

From:

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Subject: Representation - Response to Mr Dixon's Reply – Planning Application
AWDM/0737/26

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Policy SS5 – Local Green Gaps, Brooklands Park and Previous Appeal Decisions

I have read Mr Dixon's reply of 13/08/2026 to my further representation on
AWDM/0737/26.

I set out below where I accept the points he has made, and where the objection to this
application stands notwithstanding those corrections.

The wording of Policy SS5 — and the continuing application of Policy SS4

Mr Dixon is right on the narrow textual point.

I have checked this directly against the adopted Worthing Local Plan (2023). Policy SS5, as
adopted (p.60), reads:

“Outside of those areas designated as Local Green Space, all applications for development
(including entry level exception sites) within Local Green Gaps must demonstrate that
individually or cumulatively:

(i) it would not undermine the physical and/or visual separation of settlements;

(ii) it would not compromise the integrity of the gap;

(iii) it conserves and enhances the benefits and services derived from the area’s Natural
Capital; and (

iv) it conserves and enhances the area as part of a cohesive green infrastructure network.”

I have searched the full adopted document for “exceptional circumstances,” “openness” and “unobtrusive” in connection with Local Green Gaps and none of them appears in SS5.

That specific wording did not survive to adoption, and I do not press it.

However, Mr Dixon’s conclusion — that the character and undeveloped state of the site is therefore no longer a relevant consideration — does not follow, because SS5 is not the only adopted policy that applies to this site.

Paragraph 3.41 of the adopted Plan states that all land outside the Built Up Area Boundary is designated ‘countryside and undeveloped coast’ under Policy SS4, and that “in addition” some areas are also designated Local Gap (SS5) and/or Local Green Space (SS6) — i

n other words, these designations are cumulative, not alternatives. Policy SS4(a) then defines the countryside designation as applying to land outside the Built Up Area Boundary “(excluding sites designated as Local Green Space under SS6)”.

Brooklands Recreation Area is designated Local Green Space under SS6, and is therefore carved out of Policy SS4 altogether.

The application site is not designated Local Green Space — it remains within Policy SS4’s definition of countryside, in addition to being a Local Green Gap under SS5. Policy SS4(d), as adopted, states:

“Any development in the countryside and undeveloped coast should not result in a level of activity that has an adverse impact on the character or biodiversity of the area.”

That is an adopted, live character-and-biodiversity test. It does not appear in SS5 because it does not need to — it already applies to this site through SS4, precisely because the site lacks the SS6 designation that exempts Brooklands from it. Paragraph 1.24 of the adopted Plan states that it “has been written with the intention that it should be read as a whole” and that “it is therefore important that individual policies are not considered in isolation.” Mr Dixon’s letter addresses SS5 alone and does not engage with SS4(d) at all, notwithstanding that it applies concurrently to the same site and the same application.

I therefore withdraw reliance on the specific pre-modification wording of SS5. I do not withdraw the substance of the objection on character and openness, because that substance is carried by SS4(d), which remains in force and unaddressed in Mr Dixon's submission.

Local Green Space and the Brooklands comparison

Framing this as "Brooklands has stronger protection than Goring-Ferring" is not quite accurate, and I withdraw that framing from my earlier representation.

The two sites sit under different policy regimes rather than different strengths of the same regime:

Brooklands: excluded from SS4 by its own terms; assessed instead under SS6, which the adopted Plan (para 3.55) requires to be applied "consistent with those for Green Belts," including the National Planning Policy Framework's very special circumstances test for inappropriate development.

Goring-Ferring: not designated Local Green Space; remains within SS4's countryside definition, and is therefore subject to the SS4(d) character-and-biodiversity test in addition to the four SS5 tests — five adopted tests in total, none of which Mr Dixon's letter answers in full.

Brooklands' café, toilets, plant and refuse facilities, accessible play provision, landscaping and cycle storage (AWDM/1843/21) were delivered within an established, already-managed recreation area, informed by an ecological study and a published Park Masterplan — modest, ancillary infrastructure supporting an existing recreational use, assessed under SS6.

AWDM/0737/26 proposes to introduce an entirely new leisure and commercial use — including borehole water extraction, solar energy generation, overnight camping, animals used for entertainment, and a 5m x 2.5m advertising trailer — onto a field with no lawful existing use of any kind, assessed under SS4 and SS5 together. The comparison Mr Dixon draws between the two sites is therefore a comparison between two different tests, not evidence that the more demanding of the two — the one that actually applies here — is satisfied.

Recreational character of the Goring-Ferring Gap

The Worthing Local Plans relevant passage is paragraph 3.52, which describes all four Local Green Gaps collectively as “open and either undeveloped or a managed landscape for recreational use” — it does not single out Goring-Ferring as the “managed” or recreationally developed one.

On the contrary, paragraphs 3.56–3.57 identify Brooklands specifically as the Gap with a lake, play areas, established recreation facilities and a published Park Masterplan; no equivalent description is given anywhere for Goring-Ferring.

I would note, in any event, that even if part of the wider Gap includes some existing recreational use elsewhere within its boundary, that would not establish that the application site itself — which the 2024 Inspector found, on the applicant’s own evidence, to have no lawful use of any kind — forms part of that pattern.

The 2024 appeal decisions

Mr Dixon is correct on the law: an unsuccessful Lawful Development Certificate appeal under section 195 does not determine the planning merits of a subsequent application for permission, and I accept that the Council should not treat the 2024 decisions as pre-determining AWD/0737/26. I withdraw any suggestion to the contrary.

The decisions remain relevant, however, as evidence of fact rather than merits, and I ask the Council to take the following into account:

the Inspector found the correct planning unit to be the field as a whole, and found, on the applicant’s own submissions, that it had no lawful existing use — the applicant’s own description to the Inspector was “unused derelict land” that “has no use and has been like this for many years”;

the Inspector found that a very similar package of uses (sandpit, gazebos, drinks concessions, flower-pot boat, flagpole, storage container) amounted to a material change of use and, in the case of the storage container, operational development, in both cases requiring express planning permission which had not been sought at the time; and

the current application follows a pattern of incremental introduction of uses onto this site ahead of, rather than through, the planning process. That is a legitimate material consideration going to the Council’s confidence in conditions, phasing and enforcement, distinct from the planning merits of the scheme now applied for.

Commerciality, and the correct policy questions.

Mr Dixon's letter answers the four SS5 tests — separation, integrity of the gap, Natural Capital, and green infrastructure — unsurprisingly suggests they are met in the applicant's favour, by assertion, and does not address SS4(d) at all. Many objections do not agree with that assessment.

Given that Policy SS5 places the burden of demonstrating compliance on the applicant, and Policy SS4(d) applies concurrently, I would ask the Council to review evidence that in regards to these policies before reaching a view,

what assessment has been undertaken, under Policy SS4(d), of the level of activity proposed and its impact on the character and biodiversity of this currently undeveloped site — a test which applies to this application in addition to SS5.

Conclusion

I withdraw reliance on wording that did not survive to adoption in Policy SS5, and I accept that the 2024 Lawful Development Certificate appeal decisions do not determine the planning merits of this application.

Neither correction, however, removes the substance of the objection. The application site has no lawful existing use; it is not designated Local Green Space and therefore remains subject to Policy SS4's character-and-biodiversity test in addition to the four tests under Policy SS5 — a cumulative requirement the adopted Plan is explicit about at paragraph 3.41, and which paragraph 1.24 requires to be read alongside SS5, not in isolation from it.

The proposal introduces a set of commercial and leisure uses than has been permitted at Brooklands, which is assessed under a different and inapplicable policy (SS6). The applicant's own submission answers the tests that do apply to this site by assertion. without the supporting evidence those policies require the applicant to provide, and without addressing SS4(d) at all.

Based on these policies. I continue to object this development and consider that it does not meet the planning considerations of the local plan and should be rejected.

Yours sincerely,

Colin Mckail

23 Fairview avenue.

Goring by sea

Sent from Outlook for Mac