
Site Address: Hayling Island Holiday Park, Manor Road, Hayling Island,
PO11 0QS

Proposal: Application for certificate of lawfulness relating to confirmation that the
repositioning of 65 static caravans from land benefitting from consent reference
95/52816/4 and 07/52816/011, onto land benefitting from consent reference
APP/23/00769, would not result in a material change of use of the caravan site.

Application Type: Certificate of Lawfulness

Application No: APP/24/00297 Expiry Date: 14/06/2024

Applicant: Country and Coastal Parks 2
Limited

Agent: Mr Hancock Case Officer: Lesley Wells
Laister Planning Limited

Ward: Hayling West

Recommendation: **GRANT A CERTIFICATE OF LAWFUL USE**

1 Site Description

- 1.1 The site address is a caravan holiday park located in the south west of Hayling Island.
- 1.2 The main access point to the site is from Manor Road. The site is situated in a semi-rural environment with residential housing to the west and north and open land to the east.
- 1.3 The land in question is to the south and east of the caravan holiday park. The site contains mature trees and hedges particularly along the side.
- 1.4 The site is close to many significant natural and historic heritage assets however it is covered by none of them. The closest assets are listed buildings which surround the site. Those are the Grade II Listed: Flint Cottage adjacent the site to the north west; Newton House Hotel adjacent the site to the south west; Farm Cottage and Rook Farmhouse adjacent the site to the south east; and the Grade II* Church of St Mary adjacent to the site at the north east.
- 1.5 The majority of the site is within Flood Zone 1 with the exception of the top north-east section being within Flood Zone 2/3.

2 Planning History

95/52816/004 - Use of land for additional 2 months per annum November and December so allowing use of caravan park for 10 months instead of existing 8 months., S106,26/07/2001

95/52816/005 - Extension to form toilets to existing clubhouse on eastern elevation, PERM,16/11/1995

94/52816/003 - New outdoor swimming pool and pump room, PERM,21/12/1994

03/52816/006 - Application for Certificate of Lawfulness relating to the proposed use of the southern part of caravan park as a caravan site for residential mobile homes., NFA,02/11/2012

03/52816/007 - Application for Certificate of Lawfulness relating to the proposed use of part of the northern part of the caravan park as a caravan site for residential mobile homes., NFA,02/11/2012

05/52816/008 - Demolition of existing and erection of new reception, restaurant, shop, pool, gym, pub etc together with external works., PERM,09/02/2006

05/52816/009 - Display of 1 externally illuminated and 3 non-illuminated board signs., PERM,23/03/2006

06/52816/010 - Resubmission of erection of new reception, restaurant, pool, gym, pub etc, together with external works. , PERM,21/07/2006

07/52816/011 - Change of use of recreation area to accommodate 22 static caravans. New recreation area., PERM,13/06/2007

08/52816/012 - Resurface caravan display area and new footpath., PERM,25/02/2008

08/52816/013 - Widen access road with reinstatement of kerb line adjacent to public footpath and disabled access., PERM,03/06/2008

09/52779/007 - Extension to existing toilet block., PERM,16/11/2009

10/52779/008 - Variation of Condition No. 4 of Planning Permission 15332/16 to allow the use of all the site for winter caravan storage., PERM,24/06/2010

10/52779/009 - Extension to existing toilet block and erection of temporary toilet block., PERM,27/04/2010

10/52816/014 - Siting of 6No. holiday caravans., WD,09/03/2010

APP/10/00754 - 6No. additional caravans and ancillary works., PERM,15/12/2010

APP/11/01591 - Erection of single storey timber shop building including access ramp, steps and decking area to front., PERM,05/01/2012

APP/22/00594 - Please see accompanying covering letter to follow, UNK,

APP/22/01096 - Certificate of Lawfulness for the use of adjacent land to the holiday park for recreation purposes ancillary to caravan site, PERM,23/02/2023

APP/23/00769 -Application for Lawful Development Certificate relating to the stationing of 112 No. static caravans for occupation (other than warden accommodation) between 1 March and 31 December in any calendar year, PERM,05/01/2024

APP/24/00297 - Application for certificate of lawfulness relating to confirmation that the repositioning of 65 static caravans from land benefitting from consent reference 95/52816/4 and 07/52816/011, onto land benefitting from consent reference APP/23/00769, would not result in a material change of use of the caravan site - subject of current application

3 Proposal

Application for certificate of lawfulness relating to confirmation that the repositioning of 65 static caravans from land benefitting from consent reference 95/52816/4 and 07/52816/011, onto land benefitting from consent reference APP/23/00769, would not result in a material change of use of the caravan site.

4 Policy Considerations

None.

5 Statutory and Non Statutory Consultations

None.

6 Community Involvement

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 187

Number of site notices: 2

Statutory advertisement: Not applicable.

Number of representations received: 46

The following is a precise of the representations received objecting to the proposal.

Amenity

Over development

Adverse increase in noise, disturbance and pollution

Adverse impact on neighbouring properties

Security implications for residents

Environment

Loss of wildlife/green space/biodiversity/habitate/protected species

Adverse impact on historic assets

Loss of trees/woodland/hedgerow

Flood Risk

Highways/Infrastructure

Increase traffic, congestions, adverse impact on bridge

Exacerbate existing problems with lack of infrastructure

Increased flood risk

Lack of shops and other facilities for tourists

Others

Where will the caravans be sited - lack of capacity on site/information

Understand no development may take place on the land

How will overhead cables be maintained

Lack of consultation/notification

Lack of information - no plans

Impact on public footpaths within the site

New caravans for sale on the site.

Enforce some form of mitigation - eg planting of hedgerow.

Officer Comment

Most of the comments above are planning merit considerations. Such planning considerations are not relevant, as the application is determined on the facts of the case and legal interpretation.

The siting of caravans and any associated development such as roads, drainage and parking areas, would falls within the determination of a licence granted under the Caravan Sites and Control of Development Act 1960.

Maintenance of over head cables is not material to the determination of the application.

The lack of any consultation by the applicant whilst unfortunate is not an impediment to the determination of the application.

Site notices were displayed in Manor Road and Church Road with adjacent neighbours notified.

Site Location plan submitted as part of the application.

Any obstruction of a public right of way within the site, would fall within the remit of Hampshire County Council.

No control over the sale or replacement of caravan at the site.

7 Legal Considerations

- 7.1 The application before the Local Planning Authority is seeking a legal determination that the repositioning of "...65 static caravans from land benefiting from consent reference 95/52816/4 and 07/52816/011 [details of these permissions are set out above in Section 2] onto land benefiting from consent reference APP/23/00769, would not result in a material change of use of the caravan site" and would therefore be lawful.
- 7.2 The effect of planning permissions 95/52816/4 and 07/52816/011 is to grant planning permission for the use of part of the application site for the stationing of caravans. These permissions covered 443 caravans. This part of the site already has caravans stationed on it.
- 7.3 On 5/1/24 under reference APP/23/00769 a Certificate of Lawfulness was granted for the stationing of an additional 112 No. static caravans for occupation (other than warden accommodation) between 1 March and 31 December in any calendar year on part of the land the subject of the current application.
- 7.4 Considering the effect of the two planning permissions and the LDC under reference APP/23/00769 up to 555 static caravans may be sited on the land (ie 443 + 112 = 555 caravans), with the limitation on their use restricted as per the above paragraph. There are no conditions or section 106 planning obligations that restrict the numbers of caravans sited on any particular part of the site.

- 7.5 The relocation of caravans within the site would therefore be lawful because it would not change the number of caravans on the land and would not lead to a material change of use. The restriction on the period within the year during which the caravans may be occupied is the same across the site and so this would continue to apply to the repositioned caravans.

8 Conclusion

- 8.1 The lawful use of the land the subject of this application is the use for the stationing of caravans. The repositioning of caravans within this site in such a way that the numbers of caravans do not increase and there is no change to the occupation restrictions (occupation only between 1 March and 31 December in any calendar year other than warden accommodation) would not, therefore, amount to a material change of use and a certificate to this effect can be issued. The Council's Legal Team concur with this conclusion.

9 RECOMMENDATION:

That the Head of Place be authorised to **GRANT A CERTIFICATE OF LAWFUL USE** for application APP/24/00297

FIRST SCHEDULE:

This certificate relates to the following development:

The repositioning of 65 static caravans from land benefitting from consent reference 95/52816/4 and 07/52816/011 onto land benefitting from consent reference APP/23/00769 as described in the written particulars, plans and other documents submitted with your application received on 08 April 2024 and 14 August 2024.

SECOND SCHEDULE:

This certificate relates to land at Hayling Island Holiday Park, Manor Road, Hayling Island, PO11 0QS as shown edged red on the submitted Location Plan received 14 August 2024.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Sections 192 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.

- (2) It certifies that the development specified in the First Schedule taking place on land described in the Second Schedule would have been lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) The effect of the certificate is also qualified by the provision in section 192(4) of the 1990 Act (as amended), which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matter relevant to determining such lawfulness.
- (5) Your attention is drawn to the attached information regarding your right to appeal to the Secretary of State if you are aggrieved by the Council's decision.