

To:
Mr Tutton
Robert Tutton Town Planning Consultants Ltd
23 Romsey Avenue
Fareham
PO16 9TR

For: Mrs Dorey

**The Town and Country Planning (Development Management Procedure) (England) Order
2015
Refusal of Planning Permission**

Application Number: APP/22/00359

Site Address: 20 Greville Green, Emsworth, PO10 7TH

Proposal: Log cabin in rear garden and temporary child-minding use for one year
(resubmission of application APP/21/00830).

Further to your application received on 05 April 2022, Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason for the Council's decision to refuse planning permission is:

- 1 Due to the hours proposed and the scale of the proposal, the development would cause unacceptable harm to the character of the locality and amenity of neighbours through noise and disturbance and therefore is contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, D1, D2 and D3 of the Emsworth Neighbourhood Plan and the guidance in the National Planning Policy Framework.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework.

Other Important Information:

- (1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under 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) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs

Our Ref: APP/22/00359

(1) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

Your application is considered unacceptable for the reasons set out in this Decision Notice.

Simon Rowberry

Simon Rowberry
Executive Head of Place (Interim)

30 June 2022

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL
PLANNING AUTHORITY REFUSE PLANNING PERMISSION
OR GRANT IT SUBJECT TO CONDITIONS**

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- **Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.**
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on:

023 9244 6571

Site Address: 20 Greville Green, Emsworth, PO10 7TH
Proposal: Log cabin in rear garden and temporary child-minding use for one year
(resubmission of application APP/21/00830).
Application Type: Full Planning Permission
Application No: APP/22/00359 Expiry Date: 31/05/2022
Applicant: Mrs Dorey
Agent: Mr Tutton Case Officer: Joseph Toole
Robert Tutton Town Planning
Consultants Ltd
Ward: Emsworth

Recommendation: **REFUSE PERMISSION**

1 Site Description

20 Greville Green, Emsworth, is located to the north side of Greville Green. The application site is a two storey semi detached property comprising red brick and concrete roof tiles. Vehicular access is from Greville Green with parking to the front.

The property is located within a residential area with surrounding properties of similar style and design.

2 Planning History

APP/21/00135 - Erection of a single storey log cabin for use as a childminding business., UNK,
APP/21/00830 - Studio building in rear garden., REF,09/12/2021

3 Proposal

Log cabin in rear garden and temporary child-minding use for one year (resubmission of application APP/21/00830).

This application is a resubmission of the previously refused planning application reference APP/21/00830. This application differs from the previous as it is for temporary permission.

4 Policy Considerations

National Planning Policy Framework
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)

Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)

Submission Version Havant Local Plan

Emsworth Neighbourhood Plan Post Examination Version 2020

ENP_D1 (General Design Policy)
ENP_D2 (Height, Mass & Materials)
ENP_D3 (Layout, Form & Density)

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Councillor Julie Thain-Smith

No Comment.

Councillor Lulu Bowerman

No Comment.

Councillor R Kennett

No Comment.

Environmental Health Manager, Community Group

No Comment

Environmental Health Comments on APP/21/00830

My only real concern is for the possibility that loud music could be played either in the studio room or in the garden area, for the enjoyment or entertainment of the children. In the event of this happening, it could potentially lead to complaints from neighbouring residents, which would need to be dealt with by existing legislation, but it would be easier to either condition against it at this stage or to get the applicant to agree to not do it, in writing.

I would also recommend limiting the benefit of any approval to the current occupants of the property.

Hampshire Highways

Thank you for your consultation on the above planning application. The Highway Authority wish to make the following comments.

Due to the scale of the proposal and that there is no change to the vehicular access, HCC's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application. For more information on standing advice please use the following link: www.hants.gov.uk/transport/developers/consultation

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: 9

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received: 3

Comment	Officer Comment
Running a commercial business within this quiet residential area would interfere with the future of our lives and neighbours in this vicinity	Please See Section 7.
Disrupt lifestyle	
Do not believe it would cause significant amount of noise and disturbance to the surrounding neighbours.	Noted
The applicant has confirmed they will not be playing loud music or using noisy equipment.	
Believe the proposal of permission being granted for a year so that noise levels or disruption can be reviewed to be a fair compromise for all	

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) Appropriateness of design and impact on the character of the area
- (iii) Effect on neighbouring properties
- (iv) Temporary Permission
- iv) Parking

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area

7.3 Policy AL1 in the Havant Borough Local Plan (Allocations) 2014 takes "a positive approach [towards development] that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. (NPPF)." As set out in the explanatory text to Policy AL1, the Council prides itself on being 'open for business' and "... will seek to balance the three core elements of sustainable

development; environment, social and economic issues..." in decision making, in accordance with the NPPF. However, this has to be balanced against the impact the business use would have on the character and appearance of the area, residential amenity and parking.

- 7.4 Many types of businesses operate from home, some of which are incidental or ancillary to the lawful use of the residential property and not subject to planning control. Other uses, because of their nature and scale, as a matter of fact and degree, amount to a material change of use, subject to planning control.
- 7.5 The proposed development would involve the removal of the existing shed and construction of a studio building in the rear garden. It would be used as a childminding studio with a office and W/C and would have a width of approximately 3.6 metres, a depth of approximately 8.6 metres with a mono pitched roof having a maximum height of approximately 3 metres.
- 7.6 The proposed rear outbuilding would not be readily visible from the street scene. Therefore, the building itself is not considered to have a negative impact upon the character of the area. Although the proposed outbuilding is deemed to be of a large size it is considered to be subservient to the host dwelling and the retained amenity space. The childminding studio would operate Monday to Friday from 8:30 to 5:30 with staggered drop off and pick up times to reduce traffic congestion and noise concerns. There would be 2 members of staff with a maximum of 6 children. This position has not changed from the previous refusal reference APP/21/00830.
- 7.7 Whilst some level of use may be acceptable, the scale of the building for child minding is considered to be likely to give rise to an unacceptable level of noise and disturbance to the detriment of the character of the locality, contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, D1, D2 and D3 of the Emsworth Neighbourhood Plan and National Planning Policy Framework.

(iii) Effect on neighbouring properties

- 7.8 To the front of the proposed outbuilding there would be bi folding doors and a window within the proposed studio facing out onto the rear garden and shared boundary with No.21 Greville Green. Due to the existing screening of hedging it is not considered to cause harmful overlooking. Furthermore, as the proposed studio would be offset from the shared boundary by approximately 6.5 metres it is not considered to appear overbearing or result in the harmful loss of light to the occupiers of No.21.
- 7.9 To the south side there would be a door and a window within the proposed studio. This would face out onto the rear garden and back of the house with views screened by the existing 1.8 metre high fencing and property.
- 7.10 To the north side there would be doors within the proposed studio. This would face out onto the rear garden and due to the existing screening of 1.8 metre high fencing it is not considered to cause harmful overlooking. Furthermore, the proposed studio would be offset from the rear boundary by approximately 15 metres thus it is not considered to appear overbearing or result in the loss of light to the neighbouring properties to the back.
- 7.11 On the west side there would be no windows. It would be placed along the shared boundary with No.19 Greville Green. The roof design slopes away from the shared boundary it is not considered to appear overbearing or result in the harmful loss of

light to the occupiers of No.19.

- 7.12 From objections received, which includes surrounding neighbours, there are concerns about the commercial use of the outbuilding and the noise and disturbance that would arise from such a use, which includes more vehicles visiting the site, car doors slamming, noise and disturbance from the use of the building and how this use would adversely impact on their well being and amenity, if granted. The LPA needs to be satisfied, before a positive recommendation could be made, that the scale of the use was such that it would not adversely impact on residential amenity.
- 7.13 The proposed scale of the use, is considered to be unacceptable, which would be likely to result in noise and disturbance, in particular over and above that associated with friends and visitors to the family.

Policy CS16 e in Havant Borough Core Strategy requires, that:

"The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking".

- 7.14 Due to the hours proposed and number of children the scale of the proposal would cause unacceptable harm to the amenity of neighbours through noise, disturbance and therefore is contrary to Policy CS16 of the Havant Borough Core Strategy, D1, D2 and D3 of the Emsworth Neighbourhood Plan and National Planning Policy Framework.

(iv) Temporary Permission

- 7.15 Under section 72 of the Town and Country Planning Act 1990 the local planning authority may grant planning permission for a specified temporary period only. Circumstances where a temporary permission may be appropriate include where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. Following a full assessment, including whether a temporary permission would be appropriate, the local planning authority is still of the view that the use would have an adverse impact on the locality and residential amenity, by reason of noise and disturbance. Therefore a temporary permission is not considered to be appropriate and the local planning authority's position as regard this use has not changed.

(v) Parking

- 7.16 Hampshire Highways commented on the application referring to the standing advice. There is parking on site with space for up to 2 vehicles. The applicant has advised that the intention is for children to be dropped off at staggered times. Based on the information before the Local Planning Authority, this should not give rise to parking or highway issues.

8 Conclusion

- 8.1 The scale of the development is unacceptable and would be likely to result in a significant adverse impact on the amenity of neighbours, due to noise and disturbance and therefore is recommended for refusal.
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9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/22/00359

- 1 Due to the hours proposed and the scale of the proposal, the development would cause unacceptable harm to the character of the locality and amenity of neighbours through noise and disturbance and therefore is contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, D1, D2 and D3 of the Emsworth Neighbourhood Plan and the guidance in the National Planning Policy Framework.