach to flood risk at Hull may differ to the approach in Arun. This includes in relation to the Strategic Flood Risk Assessment where there may be an agreed approach in respect of specific mitigation measures relating to the residual risk. Based on the limited evidence before me in respect of the scheme at Hull, I cannot draw suitable comparisons with the appeal proposal.
25. I conclude that the site is not a suitable location for the proposal with regard to flood risk. The development therefore conflicts with Policy W DM2 of the LP, as set out above. The development also conflicts with the Framework, which states that development should only be allowed in areas at risk of flooding where a site-specific flood risk assessment can demonstrate, amongst other matters, that within the site the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location, and that safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

HMO

26. The site is within River ward, close to the town centre of Littlehampton. Dwellinghouses in River Ward are subject to an article 4 direction that has removed permitted development rights for a change to C4 use, with the purpose of upholding quality and limiting harmful concentration of HMOs in the Ward. While the article 4 direction is not applicable in respect of the proposal, the Council contend that the proposal would harm the character of the area due to the proliferation of HMO properties nearby, and the potential consequences of shared living.
27. To support the article 4 direction, analysis⁴ of the dwelling stock in the District was carried out on behalf of the Council. The analysis identified that 40.5% of the total dwelling stock comprised private rented sector dwellings. Of the private rented sector housing, Table 3 identified that 9% were HMOs. Even if the figure of mandatory licensed HMOs was in addition to the 9% of HMOs, the resulting figure of 12% of private rented sector housing, which forms only a modest proportion of the entire dwelling stock is not significant. The addition of one HMO, or enlargement of an existing HMO, would not therefore lead to an imbalance in the housing types in the area.
28. The analysis indicated that instances of anti-social behaviour (ASB) within River ward had increased, whilst the number of HMOs had also increased during the same period. The data indicated that there was a correlation between ASB and HMOs, but the Council acknowledged that ASB could not be directly attributed to HMOs and that there may be other factors that influence the increase in ASB. The interested party also acknowledged that the management of the first floor HMO

³ 23/03550/FULL

⁴ British Research Establishment - Integrated Dwelling Level Housing Stock Modelling and Database for Arun District Council: Additional Analysis of the Private Rented Sector. (2021)

had been effective in ensuring that ASB has been kept to a minimum albeit that concerns remain in respect of the proposed increased capacity.

29. The proposal would increase the number of HMO bedrooms at the site. The greater capacity would be likely to result in increased activity at the site given that occupants would live largely independently, including from more people coming and going at the front and side of the site. Nonetheless, a greater number of occupants is not, of itself, evidence that a larger number of HMO rooms at the site would cause material harm to the living conditions of the occupants of neighbouring properties through noise and disturbance, or to the character of the area. In addition, the implementation of a management plan, which could be secured by condition, would further restrict instances of ASB at the site.
30. The development would intensify residential development at the site. Nonetheless, the location of the site within an area primarily comprising dwellinghouses would not fundamentally alter the residential character of the area.
31. I conclude that site is a suitable location for the proposed development, with regard to the development plan's approach to the provision of HMOs. The development therefore accords with Policy H SP4 of the ALP, which requires that proposals contribute to the creation of sustainable, inclusive and mixed communities and, amongst other things, do not adversely affect the character of the area including eroding the balance between different types of housing, including family housing and Policy D DM1, which requires that proposals have minimal impact to users and occupiers of nearby property and land.

Other Matter

32. Schedule 7A of the Town and Country Planning Act 1990 (as amended) introduced a statutory framework for biodiversity net gain (BNG). Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC).
33. The objective is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. Nevertheless, the Council state that the development would not impact a priority habitat and would impact less than 25 square metres of onsite habitat, the parties subsequently agreed that the development is subject to the de minimis exemption. I see no reason to disagree with this conclusion.

Planning Balance

34. 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.
35. 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.

36. The proposal would make a positive contribution to the supply of housing through the efficient use of land. 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. The development would also provide a secure and supportive environment for vulnerable people where there is a need for such accommodation. Moreover, the proposal would be within the defined built-up area and in a location close to town centre facilities and services.
37. The probability of flooding of the development is low, primarily due to the presence of flood defences. However, whilst it is likely that defences would be improved, this cannot be guaranteed. Moreover, the risk of overtopping of defences or of a breach occurring cannot be ruled out. The consequences of a flooding event would be severe and whilst access to the first floor would assist, the likely speed and depth of such an event would represent a considerable risk to future occupants of the proposal, particularly if it occurred at a time when occupiers were sleeping. Consequently, the proposal would not be safe for its lifetime taking account of the vulnerability of the use proposed.
38. Given that the site is not a suitable location for the proposal with regard to flood risk due to the vulnerability of future occupiers if a substantial flood event were to occur, 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.

Conclusion

39. 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

APPEARANCES

FOR THE APPELLANT:

Colm McKee	CMK Planning
John O'Connor	JOC Consultants Ltd
Aksana Green	Vitae Investments
Marisa McGreevy-Rose	Castle Accommodation
Mariola Klocek	Castle Accommodation
Magnus Strom	Castle Accommodation
Trina Giles	Resident
Corinna Kimmins	Resident

FOR THE LOCAL PLANNING AUTHORITY:

Kathryn Welch	Senior Planning Officer, Arun District Council
Sophie Brown	Planning Specialist, Environment Agency
Amy O'Donnell	FCRM Officer, Environment Agency
Jon Denman	FCRM Advisor, Environment Agency

INTERESTED PARTIES:

Mr Sam Jones	Local Resident
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