

To:
Ms Gibson
Dot Surveying
14 Inverleith Place
Edinburgh EH3 5PZ

For: CK Hutchisons Networks (UK) Ltd

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)
TOWN AND COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) (ENGLAND)
ORDER 2015

Refusal of Details

Application Number: APP/21/01067

Site Address: Footpath to front of, Co-op, 140 Elm Grove, Hayling Island, PO11 9EH

Proposal: Application to determine whether prior approval is required for a proposed 5G telecoms installation: H3G Phase 8, 15m high street pole c/w wrap-around cabinet and 3 further additional equipment cabinets.

Further to your application received on 12 October 2021, Havant Borough Council, as Local Planning Authority, having determined that prior approval is required for the siting and appearance of the above development, **Refuses** the siting and appearance of the proposed development for the following reasons:

- 1 The proposed development, by reason of size, siting, scale, design and appearance would appear as a visually intrusive and incongruous feature in the street scene. It has not been sited or designed in a way that would minimise the impact of the development and, as such, would result in an adverse impact upon the visual amenities of the street scene and the appearance of the locality. In addition, the occupiers of nearby properties would be adversely affected by their awareness of the incongruous appearance of the development within the street scene.

Due to the siting of the proposed development, it would result in unacceptable highway safety concerns as the applicant has not demonstrated that visibility will not be obstructed for vehicles exiting Tournurbury Lane. There would also be obstruction of the footway for pedestrians due to existing street furniture. Due to the siting of the proposed development access to existing Sheffield bike stands would be blocked hindering the encouragement of sustainable transport

As such, the proposed development is contrary to Policies CS1, CS20 & CS16 of the Havant Borough Local Plan (Core Strategy) March 2011, Policy E1 of the submission version of the Havant Borough Local Plan and the National Planning Policy Framework 2021.

In coming to its decision the Council considered the plans and other documents submitted with

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your application and the saved policies of the Havant District Wide Local Plan 1996-2011.

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 (General Permitted Development) Order 1995 (as amended). It does not relate to any other application that may be required under the Town and Country Planning Acts, 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 6573.
- (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. See www.planningportal.gov.uk/pes.
- (3) 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:

- You sought and were provided with pre-application advice,
- Your application is considered unacceptable for the reasons set out in this Decision Notice.

Simon Jenkins

Simon Jenkins
Director of Regeneration and Place

11 November 2021

TOWN AND COUNTRY PLANNING ACT 1990

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](#).

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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