

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

11 Clinton Road, Waterloooville, PO7 6DT

Local Planning Authority Reference:- APP/21/01247

Planning Inspectorate Reference:- APP/X1735/W/22/3302839

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MR A Beasley against REFUSAL of Variation to Condition 4 of Planning Permission APP/20/00840 to allow the premises to operate Mondays-Fridays 0900-1800 hours and Saturdays 0900-1530 hours.

AT 11 Clinton Road, Waterloo, PO7 6DT

Planning Inspectorate Reference: APP/X1735/W/22/3302839

LPA Ref: APP/21/01247

1.0 INTRODUCTION

- 1.1 The officer's report already forwarded with the appeal questionnaire sets out the position of the Local Planning Authority and is considered sufficiently detailed to form the basis of the LPA's Statement of Case. This appeal statement will not duplicate, but will simply provide an update on relevant issues, in particular with regard to Policy.
- 1.2 It should be noted that, as outlined in the officer report, the original application (APP/20/00840) was subject to detailed assessment and extensive negotiation with the applicant and agent in order that the LPA was able to grant permission. This included a detailed set of planning conditions which sought to limit the level of activity at the site. However, that agent is not representing the applicant in the current appeal.

2.0 PLANNING POLICY UPDATE

The Havant Borough Local Plan (emerging Plan)

- 2.1 The Inspector is respectfully advised that The Havant Borough Local Plan was withdrawn from examination on 16 March 2022 (please see Regulation 27 Statement of Fact Document contained in **Appendix A**) and work has started on a new Local Plan for Havant Borough. Therefore, the policies referred to within the officer's report as "emerging" are now withdrawn and no longer relevant and should be disregarded in the planning decision.
- 2.2 It is considered that the key adopted policies relevant to this appeal, namely CS16, CS17, DM10, DM14 contained in the Havant Borough Local Plan (Core Strategy) 2011, and AL1 and AL2, contained in the Havant Borough Local Plan (Allocations) 2014, are broadly consistent with the NPPF's and as such, should still be afforded great weight in accordance with paragraph 219 of the NPPF.

3.0 GROUND OFS OF APPEAL

- 3.1 The LPA considers its comments within the delegated report are sufficiently detailed to cover the reasons for refusal.
- 3.2 There is a typographical error in the appellant's appeal statement in paragraph 3.1 in terms of the hours of operation sought and subject of this appeal which should read:
- Mondays-Fridays 0900-1800 hours and
Saturdays 0900-1500 hours (*and not 1539 hours as stated*)
- 3.3 The appellant's agent has highlighted paragraph 7.28 and comments that '*Officers misdirected themselves by their focus on Core Strategy Policy CS16*'. However, the definitions in paragraph 7.28 clearly relate to the thresholds for BREEAM and Code assessment rather than good design principles, which should clearly apply to any development, as defined in the Act and outlined within the preamble to policy CS16.

4.0 CONCLUSIONS

- 4.1 The lpa acknowledges that the hours of operation would remain the same and be extended to additional days, however, it is the level of the proposed use over the week that was considered unacceptable for the reasons outlined in the officer report.
- 4.2 The Inspector is therefore respectfully requested to dismiss this appeal. In the event that the Appeal is allowed, a list of recommended conditions is attached as **Appendix B**. As this is a Section 73 application any new permission sits alongside the original permission. Government guidance states that for the purpose of clarity to reinstate the conditions imposed on earlier permissions that continue to have effect.

Appendix A

Regulation 27 Statement of Fact Document

Appendix B

Recommended Conditions

Withdrawal of the Havant Borough Local Plan Statement of Fact

Regulation 27 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)

This Statement of Fact gives notice that Havant Borough Council has withdrawn the Havant Borough Local Plan, which had been submitted to the Secretary of State for Examination on 12 February 2021.

The withdrawal of the Havant Borough Local Plan was authorised at Full Council on 16 March 2022, and was formally withdrawn on the same date. The decision was made under the provisions of [Section 22 of the Planning and Compulsory Purchase Act 2004](#), which provides for a local planning authority to withdraw local development document at any time up to its adoption.

If you have any queries regarding the withdrawal of the Havant Borough Local Plan, please email us at policy.design@havant.gov.uk or call us on 023 9244 6539.

Appendix B

APPEAL REFERENCE: APP/X1735/W/22/3302839

HAVANT BOROUGH COUNCIL REFERENCE: APP/21/01247

SITE ADDRESS: 11 Clinton Road, Waterlooville, PO7 6DT

APPEAL BY MR A BEASLEY against REFUSAL OF Variation to Condition 4 of Planning Permission APP/20/00840 to allow the premises to operate Mondays-Fridays 0900-1800 hours and Saturdays 0900-1530 hours.

LIST OF SUGGESTED CONDITIONS

1. This permission shall enure for the benefit of Mrs A Beasley only and shall not enure for the benefit of the land and the use hereby permitted shall be discontinued on the date when Mrs A Beasley ceases to reside at 11 Clinton Road.

Reason: To ensure that the business operates as set out in the application in the interests of the residential amenities of adjacent residents and in association with the occupation of 11 Clinton Road having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

2. The 1.8m high boundary fence erected along the north-east boundary from a position adjacent to the front wall of No.9 Clinton Road to the outbuilding pursuant to Condition 3 of permission APP/20/00840, shall be retained and maintained.

Reason: To safeguard the amenities of the occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Framework.

3. The hair and beauty treatment premises shall only be open for trade or business on the following days and hours:

Mondays to Fridays 09:00 hrs to 18:00 hrs
Saturdays 09:00 hrs to 15:30 hrs

Reason: To protect the amenities of nearby residential properties and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

4. The business use hereby permitted shall operate within the following criteria:

Clients shall visit the premises by appointment only;
There shall be a maximum of 5 appointments on any one day;
Each appointment will be for a maximum of 3 people arriving together;
There shall be one member of staff - Mrs A. Beasley;
A detailed register of appointments shall be kept and available for inspection by the Local Planning Authority upon request.

Reason: To ensure that the level of business use is compatible with the residential area and neighbouring amenities having due regard to policies CS16 and DM10 of Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) (England) Order 2015 (as amended) no additional externally vented air conditioning, extracts or noise generating equipment shall be installed at the premises.

Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

6. The rooms in the outbuilding shall be used either for a hair and beauty salon operated by Mrs A Beasley only, or for purposes incidental to the use of 11 Clinton Road as a dwellinghouse only.

Reason: In the interests of the amenities of the area and having due regard to policies CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

Borough of Havant



- Main Retail/Commercial/Office Areas
- Urban Areas
- Industrial Areas
- Open Space/Recreation
- Borough Boundary