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Subject: FW: Response to Applicant's Further Planning Statement – AWD/0737/26

To: planning@adur-worthing.gov.uk <planning@adur-worthing.gov.uk>

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Hello Planning,

Mr Dixon has added further support statement that he has used to counter some arguments that have submitted. I therefore wish to do the same to his “final” submission and the emphasis on the Brooklands development. I very much hope you can accept this response to that submission when reviewing the application.

Planning Application AWD/0737/26 – Goring Gap

Policy SS5 – Local Green Gaps and the comparison with Brooklands Park

The applicant's latest submission seeks to rely heavily upon Brooklands Park as evidence that recreational and visitor-serving facilities can be accommodated within a designated Local Green Gap.

That comparison is not accepted.

There is also an important correction to the applicant's submission at the outset. The applicant refers to **Policy SS4 as the policy relating to Local Green Gaps**. This is incorrect. The Worthing Local Plan identifies **Policy SS5 – Local Green Gaps** as the specific policy governing the designated Local Green Gaps, including the **Goring-Ferring Gap and Brooklands Recreation Area and adjoining allotments**. Policy SS4 concerns **Countryside and undeveloped coast**.

The Council's own Topic Paper confirms this distinction, stating that Policy SS4 covers countryside and undeveloped coast, while Policy SS5 specifically designates the four Local Green Gaps.

This distinction is important because the applicant's argument needs to be assessed against the actual requirements and purpose of **SS5**, rather than against a general proposition that recreational uses are supported elsewhere in the Local Plan.

1. Brooklands Park is fundamentally different from the application site

The applicant acknowledges that Brooklands Park and Goring Gap have different characteristics, but seeks to minimise those differences by concentrating on their shared designation and broad recreational objectives.

That is not an adequate planning comparison.

Brooklands Park is an **established recreational landscape with a long history of recreational use and existing infrastructure**. The Council's own evidence describes Brooklands as a well-used recreational resource containing, amongst other facilities, a miniature railway, children's playground, boating, tractor rides, a nine-hole Par 3 golf course, pitch-and-putt, putting green, go-kart track, paddling pool, informal amenity open space, mature trees and planting, car parking and provision for a café.

The current Council information likewise describes Brooklands Park as a vibrant hub for nature, recreation and learning, with an established café, playground, event space, accessible pathways, boardwalk and fitness trails.

The application site is fundamentally different.

The land subject to AWDM/0737/26 is **open, undeveloped land forming part of the Goring-Ferring Gap**. It has not historically functioned as an established recreational park of the type represented by Brooklands.

The comparison therefore amounts to comparing:

an established, developed and managed recreational destination

with

the introduction of a new commercial leisure use onto previously undeveloped protected open land.

Those are fundamentally different planning circumstances.

The relevant comparison is not simply:

"Do both sites contain recreational facilities?"

It is:

"What is the existing character and planning function of each site, and what change would the proposed development introduce?"

On that basis, the distinction is fundamental.

2. The history and existing character of the two sites are materially different

The difference becomes even more significant when the physical history and existing use of the sites are considered.

Brooklands is not simply an empty piece of land which happens to carry a Local Green Gap designation. It is an established recreational destination with a long history of public leisure use and existing recreational infrastructure.

The Council's evidence specifically records the recreational facilities already associated with Brooklands, including pitch-and-putt, boating, a miniature railway, café provision and car parking.

The application site does not have that equivalent planning history.

It has **never been developed as an established leisure park or recreational destination**. The fact that the applicant may regard the proposed use as modest or seasonal does not alter the fundamental difference between introducing a new commercial leisure use onto open land and adding or improving facilities within an existing recreational environment.

This is precisely why the Brooklands comparison should not be used as a precedent.

Development of an already established recreational landscape is fundamentally different from introducing a new commercial leisure use onto land whose openness and undeveloped character form part of its planning value.

3. The applicant's own acknowledgement that the sites are different actually reinforces the objection

The applicant states:

"I am not suggesting that Brooklands Park and Goring Gap are identical."

That acknowledgement is correct.

However, the applicant then fails to demonstrate why the differences should not be decisive.

The differences go directly to the purpose of the Local Green Gap designation.

The Worthing Local Plan states that the four Local Green Gaps are designated to protect the separate identities and character of the settlements. It identifies the Goring-Ferring Gap and Brooklands Recreation Area amongst those designated areas.

The Council's evidence further explains that its Green Gap policy is concerned with the **prevention of coalescence, maintenance of the setting and separate identity of settlements, and protection of the undeveloped coastline**.

Those objectives cannot be assessed simply by counting recreational facilities.

The physical characteristics and existing character of each individual gap are directly relevant.

4. The applicant has mischaracterised the effect of Policy SS5

The applicant argues that Brooklands demonstrates that the Local Green Gap policy is capable of accommodating visitor-serving facilities where they do not compromise the purpose of the designation.

The broad principle is not disputed: the designation does not mean that every form of activity or management within a Green Gap is automatically prohibited.

However, that does **not** establish the proposition the applicant requires.

Policy SS5 states that development within the designated gaps will be carefully controlled and will only be permitted in **exceptional circumstances**. It also requires development to be consistent with the other policies of the Local Plan and to satisfy safeguards concerning matters including settlement separation and the openness and environmental functions of the Gap.

The Council's examination material explains that the purpose of the designation is specifically linked to maintaining the setting and separate identity of settlements and protecting valued and distinctive landscapes.

The applicant therefore cannot establish compliance with SS5 merely by demonstrating that the proposal has recreational, health, tourism or economic benefits.

Those benefits may be material considerations, but they do not remove the specific protection afforded to the Green Gap.

The question remains whether **this particular development, on this particular site, satisfies SS5**.

5. "Seasonal", "modest" and "reversible" do not resolve the fundamental objection

The applicant places considerable emphasis on the proposal being:

- modest;
- seasonal;
- largely reversible; and
- without substantial permanent built development.

These characteristics do not, in themselves, establish that the development would preserve the openness or character of the Goring-Ferring Gap.

Planning impact is not determined solely by whether an individual structure can eventually be removed.

The introduction of a commercial leisure use can alter the character and function of open land through the cumulative effect of:

- structures and associated infrastructure;
- fencing;
- defined activity areas;
- parking;
- vehicle movements;
- visitor movements;
- noise;
- security infrastructure;
- servicing;
- operational activity; and
- the regular presence of a commercial leisure operation.

The relevant issue is therefore not simply whether individual structures are physically removable.

The issue is whether the land would continue to function and appear as the open Green Gap which the policy seeks to protect while the development is operating.

A temporary or seasonal use can still have a significant planning impact throughout the period for which it operates.

6. The applicant's comparison with Brooklands overlooks the very reason Brooklands is capable of accommodating recreation

The applicant's argument becomes particularly weak when the Council's own description of Brooklands is considered.

The Council does not describe Brooklands simply as "a Green Gap where recreational development has been permitted."

It describes Brooklands as an **existing recreational and environmental resource**, and its current programme is directed towards restoring and improving that existing resource. The Council refers to the restoration of the lake and Teville Stream, new habitats, glades, community growing areas, improved planting, ecological connections, an accessible pathway, boardwalk, fitness trails, café, playground and event space.

That is important.

The Council's approach at Brooklands is not evidence of a general policy allowing commercial leisure uses to be introduced into undeveloped Green Gap land.

It is evidence of the Council **enhancing an established recreational landscape while simultaneously improving its ecological and green infrastructure functions**.

That is materially different from the proposal under consideration.

7. Recreational benefit does not automatically outweigh Green Gap policy

The applicant refers repeatedly to recreation, health and wellbeing, tourism, biodiversity and the local economy.

These objectives are acknowledged.

However, the Local Plan must be read as a whole, and that includes the policies which specifically protect areas from inappropriate development.

The Council's examination evidence is particularly clear that the strategy for countryside and undeveloped land is one of protection, achieved generally through SS4 and more specifically through the designation of Local Green Gaps under SS5.

The existence of policies supporting recreation, tourism, health and biodiversity does not create a presumption that development delivering those benefits should be permitted wherever an applicant chooses to locate it.

The Local Plan contains competing and complementary objectives.

The purpose of SS5 is to ensure that wider benefits do not come at the expense of the strategic function of the designated Green Gaps.

The correct planning balance is therefore not:

recreational benefit versus no development.

It is:

whether the claimed recreational and other benefits justify the particular development proposed in this particular protected location, having regard to the specific safeguards in SS5.

The applicant has not demonstrated that they do.

8. The claim that the proposal will "enhance Goring Gap" requires evidence

The applicant states that the objective is to:

"enhance Goring Gap for the benefit of residents and visitors alike."

That is an aspiration rather than a demonstrated planning conclusion.

There is an important distinction between:

enhancing the ecological, landscape and recreational qualities of an existing protected Green Gap

and

introducing a commercial leisure use into the Green Gap and identifying associated measures as enhancement.

The Council must assess whether the proposal actually conserves and enhances the Natural Capital and green infrastructure functions protected by SS5.

Simply providing recreational activity, landscaping or biodiversity measures alongside a commercial use does not automatically demonstrate that the development as a whole enhances the Green Gap.

9. The "community benefit" argument should be treated objectively

The applicant repeatedly presents the proposal as being for the benefit of "the community".

That assertion should not be treated as an established planning fact.

There have been significant objections from members of the local community. The important issue is not simply the number of objections, but the substance of the planning concerns raised.

Where residents have raised concerns regarding the principle of development, the openness and character of the Gap, traffic, parking, visitor activity, noise and the protection of the Green Gap, those are directly relevant planning matters.

It is therefore not appropriate to characterise the proposal as necessarily being "for the benefit of the community" while disregarding substantial community representations which challenge that assertion.

The Council should assess the proposal objectively against the Development Plan and material planning considerations rather than treating either community support or community opposition as determinative.

10. The applicant's conduct and previous planning history should not be overlooked

There is also an important distinction between the applicant's stated intention to:

"work constructively with the Council and the community"

and the planning history and actual circumstances surrounding the site.

The proposal has been the subject of previous planning and lawfulness issues. The Planning Inspectorate records that

appeals **APP/M3835/X/24/3341674** and **APP/M3835/X/24/3340940**, concerning the site at Land South East Corner of Amberley Drive, Marine Drive, Worthing, were dismissed, with the decision issued on 17 December 2024.

The previous Inspector's decision is particularly relevant background because it found that the proposed leisure use constituted a material change of use requiring planning permission and that there were insufficient grounds for treating the proposed use as lawful under the permitted development provisions.

The Inspector also considered the proposed storage container and other structures and concluded that the circumstances amounted to development requiring express planning permission.

That previous decision does not determine the current application and should not be presented as doing so.

However, it is highly relevant background when considering the applicant's characterisation of the proposal as a modest addition to an existing recreational environment.

It is not an established leisure destination.

The current application seeks permission for a new use of the land.

11. The previous Inspector's decision reinforces the fundamental distinction

The previous Planning Inspector identified the field as the relevant planning unit and concluded that introducing the proposed leisure use would result in a significant difference in the character of activities taking place there.

That finding is consistent with the central objection to the current proposal.

The issue is not whether leisure activities can ever exist within a Local Green Gap.

The issue is whether this particular undeveloped field can appropriately be transformed into a commercial leisure destination without undermining the characteristics and functions for which the Goring-Ferring Gap is protected.

Brooklands does not answer that question.

12. The applicant's argument regarding consistency is misplaced

The applicant states:

"planning policies should be applied consistently unless there is a clear and evidence-based planning reason to distinguish one case from another."

There is such a reason here.

The material planning differences include:

Brooklands Park

- an established recreational destination;
- a developed and managed parkland environment;
- extensive existing recreational infrastructure;
- an established history of public leisure use;
- existing car parking and supporting facilities; and
- a landscape in which recreational facilities form part of the existing character.

Goring Gap application site

- open undeveloped land;
- part of a strategically protected Green Gap;
- an important physical and visual separation between settlements;
- landscape and ecological characteristics associated with its openness;
- no equivalent history as an established recreational park; and
- a proposed new commercial leisure use introducing a materially different form and intensity of activity.

These are not minor distinctions.

They go directly to the operation and purpose of Policy SS5.

Consistency in planning does not require materially different sites to receive the same decision.

Indeed, consistency requires the Council to apply the same policy principles to materially different circumstances.

13. The applicant's argument that the Local Plan should be considered "as a whole" does not assist the proposal

The applicant states that the application should be assessed against the Local Plan as a whole rather than by reference to a single policy in isolation.

That proposition is correct in principle but does not lead to the conclusion sought.

The Local Plan must indeed be read as a whole.

That means considering both the policies which support appropriate recreation, tourism, health and biodiversity and the policies which specifically protect the Green Gaps.

The Council's own examination material confirms that SS5 is a specific element of the wider strategy for protecting countryside and open land.

A policy supporting recreational activity cannot simply override a location-specific policy protecting an area from inappropriate development.

The correct approach is to consider whether the proposal achieves the wider objectives of the Plan **without conflicting with the specific safeguards applying to this site.**

The applicant has not demonstrated that it does.

14. The fundamental issue remains unchanged

The applicant's latest submission does not address the fundamental planning objection.

The question is not whether Worthing should provide recreational facilities.

Nor is the question whether Brooklands Park can accommodate recreational infrastructure.

Nor is the question whether the applicant's proposal could provide some benefits to some residents or visitors.

The fundamental question is:

Whether this undeveloped part of the protected Goring-Ferring Green Gap should be changed from its existing open character and function into a commercial leisure destination.

The fact that recreational facilities exist on an already established and developed site elsewhere within a Green Gap does not establish that the same form of development should be introduced onto this fundamentally different site.

The applicant's Brooklands comparison therefore does not overcome the conflict with Policy SS5.

Conclusion

The latest submission is based upon a false equivalence between two sites which have materially different planning characteristics, histories and functions.

Brooklands is an **established recreational landscape** with a long history of leisure use and existing recreational infrastructure. The Council's own evidence records its established facilities, including pitch-and-putt, boating, a miniature railway, café provision and car parking. The Council's current programme at Brooklands is directed towards enhancing that existing recreational resource while also improving biodiversity, habitats and green infrastructure.

The application site is fundamentally different.

It is **open, undeveloped land forming part of the Goring-Ferring Gap**, where openness, separation and landscape function are important elements of the site's planning value.

The applicant's comparison therefore does not establish a precedent.

It establishes precisely why the two sites should be distinguished.

The applicant's reference to **SS4 as the Local Green Gap policy is also incorrect**. The relevant policy is **SS5 – Local Green Gaps**. SS4 relates to countryside and undeveloped coast, whereas SS5 specifically protects the designated Local Green Gaps.

The Council's own examination evidence explains that the Green Gap designation is concerned with the prevention of coalescence, maintenance of the setting and separate identity of settlements and protection of valued and distinctive landscapes.

The wider benefits claimed by the applicant in relation to recreation, health, tourism, biodiversity and the local economy should be given appropriate consideration. However, they cannot be treated as a substitute for compliance with the location-specific requirements of SS5.

Nor should the proposal's seasonal or supposedly reversible nature obscure the fact that, for the period in which it operates, it would introduce a new commercial leisure use, associated activity and infrastructure into an undeveloped protected Green Gap.

The previous Planning Inspector decision is also important background. The Inspector concluded that the proposed leisure use represented a material change of use requiring planning permission and that the appeals should fail. The Planning Inspectorate records both related appeals as dismissed.

That previous decision does not determine AWD/0737/26, but it reinforces the fundamental point that this is not simply an established leisure site receiving modest additional facilities.

It is the proposed introduction of a new leisure use onto land whose existing open character is itself a significant planning consideration.

Accordingly, the applicant's latest submission does not resolve the fundamental planning concerns.

The appropriate test is not whether recreational development can ever occur within a Local Green Gap. It plainly can, where the particular circumstances and policy tests permit it.

The appropriate test is whether:

this particular proposal, on this particular undeveloped site, satisfies Policy SS5 and preserves the strategic purpose and essential characteristics of the Goring-Ferring Gap.

On the evidence presented, the applicant has not demonstrated that it does.

The comparison with Brooklands should therefore be given little or no weight as evidence of consistency. The two sites are materially different in their existing use, history, physical character, recreational infrastructure and planning function.

The fundamental planning objection remains unchanged.

Regards

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