



Appeal Decision

Site visit made on 14 July 2026

by **V Goldberg BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 August 2026

Appeal Ref: APP/L3815/C/25/3372472

Land at Littlemead Business Centre, Tangmere Road, Tangmere, West Sussex PO20 2EU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (The Act).
- The appeal is made by DJ & BA Brooks Ltd against an enforcement notice issued by Chichester District Council.
- The notice was issued on 31 July 2025.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of Land to use as a car park.
- The requirements of the notice are to:
 - (i) Cease the use of the Land as a car park;
 - (ii) Remove all motor vehicles from the Land;
 - (iii) Break up the hardstanding surface over the whole of the Land and remove the resulting debris from the Land; shown in blue on the attached plan; and
 - (iv) On completion of steps (i) to (iii) above, level the Land with topsoil and reseed with grass.
- The period for compliance with the requirements is: Two months after this notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(b), (c), (f) and (g) of the Town and Country Planning Act 1990 (as amended).

Summary decision: The appeal is dismissed and the enforcement notice is upheld with corrections and a variation in the terms set out below in the Formal Decision.

The Enforcement Notice

1. Section 173 of the Act requires an enforcement notice to specify the steps to be taken, or the activities to cease, in order to remedy the breach of planning control, or any injury to amenity resulting from it, as the case may be. Consequently, the steps set out in section 5 of the Enforcement Notice (EN) must align with the allegation.
2. The allegation in the EN does not refer to the hardstanding that facilitates the use of the land as a car park. Therefore, it is necessary to correct the allegation by referring to the hardstanding, so that the allegation aligns with the requirements set out in the EN.
3. Moreover, step iv) in section 5 of the EN requires the Land to be levelled with topsoil and reseeded with grass. However, specifying the method of restoration would go beyond what is necessary to remedy the breach, as there may be more than one way to return the Land to its former condition. Accordingly, step iv) is deleted and replaced with a requirement to restore the Land to the condition it was in before the breach occurred, in accordance with section 173(4)(a) of the Act.
4. The correction to the allegation would not result in injustice to either party. The appellant has demonstrated an understanding that the EN seeks the removal of the hardstanding associated with the use of the Land as a car park. This correction merely ensures that the allegation accurately reflects the breach of planning

control alleged and aligns with the requirements of the EN. It does not alter the effect of the notice or the issues in dispute.

5. The appellant asserts that part of the site is not used for car parking. The Council accepts that a portion of the land outlined in red on the plan attached to the EN should be excluded and has provided a revised plan. As this correction reduces the extent of the land subject to the notice, I am satisfied that no injustice would result to the appellant. I shall therefore correct the notice by substituting the original plan with the revised plan.
6. The variation to step iv) would also not result in injustice to either party. Rather than prescribing a particular method of restoration, it requires the Land to be restored to the condition it was in before the breach occurred. This limits the requirements of the EN to those necessary to remedy the breach of planning control and ensures compliance with the requirements of section 173 of the Act, without altering the substance or effect of the notice.

Preliminary Matter

7. The postcode has been taken from the appeal form and added to the site address, as this provides a more precise identification of the site.

The Ground (b) appeal

8. An appeal on ground (b) is made on the basis that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, those matters have not occurred.
9. The appellant asserts that the reduction in the site area shown on the amended plan should be greater than that proposed by the Council. In support of this position, it is argued that the area identified in red on the aerial image submitted with the appellant's comments on the Council's statement has been used for storage purposes since 2016. The appellant further contends that the area identified in yellow has also been used for storage, relying on aerial photographs dating from 2019 submitted as part of the appeal evidence.
10. The appellant has provided aerial imagery dated April 2015, September 2019, June 2022, April 2023 and September 2024 in support of the contention that the areas outlined in red and yellow have been used for storage. However, the September 2024 image appears to show vehicles parked within part of the area outlined in yellow. Moreover, the aerial photographs represent only snapshots of the site at points in time and do not demonstrate how the land was used between those dates. There is therefore insufficient evidence before me to conclude that vehicles were never parked within the red and yellow areas. Consequently, the aerial imagery does not satisfactorily demonstrate that the matters alleged in the EN had not occurred within those areas.
11. Reference is also made to the payment of business rates in respect of part of the site which the appellant contends is not used for car parking. However, the document submitted in support of this assertion identifies the land only as "Storage Land R/O Littlemead Business Park" and does not identify the precise location or extent of the land to which it relates. Consequently, it is not possible to determine whether the land subject to the rating assessment corresponds with the land affected by the EN. In any event, the payment of business rates does not

demonstrate that the areas in question have not been used for the parking of vehicles.

12. In light of the above, the evidence before me does not, on the balance of probabilities, demonstrate that the area excluded by the Council should be reduced further. In particular, the appellant has not provided sufficient evidence to establish that the additional areas identified in red and yellow on the submitted aerial image have not, on the balance of probabilities been used for car parking. The ground(b) appeal therefore fails.

The Ground (c) Appeal

13. An appeal on this ground is that the matter alleged, if it has occurred, does not constitute a breach of planning control. It is for the appellant to demonstrate, on the balance of probabilities, that the use does not constitute development, or alternatively, that it benefits from planning permission.
14. The appellant asserts that the use of the appeal site for car parking is lawful because it is ancillary to the Class E uses within Littlemead Business Centre. To ascertain if a use is ancillary to an existing use, a good place to start is to identify the planning unit.
15. Neither party has identified the planning unit, but the appellant refers to the officer report prepared in relation to application O/23/01435/FUL, which records that the appeal site formerly comprised a nursery play area within Class E(f) and states that the site was considered to "read as part of the Business Centre".
16. Whilst the officer report notes that the appeal site was considered to "read as part of the Business Centre", this is a visual observation rather than a finding on the extent of the planning unit. The fact that land appears physically associated with neighbouring premises does not demonstrate that it forms part of the same planning unit for the purposes of planning law.
17. The officer report makes clear that the appeal site was associated with the nursery use at Woodfield House rather than the commercial units comprising Littlemead Business Centre. Consequently, the fact that the appeal site was formerly used as a nursery play area within Class E(f) does not establish that the land formed part of the planning unit occupied by the Class E business uses on which the appellant now relies.
18. Moreover, the subsequent grant of prior approval for the change of use of Woodfield House to residential accommodation, and its current residential occupation, do not demonstrate that the appeal site became incorporated into a planning unit occupied by the business centre. In particular, evidence has not been provided to show that, following the cessation of the nursery use, the appeal site became functionally or physically integrated with any planning unit associated with the commercial premises.
19. The commercial units within Littlemead Business Centre were created through the conversion of former school buildings, including classrooms, a sports hall and a garage building, pursuant to separate planning permissions. Whilst the existence of separate permissions is not determinative of the extent of any planning unit, the evidence before me does not demonstrate that those various uses operate as part of a single unified planning unit encompassing the appeal site.

20. Whilst the appellant has provided information regarding the businesses operating from the business centre and their parking requirements, that evidence primarily serves to demonstrate a demand for additional parking. It does not identify the extent of the planning unit occupied by those businesses, establish that the appeal site forms part of that planning unit, or demonstrate a direct functional relationship between the appeal site and any particular Class E unit. Furthermore, it has not been shown that all of the units within the business centre fall within Class E, nor that the parking area is used exclusively, or predominantly, in connection with Class E uses.
21. Furthermore, the Use Classes Order does not have the effect of merging separate planning units simply because they fall within the same use class. The fact that both the former nursery use and some of the existing commercial uses may fall, or may have fallen, within Class E does not mean that land previously associated with one use can automatically be treated as ancillary to the other. Whether a use is ancillary is a matter of fact and degree, requiring a clear functional and physical relationship with the primary use it is said to serve.
22. Whilst parking is often ancillary to a primary use, it is capable of constituting a primary use of land in its own right. Therefore, where, as here, the appellant contends that the parking use is ancillary, it is necessary to demonstrate that it is subordinate to and functionally related to an identified primary use within the same planning unit. For the reasons set out above, that relationship has not been demonstrated in this case.
23. I acknowledge the appellant's evidence that the business centre experiences parking pressures and that employees and visitors predominantly travel by private car. I also note that the Highway Authority raised no objection to the retrospective planning application. However, such matters relate to the planning merits of the use rather than to the ground (c) appeal.
24. Accordingly, I am not persuaded, on the balance of probabilities, that the appeal site forms part of a planning unit occupied by the commercial units at Littlemead Business Centre, nor that the parking use is subordinate to and functionally related to any identified Class E use. The appellant has demonstrated a demand for additional parking, but that is not the same as demonstrating that the appeal site forms part of the same planning unit as the uses it is said to serve. Rather, the evidence suggests that the appeal site was historically associated with the former nursery use and that its subsequent use for vehicle parking represents a material change in the use of the land. I therefore find that the appellant has failed to demonstrate, on the balance of probabilities, that the matters alleged in the notice do not constitute a breach of planning control. The appeal on ground (c) therefore fails.

The Ground (f) appeal

25. An appeal on ground (f) is brought on the grounds that the steps required by the EN to be taken exceed what is necessary to remedy any breach of planning control which may be constituted by the matters stated in the EN as constituting a breach of planning control, or, as the case may be, remedy any injury to amenity which has been caused by such breach.

26. In this instance, the EN does not explicitly state which of the two purposes it seeks to achieve. However, given that the EN requires the cessation of the use, I find that its purpose is to remedy the breach of planning control.
27. The appellant asserts that the removal of the vehicles would address the visual impact of the development. It is further suggested that a bark and woodchip surface, together with the provision of new planting around the site boundaries, would provide a satisfactory solution as an alternative to removal of the hardstanding.
28. However, this approach conflates the planning harm arising from the breach with the purpose of the EN. Given the purpose of the EN is to remedy the breach of planning control, compliance requires both the cessation of the unauthorised use and breaking up the hardstanding.
29. Consequently, I find that the requirements of the EN are appropriate to remedy the breach of planning control. The steps required by the notice to be taken, do not exceed what is necessary to remedy the breach of planning control. The appellant has not advanced any lesser steps that would achieve the same outcome and therefore the ground (f) appeal fails.

The Ground (g) appeal

30. The appellant asserts that the period for compliance should be extended from two to twelve months. It is argued that the site is substantial in size and that compliance would require the use of heavy machinery and large vehicles to remove the hardstanding material. The appellant also contends that additional time would be required to import topsoil, level the land and reseed it with grass.
31. However, no substantive evidence has been provided to demonstrate why a period of twelve months would be necessary. Whilst I accept that machinery may be required to remove the hardstanding and restore the Land to the condition it was in before the breach occurred, the appeal site is not of such a scale that those operations would be extensive or complex. Moreover, the EN, as varied, does not prescribe a specific method of restoration, and no evidence has been provided to show that the works required to return the Land to its former condition would justify a compliance period of twelve months. Nor have any practical or logistical constraints been identified that would prevent compliance within the period specified.
32. The notice, as varied, requires the Land to be restored to the condition it was in before the breach occurred and does not prescribe a particular method of restoration. Consequently, the issue before me is whether sufficient time has been allowed to undertake the steps specified in the notice. Whilst the appellant contends that a longer period would be required to carry out restoration works, no substantive evidence has been provided to demonstrate that the works required to return the Land to its former condition could not reasonably be completed within the compliance period. On the evidence before me, I am satisfied that the removal of the hardstanding and any associated restoration works could reasonably be carried out within the two-month compliance period.
33. Accordingly, I conclude that the compliance period specified in the EN is reasonable and that the appeal on ground (g) fails.

Conclusion

34. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the Enforcement Notice with corrections and a variation.

Formal Decision

35. It is directed that the Enforcement Notice is corrected by:

- the deletion of the words *“Without planning permission, the material change of use of Land to use as a car park”* in Section 3 of the Enforcement Notice and their substitution with: *“Without planning permission, the material change of use of Land to use as a car park facilitated by the laying of hardstanding”*.

and:

- *the substitution of the plan annexed to this decision for the plan attached to the Enforcement Notice.*

And varied by:

- deleting requirement (iv) in Section 5 of the Enforcement Notice and replacing it with: *“Restore the land to its condition before the breach took place”*.

36. Subject to the corrections and variation, the appeal is dismissed, and the Enforcement Notice is upheld.

V Goldberg

INSPECTOR

Plan

This is the plan referred to in the decision letter dated:

by V Goldberg

Site: Land at Littlemead Business Centre, Tangmere Road, Tangmere, West Sussex PO20 2EU

Reference: APP/L3815/C/25/3372472

Scale: Not to Scale

