



Appeal Decisions

Site visit made on 24 February 2026

by **D Boffin BSc (Hons), DipTP, MRTPI, Dip Bldg Cons (RICS), IHBC**

an Inspector appointed by the Secretary of State

Decision date: 25th March 2026

Appeal A Ref: APP/C3810/C/25/3374943

Appeal B Ref: APP/C3810/C/25/3374944

Land Lying to the North of Toddington Lane, Wick, Littlehampton, West Sussex BN17 7PN

- The appeals are made under section 174 of the Town and Country Planning Act 1990 (as amended) (the 1990 Act).
- The appeals are made by Mr Richard Plank of P & O Scaffolding Services Limited (Appeal A) and Mr Carlo Celini (Appeal B) against an enforcement notice (EN) issued by Arun District Council.
- The EN was issued on 1 October 2025.
- The breach of planning control as alleged in the EN is: Without planning permission and within the last 10 years the:
 - a) Material change of use of the land to a mixed use of general storage yard, storage and parking of lorries and other motor vehicles, placement of shipping containers and portable offices, the siting of caravans for residential use, and scaffolding company operation.
 - b) Operational development by the creation of hardstanding.
 - c) Operational development of associated lighting, cesspit(s), erection of scaffolding structures and the erection of fences and gates.
- The requirements of the EN are:
 - a) Cease the use of the land for: a general storage yard, storage and parking of lorries and other motor vehicles, placement of shipping containers and portable offices, the use of caravans for residential use and scaffolding company operation.
 - b) Remove all shipping containers and portable offices, lorries and other motor vehicles, caravans, along with any debris and detritus arising from the removal.
 - c) Remove other operational development such as associated lighting, cess pit(s), scaffolding structures, any unauthorised fencing and gates, with any resulting debris and detritus arising from the removal.
 - d) Remove all areas of hardstanding within the site along with any resulting debris and detritus arising from the removal, restore the land to a grassed, undeveloped condition, free of structures, vehicles and materials.
- The period for compliance with the requirements is: 6 months.
- Appeal A is proceeding on the grounds set out in section 174(2)(a) and (g) of the 1990 Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act.
- Appeal B is proceeding on the ground set out in section 174(2)(g) of the 1990 Act.

Decisions – both appeals

1. The EN is quashed.

The Notice

2. On an appeal any defect, error, or misdescription in an EN may be corrected using the powers available in section 176(1)(a) of the 1990 Act, or the terms may be varied, where the correction or variation will not cause injustice to the appellant or local planning authority. It may be the case that defects are too fundamental to be corrected without causing injustice, leading to the EN being quashed.

3. In this case the alleged breaches of planning control relate to a *“material change of use of the land to a mixed use of general storage yard, storage and parking of lorries and other motor vehicles, placement of shipping containers and portable offices, the siting of caravans for residential use, and scaffolding company operation”* and operational development. I do not have a ground (b) appeal before me but an Inspector has a duty to try and get the EN in order and the Secretary of State has a broad discretion to adapt an EN to overcome defects in it, provided that in doing so they do not cause injustice. I note that a previous EN on this site was recently quashed as the Inspector in that case determined that it was invalid and not correctable. However, based on the evidence before me and my observations at the site visit, I consider that the alleged breach of planning control appears to be misdescribed in the current EN.
4. This is because I do not consider that the whole appeal site is one planning unit (PU). The PU is a concept which has evolved as a means of determining the most appropriate physical area against which to assess the materiality of a change of use. Caselaw has suggested three criteria for determining the appropriate PU. These are *‘first, whenever it is possible to recognise a single main purpose of the occupier’s use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered.... But, secondly, it may equally be apt to consider the entire unit of occupation even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another. This is well settled in the case of a composite use where the component activities fluctuate in their intensity from time to time, but the different activities are not confined within separate and physically distinct areas of land. Thirdly, however, it may frequently occur that within a single unit of occupation two or more physically separate and distinct areas are occupied for substantially different and unrelated purposes. In such a case each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered as a separate planning unit.’*
5. It is a matter of fact and degree as to whether the appeal site forms one PU in a composite/mixed use or there is more than one PU within it. In relation to the appeal site the northern half of the site is owned and occupied by P&O Scaffolding Services Limited and the southern half is owned by Mr Carlo Celini. The main purpose of the occupation of the northern half of the site appears to be as a scaffolding storage yard with ancillary and incidental activities of offices, welfare facilities, parking/storage of vehicles. The southern half of the site’s main purposes appear to be as a general storage yard, the stationing of shipping containers used for storage purposes and for the stationing of caravans for residential use.
6. The 2 parts of the appeal site are divided by fencing and there are separate gated entrances to each of those parts. There is no evidence before me to indicate that there is any functional link between the scaffolding storage yard and the general storage yard. As such, the part of the appeal site owned and occupied by P&O Scaffolding Services Limited appears to be physically and functionally separate to the part of the appeal site owned by Mr Carlo Cellini. Therefore, as a matter of fact and degree it is more likely than not that the northern and southern parts of the site are 2 separate PUs.
7. The southern part of the site owned by Mr Carlo Cellini appears to be in use as a general storage yard with vehicles and other items stored in the open areas, it is

also utilised for the stationing of shipping containers that are rented out to individuals for storage purposes and for the stationing of 2 caravans for residential purposes. The parking of vehicles and access to the storage containers and the caravans appears to intermingle and there is no physical boundary between the uses on this part of the site. Even though, each of the caravans and storage containers appears to be occupied separately the owner of the site appears to maintain control over this part of the site. As a result, it appears that the southern part of the site is one PU in a composite/mixed use.

8. In my judgement, for the reasons given above the appeal site as identified in the EN is not one PU in a mixed use as described in section 3 of the EN. The description of the breach of planning control in the EN is therefore incorrect. I have considered whether I could correct the allegation and the plan to refer to the separate planning units and their uses through section 176(1) of the 1990 Act. However, I consider that the required corrections to the allegation and plan would significantly alter the substance of the EN and it is not entirely clear what part of the site the Council consider the storage and parking of lorries and other motor vehicles has been occurring on. Moreover, it is highly likely that the appellants may have made differing grounds of appeal in relation to their individual PUs. As such, I consider that it is not possible to correct the allegation without causing injustice to the main parties.
9. Additionally, the EN is vague and imprecise in respect of the operational development attacked by it. This is because there are no photographs and/or annotated plan/s to identify which hardstanding, lighting, cesspit(s), scaffolding structures, fences and gates are required to be removed. There are fences around the boundaries of the appeal site and a fence dividing the site into the north and south sections. There are separate gates at the entrances into the 2 sections of the site and at least one gate into an adjoining property. There are scaffolding structures where the scaffolding poles, boards and other parts are stored. However, there are also stairs/steps and decked areas associated with the portable buildings that appear to be constructed from scaffolding. Without a means of identifying which operational development is attacked by the EN a recipient of the EN cannot tell what they have done wrong and must do to remedy it. I cannot correct or vary the EN in this respect as I may unintentionally be causing injustice to the main parties.

Conclusion

10. For the reasons given above, I conclude that the EN does not specify with sufficient clarity the alleged breaches of planning control and the steps required for compliance. It is not open to me to correct the errors in accordance with section 176(1) (a) of the 1990 Act since injustice would be caused were I to do so. The EN is invalid and will be quashed. In these circumstances, the various grounds of appeal as set out in section 174(2) of the 1990 Act, and the application deemed to have been made under section 177(5), do not fall to be considered.

D Boffin

INSPECTOR