

Recommendation: **REFUSE A CERTIFICATE OF LAWFUL USE**

Councillor Leah Turner - Hayling East
No Comment.

Councillor M Wilson - Hayling East

No Comment.

Councillor R Raines - Hayling East

No Comment.

6 Community Involvement

Not relevant for an application for Certificate of Lawfulness of Proposed Development

Number of neighbour notification letters sent: 0

Number of site notices: Not applicable.

Statutory advertisement: Not applicable.

Number of representations received:

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

7.2 The proposed works would convert the two studio flats into a rear ground floor dwelling. The applicant's agent claims this is permitted development as there would be no external alterations, but has provided no other information as to why the proposal is not subject to planning control.

7.3 Policy CS9 of the HBLPCS, seeks to provide a mix of dwelling types, sizes and tenures to help meet an identified local housing need. The proposal would result in the loss of a housing unit which would not meet an identified housing need for the Borough contrary to Policy CS9 of the Havant Borough Core Strategy 2011. With regard to this need, the Council cannot demonstrate a 5 year housing land supply, as set out in paragraph 74 of the NPPF. This lack of housing land is identified in the Havant Five Year Housing Land Supply update 2021 with a Housing Land Supply of only 3.9 years with a 20% buffer. Therefore there is a clear housing shortage within the Borough. From reviewing relevant appeal decisions, Inspectors have taken this into consideration and that as a matter of fact and degree the existing use as two flats fulfill a legitimate and recognised planning purpose in contributing to the housing stock and that the change to a single dwelling may have significant consequences in reducing that stock. The LPA concurs with the Inspectors' findings on this material planning consideration. This matter that should be properly consulted upon and considered on its merits by means of a planning application.

8 Conclusion

8.1 The proposed development would reduce the housing stock of the Borough which is contrary to Policy CS9 with the Havant Borough Core Strategy (2011) and the NPPF and should be properly assessed upon and considered on its merits by means of a planning application. Therefore, a Lawful Development Certificate cannot be issued. The Council solicitor concurs with this recommendation.

9 RECOMMENDATION:

That the Head of Planning be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/21/01012

FIRST SCHEDULE:

This certificate relates to the following development:

Application for certificate of lawfulness relating to proposed conversion of existing 2No. studio flats into 1No. dwelling (to rear of commercial unit 78 Elm Grove). as described in the written particulars, plans and other documents submitted with your application received on 01 September 2021.

SECOND SCHEDULE:

This certificate relates to land at 78B Elm Grove, Hayling Island, PO11 9EH as shown edged red on the submitted Location Plan received 26 October 2021.

OTHER IMPORTANT INFORMATION:

- (1) Your attention is drawn to the attached information regarding your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision. See www.planningportal.gov.uk/pcs
- (2) In view of this refusal by the Council to grant the certificate applied for, the development specified above on land specified above may be liable to formal enforcement action under Section 172 of the 1990 Act unless it has the benefit of a separate and valid 'planning permission' for it under the same Act.
- (3) In view of this refusal to grant the certificate applied for, planning permission will need to be applied for in the respect of the development.