

Land adjacent Mandai
St Peters Road
Hayling Island PO11 0RT

1. Introduction

- 1.1. This statement has been prepared to support the following:

Use of Land for touring holiday/tourism caravan site and erection of utility block. Land adj Mandai, St Peters Road, Hayling Island, PO11 0RT

- 1.2. The appeal is submitted by The Town Planning Experts who act as planning consultants to the appellant.

- 1.3. On 21 September 2018 a planning application for the above was refused for the following reason:

The proposal represents the undesirable addition of a touring holiday/tourism caravan site in a non-urban area, for which there is no overriding justification, and which would adversely affect the character and appearance of the countryside. It is therefore contrary to policies CS9 . and CS17 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Publication Local Plan (Allocations) and the National Planning Policy Framework 2012.

LPA ref: APP/18/00207

2. Planning History

- 2.1. 05/60059/000 Outline application for construction of a chalet bungalow with shared access. Refused and appeal dismissed.
- 2.2. APP/14/00999 - Application for Lawful Development for an existing Use – Material Change of Use as Leisure Plot together with retention of associated buildings and structures – Refused 21 January 2015
- 2.3. Enforcement Notice – cease use as leisure plot. Appeal dismissed,
- 2.4. APP/18/00207 - Use of Land for touring holiday/tourism caravan site and erection of utility block

3. Site Context

- 3.1 The site is a rectangular-shaped plot of land, approximately 0.14 ha (0.33 acres) in size, lying on the west side of St Peter's Road at the southern extremity of North Hayling.
- 3.2. It lies immediately to the south of the property known as Mandai a two-storey house separated from the land by fencing and hedging.
- 3.3. The land currently enjoys a lawful use as "garden detached from a dwelling" having been used as such between 1983 and 2006/7.
- 3.4. The land is currently occupied by 2 caravans, one permanently sited and a touring caravan, a wooden shed, a shipping container and associated paraphernalia.

4. Policy Framework

4.1 National Policy

- 4.2 The revised National Planning Policy Framework (NPPF) was issued in July 2018, and sets out the Government's planning policies for England and how these are expected to be applied.

Sustainable Development

- 4.3. Paragraphs 8 and 9 of the NPPF sets out the Governments overriding objectives of securing sustainable development. Para 8 of the NPPF identifies the roles of the planning system in achieving sustainable development:

Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 4.4. Paragraphs 10 and 11 go on to provide further emphasis on the focus towards sustainable development stating:

10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development

*11. Plans and decisions should apply a presumption in favour of sustainable development. For plan-making this means that:
a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;*

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:
i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

4.5. Paragraph 83 with regard to Supporting the Rural Economy indicates that

Planning policies and decisions should enable:

a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;

b) the development and diversification of agricultural and other land-based rural businesses;

c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.

4.6. **Tourism**

4.7. In 2006 the Government produced a Good Practice Guide for Planning for Tourism, which is designed to:

ensure that planners understand the importance of tourism and take this fully into account when preparing development plans and taking planning decisions

ensure that those involved in the tourism industry understand the principles of national planning policy as they apply to tourism and how

these can be applied when preparing individual planning applications and	4.12.	Local Policy
ensure that planners and the tourism industry work together effectively to facilitate, promote and deliver new tourism development in a sustainable way	4.13	The Havant Borough Core Strategy was adopted on 1 March 2011 and sets out local planning policy until 2026. The Strategy sets out a vision for the Borough which it intends to meet by seeking an appropriate balance between protecting the natural and built environment; delivering new economic growth and community regeneration; meeting the social needs of its communities and the prudent use of natural resources.
4.8. Para 2.4 explains that “tourism can bring many broader benefits that will contribute to the economic and social well-being of local communities as well as to individuals.”	4.14.	Policy CS17 identifies where new development will be encouraged, and states
4.9. It advises in para 2.5 that the revenue from tourist uses can support and enhance local services and facilities such as pubs and shops, and underpin the quality of the local environment.		<i>1. Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:</i>
4.10. Annex A to the guidance relates to Tourist Accommodation. It advises that despite the diversity of accommodation “all are capable of bringing economic benefits to the areas in which they are located.” and points out that “these benefits will need to be assessed alongside other issues such as suitability of the location in terms of its sustainability.”		<i>Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterloo, Emsworth and Hayling Island, as shown on the Proposals Map.</i>
4.11. Annex B deals with Seasonal and Holiday Occupation Conditions. In para 3 it advises that:		<i>2. Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.</i>
“The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock.”		<i>3. Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).</i>

Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy.

- 4.15. Policy CS5 relates to tourism and states:

Planning permission will be granted for appropriate development proposals around the borough that:

- 1. Provide sustainable and small scale recreational opportunities.*
- 2. Provide hotel and other types of tourist accommodation.*
- 3. Safeguard existing tourist facilities, hotels, holiday centres and caravan parks.*
- 4. Improve existing tourist facilities, hotels, holiday centres and caravan parks.*

- 4.16. Policy CS9 referred to in the Council's decision relates to Housing which is not relevant to this appeal as no permanent accommodation is proposed.

- 4.17. The Havant Borough Publication Local Plan (Allocations) awaits adoption but its main aim is to allocate land to help deliver from 2013-2026 the development requirements for housing and employment set out in the Core Strategy.

- 4.18. Policy AL2 refers to urban boundaries and indicates that:

Planning permissions (sic) will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:

- 1. Relates to small scale householder development.*
- 2. Meets an overriding public need that cannot be accommodated elsewhere in the Borough.*
- 3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.*

5. Planning Principles

- 5.1. The proposed site is immediately adjacent to housing in North Hayling, and has been used as “a garden detached from a dwelling” for many years.
- 5.2. The land was agricultural until just after the war when it was taken into the garden of Mandai. In 1983 the then owner moved from Mandai but retained the land as garden, erecting a small greenhouse and siting a caravan upon it. In 2004 she then sold it to Mr Stanley who, despite living in Portsmouth, continued to use it as a ‘garden’. This information with supporting documents was produced at the recent Public Inquiry and was not contested by the local planning authority, indeed the then Enforcement Officer swore under oath that the land had gained lawful use as a garden detached from a dwelling by virtue of the length of time it had existed.
- 5.3. From 2006/07 Mr Stanley constructed various structures and replaced the caravan with the knowledge of the local planning authority. In 2014 the Authority served an enforcement notice alleging a change of use to Leisure Plot which notice was upheld on appeal. The notice requires the land to be reinstated to its condition in 2006.
- 5.4. In accordance with case law the land therefore reverts to its last lawful use as a garden detached from a dwelling
- 5.5. The site enjoys its own access off St Peters Road, and is screened on all sides by existing hedges from any public vantage point.
- 5.6. The site has its own electricity and water supply and has toilet/shower facilities.
- 5.7. The proposal seeks to provide up to 3 pitches for touring caravans.
- 5.8. The Havant Borough Core Strategy identifies the importance of Tourism on Hayling Island and the need to support new and existing facilities.

Economy *There is a strong marine related employment base on the island. Tourism and the day visitor economy are also important.*

Challenges and Opportunities *The tourism economy of Hayling Island is very seasonal but it is also (sic) provides over one tenth of the borough’s jobs.*

How will these be addressed? *This Core Strategy includes policies that support the retention and enhancement of tourism and tourist facilities. The importance of tourism on Hayling Island is further supported through the identification of south Hayling Island as an area for focused regeneration.*

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- 5.9. National and local policies support small-scale tourist facilities in the countryside, and given the importance of leisure facilities on Hayling Island this proposal is seen as complementing the existing offer.
- 5.10. Tourism makes a major contribution both to the national economy and to the prosperity of rural areas. Its continuing growth generates a range of economic activity and new job opportunities. Government policy seeks that the planning system should therefore facilitate and encourage development and improvement in tourist provision, while tackling any adverse effects of existing tourist attractions and activity in a constructive and positive manner.
- 5.11. In recent years the growth in tourism has been accompanied by changes in the types and distribution of tourism. Decline in the traditional longer-stay holiday at a single destination in Britain has been partially offset by significant increases in other markets. These include short breaks, second holidays, day trips, business travel and special interest or activity holidays. Such trends are effectively extending the length of the "holiday season" and bringing economic benefits.
- 5.12. To cater for such growth there is a need to provide additional accommodation suited to such activities. Touring caravans are one such area of growth. Self-catering accommodation, 40% of which is accounted for by caravans, accounts for almost two-thirds of all commercial tourist bednights in England. In Britain as a whole, 13 million people take holidays in caravans.
- 5.13. Much of Hayling Island's caravan industry is based on static caravans which are rented out for the summer season. There are in comparison few facilities for touring caravans
- 5.14. The popularity of touring caravans and motor homes is increasing, and is reckoned to contribute £6bn to the UK economy
- 5.15. Hayling Island is a popular holiday destination with its sailing and water based activities, beaches and walking facilities. Attractions local to the appeal site include the Billy Trail, Northney Marina and Northney Farm.
- 5.16. In addition to supporting local tourist attractions, visitors are likely to frequent local pubs and restaurants, and use local shops to obtain food and other necessities.
- 5.17. It will be noted that the proposal received officer support as evidenced within the Committee Report (Appendix A refers) and in particular the Planning Policy team's response which considered that it complied in all respects with Policy CS5 of the Local Plan.
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5.18. Government advice as set out in Paragraph 38 of the NPPF

Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

5.19. It continues in Paragraph 47

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.

5.20. The Council's Development Management Committee refused the application despite this advice on two grounds, firstly that there is no overriding justification; and secondly that it which would adversely affect the character and appearance of the countryside.

5.21. It cites in support Policy CS9 which relates to new housing which is not relevant to this appeal, Policy CS17 which allows for development in the countryside if it is consistent with national policy and AL2, of a non adopted document, which allows for development which meets the policies for exceptional development in 'rural areas', set out in the NPPF.

5.22. With regard to the last it refers to the 2012 version of the NPPF which was been superseded in July 2012. The only exemptions in the 2018 NPPG relates to new housing which is not relevant to this appeal.

5.23. Para 28 of the 2012 version of the NPPF encouraged authorities to
support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside

5.24. There is no policy justification cited by the LPA relating to the "character and appearance of the countryside". Indeed the implication, by the fact that it is not mentioned, is that the scheme complies fully with Policy CS5

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- 5.24. Rather than the reason given, the discussion at the Committee meeting centred on potential nuisance due to the site being unsupervised. In particular it was mooted that several years before that there had been a caravan site at the other end of North Hayling, no longer in existence, and that people had made noise while returning from a public house. How it was known that such persons were staying on the caravan site rather than being local residents was not indicated. It also appeared that this was a one off event rather than a recurring problem.
- 5.25. The implication was that by no-one being resident on the appeal site such incidents could arise. It was not indicated whether someone lived on the earlier caravan site, and even if they did how they could have controlled noise off the site.
- 5.26. Although noting the potential for noise the Council's Environmental Health Manager had no adverse comments to make.
- 5.27. The appellant would draw the Inspector's attention to two existing caravan sites to the south of the appeal site, in Copse Lane and Yew Tree Road against which no allegations of noise were made. The presumption is that generally such facilities do not cause any more significant levels of noise than other activities.
- 5.28. The appellant proposes a management plan to address the potential for nuisance which is set out below. If nuisance was thought to be a problem the Committee could have been pro-active and deferred the application to allow the management plan to be revised.
- 5.29. This would accord with the Government's aims in the NPPF which states in Paragraph 38
- Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.*
- It will be noted that advice to be pro-active appears no less than 8 times in the document.
- 5.30. In response to these concerns the appellant would point out that the site has been used as a garden, initially in association with Mandai but latterly independently, for over 60 years. During this time it has been used for family gatherings, bonfire night parties and on high days and holidays, and to the appellant's knowledge no complaint has ever been made either to him nor to the local authority.

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- 5.31. The site is well screened by existing mature hedgerows on all sides so that the caravans would not be visually intrusive in the countryside. Additional fencing would be provided as suggested in the Ecological Report. The boundary treatment would also assist in reducing any noise.
- 5.32. As indicated above the site already enjoys electricity and water supplies. Toilet and shower facilities would be anticipated to be provided near the entrance re-siting the existing shower/toilet building or as required by the site licence. These would be connected to the main sewer. No additional facilities would need to be brought on to the site.
- 5.33. The toilet block would provide for the emptying of chemical toilets.
- 5.34. These facilities would reduce the amount of times visitors need to leave the site.
- Access/Highways**
- 5.35. The appellant would also seek to make minor modifications to the entrance to minimise any disturbance by vehicles entering and leaving the site.
- 5.36. Access to the site is good being served by the U615 St Peters Road, which is subject to a 30 mph limit. Bookings would be taken in advance via the internet and caravans would be directed to access and exit the site by the northern junction with Havant Road, near Langstone Bridge, as visibility is better than by the Yew Tree PH.
- 5.37. The entrance to the site would be improved by widening to 4.2 metres, allowing 2 vehicles to pass, while the radius to the northern side of the entrance would be formalised with kerbing, and the vegetation trimmed back to encourage visitors to enter and leave via that direction.
- 5.38. The number of sites would be restricted to three, and it is anticipated that many of those using the site would stay for 1 or 2 weeks, using the site as a base to explore the local area.
- 5.39. Hardstandings for the caravans would be restricted to concrete strips to form a hard surface under the wheels, while retaining the rural appearance of the site. If required caravan movers will be provided to facilitate moving caravans within the site, and minimise vehicle movements.
- 5.40. Specific provision for bicycles is not proposed as it is considered that those wanting to use such facilities will bring their own and be fixed to or stored within the caravans..

- 5.41. As such the caravans would make no more than six movements a week with private motor vehicles making on average up to a total 12 movements per day at the busiest times of the year. (see Transport Statement)

Lighting

- 5.42. Lighting would be limited to security lighting only as at present

Management

1. Booking and Greeting

- The site would be advertised on a dedicated website and on relevant local tourism sites.
- Bookings would be taken on-line, with payment by credit card
- Once booked, a list of terms and conditions would be sent together with the number for the key lock on the gate.
- Depending on time of arrival caravan owners would be met on site on arrival, or first thing in morning. Reminder of terms and conditions and details of local tourist attractions provided. Any other issues addressed.

2. Management

- The owner would visit daily when touring caravans are on site and as necessary (minimum once a week) when site is unoccupied to keep site and facilities clean and tidy
- Refuse bins, both general and recycling, would be provided near the gate and emptied regularly
- Toilets/showers would be cleaned daily when site is occupied.

- Electricity and water is provided on site.
- No fires would be permitted on site.
- Guests would be expected to keep noise to a minimum. (Given lack of facilities on site it is anticipated that users would be older people rather than families).
- Visitors would be asked to bring any issues with the site to the owner's attention and these would be dealt with as appropriate.

3. Departure

- Caravan users would be expected to depart by 10 a.m. after their last night's stay.
- Site will be checked by owner and any issues rectified

6.0. Conditions

- 6.1. The officer's report (see Appendix A) sets out the requirement for a legal agreement and various conditions
- 6.2. The legal agreement to be submitted under S106 of the Planning Act seeks to control the number of touring caravans and the manner of occupancy.
- 6.3. These matters are however covered by Conditions 4 and 3 respectively.
- 6.4. Government advice in Paragraph 54 of the NPPF 2018 states:
Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.(my emphasis)
- 6.5. As the LPA propose conditions specifically addressing their concerns the legal agreement is superfluous, and as such the appellant does not intend submitting such an agreement.

- 6.6. The appellant also notes that it is normal practice that when a legal agreement is required but has not been submitted a specific reason for refusal should be imposed. It will be noted that no such reason has been put forward by the Local Planning Authority.
- 6.7. The appellant has no concerns regarding the conditions which in general are acceptable to the appellant.
- 6.8. Condition 3 however states:
The holiday touring caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.
- 6.9. It will be noted that the Committee was concerned that someone should be on site particularly if caravans arrived late at night due to traffic hold-ups or similar. For the avoidance of doubt the condition could be amended to read

The holiday touring caravans, together with the owner's caravan, shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence....

- 6.10. The appellant has no intention of living on the site and the caravan would only be for use as a site office and occasional stop overs such as when undertaking maintenance of the site. This he believes, together with the other management proposals he would put in place, would overcome concerns of nuisance on the site
- 6.11. In imposing any conditions the Inspector will need to satisfy himself/herself that they do not cover or conflict with matters which are properly the subject of the Caravan Site Licence.
- 6.12. It will be noted that it is the Council's practice not to discuss or issue a Site Licence until such time as planning permission is granted.

7.0 Conclusion

- 7.1. The proposal to utilise this site for the provision of touring caravans would add to and support the existing tourism offer on Hayling Island.
- 7.2. It already enjoys main services and is screened from public view by mature hedgerows.
- 7.3. The site would be managed to minimise noise nuisance on the site, which would also be assisted by the potential non-family caravanners who would be attracted to a small site such as this.
- 7.4. The proposal is considered to comply with national and local policies and as such it is respectfully requested that the appeal be allowed and that planning permission be granted.