

APPENDICES

**Stables and Land at
Croft Lane,
Hayling Island,
Hampshire, PO11 0LT**

Local Planning Authority Reference:-

APP/15/01372

Planning Inspectorate Reference:-

APP/X1735/X/16/3155332

APPENDIX I - Officer's Delegated report

APP/15/01372

Site Address: Stables and Land, Croft Lane, Hayling Island

Proposal: Application for Certificate of Lawfulness relating to existing siting of 1No. 3 bed mobile home and its use for habitable accommodation associated with the use of land.

Application No: APP/15/01372 Expiry Date: 02/03/2016

Applicant: Mr Butcher

Agent: Case Officer: Stephen Andrews

Ward: Hayling West

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

1 Site Description

Stables and Land, Croft Lane, Hayling Island. The majority of the application site is, for the purposes of planning policy, in the countryside. The site is accessed via Croft Lane which runs north off Northwood Lane and east of the main Havant Road. The site itself is principally laid to grass beyond the existing stable buildings and yard. The land is bound by mature hedges and sub-divided by post and rail fences. The land is generally a flat site with no significant change in levels. Views into the site are from properties north of Northfield Lane and properties east of a section of the Havant Road.

2 Planning History

GEN/12/00184 - Proposed establishment of use and proposed development of site, ,26/04/2012

APP/16/00027 - Siting of an additional (second) mobile home for accommodation for an extra groom (retrospective application)., DEL,

3 Proposal

Application for Certificate of Lawfulness relating to existing siting of 1No. 3 bed mobile home and its use for habitable accommodation associated with the use of land.

4 Policy Considerations

The outcome of the application hinges not on matters of planning policy but on the quality of evidence available as to the current use of the site and its longevity.

5 Statutory and Non Statutory Consultations

Legal Services

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: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 23 object

Summary: The objections for the most part were from long standing local residents living adjacent to the site or with good local knowledge of the site. The consensus view amongst the objectors is the a mobile home had been on the site for a period in excess of ten years, however it is described as derelict and uninhabitable covered in brambles, furthermore some objectors categorically state that they had never seen anyone living on the site and that there were never any sign of lights on in the mobile home.

7 Planning Considerations

7.1 The outcome of the application hinges not on matters of planning policy but on the quality of evidence available as to the current use of the site and its longevity.

7.2 Submitted evidence:

Photograph dated 01/01/1999

Photograph dated 01/01/2005

Photograph dated 21/04/2007

Photograph dated 22/04/2015

Two photographs printed 08/12/2015

Signed declarations from;

William Wallace

Gareth Wright

Frederick Chamberlin

Jennifer Banner

Jamie Banner

Kelly Campbell

Janice Haines

Karen Smith

Leslie Smith

Susan Butcher

Graham Butcher

Anthony Butcher

Letter HBC dated 13/05/2003

Letter BJC dated 28/04/2003

Letter BJC dated 12/07/2002

Letter BJC dated 12/07/2002

Letter HBC dated 03/04/2002

Letter HBC dated 14/06/2001

Motor vehicle policy dated 12/08/1998

Electrical invoice dated 23/11/1998

Portsmouth water bill dated 24/09/1997

receipt for a cash deposit dated 22nd March 1997

Receipt for stable dated 24/01/1996

Southern electric bill dated 15/12/1997

Southern electric bill dated 15/09/1993

Southern electric letter dated 21/10/1988

Invoice dated 28/05/1988

Letter HBC dated 22/03/1988

Letter HBC dated 10/07/2002

7.3 Appraisal of the evidence

The lawful use of the site is agricultural land, at no time has the applicant sought to regularise the stable buildings or the use of the land for grazing horses, furthermore at no time has the applicant set out to deliberately create a mixed use planning unit. The evidence submitted with this application is limited. However, the LPA must still make a determination of the application as submitted and this must be based on the evidence provided and on the balance of probability. The factual provided evidence does not support the application.

Beginning with the photographic evidence it is apparent that a mobile home was in situ on the site for a period in excess of ten years, this mobile home has since been removed and destroyed, a new mobile home placed on the land in its stead, adding weight to the objectors assertion that the original mobile home was not habitable. There is a consensus from both objectors and supporters of this application that a mobile home was on the site. The objectors describe a dilapidated overgrown uninhabitable mobile home that was covered in brambles and had no outward sign of being occupied again there is some photographic evidence that supports this. It is improbable that residential occupation of the site could have gone unnoticed for twelve years whereby the recent occupation was immediately recognised.

The evidence provided by the applicant in the form of signed declarations lack detail and for the most part are following a replicated format.

The signed declaration of Kelly Ann Campbell states that she lived in the caravan for 12 years and was an on site groom and security for the horses. Local residents have no knowledge of this person, one resident has described rounding up the horses who had got loose and phoning there owners on their mobile phones, this would appear to contradict there was an on site groom providing security .There are no supporting documents that verify her occupancy such as a rental agreement domestic bills, or any form of employment contract for her being the on site security/groom.

Mr Wright and Frederic Chamberlin both live in Fareham and their signed declarations give no indication of their connection with the site. Similarly Mr Wallis lives in Portchester and has no obvious connection with the site.

None of the documentary evidence produced related directly to or make reference to the mobile home or the occupation of the mobile home. From the Councils own records there is no record of council tax being paid for a mobile home on the site for the period in question. No tangible evidence has been provided by the applicant in relation to the occupation of the mobile home for twelve years i.e a rental agreement, utility bills in the name of the alleged occupier, council tax records etc... From my own observations of the site I note that the main water supply and electricity go to the stables. The new mobile home has water provided from the stables and an electricity supply via the stables I noted a new electricity metre was outside the replacement mobile home.

8 Conclusion

I find the letters of objection from local residents to be consistent and credible, twenty three separate local people have given various accounts of their recollection of the site and whereby the passage of time can lead individuals to give varying accounts what is consistent in all these individual accounts is firstly that no one has lived on site and secondly the mobile home was in such a poor condition to render it uninhabitable. The signed declarations provided by Mr Butcher do not on balance outweigh the evidence

provided by local residents some who have lived near the site for a considerable number of years. The documentary evidence provided in support of the application falls short of the standard required and lends no weight to the application.

The applicant has failed to provided credible evidence of a continuous residential occupation of the mobile home, for a period in excess of 10 years. This application has been publicised in accordance with adopted procedures and significant evidence to the contrary has been raised.

In conclusion, having reviewed all the information submitted with the application and on the balance of probability, it has not been satisfactorily demonstrated that the site has been in continuous use, for a period of at least ten years. The Lawful Development Certificate should therefore be refused on this basis.

9 RECOMMENDATION:

That the Executive Head of Planning and Built Environment be authorised to **REFUSE A CERTIFICATE OF LAWFUL USE** for application APP/15/01372

(A)

(B) for the following reasons/subject to the following conditions

1 The applicant has failed to provided credible evidence of a continuous residential occupation of the mobile home, for a period in excess of 10 years. Having reviewed all the information submitted with the application and on the balance of probability, it has not therefore been satisfactorily demonstrated that the mobile home has been in continuous residential use, for a period of at least ten years.

APPENDIX II – Decision Notice and Officer's Delegated report APP/16/00027



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To:
Mr K Butcher
September Lodge
Sarisbury Court
Sarisbury Green
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SO31 6AG

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

Application Number: APP/16/00027

Site Address: Stables & Land, Croft Lane, Hayling Island

Proposal: **Siting of an additional (second) mobile home for accommodation for an extra groom (retrospective application).**

Further to your application received on 08 January 2016 (which was valid from 18 January 2016) Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 The proposed siting of the mobile home for habitable accommodation for a groom represents an undesirable addition of a dwelling in a non-urban area (i.e. countryside) for which there is no overriding justification. No supporting information has been submitted justifying the functional need for the grooms accommodation nor has it been demonstrated that there are no other suitable properties in the immediate area that could fulfill any proven need. The proposal is therefore contrary to paragraph 55 of the National Planning Policy Framework 2012 and policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL2 of the Havant Borough Publication Local Plan (Allocations) 2014.
- 2 The proposed siting of the mobile home is unrelated to the existing stable yard and would encroach into the open countryside, being visually prominent and an incongruous feature in this rural environment. Car parking required by the proposal could also be visually intrusive to this rural area. The proposed development would therefore cause harm to the character and appearance of the area, contrary to paragraph 17 and 109 of the NPPF and Policy CS11, CS16 and DM8.

- 3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

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 2012.

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
- (1) You are advised that the submitted 1:1250 Location Plan and 1:500 Block Plan are considered inaccurate and do not reflect the actual siting of the Mobile Home No 1 which is only 12.3m from the northern curtilage of The Retreat. Any future applications or appeals should correct this detail.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

12 December 2016

Site Address: Stables & Land, Croft Lane, Hayling Island
Proposal: Siting of an additional (second) mobile home for accommodation for an extra groom (retrospective application).
Application No: APP/16/00027 Expiry Date: 14/03/2016
Applicant: Mr K Butcher
Agent: Case Officer: Stephen Andrews
Ward: Hayling West
Recommendation: REFUSE PERMISSION

1 SiteDescription

1.1 The application site comprises approximately 3.5 acres or 1.48 ha of land that is situated to the north of the dwellings located on the north side of Northwood Lane in Hayling Island. Access to the site is via Croft Lane which is a predominantly unmade private access located between Brambles, No. 94, and Briarscroft on Northwood Lane. This access is shared and provides vehicular access to rear garages serving several of the closest dwellings, 2 bungalows Merriville and The Retreat, as well as the appeal site.

1.2 The access track leads to a group of stable buildings, including feed store and hay barns, set along the southern boundary of the site. These buildings form a double row with central 'yard'. There is one mobile home located adjacent the western boundary of the site, north of the stables. This has a timber/decked ramped access to its eastern side and has been refused a Certificate of Lawful Use for its habitable accommodation (APP/15/01372 refers) which is currently subject to an Appeal. A second mobile home is also currently sited on the land, set at 90 degrees to the appeal mobile home, and this second mobile home is subject to this planning application. This second mobile home has red tarpaulin over its roof as it is understood to have been damaged in transit and is not currently habitable.

1.3 The remainder of the site to the north of the yard is laid to grass and subdivided into paddocks used for the grazing of horses. The southern most 'paddock' currently has two jumps placed within it and is clearly used for riding and exercising the horses. The area immediately adjacent the mobile homes has two old rusty tractors and other old pieces of equipment.

1.4 The Defined Urban Area Boundary of Stoke includes the access lane and stable buildings and yard, but the remainder of the site is within the 'non-urban' area of Hayling Island for policy purposes. Additionally there are some trees the subject of Tree Preservation Orders in the northern part of the site and most of the land is Flood Zone 2 and 3 - the proposed position of the second mobile home would just impinge on Flood Zone 2.

2 Planning History

APP/15/01372 - Application for Certificate of Lawfulness relating to existing siting of 1No. 3 bed mobile home and its use for habitable accommodation associated with the use of land., REFUSED 07/07/2016 - Appeal Lodged

3 Proposal

Siting of an additional (second) mobile home for accommodation for an extra groom (retrospective application).

No supporting information has been submitted to justify the need for the accommodation.

4 Policy Considerations

National Planning Policy Framework - particularly paragraphs 55, and 100 - 104
Havant Borough Local Plan (Core Strategy) March 2011
CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS15 (Flood and Coastal Erosion)
CS16 (High Quality Design)
CS17 (Concentration and Distribution of Development within the Urban Areas)
CS21 (Developer Requirements)
DM13 (Car and Cycle Parking on Residential Development)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)
Havant Borough Local Plan (Allocations) July 2014
AL1 (Presumption in Favour of Sustainable Development)
DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)
AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
Havant Borough Council Borough Design Guide SPD, 2011
and Parking SPD, 2016
Listed Building Grade: Not applicable.
Conservation Area: Not applicable.

5 Statutory and Non Statutory Consultations

Environment Agency - No comments to make on the above proposal because the application falls within the scope of our Flood Risk Standing Advice (FRSA).

County Ecologist - Given the site's location I would not raise any overriding ecological issues. The application is for new residential (although temporary?) within 5.6km of the Solent Natura 2000 sites and so, presumably, may require that a financial contribution is made via the Solent Recreation Mitigation Partnership (SRMP).

Landscape Team - I note the submitted plans position the existing mobile home some 4 metres further south than demonstrated within the submitted aerial image. Having visited the site, however, I note there are actually two mobile homes currently on the site and that neither location reflects the submitted plans nor the aerial image - instead being located much further south closer to the end of Croft Lane.

Existing field boundary hedgerows screen views of the existing mobile homes from much of Northwood Lane and indeed the public footpath (route 80) that extends from Northwood Lane opposite Stoke House.

It is possible that the mobile homes are partially visible from the upper storey windows of adjacent dwellings.

Currently both mobile homes are visible when viewed from Northwood Lane via Croft Lane it seems these units would be less conspicuous if they were to be relocated.

From a landscape perspective, I would have no objection to re-position of the existing mobile home to the original location indicated by the submitted aerial photograph, or the proposed second mobile home as indicated within the submitted block plan.

Environmental Health - Licensing - Object to this application, as this property is not currently licenced for the purpose of running a park home site for the existing occupied static caravan / park home, nor for the second unit applied for under this application.

We would be minded to approve any licence application, if Planning permission were to be obtained for either of the two units currently on site, and if all licencing conditions stipulated thereafter, could be met. However, this type of licence will not be taken under consideration until such time as Town Planning consent is obtained.

Engineering/Drainage - no observations

Planning Policy - THE PRINCIPAL OF DEVELOPMENT

The site is located at the northern end of Croft Lane on Hayling Island. The Location

Plan confirms the second caravans location to be north-east of the first. The urban area of the borough transects the area which the caravan is located in from the north-west to the south-east. Nonetheless, the area marked on the location plan is clearly outside of the urban area.

This proposal is addressed by Policy AL2 of the Havant Borough Allocations Plan and Policy CS17 of the Core Strategy. Policy CS17 sets out that planning permission will be granted for proposals that concentrate new housing development within the five urban areas of Havant, Leigh Park, Waterloo, Emsworth and Hayling Island. It goes on to state that 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.

The proposal for a new mobile home unit of residential accommodation would be in the non-urban area of the borough. As such, it is contrary to policies CS17 and AL2 and is not supported in principle.

CONCLUSION

Proposal not acceptable in principle.

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: At least one site notice exists - 1

Statutory advertisement: Not applicable.

Number of representations received: 4 letters of Objection and 4 letters of Support (3 of which are from relatives of the applicant) and 1 Petition

Summary of Objections: aerial photo mis-represents current location of mobile home which is 20m south - block & site plans inaccurate; visible from Northwood Lane; application indicates up to 10 vehicles for 2 mobile homes but parking spaces not shown on plans; additional vehicles will impact and block access to other drives and change character of lane; lane deteriorated with pot holes; cess pit potential source of ground water pollution; area designated agricultural land not residential; increases yard area with no planning or commercial licence; mobile home not fit and not in keeping; grazing land overused with approximately 6 horses and waterlogged; its expansion inappropriate.

Summary of Support: provides an affordable home with equestrian employment; use been established without contest for many years; extra mobile home in correct position; mobile home will need repairing and then red cover will be removed; 1 Petition with 11 signatories Objecting to the proposal as horses are privately owned by individuals who rent the field and tend to their own horses without grooms provided by Mr Butcher.

Comment: The issues raised will be considered below:

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, use of land and occupational justification
- (ii) Siting and Impact upon the rural landscape
- (iii) Highways and Impact upon residential amenity
- (iv) Flood Risk
- (v) Developer Contributions and Community Infrastructure Levy

(i) Principle of development, use of land and occupational justification

7.2 Policy AL2 of the Allocations Plan, 2014 and Policy CS17 of the Core Strategy, 2011 define the Urban Areas of the Borough. Outside the defined areas identified on the Policies Map on Hayling Island, the land is 'non-urban' and development will only be permitted if it is consistent with the policies for the Countryside set out in national policy. The proposed siting of the second mobile home falls within this non-urban area. Accordingly paragraph 55 of the National Planning Policy Framework is relevant to the determination of this application which states that:

"Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- ☐ the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- ☐ where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- ☐ where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- ☐ the exceptional quality or innovative nature of the design of the dwelling. "

7.3 The application has been submitted on the basis of providing accommodation for an extra groom in association with the use of the land for the keeping of horses. No planning permission has ever been sought or granted for a change of use of the land from agriculture to equestrian. However it is clear from third party comments in both this application and those in APP/15/01372, that the land has been used for the grazing of horses for many years. The existing stable buildings and feed stores, hay barn etc on site appear to have enabled the recreational use of the land for the keeping of horses for in excess of 10 years. Therefore it is likely that a Certificate of Lawfulness would be issued for the keeping of horses on the land.

7.4 However, no details have been submitted whatsoever to justify the need for accommodation that is required to enable agricultural or other workers to live at their place of work. No information has been provided on the number or type of horses. The submitted planning forms state "The groom will help look after and keep secure the horses that are in the stables at Croft lane. The existing mobile home is used for the accommodation of a couple that currently are employed as a groom and land maintenance, but the extra groom is required to help and also cover holidays and days off.....the proposal will keep the business going and continue to employ three people full time for the upkeep of the stables, land and security of the site." However when site visits have been made by members of the Planning department no groom or staff have ever been present on site.

7.5 The limited information on the planning forms is considered insufficient evidence to adequately demonstrate a successful equestrian business that requires 3 full time members of staff to satisfy para 55 of the NPPF. Former advice contained within Annex A of PPS7 stated that "It is essential that all applications for planning permission for new occupational dwellings in the countryside are scrutinised thoroughly with the aim of detecting attempts to abuse....In particular, it will be important to establish whether the stated intentions to engage in farming, forestry or any other rural-based enterprise, are genuine, are reasonably likely to materialise and are capable of being sustained for a reasonable period of time. It will also be important to establish that the needs of the intended enterprise require one or more of the people engaged in it to live nearby." The former Annex set out certain criteria that should be met including: an established functional need; the need relates to a full-time worker; the business unit has been established for at least 3 years and is financially sound with a prospect of remaining so; and the functional need could not be fulfilled by any alternative accommodation in the area. Whilst this guidance has been withdrawn,

para 55 of NPPF still seeks to resist new homes in the countryside unless essential to the rural enterprise. The LPA is of the opinion that the guidance given in the former Annex is still an appropriate way to consider such applications for new dwellings in the countryside. Since the applicant has submitted no evidence whatsoever to prove a functional need then the proposal is, as a matter of principle, contrary to this advice.

7.6 No supporting financial information to prove the success of the existing equestrian business has been submitted. No copies of the contracts with the existing horse owners for their livery has been submitted. No details of the existing groom's wages, duties and hours of work have been submitted and the functional need for a groom has not been adequately demonstrated. The details of the number of horses kept on the land and the time taken to care for each has not been supplied. Are the horses ponies or thoroughbreds that need a higher level of care? There is no evidence that the horses are in any particular risk and need additional attention and security measures. There is only a small area with some jumps, so there is no professional exercise area or 'manege'. It is the LPA's understanding that the stables at Croft Lane are leased out on a DIY livery basis i.e. the horse owners undertake all the care for their horse themselves. The third party comments received and the petition also make this point - that there is no full time groom on site and the horse owners do their own horse maintenance. On the occasions that members of the Planning department have visited the site the horses have simply been left out to graze in the paddocks and there has been no-one on site at all. The applicant has not submitted anything whatsoever to counter this understanding.

7.7 Therefore it is considered that there is no over-riding operational need for a groom's accommodation at all to serve this small stable site. Furthermore the site is located close to numerous other dwellings within the urban area of Hayling and it has not been demonstrated why the existing housing stock could not provide suitable accommodation for the groom. Certainly the grazing land is not so remote that the time taken to get to the site would compromise the care of the horses. It is considered that alternative accommodation exists within the locality that would serve the needs of the stables and care of the horses. Therefore there is no need for an additional dwelling in this countryside or 'non-urban' area and the proposal is considered contrary to Para 55 of the NPPF and Policy AL2 of the Allocations Plan, 2014 and Policy CS17 of the Core Strategy, 2011.

(ii) Siting and Impact upon the rural landscape

7.8 To the north and east of the proposed siting of the mobile home is open grassed paddocks, subdivided with post and rail fencing, interspersed with trees and hedgerows on the outer boundaries. The area is flat and the outlook from the dwellings abutting the site is of the traditional rural landscape. The first mobile home is sited discreetly adjacent the western hedgerow (although its authorised use is NOT established). The proposed siting of the second mobile home is some distance from the existing grouped stable yard area and would be at 90 degrees to the first mobile home. This would extend the built development further into the open countryside area and the 90 degree siting would project into the otherwise open nature of this field. It is considered that this encroachment into the open area would have an adverse visual impact on the appearance and character of the local rural landscape. The lack of natural screening would result in this mobile home being visually prominent and an incongruous feature in this rural environment. Accordingly the proposed mobile home and its proposed siting would result in significant harm to the character and appearance of the rural landscape contrary to paragraph 17 and 109 of the NPPF and Policy CS11, CS16 and DM8.

7.9 It has been noted by objectors that the siting of the first mobile home shown on the

submitted plans does not concur to that on site. The submitted 1:1250 Location Plan and 1:500 Block Plan indicate Mobile Home No1 to be sited 20m north of the curtilage of The Retreat with the proposed Mobile Home No 2 set at 90 degrees to this, in line with No 1's rear elevation i.e. approximately 28m from the curtilage of The Retreat. However a site inspection on 14/11/2016 measured the front (south) elevation of mobile home No 1 to be just 12.3m from the northern curtilage of The Retreat - and that caravan is 11m long so the current position of the damaged Mobile Home No 2 is some 24m from The Retreat. These clearly do not concur with the submitted plans which are therefore inaccurate. The on-site siting of the mobile homes in this more southerly position than shown on the submitted plans also means that the actual siting is outside Flood Zone 2.

(iii) Highways and Impact upon residential amenity

7.10 The submitted plans do not provide any parking layout for either the proposed mobile home or the existing stables. To meet the newly adopted Parking SPD the number of on site parking spaces will depend on the number of bedrooms within the mobile home. No internal layout has been supplied so the number of bedrooms is unknown. The submitted planning forms indicate that there is space on site for 8 cars and 2 light goods vehicles, although these are not shown on a block plan. Croft Lane is a private drive shared with several other residents and the potential blocking of drives by vehicles would be a private matter. The additional comings and goings and potential affect on the quiet residential amenity from the use of the lane can be considered. However, the marginal increase in activity from just one more home whose occupancy would be linked to the equestrian use of the site and adjacent stables, is not considered to be materially harmful to neighbouring residential amenity. The provision of the spaces could be visually intrusive in this rural setting but without detailed plans for their siting this cannot be assessed at this stage.

(iv) Flood Risk

7.11 A mobile home is classified as a highly vulnerable use and if within Flood Zone 2 would be subject to both the Sequential Test the Exception Test. No such information has been submitted. However it is noted that the proposed siting of the mobile home as shown on the submitted plans only marginally impinges on Flood Zone 2 - ie the north-eastern corner of the proposed mobile home would just cross the Flood Zone. But since it is known that these plans are inaccurate and the actual siting is further south, then the actual siting is outside Flood Zone 2. The submitted Flood Risk Form indicates that the floor of the mobile home would be set at 600mm above ground level. This raised floor level is considered acceptable, especially having regard to the actual siting and the fact that the escape route via Croft Lane is also not within the Flood Zone. On balance, it is not considered appropriate to raise an objection on Flood Risk grounds.

(v) Developer Contributions and Community Infrastructure Levy

7.12 As a proposal for a mobile home for habitable purposes the proposal would result in a net gain of 1 dwelling within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan which was adopted on 30 June 2014, covers this issue and allows for a financial contribution to be made towards mitigation measures. This is currently set at £176 per dwelling to the Solent Disturbance Mitigation Project. Therefore the proposed mobile home would be subject to this policy and the contribution has not been paid by either an upfront contribution or Section 106 legal agreement. Therefore the lack of the appropriate contribution is contrary to Policy DM24.

7.13 As residential accommodation, the proposed development could also be subject to

the Community Infrastructure Levy. However if it is considered that a mobile home is not a 'building' then it would not necessarily be CIL liable. The appropriate Form 1 and Additional Information Requirement Form have not been submitted. It is therefore likely that the proposed siting of a mobile home is not CIL liable under Havant Borough Council's current charging schedule.

8 Conclusion

8.1 The principle of the siting of an additional mobile home for habitable purposes within this 'non-urban' area is subject to the restrictive national rural policies set out in para 55 of the NPPF. This clearly seeks to avoid new homes in the countryside unless essential for a rural worker. No compelling argument with a business case has been put forward to justify this living accommodation in connection with the equestrian use at the stables. The proposal is therefore fundamentally considered contrary to the principle of additional rural housing and cannot be supported.

8.2 Since the second mobile home has already been placed on site, albeit in a damaged and uninhabitable form, it is also necessary to consider the expediency of appropriate Enforcement Action to secure its removal from the land.

9 RECOMMENDATION:

That the Head of Planning be authorised to REFUSE PERMISSION for application APP/16/00027

(A) for the following reasons

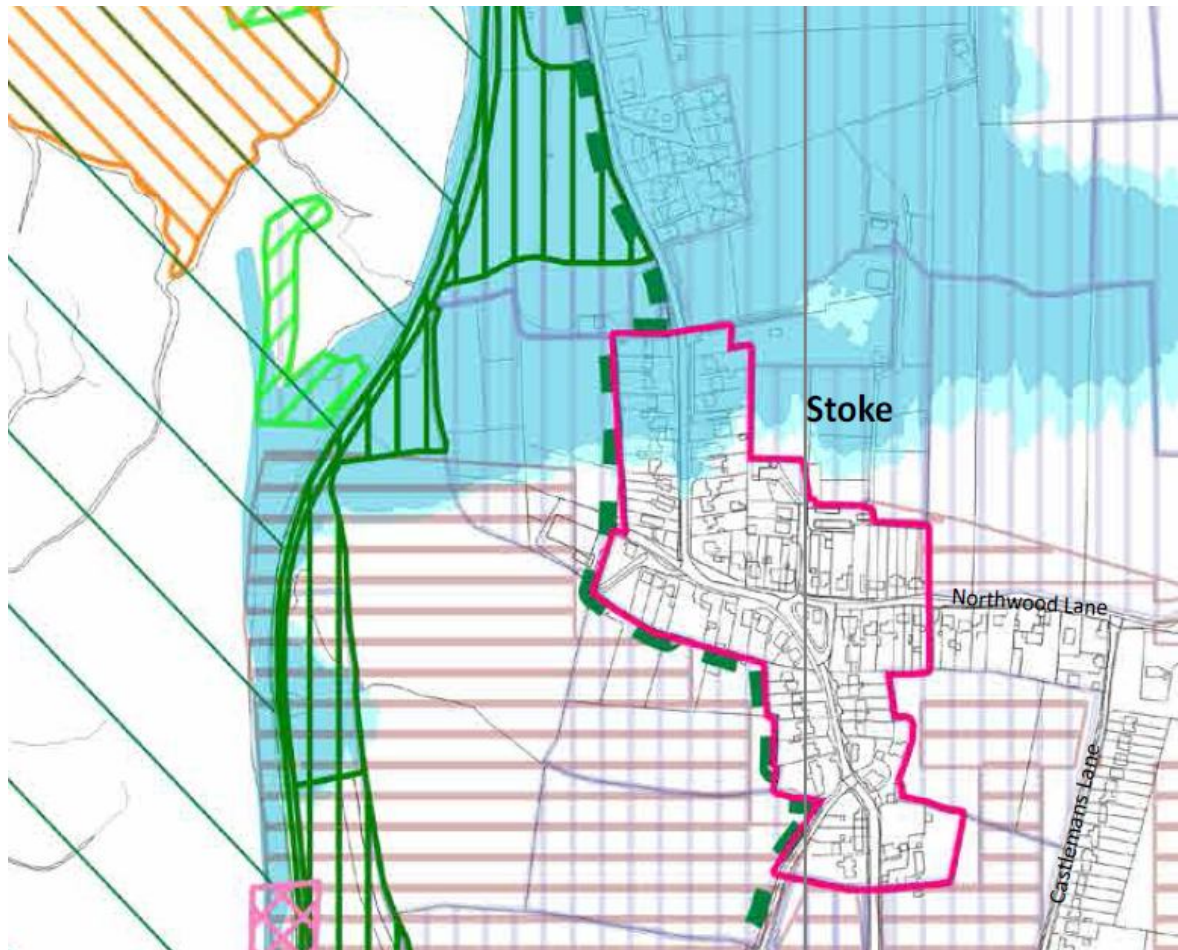
(B)

1 The proposed siting of the mobile home for habitable accommodation for a groom represents an undesirable addition of a dwelling in a non-urban area (i.e. countryside) for which there is no overriding justification. No supporting information has been submitted justifying the functional need for the grooms accommodation nor has it been demonstrated that there are no other suitable properties in the immediate area that could fulfill any proven need. The proposal is therefore contrary to paragraph 55 of the National Planning Policy Framework 2012 and policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and policy AL2 of the Havant Borough Publication Local Plan (Allocations) 2014.

2 The proposed siting of the mobile home is unrelated to the existing stable yard and would encroach into the open countryside, being visually prominent and an incongruous feature in this rural environment. Car parking required by the proposal could also be visually intrusive to this rural area. The proposed development would therefore cause harm to the character and appearance of the area, contrary to paragraph 17 and 109 of the NPPF and Policy CS11, CS16 and DM8.

3 The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012

APPENDIX III - Constraints Map



APPENDIX IV - 2012 Pre-Application Site Assessment Report and LPA's Response dated 26/04/2012

Pre Application Report Land off Croft Lane Hayling Island

**Pre Application Advise
Statement of Proposal
For Site Known as:**

**Land off Croft Lane
to rear of Properties on
Northwood Lane**

**On behalf of
Mr K Butcher
September Lodge
Sarisbury Court
Sarisbury Green
Southampton
S031 6AG**

**Prepared by:
John Gorham**

Pre Application Report Land off Croft Lane Hayling Island

1. INTRODUCTION

This document is produced to accompany a pre application enquiry application following a very useful meeting with Greg Emerson of Havant Council.

The objective of this document is a discussion document to consider the existing site constraints and potential development opportunities.

2. EXISTING SITE CONSTRAINTS ACCESS AND FLOOD PLAN

The maps and plans accompanying this document show some of the constraints of the site as existing. The existing access is off Croft Lane. Croft Lane as existing serves some six properties or their garages and is of sufficient width so that improved access could be provided to Northwood Lane if required for Highway safety reasons. Where Croft Lane meets Northwood Lane there is good visibility in both directions and due to the proximity of the junction of Northwood Land with Havant Road the traffic speeds would be reduced. In addition there is a bus stop in close proximity of the junction of Croft Lane and Northwood Lane on the Havant Road so the availability of limited public transport is convenient as existing.

Hayling Island is within the flood plan risk area and the plans accompanying

this report show clearly this constraint for future development. Basically there is a limited area where development outside of the flood plan risk area would be possible. This is approximately 65m x 35m to the south of the site. The site is not very high grade Agricultural Land.

3. EXISTING SITE USE - ESTABLISHED USE CERTIFICATE

The existing site is used as stables and associated horse grazing and care. This use has been in place for at least the last 25 years when K. Butcher purchased the site. Part of the applications relating to the site would be to establish the use as Equine Use.

4. CARAVAN SITE / HOLIDAY HOMES

There was consideration given to the possibility of a caravan park. Although this has the advantage of being able to raise the caravans above the possible height of future floods it is not close to an existing park and it was felt that this use would be unlikely to achieve a successful planning application. However as part of the pre application enquiry this possible future use of the site could be considered.

5. PROPOSED DEVELOPMENT - NEW HOUSING

Due to the flood plan and Havant's green belt policies and the availability of other sites for housing development it is felt that Housing development would not be possible on the site. However as part of the report associated with the pre application advice confirmation that future housing development was unlikely to be successful is requested.

6. PROPOSED DEVELOPMENT - EQUESTRIAN CENTRE

Obviously as part of the possible redevelopment of the site the intensification of the site use as an Equestrian Centre is considered a possibility. The established and current use on the site is as stabling for a number of horses. However it is proposed to increase this use and create a riding centre and associated new buildings and facilities. Any major new buildings would obviously be confined to the area outside of the flood plan risk area.

However a manager's house and improved Tack and Stabling facilities would be required. Obviously this intensification of Equestrian use would also provide some extra employment in the area. As part of this pre application advice the proposal to increase the equestrian use needs to be considered.

7. PROPOSED DEVELOPMENT - HOSTEL FOR ADULTS WITH LEARNING DIFFICULTIES AND EQUESTRIAN CENTRE

The main proposed use is as a Hostel for Adults with Learning difficulties or Children with learning difficulties. Therapy would be provided to the future users by reacting and engaging with the proposed horses as part of equine therapy. Therefore the main existing use stabling and looking after the horses would remain. However a specialist equestrian centre to provide assisted living and therapy for Adults or Children with Learning difficulties would be provided. The applicants have existing providers who would be interested in providing this facility. The Health Service and Social services report a continuing need for facilities of this type.

In order to provide two separate units of ten bed spaces each two buildings of two storeys, each with a footprint of 250m² would be required. The total

area of the site outside of the flood plan is 2275m². This therefore is low density development within the flood plan and in fact is not of much greater floor area than the building already on the site. In the context of the overall site area this is very low density development and maintains the open country green belt feel to the site and associated area.

However a development of this type would create some 40 new jobs in the area and a use that benefits people needing care.

8. CONCLUSION

The pre application enquiry is to determine the future possible acceptable uses on the site. From the applicants point of view a development providing hostels for Adults or Children with Learning Difficulties provides the best outcome from both employment opportunities created and good use of the site.

LPA's Response:

Mr J Gorham
Gorham Associates
5 Ashley Close
Swanwich
Southampton
SO31 1FW

Our Ref: GEN/12/00184
Direct Line: (023) 9244 6523
Ask For: Mrs H Lealan
Email: planning.development@havant.gov.uk

26 April 2012

Dear Mr Gorham

Site Location: Land off Croft Lane, Hayling Island, PO11 0LT

Re: Proposed establishment of use and proposed development of site

I am writing to you further to your request for pre-application advice, received on the 13/02/2012 regarding the above address. I apologise for the delay in my written response

Your enquiry raises a number of options for the further development of the site. I advise that a certificate of lawfulness application would need to demonstrate an existing and continuous use for at least 10 years. Such evidence should include affidavits signed in the presence of a solicitor, not only from the land owner but from professionals with knowledge of the stable and associated horse care use. Financial records relating to the operation of the site can also prove useful when establishing a lawful use.

Caravan Park and Housing

I consider that the proposals for a caravan park and for new housing would be unlikely to receive officer support as the site is outside of the urban area and the majority is within flood plains 2 and 3. Such proposals would not be in accordance with local plan Core Strategy Policy CS9 which states that an appropriate proportion of housing development should be delivered on previously developed land to avoid unnecessary development on Greenfield sites. The agricultural nature of this site and its location outside the main urban area means that housing is not deemed to be an acceptable use in this location. Furthermore, Core Strategy policy CS17 outlines the importance of locating new development within the 5

existing urban areas of the borough. It priorities development on previously developed land and states that development in non-urban areas will only be permitted if it is compliant with countryside policies set out in national policy. This is supported by the National Planning Policy Framework, March 2012.

Equestrian Centre

The National Planning Policy Framework 2012, supports sustainable development. Where development does take place in rural areas, it should be sensitive to its location, well designed and inclusive. This development site is currently used for horse grazing and associated care with stables already established here. The Greenfield nature of the site means that care must be taken to ensure that activities on this site are not intensified to such an extent that there would be a detrimental impact upon the existing local context. The proposed development must be sympathetic to its surroundings.

Hostel for Adults with Learning difficulties and Equestrian Centre

Parts of the development site are situated within Flood Zone 2 and Flood Zone 3. However proposed hostel accommodation could be located within Flood Zone 1 where the risk of flooding is significantly lower.

In line with Core Strategy Policy CS15, measures should be taken to ensure that this development does not increase flood risk elsewhere and where possible, reduces the overall flood risk in the local area. This is in accordance with the National Planning Policy Framework 2012.

The proposed development of a hostel for adults with learning difficulties can be classed as a more vulnerable use. Uses of this type are permitted within Flood Zone 2 however are more restricted in Flood Zone 3a and are not allowed in Flood Zone 3b which can be classed as 'Functional Flood Plain'. Where such uses are proposed in Flood Zone 3a, the exception test should be applied to ensure that the development provides wider sustainability benefits for the community and will be safe without increasing flood risk elsewhere. The exception test must therefore be applied before this development proposal is permitted. Further advice should be sought from the Environment Agency.

Again, consideration must be taken that the activities on this site are not intensified to such an extent that there would be a detrimental impact upon the existing local context. To this regard a supporting statement must be provided which addresses and satisfactorily establishes the need for the hostel to be located on site. I must advise that such a proposal for a hostel on site would be a departure for the Local Plan and as such any application would be deferred to the Development Management Committee for consideration. A sequential test or a compelling reason for such a siting must be provided as part of an subsequent application.

In principle, based on the information available to me at this time, I must advise that an application for a hostel on site would be unlikely to gain officer support.

Highway Implications and Access

The main access into the site is via Croft Lane which already serves 6 existing properties and associated garages. While this is of a sufficient width to accommodate motor vehicles, it would not be able to accommodate increased levels of traffic in its current form. In line with Core Strategy Policy CS19, improvements to Croft Lane should therefore be undertaken to improve access to and from the site and to ensure that there are no negative impacts

relating to traffic in the surrounding area. Croft Lane is not an adopted highway and the improvement of the surface would be a matter for the owner of the lane, who would need to be formally notified as part of any subsequent application.

Core Strategy Policy CS20 states that development will only be permitted where it will not result in increased traffic congestion and where it provides access to a range of transport modes. The location of a key bus route at the junction of Northwood Road and Croft Lane would satisfy this objective providing access to the rest of the borough. Adequate parking should also be provided in line with Core Strategy Policy DM14

I can advise that the proposals would require a contribution in relation to Hampshire County Councils Transport Contributions (policies DM12 and CS21 of the Core Strategy). Contributions are secured through a unilateral S106 agreement and a standard format template can be provided on request. Details of the requirements can be found at; <http://www.havant.gov.uk/PDF/HCC%20Highway%20Policy%20Contributions.pdf>

Please note that the above comments are the opinion of an individual Planning Officer and are in no way binding upon the Council when determining an application for planning permission and nor will they prejudice the outcome of any application submitted.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C. D. Murray'.

Mr Chris Murray
Service Manager (Planning Development)
Our Ref: GEN/12/00184

APPENDIX V – Copies of Third Party Representations Received

- Forwarded separately as pdf document

APPENDIX VI - Council's Aerial Photographs

- Forwarded separately as pdf document