



Appeal Decision

Site visit made on 24 February 2026

by **Stephen Hawkins MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 March 2026

Appeal Ref: APP/C3810/C/24/3337426

Land at The Pavilion, Hook Lane, Bognor Regis PO22 8AT

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by CW Bikes Limited against an enforcement notice issued by Arun District Council.
 - The notice was issued on 15 December 2023.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land to a mixed-use comprising storage, residential, a residential caravan site and furniture repair and sales, including operational development involving the erection of fencing and hard surfacing ('the unlawful use').
 - The requirements of the notice are: 1. Cease the use of the land for mixed-use purposes, comprising storage, residential, a residential caravan site, and furniture repair and sales ('the unlawful use'). 2. Remove all items and materials associated with the unlawful use. 3. Remove all hard surfacing and fences installed as part of the unlawful use. 4. Restore the land to its condition before the breach of planning control took place.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(c) of the Town and Country Planning Act 1990 (as amended). Since the prescribed fee has not been paid within the specified period, the appeal on ground (a) and the application for planning permission deemed to have been made under section 177(5) of the Act has lapsed.
-

Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Application for costs

2. An application for costs was made by Arun District Council against CW Bikes Limited. This application is the subject of a separate Decision.

Ground (c) appeal

3. The ground of appeal is that the matters alleged in the enforcement notice do not constitute a breach of planning control. The burden of proving why their appeal should succeed on this ground rests firmly with the appellant, the relevant test of the evidence being on the balance of probability.
4. The appeal premises contains a freestanding two-storey building and its associated grounds. I understand that the premises were formerly used as a children's nursery. The notice alleges that the premises are in a mixed use for storage, residential, a residential caravan site and furniture repair and sales, with associated operational development involving the erection of fencing and hard surfacing.
5. The mixed use is materially different in character to use as a children's nursery. It has involved, among other things, the accumulation at the premises of varying quantities of assorted materials including timber, scrap metal and general rubbish.

Also present are waste skips, metal shipping containers and vehicles including touring caravans. Most of the vehicles appear to be kept or stored at the premises. Therefore, as a matter of fact and degree, the mixed use has amounted to a material change in the use of the premises. The definition of development in s55(1) of the 1990 Act includes the making of any material change of use of any buildings or other land.

6. The fencing erected is part and parcel of and integral to the mixed use. A number of the vehicles, along with quantities of the materials, are in the fenced enclosures. The boundary fencing secures the premises. An enforcement notice directed at a material change of use can require the removal of works integral to and solely for the purpose of facilitating the unauthorised use, even if those works might not, on their own, require express planning permission, to restore the land to its condition before the change of use took place.
7. It appears that components of the mixed use have ceased and that some of the hard surfacing has been removed during the appeal. Even so, as 'the matters alleged' are those which were occurring at the time the notice was issued, any subsequent changes to the activities or in the extent of the works has little bearing on my findings.
8. Planning permission is required for the carrying out of any development of land, having regard to s57(1) of the 1990 Act. No grant of planning permission for the mixed use was drawn to my attention. The definition of a breach of planning control at s171A(1) of the 1990 Act includes carrying out development without the required planning permission.
9. Consequently, the appellant has been unable to discharge the burden on them to show that the matters alleged in the notice do not constitute a breach of planning control and the ground (c) appeal fails.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice.

Stephen Hawkins

INSPECTOR