



Appeal Decision

Site visit made on 18 March 2026

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th April 2026

Appeal Ref: 6003526

Unit 3 New Wharf, Brighton Road, Shoreham-By-Sea BN43 6RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Cinch Self-Storage against the decision of Adur District Council.
 - The application Ref is AWDM/1367/25.
 - The application sought planning permission for erection of 33No. external self-storage units (Class B8), refuse store, cycle shelter and reconfiguration of car parking layout without complying with a condition attached to planning permission Ref AWDM/0671/25 dated 9/9/25.
 - The condition in dispute is No 2 which states that: The building and works hereby permitted shall be removed and the land restored to its former condition, or to a condition to be agreed in writing by the Local Planning Authority, on or before the expiration of the period ending on 9 September 2030.
 - The reason given for the condition is: Having regard to policy 8 of the Adur Local Plan and (a) in order not to prejudice consideration of future proposals for the area and (b) to enable the Local Planning Authority to review the special circumstances under which this permission is granted.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 33No. external self-storage units (Class B8), refuse store, cycle shelter and reconfiguration of car parking layout at Unit 3 New Wharf, Brighton Road, Shoreham-By-Sea BN43 6RN in accordance with the application Ref AWDM/1367/25 without compliance with condition 2 previously imposed on the planning permission Ref AWDM/0671/25 dated 9/9/25 subject to the conditions in the attached schedule.

Background and Main Issue

2. The appeal site includes a warehouse used for storage, as approved some ten years ago (the original use scheme)¹. It is part of the Shoreham Harbour Regeneration Area (SHRA) which is designated for comprehensive redevelopment as set out in the Adur Local Plan (2017) (the Local Plan) and the Joint Area Action Plan (2019) (the JAAP).
3. In recent years the Council resolved to approve the replacement of the warehouse with an 8 storey building comprising 62 residential units and commercial floor space² (the mixed-use scheme), although ultimately the permission was not granted.

¹ Application Ref AWDM/0099/16.

² Application Ref AWDM/0886/23.

4. More recently, permission was granted for the renovation of the warehouse and wider site³ (The renovation scheme). This is to support the appellant's storage business and has since been commenced. After that, permission was granted for the erection of 33no. external self-storage units and other associated works on the land around the warehouse (the units scheme). By virtue of the disputed condition No 2 this was a temporary permission until September 2030. The appeal scheme seeks to remove this condition.
5. The main issue in the appeal is whether the condition is reasonable or necessary to avoid prejudicing future opportunities for redevelopment of the appeal site.

Reasons

6. JAAP Policy SH3 states, at point (3), that prior to a site coming forward for redevelopment a temporary planning permission may be granted for the 'continuation of current employment uses'. Similar language is used in the preamble to Local Plan Policy 8. The appellant emphasises that the units scheme did not seek permission for a continued employment use, which would have been unnecessary given the original use scheme, and contends that the policies were not, therefore, applicable.
7. Point (3) of Policy SH3 sets out some circumstances in which temporary permissions may be considered; it does not suggest they are the only circumstances in which that approach may be taken. As a result, even if I accept that point (3) was not pertinent to the units scheme, that would not make a temporary permission inappropriate. Nor would it demonstrate an absence of conflict with the development plan policies referenced by the Council.
8. Support for the JAAP is set out in the Local Plan. The appellant makes no argument that their storage use is consistent with the JAAP. To grant planning permission for permanent development within the SHRA which does not support the JAAP could undermine the latter by making it less likely that the site in question comes forward for redevelopment. As such, there is potential for conflict between the appeal scheme and the development plan, even though the units scheme did not involve the continuation of a current employment use.
9. I now turn to consider (firstly) whether the site might reasonably be expected to come forward and (secondly), what difference the units scheme would make.
10. On the first point; The Council accepts that the appellant is the freeholder of the land and intends to undertake the storage use for the long term. It does not contest that significant sums have been committed to the purchase of the land and to the renovation scheme.
11. The Council wishes to assess the position again in 2030, but has provided me with no real reason to doubt the appellant's position that, come that time, they will still be committed to the storage use at the site. The facts of the matter, particularly the degree of investment, do little to cast doubt on this.
12. Whilst JAAP Policy SH3 sets out, at point (2), an intention to aid the relocation of existing occupiers displaced by new development in the SHRA, I have nothing before me to suggest that even exploratory discussions over relocating the

³ Application Ref AWDM/0305/25.

appellant's business have occurred. Overall, I see little reason to think that the site is likely to come forward or that the position is likely to be different in 2030.

13. On the second point; It is central to the appellant's case that the units scheme has little effect on their commitment to the storage use in the long term. I have all but nothing from the Council to counter this. Indeed, it tells me that a "permanent planning permission for the storage units would significantly reduce and hinder the likelihood that comprehensive regeneration would be delivered within the plan period" but does not tell me why it believes this to be the case, given the context described above.
14. I recognise that the mixed-use scheme demonstrates what may be possible at the site. Though I have been given no indication of the value of the land if redevelopment were approved, I cannot discount the prospect that the appellant may cease the storage use despite having invested so heavily in it. That does not, however, show me that the units scheme would be a determinative factor in such a decision.
15. The submissions do not suggest the units require a time consuming or complex construction process, nor give me reason to disagree with the Council's observation that they would be easy to remove. I see little reason, therefore, to feel that the expense of erecting or removing the units would be so significant as to affect the chances of the site coming forward for redevelopment.
16. The units could provide financial gain which, in turn, may reduce any chance of the appellant relocating. However, at some 8% of total storage floorspace at the site they would be a modest contributor to a business which appears viable regardless. Indeed, it is clear from the Council's planning report that it does not associate the anticipated longevity of the business with the provision of the units. Overall, I see no reason to feel that the units would make it less likely that the site comes forward for redevelopment, given the context.
17. The evidence before me does not demonstrate that the condition is reasonable or necessary to avoid prejudicing future opportunities for redevelopment of the appeal site.

Conditions

18. The Planning Practice Guidance makes it clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect. As I have no argument before me that the other conditions imposed on the units scheme planning permission are no longer appropriate, I shall impose all those that I consider remain relevant. In the event that some have in fact fallen away or been discharged, that is a matter which can be addressed by the parties. The units scheme permission did not include the standard time limit condition, so I have attached it.

Conclusion

19. For the reasons given above the appeal is allowed.

A Knight

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the 9 September 2025.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

FLOOD RISK ASSESSMENT & DRAINAGE STRATEGY 29141 ISSUE 01
TRANSPORT STATEMENT 2025-5313
SITE LOCATION PLAN DR-A-000 P1
EXISTING SITE PLAN DR-A-006 P0
PROPOSED CYCLE SHELTER DR-A-005 P2
PROPOSED SITE PLAN DR-A-007 P3
PROPOSED EXTERNAL STORAGE UNIT DESIGN DR-A-202 P4
- 3) No operations or working shall take place on the site except between the hours of 7am and 9pm on any day.
- 4) No external lighting shall be installed unless and until details have been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be switched off within 30 minutes of the end of the operating hours set out in Condition 3 and shall not be switched on again until within 30 minutes before the re-opening of the store.
- 5) The roller shutter doors on the self-storage units hereby approved shall be maintained regularly to ensure they do not create excessive noise.
- 6) Construction shall not begin until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme must prioritise the use of source control Sustainable Drainage Systems (SuDS) in consideration of the Non-Statutory Technical Standards for SuDS and demonstrate no increase in flood risk as a result of the Proposed Development with sufficient supporting evidence provided to support its viability including supporting calculations for the 100% AEP (1 in 1 year), 3.33% AEP (1 in 30 year), 3.33% AEP (1 in 30 year) plus climate change, the 1% AEP (1 in 100 year) and the 1% AEP (1 in 100) plus climate change critical storms. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
- 7) The development hereby approved shall not be occupied until details of the maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. The drainage scheme shall be implemented prior to the first occupation of the development hereby approved and thereafter managed and maintained in accordance with the approved details in perpetuity. The Local Planning Authority shall be granted access to inspect the sustainable drainage scheme for the lifetime of the development. The details of the scheme to be submitted for approval shall include:
 - I. a timetable for its implementation.

- II. details of SuDS feature and connecting drainage structures and maintenance requirement for each aspect including a drawing showing where they are located.
 - III. a management and maintenance plan for the lifetime of the development which shall include details of design life and the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime. This will include the name and contact details of any appointed management company.
- 8) No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to throughout the entire construction period. The Plan shall provide details as appropriate but not necessarily be restricted to the following matters:
- the anticipated number, frequency and types of vehicles used during construction,
 - the method of access and routing of vehicles during construction,
 - the parking of vehicles by site operatives and visitors,
 - the loading and unloading of plant, materials and waste,
 - the storage of plant and materials used in construction of the development,
 - the erection and maintenance of security hoarding,
 - the provision of wheel washing facilities and other works required to mitigate
 - the impact of construction upon the public highway (including the provision of temporary Traffic Regulation Orders),
 - details of public engagement both prior to and during construction works.
- 9) Work to implement this permission shall not take place other than between the hours of 8am and 6pm Monday to Friday and 8.30am and 1pm on Saturdays. There shall be no working on Sundays or Public Holidays.
- 10) The development hereby permitted shall be completed using the external materials and finishes specified in the application unless otherwise approved in writing by the Local Planning Authority.
- 11) No development shall commence until details of the proposed surfacing material for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall be completed in accordance with the approved details.
- 12) No part of the development shall be first occupied until the car parking has been constructed in accordance with the approved site plan. These spaces shall thereafter be retained at all times for their designated purpose.
- 13) No works or development shall take place until full details of all soft landscaping works and the proposed times of planting have been approved in writing by the Local Planning Authority and all soft landscape works shall be carried out in

accordance with those details and at those times. Any plants which within a period of five years from the time of planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.

14) Prior to commencement of the development hereby approved the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved in writing by the Local Planning Authority, if ground works are proposed:-

(1) A preliminary risk assessment which has identified:-

- all previous uses
- potential contaminants associated with those uses;
- a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at the site.

(2) A site investigation scheme, based on (1) above to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

(3) The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

(4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority.

The scheme shall be implemented as approved above and, prior to commencement of any construction work (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), a Verification Report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a 'long-term monitoring and maintenance plan') for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Schedule Ends