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Subject: REPRESENTATION - Objection APPLICATION AWDM/1285/26
To: Planning - <planning@adur-worthing.gov.uk>

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OBJECTION to
APPLICATION AWDM/1285/26

Land at south-east corner of Amberley Drive and Marine Drive, Worthing

Hello Planning department,

I wish to lodge the following objection to the above Lawful development certificate.

1. Introduction and purpose

I object to the grant of the certificate sought under application AWDM/1285/26. The application is described as an application for a Lawful Development Certificate for proposed use or development, and the applicant's explanation places particular emphasis on tree planting. However, the application form also expressly describes an intention to operate Goring Gap commercially as a community green space, and refers to recreational activities, local businesses, tourism and a sandpit.

The central issue is not whether tree planting may be beneficial in principle. It is what precise use or operations the applicant is asking the Council to certify as lawful, and whether the information provided demonstrates that the whole of that specific proposal would be lawful under planning legislation.

2. The statutory test for a proposed-use certificate

This is an application under section 192 of the Town and Country Planning Act 1990. The Council must be satisfied, on the information provided, that the use or operations described in the application would be lawful if instituted or begun at the date of the application. If that test is not met, the certificate must be refused.

The Government's Planning Practice Guidance explains that an application must describe precisely what is being applied for, identify the land concerned and provide sufficient factual information for the authority to decide the question. For a proposed development, the applicant must describe the proposal with sufficient clarity and precision for the Council to understand exactly what is involved. The Council is determining lawfulness, not whether the proposal is desirable on its planning merits.

The distinction matters. I object because the application does not establish a clear, precise and evidenced proposal that can properly be certified as lawful. The wider planning history is also relevant context: the applicant has repeatedly pursued forms of commercial, recreational or built development on this land, several of which have been refused. The present application should not be allowed to blur those proposals together or create an apparent lawful entitlement wider than the specific operations actually described and evidenced.

3. The proposed use is not defined with sufficient precision

The application form contains descriptions which do not sit comfortably together. It states that the applicant is seeking full planning permission to operate Goring Gap commercially as a community green space, supporting biodiversity, health and wellbeing and recreational activities, while promoting local businesses and tourism. It also refers to a decorative boat feature, a sandpit, recreation and ongoing management.

In the section asking why a certificate should be granted, the applicant focuses on tree planting and its anticipated benefits. The form nevertheless identifies the proposed use as a 'Change of use' and states that it would be permanent. It does not clearly set out whether the certificate is sought for tree planting alone, a particular recreational use, a commercial community-space use, or a combination of these activities.

These are materially different things. Tree planting or landscaping does not, by itself, explain or define a commercial recreational use of the land. Nor does a general description such as 'community green space' tell the Council what activities would take place, who would operate them, whether access would be controlled or charged for, whether facilities would be provided, or how frequently and intensively the land would be used.

The application therefore fails to define its subject matter adequately. A general description such as 'community green space' cannot establish the lawfulness of an undefined commercial or recreational use. I object to any certificate that might be relied upon later as covering activities which have not been specifically identified and justified in this application.

4. The continuing references to commercial use and tourism

The applicant's statement that the intention is to operate the site commercially is explicit. The references to promoting local businesses and tourism are also part of the applicant's description of the intended operation; they are not merely a description of the ecological benefits of planting trees.

These references make it impossible to treat the application simply as a tree-planting proposal. The applicant has not explained what commercial operation is intended, what activities would take place, whether access would be controlled or charged for, or whether events, concessions, organised recreation or business promotion would form part of the use. This lack of definition is a fundamental weakness in the application, not a minor detail.

5. The sandpit and previous planning history

The application continues to refer to trees being planted around ‘the sandpit’ and explains that they would provide shade for children and accompanying adults. This is significant because a sandpit was included in the earlier proposal under AWDM/0099/24, which was refused and subsequently dismissed on appeal. The present reference indicates that the sandpit remains part of the wider concept for the site, rather than being an entirely unconnected landscaping detail.

Other relevant applications include AWDM/0394/24, concerning a proposed storage container, which was refused and dismissed on appeal, and AWDM/0737/26, the wider commercial and leisure proposal which the Council refused. AWDM/1248/26, for the tractor barn, is also part of the site’s current planning context.

The previous decisions do not automatically determine the separate legal test under section 192, and I do not suggest that they do. They are nevertheless important context. They show that proposals involving commercial and recreational activity on this site have already been examined and refused, including proposals involving a sandpit and concessions. The present application continues to refer to commercial use and a sandpit. I object to any attempt to use an imprecise certificate application to secure, directly or indirectly, an apparent lawful entitlement to activities that have previously been refused and are not clearly defined in this application.

6. The stated existing or last use: C3 dwellinghouses

The application form selects C3 – dwellinghouses as the existing or last use. The site is described elsewhere in the planning history as open land, and the applicant’s own narrative refers to a long-vacant site. The form does not explain the factual or legal basis for selecting C3, identify any lawful residential use, or provide evidence showing when such a use existed and how it relates to the land covered by this application.

The application provides no explanation or evidence for the C3 entry. In the absence of evidence establishing a lawful residential use, this unexplained selection cannot be treated as a reliable description of the site’s planning status. It adds to the uncertainty surrounding the application and undermines confidence in the accuracy of the information supplied.

7. Tree planting and the Knepp Estate example

I do not accept that tree planting is necessary to improve this site in its present condition. The land is already open and provides an important open aspect and an uninterrupted visual connection from the coast towards the South Downs. The site does not need to be covered with trees to have landscape or community value. On the contrary, planting trees across the open land would introduce visual barriers into that view and would undermine the very openness that the previous refusal sought to protect. It would be perverse for a proposal

presented as an environmental improvement to erode an established open view which is an important feature of this part of the Goring Gap.

The applicant states that approximately 90% of the site has been cleared of rubbish and overgrown vegetation and laid to grass, with around 10% retained as natural vegetation. That is the applicant's own description; no ecological assessment is provided to demonstrate that the site needs further planting, that the proposed planting would improve its ecological value, or that the effects on existing views and habitat have been properly considered. The application offers an assertion of benefit, not evidence that tree planting is necessary or appropriate on this open site.

The Knepp Estate in Sussex provides a useful local example of how nature recovery can be supported by allowing natural processes and a diversity of habitats, including scrub, grassland and wetland, to develop under a lighter-touch management approach. Knepp is not a direct comparison with this site, and I am not suggesting that Goring Gap should simply be managed in the same way. The example is relevant to the applicant's ecological narrative: it demonstrates why the removal of scrub and the conversion of most of a site to closely managed grass should not automatically be presented as an ecological improvement without proper evidence.

The Knepp comparison is relevant to the applicant's ecological claims, but it does not alter my central objection: this open site does not need tree planting, and planting that interrupts the open view towards the South Downs would be contrary to the landscape qualities that should be retained.

8. Reasons for objection

The proposal is not clearly defined. It is unclear whether the application seeks a certificate for tree planting alone or for a wider permanent recreational and commercial use.

The applicant expressly refers to commercial operation, tourism, local businesses and recreational activities but does not define what those activities would involve.

The sandpit remains part of the applicant's description, despite the earlier refusal and appeal dismissal of a proposal involving a sandpit, gazebos and concessions under AWDM/0099/24.

The application gives no adequate explanation or evidence for identifying the existing or last use as C3 dwellinghouses.

The application does not demonstrate that the site needs tree planting. In its present open condition, the land contributes to an uninterrupted view from the coast towards the South Downs.

Tree planting across the open site would risk interrupting that view and would conflict with the landscape rationale reflected in the previous refusal. The applicant has not demonstrated that this consequence has been assessed or addressed.

The applicant's ecological claims are unsupported by an assessment of existing habitat, the effects of clearance, or the likely benefits and impacts of the proposed planting.

9. Conclusion

I object to the application. It is unclear what use or operations are actually being put forward for certification, and the applicant's own description ranges well beyond tree planting to include permanent commercial operation, recreation, tourism, local business promotion and a sandpit. The application does not define those activities with the precision required for a lawful development certificate and most, if not all of these have already been refused planning permission.

I also object to the assumption that tree planting is needed or would necessarily improve this site. The land is valuable in its present open state. It provides an uninterrupted visual connection from the coast towards the South Downs, and planting trees across it would risk breaking that open view and undermining the landscape reason for which earlier development was refused. No convincing evidence has been provided that the proposed planting is necessary, ecologically beneficial overall, or compatible with retaining this important open aspect.

Regards

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