



Havant
BOROUGH COUNCIL

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To:
Mr K Oliver
The Town Planning Experts
Sanderson Centre
Lees Lane
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For: Mr Stanley

Ref No.: APP/14/00999

**Town and Country Planning Act 1990: Section 191 and 192 (as amended by
Section 10 of the Planning and Compensation Act 1991)
Town and Country Planning (General Development Procedure) Order 1995
Article 24
REFUSAL TO GRANT CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Havant Borough Council, as Local Planning Authority, **REFUSES** to certify that on the date of the application (24 September 2014) the development described in the First Schedule to this certificate in respect of land described in the Second Schedule and red on the location plan (Ordnance Survey 0100031673) submitted in connection with the application was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

Based on the information supplied by the applicant and having regard to the Council's own evidence, the applicant has failed to prove that, on the balance of probability, the land south of Mandai, St Peters Road, Hayling Island, PO11 0RT, has been continuously occupied as a leisure plot for a period of 10 years or more. In addition the applicant has failed to prove that the operational development associated with the leisure use has been on site for a period of four years or more.

The conflicting evidence casts significant doubt on the validity of the documents provided by the Applicant and as such a Certificate of Lawfulness cannot be issued.

Yours faithfully

Julia Potter
Executive Head - Economy and Planning

21 January 2015

FIRST SCHEDULE:

This certificate relates to the following development:

Use of land as leisure plot (sui-generis) and associated operational development and uses.

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SECOND SCHEDULE:

Land south of Mandai, St Peters Road, Hayling Island, PO11 0RT as shown edged in red on the submitted location plans that accompanied the letters of support.

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/pes
- (2) In view of this refusal by the Council to grant the certificate applied for, the use/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.
- (1) In accordance with paragraphs 186 and 187 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 were updated about issues after the initial site visit