

PLANNING APPLICATION AWDM/0737/26

Response to Further Representation Policies SS4 and SS5, Brooklands Park and 2024 LDC Appeals

Goring Gap, Worthing

Application	AWDM/0737/26
Applicant	Chris Dixon
Representation responded to	Colin Mckail - 14 August 2026
Document date	18 August 2026
Purpose	Applicant's supplementary planning response

Central planning point

The further representation now accepts that the pre-adoption wording previously relied upon is not the adopted SS5 test and that the 2024 Lawful Development Certificate appeals do not determine the planning merits of AWDM/0737/26. The remaining issue is whether the proposal satisfies SS4 alongside SS5. SS4(d) is an impact test: it asks whether the level of activity causes an adverse impact on character or biodiversity. It does not prohibit recreational activity merely because activity occurs.

Executive Summary

The further representation of 14 August 2026 materially narrows the planning dispute. The applicant accepts that Policies SS4 and SS5 apply together and addresses the remaining tests directly. The response is deliberately measured: where Mr Mckail has corrected an earlier point, that correction is acknowledged; where disagreement remains, the adopted policy wording and the actual effects of the proposal should determine the outcome.

Matters now agreed	The earlier reliance on non-adopted SS5 wording is withdrawn, and the 2024 LDC appeals are accepted as not determining the planning merits of this application.
SS4(d)	The applicant accepts that SS4 applies. The relevant test is whether the level of activity has an adverse impact on character or biodiversity, not whether the site remains completely inactive.
SS5	The proposal is assessed against all four Local Green Gap tests: settlement separation, integrity of the gap, Natural Capital and the green infrastructure network.
Brooklands	Brooklands is not advanced as a binding precedent because it sits under a different policy regime, but it remains relevant context showing that Local Green Gap designation is not an automatic prohibition on recreation or ancillary facilities.
2024 LDC appeals	The Inspector determined whether express planning permission was required. The present application is the process by which the planning merits are now assessed.
Conditions	If the Council identifies genuine concerns about intensity, seasonality, lighting, camping, signage, landscaping or biodiversity, those matters can be considered through proportionate planning conditions.

Recommended tone: measured and forensic. The strongest response is not to dispute every sentence, but to accept the points now corrected and demonstrate clearly why the actual proposal can satisfy SS4(d) and SS5 on its merits.

Applicant's Further Response

Planning Application: AWDM/0737/26 - Goring Gap

Subject: Policies SS4 and SS5, Brooklands Park and the 2024 Lawful Development Certificate appeals

I have read the further representation submitted by Mr Colin Mckail on 14 August 2026 in response to my previous planning statement. I respectfully ask that this supplementary response is placed on the application file and taken into account before the Council determines AWDM/0737/26.

1. Matters now agreed

The further representation makes two important corrections. First, it withdraws reliance on wording such as "exceptional circumstances", "openness" and "unobtrusive" as though that wording formed part of the adopted version of Policy SS5. Secondly, it accepts that the 2024 Lawful Development Certificate appeal decisions do not determine the planning merits of AWDM/0737/26.

I agree with both corrections. This substantially narrows the disagreement. The present application should therefore be assessed against the adopted development plan as it stands today and on the planning merits and evidence of the current proposal.

2. Policies SS4 and SS5 - the correct approach

I accept that the application site is outside the Built Up Area Boundary and is not designated as Local Green Space under SS6. Accordingly, Policy SS4 applies alongside Policy SS5. There is no need for the Council to choose between the two policies.

The significance of SS4(d), however, must be stated accurately. Its test is whether the level of activity associated with development would have an adverse impact on the character or biodiversity of the area. It is therefore an effects-based test. It is not a policy requiring the land to have no use, no visitors or no recreational activity.

That distinction is important. The existence of activity is not, by itself, a policy conflict. The planning judgment required is whether the scale, intensity, duration, siting and management of that activity cause adverse effects on character or biodiversity, taking account of mitigation and any reasonable planning conditions.

3. Response to Policy SS4(d) - character and biodiversity

Mr Mckail's representation identifies SS4(d), but identifying the policy test is not the same as demonstrating that the test is failed. The proposal must be assessed by reference to its actual effects. I rely in particular on the following characteristics of the scheme:

- the use is recreational and community-focused rather than residential or urban expansion;
- the operation is intended to be seasonal and controlled rather than a permanent intensification of the land throughout the year;
- the principal facilities are low-scale and, where applicable, mobile or removable rather than conventional permanent built development across the site;

- the substantial majority of the land remains open and green in appearance, with habitat areas retained and further planting and biodiversity management proposed;
- the operation is powered from renewable energy and has been developed to avoid fossil-fuel use on site, reducing the environmental impact of the activity;
- waste and servicing are managed and parking is contained within the site so that visitor activity can be controlled;
- the site supports walkers, cyclists, sea swimmers, kite surfers, families and other users whose activity is intrinsically connected with the seafront location; and
- I am willing to accept reasonable conditions controlling the seasonal period, operating hours, numbers of camping vehicles, siting of temporary facilities, lighting, signage, landscaping, biodiversity measures and end-of-season removal where necessary.

If the Local Planning Authority considers that any additional landscape, ecological or operational information is required to complete its assessment under SS4(d), I respectfully ask to be given the opportunity to provide that information before the application is determined.

4. The countryside-location point under SS4

The core recreational use is inherently related to this particular coastal location. The proposal is intended to serve and support people already using the seafront and surrounding area for walking, cycling, sea swimming, kite surfing, informal recreation and access to the coast. It is not a generic town-centre hospitality proposal which has simply been displaced into the countryside.

The associated refreshments, toilets and visitor facilities should therefore be considered in the context of the recreational use they support, their scale and their relationship to the site, rather than being treated as though the proposal were a conventional permanent commercial development unrelated to its coastal setting.

5. Policy SS5 - the four Local Green Gap tests

For completeness, I set out below how the current proposal addresses the four adopted SS5 tests.

(i) Physical and visual separation of settlements

The proposal does not introduce housing or a new urban frontage linking Worthing and Ferring. Its low-scale, seasonal character does not bridge the gap or materially reduce the physical or visual separation between settlements.

(ii) Integrity of the gap

The land continues to read predominantly as open land. The proposal is limited in scale, much of the equipment is temporary or removable, and the use can be controlled by condition so that it does not create a permanent urbanising effect across the Gap.

(iii) Natural Capital

The scheme incorporates renewable energy, reduced fossil-fuel use, managed waste, retained habitat areas and additional planting and biodiversity management. Those

measures are capable of being secured and refined through conditions or an agreed management plan.

(iv) Cohesive green infrastructure network

The use supports active travel and informal recreation by walkers and cyclists and provides facilities for people using the coast. The objective is to improve public enjoyment of the area while retaining its open, green function and strengthening environmental management.

The proposal should therefore be determined by reference to its actual scale and management, the plans and supporting material, and any further evidence or conditions reasonably required by the Council - not by an assumption that every activity within a Local Green Gap must be prohibited.

6. Brooklands - relevant context, not a direct precedent

I accept the narrow point that Brooklands Recreation Area is subject to a different policy regime because it is designated as Local Green Space under SS6, whereas the application site is assessed under SS4 and SS5. The Brooklands approvals are therefore not advanced as a direct policy precedent which automatically determines this application.

However, that does not make Brooklands irrelevant. Brooklands is itself one of the four areas identified by Policy SS5 as a Local Green Gap, and the Local Plan expressly recognises a mix of open space, recreation and leisure functions there. The Council has also permitted recreational and ancillary infrastructure at Brooklands, including the cafe and public toilet scheme and seasonal storage facilities cited in my earlier comparison statement.

The proper and limited point of the comparison is therefore this: Local Green Gap designation is not, of itself, a 'no development' or 'no recreation' designation. The decisive question remains whether the particular proposal satisfies the policy regime that applies to its site. I ask the Council to treat Brooklands as relevant contextual evidence while applying SS4 and SS5 directly to AWDM/0737/26.

7. The 2024 Lawful Development Certificate appeals

The further representation now correctly accepts that the 2024 Lawful Development Certificate appeals do not determine the planning merits of the present application. Those appeals concerned whether particular proposed uses or operations were lawful without express planning permission. They were not applications for planning permission assessed on their merits under SS4 and SS5.

The factual findings may form part of the site's planning history, including the finding that the field did not have an established lawful existing use for the purposes of those appeals. But the consequence of finding that a material change of use requires planning permission is precisely that the merits must then be considered through the planning application process. AWDM/0737/26 is that process.

I therefore ask the Council not to allow the certificate appeals to operate as a proxy reason for refusal. The current proposal should be judged on its present form, its planning effects, the evidence before the Authority and the ability of conditions to control any identified impacts.

8. Conditions and proportionate control

If the Local Planning Authority considers that controls are necessary to ensure continuing compliance with SS4 and SS5, I remain willing to engage constructively on proportionate conditions. Without seeking to pre-empt the officer assessment, appropriate matters could include:

- the approved seasonal operating period;
- approved operating hours;
- a maximum number of campervan or motorhome pitches and a prohibition on permanent residential occupation;
- approved locations, dimensions and appearance of temporary or mobile facilities;
- external lighting controls;
- landscaping, habitat retention and biodiversity management;
- signage or advertising controls where planning control is applicable;
- parking, servicing and waste-management arrangements; and
- removal or storage of specified seasonal items outside the approved operating period.

This would be a proportionate planning response to any genuine concern about intensity, rather than treating the existence of activity as an automatic conflict with the Gap designation.

9. Conclusion

I welcome the corrections contained in the further representation. It is now common ground that the pre-modification wording previously relied upon is not the adopted SS5 test, and that the 2024 Lawful Development Certificate appeals do not determine the merits of AWDM/0737/26.

It is also accepted that SS4 applies alongside SS5. My position is that SS4(d) is an impact test, not a prohibition on activity. It cannot be that the land is simply unable of being used for leisure purposes, when this is clearly legally permitted. The proposal should therefore be assessed on its actual scale, seasonality, physical form, environmental management and capacity to be controlled by conditions. On that basis, I submit that the proposal can be found compatible with the character and biodiversity objectives of SS4 and with the four tests in SS5.

Brooklands is not relied upon as a direct precedent, but it remains relevant context demonstrating that recreational use and appropriately controlled ancillary facilities are not inherently incompatible with a Local Green Gap. The correct task for the Council is to apply the policies that govern this site to the proposal actually before it.

I respectfully request that this supplementary response is placed on the application file and taken into account in the determination of AWDM/0737/26. If the case officer considers any further landscape, biodiversity or operational evidence necessary, I ask to be given the opportunity to provide it before a recommendation is finalised.

Chris Dixon

Primary Sources and Evidence

This response should be read alongside the material already submitted with the application and the following primary planning documents:

1. Worthing Local Plan 2020-2036, adopted 28 March 2023, including Policies SS4, SS5 and SS6.
2. Colin Mckail, further representation dated 14 August 2026 concerning AWDM/0737/26.
3. Planning Inspectorate decisions concerning the 2024 Lawful Development Certificate appeals for the site.
4. Applicant's earlier Brooklands comparison statement, including references to AWDM/1843/21 and AWDM/1537/22.
5. The plans, environmental information, highways material and other supporting documents submitted or subsequently provided under AWDM/0737/26.

The applicant respectfully asks that the current proposal is assessed against the adopted development plan read as a whole, on the evidence before the Local Planning Authority and subject to such proportionate conditions as may reasonably be necessary.