Site Address:	33 Fairlight Chalets, Salterns Lane, Hayling Island, PO11 9LQ		
Proposal:	Variation of Condition 7 of Planning Permission 2788 to increase occupancy from 8 months to 12 months of chalet No 33.		
Application No:	APP/17/01326	Expiry Date:	26/03/2018
Applicant:	Mr White		
Agent:		Case Officer:	Emma Chisnall
Ward:	Hayling East		

Recommendation: **GRANT PERMISSION**

1 Site Description

1.1 The site is a development of 36 chalets off a private drive off Salterns Lane. It is abutted on all sides by residential development. The chalets are arranged in blocks of 2 or 3 and are of brick construction with tiled pitched roofs. The original layout was 1 or 2 bedrooms with sitting room, kitchen and wc. A number of them have been extended to the rear. Each chalet has a small private area to the rear, although where extensions have taken place this is reduced to a very insignificant area. The chalets are maintained to different standards.

1.2 Originally the frontage area was all laid to grass with a central drive. Over time this area has changed and been enclosed by the owners to relate to their individual chalet. Some have laid it out formally for parking; some are more amenity area than for parking use and there are others that have made little change and it is still a grass area. In terms of use it is evident that some are used as intended with a mixture of areas chained off, bikes and boats padlocked up and curtains drawn so it can be concluded they are visited for holiday purposes. Others are actively occupied with cars parked outside. The central access does not have a turning head. The entrance area in front of 31 and 31a has visitor parking. The access drive only has a width for one car and visibility at the access is very limited as a result of an oak tree on each side. There is no footway on Salterns Lane.

1.3 Several of the chalets now have permanent occupancy and therefore the development is now a mixed use of both holiday and full time occupancy chalets.

1.4 The chalet subject of this application, No. 33, is located on a corner plot within the development. It retains the frontage as laid to lawn and the rear garden is enclosed by a 1.8m high fence. Being a corner plot, this site has significantly more private amenity space to the front than others within the development, particularly those which have been extended at the rear. Internally there are two bedrooms, lounge, kitchen, shower/toilet, conservatory and attic. The unit has double glazing, electric heating and a secure front door, typical of a residential dwelling.

2 Planning History

HWU 2788 - Erection of 30 chalets. Permit 8/2/54 subject to condition 7 which states 'these chalets shall only be occupied between the period of 1st march and 31st October of each year. PERM

89/54234 - C/U of 27 for residential use - Permit 14/12/1989 with condition limiting it to

a single manager between 1 March and 31 October.

95/52925/3/CLE - for 31 for use of property as a dwellinghouse 11/5/1995. PERM

95/56717/2 - No 1 - Relief of condition 7 of HWU2788 to enable year round occupation. Refused and appeal dismissed 2/2/1996
Reasons:
- Even when extended chalets close together with little private amenity space; central area would be taken up with vehicles and too cramped to be lived in permanently.
- Access - single car width; visibility poor; conflict with peak flow traffic; wrong to permit more intensive use
- Loss of holiday accommodation.

95/59778/000 - Single storey side/rear extension and new front porch, PERM,23/03/1995

03/54234/001 - No 27 - remove condition restricting use to manager out of season. Refused:
- Year round availability for warden. Whilst size is acceptable for permanent occupation the amenity space is not.
- As warden occupies all year - ;level of traffic would not be significantly different.
- Loss of dwelling related to tourism.

04/59778/001 - Conservatory to rear. (Partly retrospective)., PERM,12/07/2004

05/59778/002 - Front porch., PERM,09/08/2005

APP/12/00488 - Retention of detached single storey shared laundry/store for 32 and 33 Fairlight Chalets; retention of new front porch, door to gable at first floor level, and flue at 32 Fairlight Chalets., PERM,18/07/2012

APP/12/00896 - Removal of Condition 7 of Planning Permission HWU2788 and Condition 1 of Planning Permission 13268/3 to allow for permanent occupation of chalet numbers 1-30, 32-35 inclusive.

This was refused and subsequently appealed against. The appeal (REF - APP/X1735/A/13/2194326) was dismissed on 3 key grounds:
(a) Loss of holiday accommodation;
(b) Suitability of all units for permanent accommodation in terms of both internal living and external amenity space; and
(c) More intensive use of a substandard access onto Salterns Lane.

APP/12/01196 - No. 1 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01197 - No. 2 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01198 - No. 3 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01200 - No. 30 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01201 - No. 20 - Application for Certificate of Lawfulness relating to permanent

occupation of chalet. PERM - 9/1/13

APP/12/01202 - No. 16 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01203 - No. 19 - Application for Certificate of Lawfulness relating to permanent occupation

APP/12/01203 - No. 19 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/17/00318- Variation of condition 7 of Planning Permission HWU2788 to allow for permanent occupation of chalet No 15. Perm 7/7/17

Enforcement History:

Several of the chalets were subject to an enforcement investigation for a breach of condition as they were being occupied on a permanent basis. It transpired that No's 1,2,3,16,19, 20 and 30 had been in permanent occupation for over 4 years and therefore the use was considered to be lawful. The other chalets within the development are still required to adhere to the restricted occupancy as per the original planning permission.

3 Proposal

3.1 Variation of Condition 7 of Planning Permission 2788 to increase occupancy from 8 months to 12 months.

3.2 The case presented by the applicant is that No.33 has significantly more amenity space than other chalets in the development and that the previous appeal decision was in response to a blanket application for change of use. Since the time of the original permission in 1954, demand for holiday accommodation has changed with more people now travelling aboard and also there are more hotels and holiday camps available since that time. There is also a greater demand for housing on the Island than before. In terms of traffic movement, it is argued that there is likely to be less movements from permanent residents than holiday makers

4 Policy Considerations

National Planning Policy Framework 2012

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

CS16	(High Quality Design)
CS20	(Transport and Access Strategy)
CS5	(Tourism)
CS9	(Housing)
DM13	(Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

DM24	(Recreational Disturbance to Special Protected Areas (SPAs) from

Residential Development)

Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environmental Health Manager, Community Group
Current comments: If there is adequate heating, I have no objection.

Highways Engineer, Development Engineer
The Highway Authority have no adverse comment to this application

Planning Policy
No adverse comment

Traffic Management, HBC
Traffic team have no adverse comment to make on this proposal

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: 12

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3 Support (No 2 Manor Cottages, 1 Fairlight Chalets, 30 Fairlight Chalets)

3 Objections (No 16A Salterns Lane, 18 Salterns Lane, 16 Salterns Lane)

Comment	Officer Comment
Concern from 16A Salterns lane regarding: * An application was previously refused for the permanent occupancy of the chalets. * If granted the response shall be a cluster of application following his application as a case of precedence. * The outcome shall be that most chalets will be able to achieve a 12 months occupancy. * Increased traffic in Fairlights Lane from vehicles and delivery and service vehicles which have over time caused incidents to the boundary fence of No 16 Salterns Lane.	See section 7

* Mr White purchased No 33 in the last 12 to 18 months knowing the occupancy was only for 8 months. It is unreasonable to expect the community to approve the extension. * An increase in the chalets with 12 month occupancy shall initiate more applications to convert chalets into larger properties and increase the value. Extensions shall cause conflict for owners to invest for re-sale profit to the detriment of neighbours property value.	This is not a material planning consideration. This is not a material planning consideration.
Concern from 18 Salterns Lane regarding: * With one exception being made the other chalet owners shall follow suit. * traffic from cars and delivery vehicles shall get worse. * Volume of traffic will increase. * If 12 month occupancy is granted the owners will continue to extend majority and vehicles cant manoeuvre down the single track land. * The Island has many sites with 8 month occupancy and if allowed, the other sites may try to follow suit.	See section 7
Concern from 16 Salterns Lane regarding: * The council recently refused a block submission for the full time occupancy of all chalets. Making an exception to one will mean the other chalets follow this path. *This shall increase traffic to Salterns Lane both resident cars and HGV vehicles. This has caused damage and clipped my fence. * Extensions have been built that back onto my rear garden. * Control measures shall not be in place to manage increased traffic flow or build for profit	See section 7 This cannot be considered under this application.
Support from 2 Manor Cottages regarding: * Sizes of chalets are an ideal size to retire to and much better then a static home which has all year occupancy. * The chalets are freehold and are entitled to build extensions. * Residents generate less traffic as holiday makers go out every day, residents do not. * I visit regularly and have not noticed a damaged fence along the driveway. * There will be no extra visits from refuse lorries as they visit every week for the last 12 years. * Vehicle exit is down to the drivers and the road is able to be exited safely. * All of the chalets should have 12 month occupancy. They do not have to be let to holiday makers and therefore giving permission for 12 months occupancy does not retain their use for holiday makers.	See section 7
Support from No 1 Fairlight Chalets regarding:	See section 7

* I have no objection to this property having 12 months occupancy like my own and others. With the housing shortage it makes no sense to keep these properties as second homes which is what results from the 8 month restriction.	
Support from 30 Fairlight chalets regarding: * HGVs using the private driveway is not practical but regarding refuge lorries these have always visited and will continue to do so regardless of the outcome of this application. * Chalets were designed for part-time occupancy but this was 60 years ago. They now present themselves as the perfect size and location for retirement. * Objectors suggest that permanent occupancy will bring more traffic, I think the opposite would occur as holiday makers come and go whereas permanent residents are more settled in a routine. * Motor bikes and cars racing up the road should be raised with the residents association and not against the application. * traffic pulling onto the access road shall have limited views but this is the same issue for every property and would be something the resident would become accustomed to. * Any application needs to be looked at for their own merits and not arbitrarily blocked from change particularly with the changing needs for housing. * Owners have the right to develop their property subject to planning approval. They are more substantially built than some other holiday accommodation on the island. * I disagree with the points raised by the objections and support the application.	See section 7

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development
(ii) Loss of holiday accommodation
(iii) Suitability for permanent occupation
(iv) Highway safety
(v) Housing demand
(vi) Ecology implications
(vii) Environmental Health

(i) Principle of development

7.2 The intention of the original permission HWU2788 was to provide a site of holiday chalets. The way the conditions are worded is to allow occupation of the chalets for 8 months of the year. Some of the chalets however benefit from permanent occupancy, those being 31, 31a, 27 and 15 and No.s 1,2,3,16,19,20 and 30 which have been granted a certificate of lawful development for permanent occupancy. The site therefore now constitutes a mixed use development of holiday and permanent occupancy homes. A previous decision was made (APP/12/00896) to refuse a proposal to allow all the chalets to have permanent occupation - the subsequent

appeal focusing on three key issues:

(a) Loss of holiday accommodation;
(b) Suitability of all units for permanent accommodation in terms of both internal living and external amenity space; and
(c) More intensive use of a substandard access onto Salterns Lane.

7.3 The current proposal for the use of only No. 33 for permanent accommodation therefore needs to consider the loss of one unit of holiday accommodation as opposed to all, and whether this unit is suitable for permanent occupation, and the extent to which highway safety will be compromised by its year round use. These considerations are discussed below. It is also necessary to consider all other material considerations applicable to the proposed development which may have changed since the Inspector's decision - specifically, the Council's position as regards its housing supply; and the implications of the change of use on ecology issues as set out in Policy DM24 of the Allocations Plan.

(ii) Loss of holiday accommodation

7.4 Planning application APP/12/00896 which proposed all the chalets to be used for permanent occupancy was refused and dismissed at appeal, in common with previous decisions taken on individual plots. The Planning Inspector (PI), in his appeal decision (Ref: APP/X1735/A/13/2194326) stated that the original permission was to provide holiday accommodation. Policy CS5 of the Local Plan seeks to safeguard tourist facilities unless it can be demonstrated that they are not fit for purpose or financially unviable. In the appeal case, neither of these tests had been satisfied and the PI concluded that as there is still demand for the chalets and that they are clearly suitable for holiday accommodation, they should be retained for holiday accommodation purposes. Their loss would be contrary to Policy CS5 of the Local Plan.

7.5 This application proposes that only the use of No. 33 should be changed to permanent occupancy. In terms of the principle of the change of use, there is nothing to justify that the two tests set out in Policy CS5 above have been satisfied and the loss of the holiday accommodation, even if just one chalet, would still be contrary to Policy CS5. However, there are further considerations to be made as to whether this chalet should benefit from permanent occupation, which are discussed below.

(iii) Suitability for permanent occupation

7.6 No. 33, like the other chalets, is of brick construction with a tiled pitched roof. The layout comprises two small bedrooms,, lounge, kitchen, shower/toilet, conservatory and attic and a decent size side and front garden. In the recent appeal decision, the PI recognised that whilst the living accommodation was acceptable for permanent residential accommodation, the buildings would be unduly constrained as permanent residences due to the lack of external amenity space, particularly where the buildings have been extended.

7.7 The PI concluded that as a result of these factors, it has not been demonstrated that the appeal 'as a whole, could accommodation adequate amounts of both internal living and external amenity space'. From being a corner plot No 33 is able to benefit from a larger combined amenity space with side, front and modest space available to the rear following a conservatory which has since been installed to the rear elevation of the chalet. Therefore it is clear that No. 33 has significant

differences from the majority of the Fairlight Chalets site as a whole in that it has a combined sufficient external amenity space and sufficient internal space and provision in order to support a permanent residency, thus providing firm justification that it is suitable for permanent accommodation, not being contrary to Policy CS16 of the Local Plan.

(iv) Highway safety

7.8 The current access into the site from Salterns Lane is a single car's width with no passing places and there is limited visibility at the junction. In the recent appeal decision, the PI highlighted that it would be wrong to permit a more intensive use on a presently sub standard access - this view being consistent with previous appeal decisions.

7.9 This proposal is for the use of only one chalet to be used for permanent occupation which, in itself, would not place a significant increase in movements along the access road and junction - although even single chalets have seen their proposed year round occupation refused on this ground in previous appeals. The applicant argues that based on his knowledge of the site, in practice holiday makers generate more vehicular movements than permanent residents (of which there are now 11 across the site as a whole, which did not exist at the time of the earlier appeal decisions on individual plots) - this first hand evidence must be taken into account in considering this matter. On balance it could also be argued that the use of the junction by a permanent resident who has knowledge of the limitations of the junction, is safer than a visitor / holiday maker who has limited use and knowledge of it.

7.10 The advice of the NPPF must also be taken into account, which is a further change from the policy position in respect of earlier individual plot appeals (albeit not the case in 2012 under APP/12/00896). Here the NPPF states: Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

7.11 Concern has been raised that if the chalet is permitted to be extended then the increased traffic from HGVs and lorries shall cause damage. As this current proposal is not to extend No 33 these considerations cannot be taken be into account under this current application to increase the occupancy length to 12 months only. However, as the chalet shall be altered to have a 12 month occupancy and become a residential dwellinghouse as a result, a condition removing permitted development rights shall be applied to the decision to ensure that if the development wishes to be extended in the future then planning permission would be required and an assessment to be undergone by the Local Planning Authority.

7.12 Overall it is considered that the increase of potentially one or two cars trips to and from the site per day during the additional 4 months of the year, would not warrant a 'severe cumulative impact' and therefore a refusal of the application on highway grounds is not justified having regard to the evidence put forward. It is noted that there were no objections from the Highways Engineer or Traffic Management Team.

(v) Housing demand

7.13 The proposal would contribute to the housing stock within the borough and more specifically, Hayling Island. The NPPF advises that, in circumstances such as

those that the Council finds itself in currently in terms of housing policy, there is a presumption in favour of sustainable development whereby development should be approved unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, given the specific site characteristics of No. 33 which make it almost unique within the overall development, the proposal for permanent occupancy would result in a form of sustainable development contributing to the housing stock on a brownfield site. This benefit of the scheme must be weighed against the conflict with Policy CS5 highlighted at (ii) above.

(vi) Ecology implications

7.14 Given the proximity of the application site to sites designated for their nature conservation interest the application has been assessed under Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) (The Habitats Regulations). The proposal would lead to a net increase in dwellings, which would be likely to lead to a significant effect (as described in Regulation 61(1)(a) of the Habitats Regulations) on the Chichester and Langstone Harbours Special Protection Areas (SPA). Furthermore the development is not necessary for the management of the SPA. As a result a mitigation package is required, which can be secured through a financial contribution to the Solent Recreation Mitigation Project at a scale of £181 per dwelling (net) (plus monitoring and administration fees). Subject to this mitigation package being secured, the level of mitigation provided is considered sufficient to remove the significant effect on the SPA which would otherwise have been likely to occur. As such, an appropriate assessment under Regulation 61 of the Habitats Regulations is not necessary. The relevant contribution has been secured and a deed signed and returned. The proposal therefore accords with Policy DM24 of the Local Plan.

(vii) Environmental Health

7.15 As part of the application Environmental Health have been consulted with and have raised concern over the heating system at No 33 and whether this is suitable for a unit which has a 12 month occupancy. The applicant has confirmed that although central heating is not installed at No 33 the chalet is served by electric heaters which are fitted to the walls which are sufficient to heat the chalet. There is a also a log burner present. Although there is no central heating due to there being no gas supply, the chalet is suitably heated to the same standard as economy 7 storage heaters. Due to this additional information Environmental Health are satisfied that the chalet does have adequate heating and is therefore not contrary to the Housing Act Legislation and no objection has been raised. This aspect of the development is considered to be acceptable.

8 Conclusion

8.1 In weighing the planning balance in relation to this application, it must be recognised that a succession of previous applications and appeals have concluded that individually or in combination, the holiday accommodation at the Fairlight Chalets site was not suitable for permanent residential accommodation for a variety of reasons. The fact that the site at No.33 is larger than those typically found at Fairlight Chalets as a whole, and the arguments advanced in relation to highway safety when taken in combination with NPPF guidance means that concerns regarding the suitability of the chalet site itself for permanent residential accommodation and highway safety issues can be set aside for this particular unit.

8.2 This leaves the key issue remaining being that of the conflict with Policy CS5, in that the proposal will result in the loss of a unit intended for holiday accommodation without a clear justification or evidence that it is no longer viable to fulfil this role. Set against this, however, is the benefit that will derive from the provision of a housing unit in the urban area on a previously developed site. Having regard to the Council's current position on housing supply, the benefits of seeking to retain the unit in holiday use - when in reality it is owned by the same applicant who intends to occupy it permanently - are not considered to outweigh the housing supply arguments as the loss of a single unit of holiday accommodation in this location on a mixed occupation site is not considered to significantly and demonstrably outweigh the benefits of housing supply, which is a fundamental issue in the NPPF, the Council's current planning policies and the recent Government White Paper.

8.3 It is therefore considered that, on balance, the proposal is acceptable and it is accordingly recommended for permission.

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9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/17/01326 subject to the following conditions:-

1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Supporting Letter: Received 11.12.2017
Site Plan: Licence Number 100026316
Block Plan with Measurements: Received 29.01.2018
Location Plan: Received 22.03.2018
Photographs: 11.12.2017
Information regarding rooms and parking provision: Received via email 08.03.2018
Heating Details: Received via email 19.03.2018

Reason: - To ensure provision of a satisfactory development.

3 With the exception of Nos 1, 2, 3, 16, 19, 20, 30, 31, 31a, 27, 15 and 33 none of the chalets authorised by Planning Permission HWU 2788 shall be occupied other than between the period of 1st March and 31st October in any year.
Reason: To prevent the loss of holiday accommodation; to prevent the creation of permanent dwelling houses which do not provide suitable standards of living accommodation; and to prevent an over intensive use of a substandard access onto Salterns Lane; and having due regard to policies CS5, CS9, CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

4 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, or alteration permitted by Part 1, Classes A, B, C, D, E of the General Permitted Development Order, as amended, shall be made to the building to be converted (No.33 Fairlight Chalets) without the prior written approval of the Local Planning Authority.
Reason: In the interests of the amenities of neighbouring residents, to ensure the retention of external amenity space and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.