

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**36 Havant Road, Hayling Island, Hampshire,
PO11 0PX**

**Local Planning Authority Reference:
APP/14/01030**

**Planning Inspectorate Reference:
APP/X1735/W/15/3121554**

HAVANT BOROUGH COUNCIL



TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY MS ELIZABETH FOSTER AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR 36 HAVANT ROAD, HAYLING ISLAND, HAMPSHIRE PO11 OPX

Planning Inspectorate Reference: APP/X1735/W/15/3121554

LPA REF: APP/14/01030

1.0 THE APPEAL SITE AND ITS SURROUNDINGS

- 1.1 The appeal site lies to the east of Havant Road (A3023) on Hayling Island approximately 5.5 km to the south of Havant Town Centre.
- 1.2 The site is within the non-urban area in a small group of properties fronting Havant Road. These properties are mainly bungalows some with rooms within the roof. The site is isolated from significant employment and retail and social opportunities.
- 1.3 There are significant trees to the north of the site entrance (subject to a Tree Preservation Order) and on the frontage of the site. The site is grassed with an existing gated access to Havant Road. The site was divided by a fence with a trailer and vehicle parked to the rear (east) at the time of the planning officers site visit in association with this planning application.
- 1.4 A 1:1250 site location plan is attached at **Appendix A**, this also shows the trees subject to a Tree Preservation Order, the Chichester Harbour Area of Outstanding Natural Beauty boundary together with the Coastal Zone boundary.

2.0 PLANNING HISTORY

07/57904/003 Construction of 1No. 2 bedroom chalet bungalow with integral garage. Refused August 2007 and Appeal dismissed August 2008.

99/57904/002 Outline application for one detached dwelling house, utilising existing access on the Havant Road Refused July 1999 and Appeal Dismissed January 2000.

The Inspectors Decision Notices are attached at **Appendix B**.

98/57904/001 Change of use of the land for the parking of two vehicles, retention of concrete hardstanding to north east corner of site and erection of garden shed (revised application) Permitted January 1999

3.0 THE APPLICATION

- 3.1 The application was made valid on the 13th October 2014 and seeks approval for an Outline application for construction of 1No. 2 bed chalet style dwelling with all

matters reserved. The application includes 'Preliminary' site layout and street elevations which indicate that a chalet style building would be provided set back from Havant Road a similar distance to the adjoining properties.

The Local Planning Authority issued a Decision Notice refusing planning permission on the 5th December 2014 and a copy of this Decision Notice has previously been forwarded to the Inspectorate.

The Councils decision notice identified the following reasons for refusal:

The proposal represents the undesirable addition of a dwelling in an area of countryside for which there is no overriding justification. It is therefore contrary to policies CS9 and CS17 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Statement 2012.

The proposed development would result in a new dwelling outside the built up area without special justification and consolidate existing sporadic development on the east side of Havant Road which would be harmful to the attractive semi-rural character of the area and the adjacent Chichester Harbour Area of Outstanding Natural Beauty. Furthermore the development would be located in an unsustainable location where the occupiers of the dwelling would be likely to have an over reliance on the private car. The development would therefore conflict with policies CS9, CS12, CS16, CS17, DM9, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.

The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Disturbance Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the LPA which seeks to ensure that the provision is made from new development towards mitigating against increasing recreational pressure on the Solent SPA. It is therefore contrary to policies 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.

4.0 PLANNING POLICY

4.1 The Development Plan comprises the Havant Borough Local Plan (Core Strategy) 2011 the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2012.

4.2 The following policies of the Havant Borough Local Plan (Core Strategy) 2011 (HBLP (CS) 2011) are considered to be particularly relevant to the determination of this appeal:

- CS9 (Housing)
- CS12 (Chichester Harbour Area of Outstanding Natural Beauty)
- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS21 (Developer Requirements)
- DM9 (Development in the Coastal Zone)
- DM11 (Planning for More Sustainable Travel)

- DM12 (Mitigating the Impacts of Travel)

4.3 The following policy of the Havant Borough Local Plan (Allocations) 2014 (HBLPA 2014) is considered to be particularly relevant to the determination of this appeal:

- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

More details in relation to the relevance of these policies will be provided in part 6 of this appeal statement.

5.0 **REPRESENTATIONS**

5.1 The application which is the subject of this appeal was published in accordance with the Council's adopted publicity procedures, and two neighbour notification letters were sent. In addition a site notice was posted. No third party representations were received in response to this publicity.

5.2 Consultations were carried out and consultation replies were received and are summarised below from the following:

Coastal Engineering

The Coastal Partnership team request that the applicant submit additional flood risk assessment information for this site to accompany the application prior to determination.

Although the applicant has submitted a flood risk assessment compiled by Dan McGregor Associates, it is considered deficient and requires additional supporting information. Areas of clarification have been listed in response.

Chichester Harbour Conservancy

Due to the position of the planning proposals outside the Settlement Policy Areas, and positive contribution of this gap in built form the development would harm the openness of the countryside and also the setting of the AONB. Two previous applications have been refused for similar development in 1999 and 2007 and the policies requiring only essential development in the countryside have not changed under Policy AL2 and CS11 of the Havant Borough Local Plan. Although 99/57904/002 and 07/57904/003 were both Appealed; I note these Appeals were dismissed.

The Local Planning Authority is advised that the Conservancy recommends refusal of this application.

Environment Agency

Whilst the proposed development site, as indicated by the red line boundary, does partly fall within Flood Zone 2, defined by the Environment Agency Flood Map as having a medium probability of flooding, the actual proposed development is located within Flood Zone 1, defined by the Environment Agency Flood Map as having a low probability of flooding.

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels. We would recommend that flood proofing measures are secured by way

of planning application and we would recommend that finished floor levels are set no lower than existing.

We note that the applicant refers to the incorporation of flood proofing measures; however no details of these measures are given within the submitted Flood Risk Assessment. Consultation with your building control department is recommended when determining if flood proofing measures are effective.

In addition, no floor levels have been provided within the Flood Risk Assessment and the applicant proposes to provide finished floor levels at the Reserved Matters stage. We would recommend that floor levels are provided at the Outline application stage (within the Flood Risk Assessment submitted) so that this can be taken into consideration when determining the application.

The LPA will need to decide whether or not this development is appropriate based on the lack of information provided with the application itself.

Natural England

This application is within close proximity to the Chichester Harbour Site of Special Scientific Interest (SSSI). This site is also part of the Solent Maritime Special Area of Conservation (SAC), the Chichester and Langstone Harbours Special Protection Area (SPA) and Chichester and Langstone Harbours Ramsar Site which is a wetland of international importance under the Ramsar Convention. The application also falls adjacent to the Chichester Harbour Area of Outstanding Natural Beauty (AONB).

Natura 2000 site – No Objection Subject to Conditions

Natural England advises your authority that the proposal is not likely to have a significant effect on the interest features for which the above SSSI/SAC/SPA/Ramsar sites are designated, either alone or in combination with other plans or projects subject to conditions to the effect of the following attached to any permission granted:

- No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive).

Note: The sensitive receptor is the nearest point of the SPA or any SPA supporting habitat (e.g. high tide roosting site). In this instance the field to the rear of the application site which is identified within the Solent Brent Goose and Waders Strategy and could be impacted by this proposal.

- All materials, equipment and machinery will be stored in a designated compound within the curtilage of the property. This is required in order to protect the adjacent SPA supporting habitat.

Solent Recreation Mitigation Partnership

This application is within 5.6km of the Chichester and Langstone Harbour SPA and will lead to a net increase in residential accommodation. Natural England is aware that Havant Borough council has recently adopted a Supplementary Planning Document (SPD) or planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP)

Provided that the applicant is complying with the SPD or policy, Natural England are satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and has no objection to this aspect of the application.

Natural England is satisfied that, subject to the imposition of the above conditions/advice and the development being undertaken in strict accordance with the submitted proposals and the conditions set out above, these development

proposals will avoid impacts upon the interest features of the Chichester Harbour SSSI.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Development Engineer

The Highway Authority has no adverse comment to this application.

Waste Services Manager

I have no concerns over this planning application regarding waste collection at this location.

Landscape Team

The site bounds the AONB boundary – though the proposal matches existing style of dwellings for height and footprint I would expect that the proposal ensures it's rear boundary is vegetated so as not to impact visually in this low flat landscape. The current outline plan does not show sufficient planting in the indicative layout. Materials and elevations required to make formal judgement on possible impact on AONB.

The site sits within LCA 31 which records the low flat landscape and open nature. With this in mind I would recommend the applicant propose the rear boundary planting as mentioned above to conserve and enhance the landscape as the Landscape Character Assessment sets out.

The retention of the tree along the main road is welcomed to retain the local character. More planting can be accommodated within the site if of a suitable species.

Planting within the site – opportunities to enhance the local character with additional planting should be investigated, especially along boundaries to enhance the sites potential character.

Materials: There must be some hard standing/surfacing that leads to the garage at the rear? – specification of a suitable surface without causing adverse impact to the semi rural location would be welcomed.

Suitable details of planting and materials required.

Crime Prevention Hampshire Constabulary

No comments to make.

Southern Water

Sewer record provided, public foul sewer crosses site.

No development or new tree planting should be located within 3m either side of the centreline of the public sewer and all existing infrastructure should be protected during the course of construction works.

No new soakaways should be located within 5m of a public sewer.

Hampshire Biodiversity Information Centre

Adjacent - Wader and Brent Goose Strategy- Solent Wader and Brent Goose Strategy Sites

Adjacent - SINC - Verner Common West (Notable Species - Brent Geese)

Within 50m - SINC - South of Daw Lane D (Notable Species Brent Geese)

Within 200m - SSSI - Chichester Harbour

Within 200m - SPA, RAMSAR - Chichester and Langstone Harbours

Within 200m - SAC - Solent Maritime

Copies of the consultation replies have previously been forwarded to The Planning Inspectorate.

6.0 PLANNING CONSIDERATIONS

- 6.1 Having regard to the relevant policies of the development plan, and the reasons for refusal given in the Decision Notice dated 5th December 2014, it is considered that the main issues for consideration are:

First Issue:

Whether the proposal represents the undesirable addition of a dwelling in the non-urban area and if so whether there is any overriding justification sufficient to outweigh the presumption against new residential development in such areas.

Second Issue:

Whether the proposed development would be harmful to the attractive semi-rural character of the area and the adjacent Area of Outstanding Natural Beauty.

Third Issue:

Whether the development constitutes an unsustainable residential development where occupiers would be over reliant on the private car.

Fourth Issue:

Whether the development would lead to increased recreational pressure on the Solent Special Protection Area (SPA) without securing appropriate mitigation financial contributions.

6.2 *First Issue:*

The site lies outside the built up area and in an area which is semi-rural in character. Policy CS17 of the HBLP(CS) 2011 states that:

Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:

- 1. Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterloo, Emsworth and Hayling Island, as shown on the Proposals Map.*
- 2. Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.*
- 3. Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).*

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 proposed development site is located outside the urban area of Hayling Island and therefore conflicts with 1 above.

The development does not represent development on previously developed land, including redundant, derelict or underused land and buildings **within the urban area**. It is not therefore considered that the development meets the requirements of 2 above.

The five areas identified in 3 are the urban areas. Therefore the requirements of 3 above are not met.

Policy CS9 of HBLP(CS) 2011 seeks to:

Ensure housing development is delivered in a phased manner with an appropriate proportion of previously developed land so as to avoid unnecessary development on greenfield urban extension sites.

The supporting text to policy CS17 includes the following comments:

Paragraph 8.01.... *The priority for locating new development is in the existing urban areas where there are existing facilities to use and new development would have least impact on the range of highly protected biodiversity designations.*

Paragraph 8.02, *The South East Plan defines built up and urbanised places as the urban areas. There is a national presumption that development should be concentrated in these areas. The areas beyond the urban areas (previously countryside) are now defined as non-urban areas. The boundary definition for the urban and non-urban areas is identified on the Proposals Map.*

Whilst it is noted that the South East Plan has now been cancelled, the concentration of development within urban areas continues.

A copy of the Proposals Map for this part of Hayling Island showing the urban areas is attached at **Appendix 3**.

Finally 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 and this is considered below.

The proposal was assessed in relation to the NPPF. Paragraph 11 of the NPPF confirms that: *Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.* Consequently, *...proposed development that conflicts should be refused unless other material considerations indicate otherwise.* Paragraph 12.

The Local Planning Authority seeks through planning policy to ensure the concentration of new development within the existing build up areas, thereby helping to ensure that development is sustainable and protecting the character of the countryside.

Paragraph 55 states that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'* In this case the development is located within a collection of 8 dwellings on the east side of Havant Road isolated from other settlements. The area is remote from existing facilities lacking retail, employment and recreational opportunities. The development would not support existing facilities nor help to maintain the vitality of this rural community. The paragraph makes it clear that isolated new homes in the countryside should be avoided except in special circumstances, the current proposal meets none of the criteria listed but instead appears to represent a speculative proposal for a new dwelling.

Paragraph 151 confirms that *'Local Plans must be prepared with the objective of contributing to the achievement of sustainable development'*. This is clearly reflected

in the Havant Borough Local Plan (Core Strategy) designating built up areas where development should be focused and conversely resisting unjustified development away from facilities, services and jobs in the rural 'non-urban' areas. It is not considered that there is any overriding justification for residential development in this relatively isolated rural location.

6.3 **Second Issue:**

The appeal site is outside the built up area and has a rural character with fields and boundary hedgerows and trees interspersed by small groups of dwellings, farms and harbourside industry. The landscape is relatively flat and the site is immediately adjacent to Chichester Harbour Area of Outstanding Natural Beauty. To the west beyond Havant Road is open farmland and to the east of the site is an open field leading to an inlet of Chichester Harbour.

Policy CS12 of HBLP(CS) 2011 relates to Chichester Harbour Area of Outstanding Natural Beauty. The site is located adjacent to Chichester Harbour AONB.

Policy CS12 states that development will be permitted where it (amongst other matters...*Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB and its setting.*

It is noted that in determining a previous appeal at this site (Appeal Ref: APP/X1735/A/08/2067175) the Inspector concluded in paragraph 5 that:

I consider that the proximity of the appeal site to the AONB would mean that any development, even single storey, at this location, would be visible from the AONB..

Chichester Harbour Conservancy have stated *Due to the position of the planning proposals outside the Settlement Policy Areas, and positive contribution of this gap in built form the development would harm the openness of the countryside and also the setting of the AONB.*

The application site itself is located in a small group of 8 dwellings with similarly sized plots on the eastern side of Havant Road. The plot has an open undeveloped aspect when viewed from Havant Road and whilst it is appreciated that there are existing dwellings either side of the plot when viewed from Havant Road, the development of the site would lead to an intensification of the existing residential development detracting from the remaining rural character of the area.

Paragraph 17 of the NPPF sets out Core planning principles and these include:
...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'
'actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

HBLP(CS) 2011 policy CS16 requires that *All development should demonstrate that its design amongst other criteria:*

Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;

In this case it is contended that the local character is formed by the attractive, flat semi-rural aspect of the area to which the existing gap between dwellings makes a

positive visual contribution.

HBLP(CS) 2011 policy DM9 relates to development within the Coastal Zone and the appeal site is located within this area (**Appendix A**).

DM9 states *Planning Permission will only be granted for development in the coastal zone which addresses all of the relevant criteria* (of the policy) including the need to:

Contribute *positively to the landscape and has regard to best practice on the design of new buildings in coastal locations.*

In this case the provision of a further dwelling and loss of the gap between properties is considered harmful to this attractive relatively open and flat landscape.

Within such areas new residential development without specific justification (for example a farm workers dwelling) is normally refused. The provision of a chalet style bungalow would consolidate development on the east side of the road and lead to an unacceptable intensification of residential development having a harmful impact on the semi-rural character of the area.

The planning Inspector in determining a previous appeal at this site (Appeal Ref: APP/X1735/A/08/2067175) stated in paragraph 5 of the Decision Notice that *In my view, there are no compelling reasons for the proposal, which would close off a substantial gap towards the northern end of the small row of dwellings. In my view, the proposal would urbanise this area, which is isolated from the main built up areas of Hayling Island.*

In relation to the Second Issue, it is concluded that the development would be harmful to the attractive semi-rural character of the area and the adjacent Area of Outstanding Natural Beauty.

6.4 **Third Issue**

Part 4 of the NPPF relates to promoting sustainable transport and states '*....local planning authorities should....support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.*' The policies of the HBLP(CS) 2011 support this approach. and policies CS17 , DM11 and DM12 are particularly relevant.

Part 10 of the NPPF relates to climate change and paragraph 95 states that '*To support the move to a low carbon future, local planning authorities should* (amongst other matters):

'Plan for new development in locations and ways which reduce greenhouse gas emissions;'

Given the location of the development isolated from facilities and work opportunities this requirement would not be achieved with future occupants reliant on the private car.

Paragraph 151 confirms that '*Local Plans must be prepared with the objective of contributing to the achievement of sustainable development*'. This is clearly reflected in the Havant Borough Local Plan (Core Strategy) designating built up areas where development should be focused and conversely resisting unjustified development away from facilities, services and jobs in the rural 'non-urban' areas.

It is also followed through to HBLP(CS) policies CS17 (see First Issue), DM11 and DM12.

DM11 states that the LPA ...will seek to *ensure that every opportunity is taken to increase integration of sustainable travel modes and availability of non-motorised modes by appropriate measures...Including ...Ensuring that new developments are located and designed at the outset to..... integrate with existing pedestrian, cycle and public transport routes. This will facilitate and encourage short distance trips by cycle and walking, including to public transport interchanges.*

Whilst the site is on a bus route, the relatively isolated location of the site limits accessibility by cycle or foot to facilities and employment opportunities.

DM12 seeks to mitigate the impacts of travel and it is considered that whilst the proposal is for one dwelling its relatively isolated location is inappropriate and is likely to result in further trips by the private car.

In conclusion, the site is isolated from shops employment and other facilities and would result in an over reliance on the private car, resulting in an unsustainable development in an isolated location.

6.5 **Fourth Issue:**

With regard to the impact on the impact on the Solent Special Protection Area, this development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice with regard to all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 requires a payment of £172 per dwelling to the Solent Recreation Mitigation Partnership – this is to secure accordance with Policy DM24 of the HBLPA 2014.

The Principal of securing developer contributions is set by policy CS21 of the HBLP(CS) 2011 which states that:

Development will be permitted if on-site and/or off-site infrastructure requirements are met.

Where new or improved infrastructure is essential for planning permission to be granted the council will require the on-site or off site provision and/or contributions through planning obligations, agreements or tariffs in accordance with the relevant legislation for off-site provision. The need for contributions will depend on information and advice from infrastructure providers on the expected impacts of the development on all the infrastructure types.

Policy DM24 of the HBLPA 2014 states that:

Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in-combination effect of net additional dwellings. This mitigation can be provided through:

a) A financial contribution...

Where these measures cannot be provided development proposals will be refused, unless the applicant can show, subject to meeting the tests of the Habitats

Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The applicant has not at this stage provided the financial contribution required to meet this contribution requirement.

6.6 **Other Matters:**

The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre on new floorspace (measured as gross internal area).

If outline consent is granted on appeal, the subsequent Reserved Matters application would allow for floorspace calculations to be made and the Local Planning Authority would progress CIL requirements in consultation with the applicant.

7.0 **COMMENTS ON APPELLANTS STATEMENT OF CASE**

- 7.1 It is considered that most of the matters raised by the applicant have been addressed in the Councils Statement of Case and the following comments are made by way of amplification only.

Paragraph 1.5

The site is located approximately 630m from the small shop and post office at Stoke and approximately 820m from Stoke Fruit Farm.

Paragraph 5.5

It is not accepted that the site is 'previously developed/brownfield land'

Paragraph 5.11

Natural England has confirmed in their consultation response the need for the development to comply with policy in relation to the impact on the SPA.

8.0 **CONCLUSION**

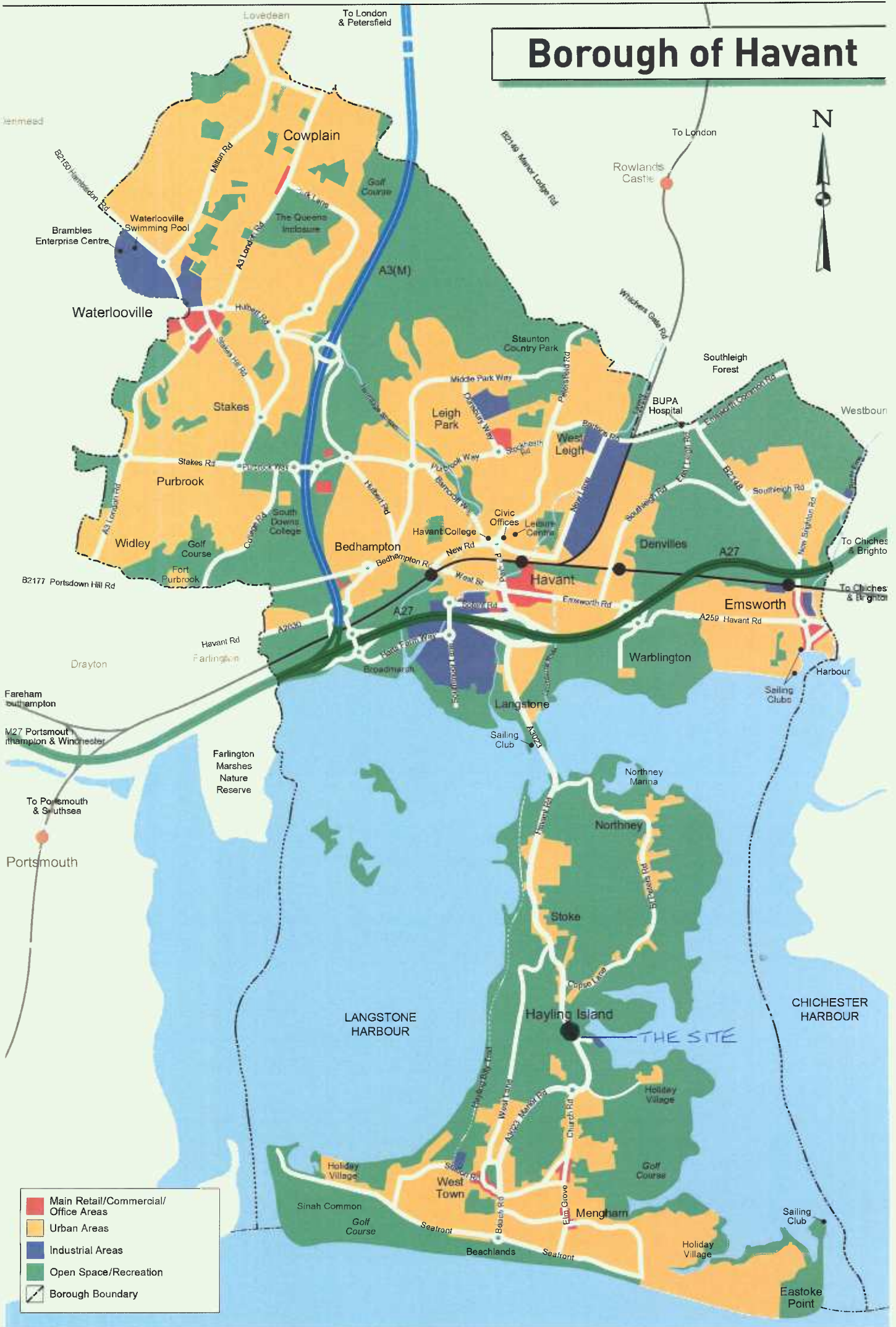
- 8.1 In conclusion, it is considered that the provision of a dwelling outside the built up area without special justification on the appeal site is not justified in principle.
- 8.2 Furthermore, the development would consolidate existing sporadic development and be harmful to the semi-rural character of the area and detract from the setting of the adjacent AONB. The location is considered to be un-sustainable and future residents would be over-reliant on the private motor car.
- 8.3 Finally the occupation of a dwelling at this location would lead to increased recreational pressure on the Solent SPA for which mitigation has not been secured.
- 8.4 The Inspector is therefore requested to DISMIS this appeal. Notwithstanding this should, however, the Inspector be minded to allow the appeal and grant permission for the proposal, the Council would request that the planning conditions set out in the

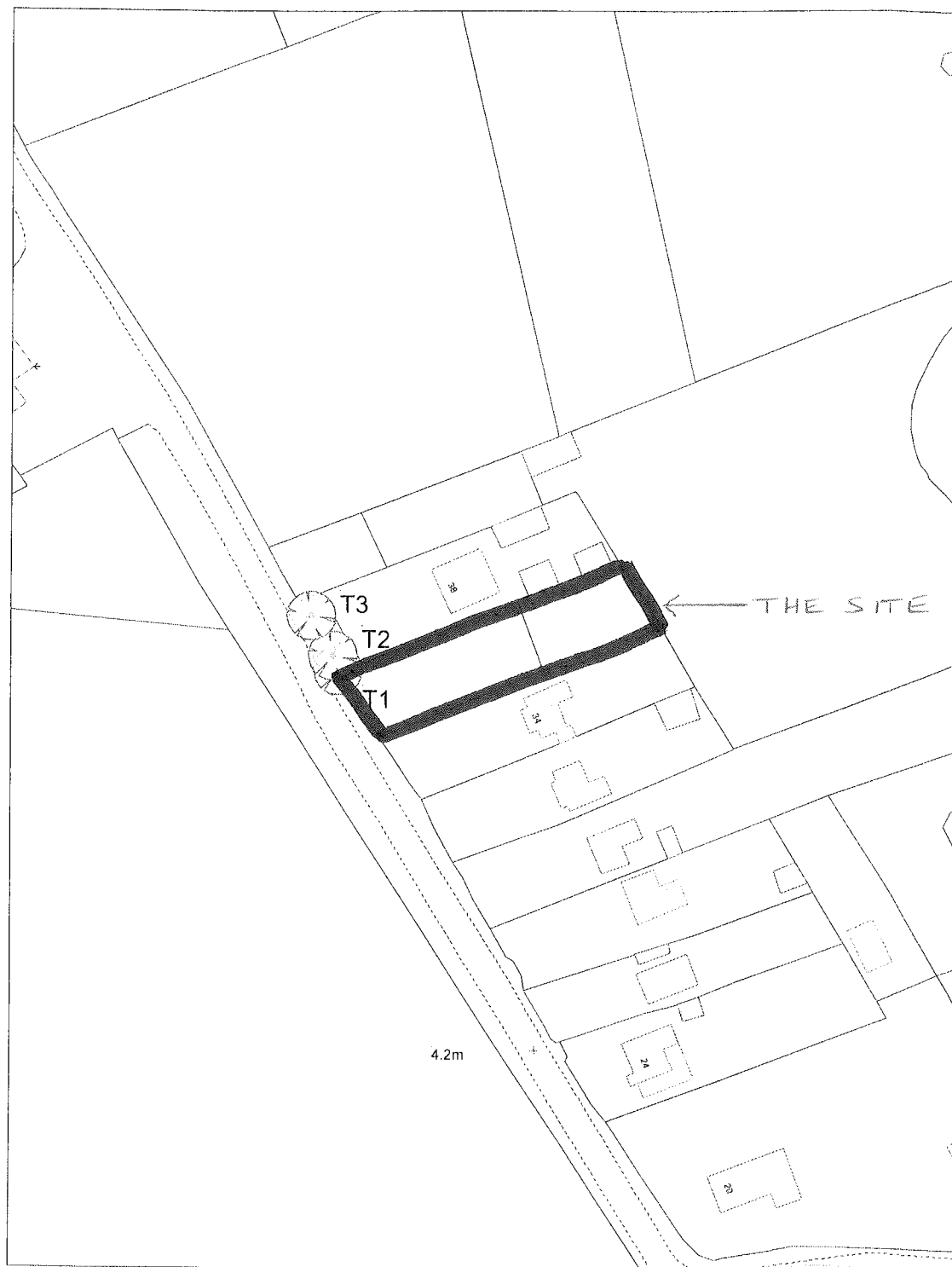
separate submitted document are attached to any permission.

APPENDICES

- (A) 1:1250 Site Location Plan – Including Tree Preservation Orders, AONB and Coastal Zone Boundary
- (B) Appeal Decision Notices 07/57904/003 and 99/57904/002
- (C) Proposals Map showing built up Areas on Hayling Island and the Appeal Site.

Borough of Havant





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Havant
BOROUGH COUNCIL

Title:

36 Havant Road Hayling Island
APP/14/01030
APP/X1735?W/15/3121554

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Title:

36 Havant Road Hayling Island

Tree Preservation Orders

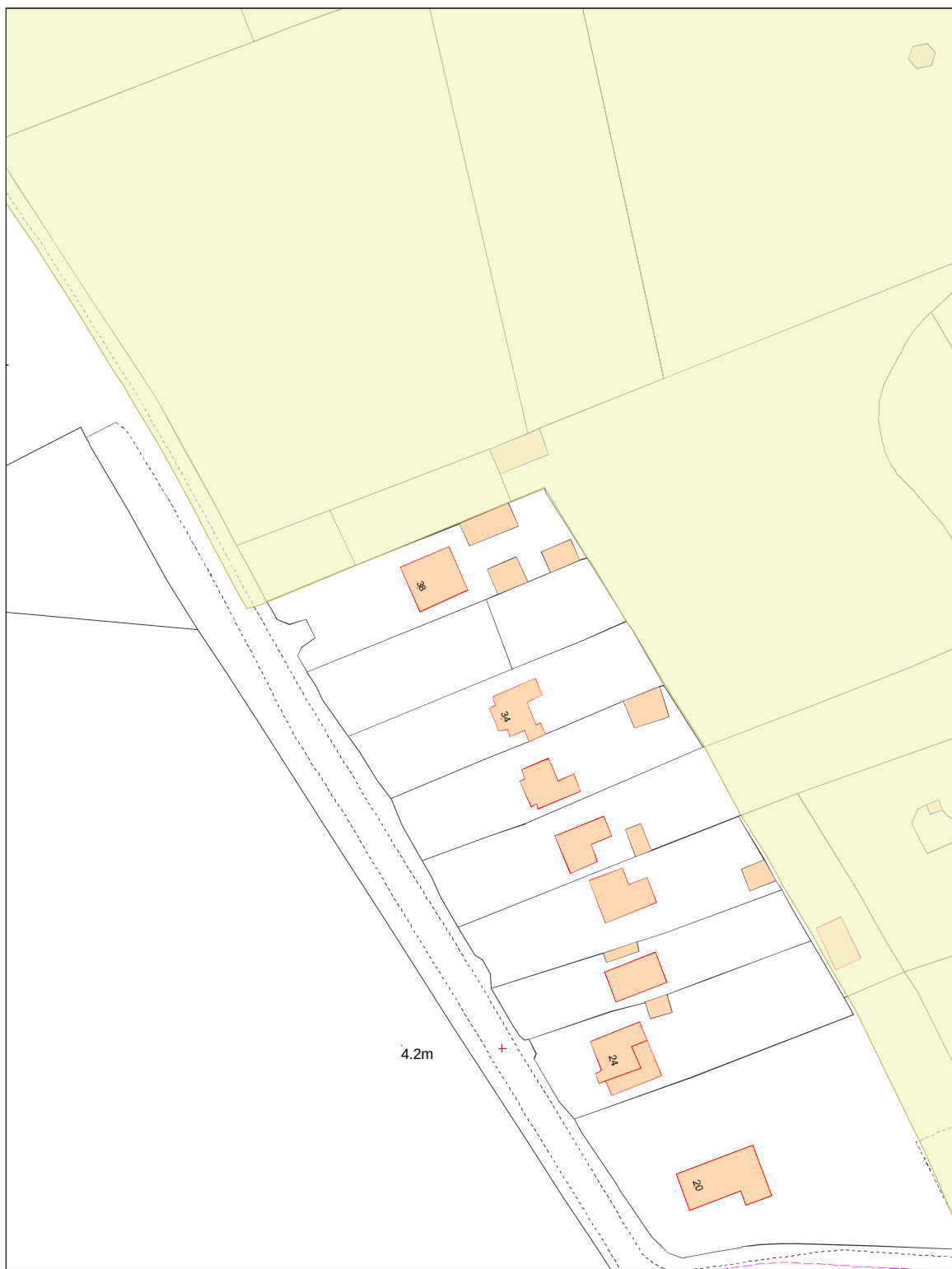
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Havant
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Title:

36 Havant Road Hayling Island

Area of Outstanding Natural Beauty

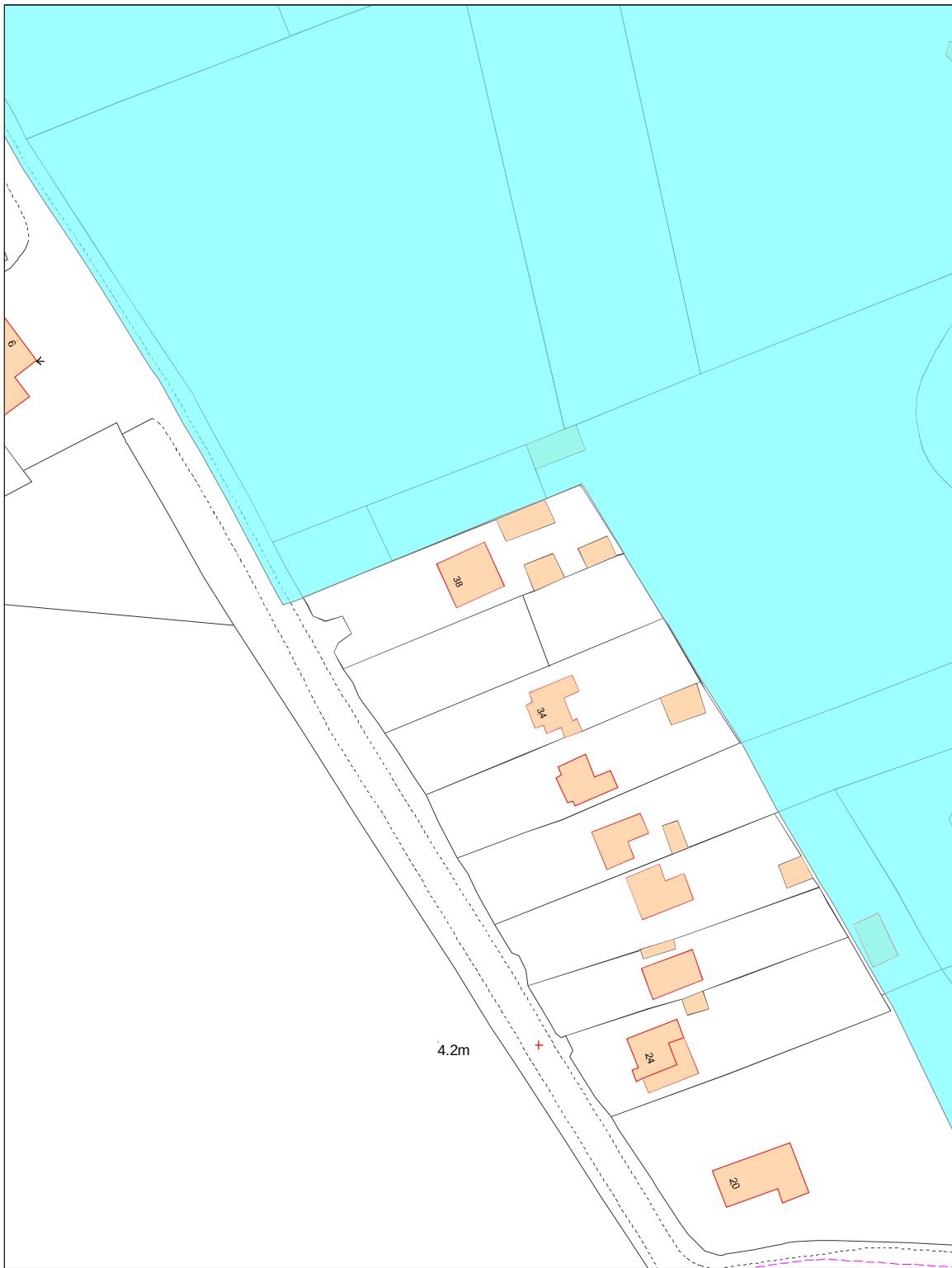
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Title:

36 Havant Road Hayling Island

Coastal Zone Boundary

Drawn By:

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1:1250

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Appeal Decision

Site visit made on 5 August 2008

by **Mike Fox** BA (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
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☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
19 August 2008

Appeal Ref: APP/X1735/A/08/2067175

36 Havant Road, Hayling Island, Hampshire, PO11 0PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms E Foster against the decision of Havant Borough Council.
- The application Ref 07/57904/003, dated 21 June 2007, was refused by notice dated 16 August 2007.
- The development proposed is construction of 1 no. 2 bedroom chalet bungalow with integral garage.

Decision

1. I dismiss the appeal.

Main issue

2. In my view, the main issue in this appeal is the acceptability of the proposed development in relation to policies concerning development in the countryside.

Reasons

3. The appeal site is a rectangular plot forming a significant gap within a line of eight detached dwellings, standing in open countryside alongside the A3023 Havant Road. The land abuts the Chichester Harbour Area of Outstanding Natural Beauty (AONB).
4. In the *Havant Borough District Wide Local Plan 1996-2011* (LP), the appeal site lies within a Countryside designation, where LP Policy C1 prevents development which is not essential in the countryside. The policy identifies certain 'exceptions' which could be permitted in principle. The proposed development does not fall into any of these 'exceptions'. Moreover, Planning Policy Statement (PPS) 7 *Sustainable Development in Rural Areas* is clear that the Government's overall aim is to protect the countryside for the sake of its intrinsic character, i.e. for its own sake. This is in the interests of promoting sustainable development, which includes the protection of the countryside for the benefit of future generations.
5. The national policy emphasis to protect the countryside in general is strengthened where areas are protected by national policy designations, such as AONBs, and areas very close and within sight of AONBs, such as the appeal site. This emphasis is reflected in LP Policy L1, which states that development will not be permitted within or adjacent to the Chichester Harbour AONB,

unless there are *compelling reasons for its location*. In my view, there are no compelling reasons for the proposal, which would close off a substantial gap towards the northern end of the small row of dwellings. In my view, the proposal would urbanise this area, which is isolated from the main built up areas of Hayling Island. I consider that the proximity of the appeal site to the AONB would mean that any development, even single storey, at this location, would be visible from within the AONB and therefore LP policy L1 applies.

6. My attention has been drawn to an appeal decision made in January 2000 (Ref. T/APP/X1735/A/99/1028127/P2) relating to a similar application to build a dwelling on the same appeal site. I note that the appeal was dismissed on the grounds that the proposal was contrary to planning policy and would harm the character and appearance of the area. I have read carefully and agree with my colleague's conclusions in relation to the earlier proposal. Although over eight years have elapsed since that appeal, in my view the considerations that led my colleague to his decision have not changed, and I therefore regard this earlier appeal decision as highly material.
7. The appellant argues that the design of the proposal would be compatible with the neighbouring houses in the ribbon of development along Havant Road, and that the proposal is modest. In my view, LP Policies C1 and L1 apply to individual dwellings as well as to larger scale developments. PPS 3 *Housing* states that there is no presumption that previously developed land is necessarily suitable for housing development. It is my view that the appeal site is not suitable for housing development in principle, and I consider that my decision therefore is not contrary to PPS3.
8. I therefore consider that the proposal would be contrary to both national and development plan policy for the reasons I have stated above. For these reasons and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR



Appeal Decision

site visit held on 22/11/1999

by D J MUMFORD BA MRTPI

an Inspector appointed by the Secretary of State for the
Environment, Transport and the Regions

The Planning Inspectorate
Tollgate House,
Houlton Street
Bristol BS2 9DJ
☎ 0117 987 8927

11 JAN 2000

Appeal : T/APP/X1735/A/99/1028127/P2

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is brought by Miss E V Foster against Havant Borough Council.
- The site is located at 36 Havant Road, Hayling Island
- The application (ref:99/57904/2), dated 14 June 1999, was refused on 23 July 1999.
- The development proposed is a single dwelling.

Decision: The appeal is dismissed.

Procedural matters

1. I note that the application was made in outline form, with the means of access and siting to be determined at this stage. These details are shown on plan HR/200/01 and I have determined this appeal on that basis.

The development plan

2. The Act requires that planning applications and appeals are to be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan here includes the Hampshire County Structure Plan, approved in 1993, and the Havant Borough Local Plan, adopted in 1994. Structure Plan (SP) policy C2 normally restricts development in the countryside to certain types, none of which apply to this appeal. The countryside is defined in policy C1 as the area outside existing and proposed built-up areas delineated in local plans. Similarly, policy H5 (which applies in the countryside outside existing and proposed built-up areas) permits residential development only in certain cases, which again are not relevant to this appeal. Policy H7 deals with sites coming forward for development which are suitable for housing development but not identified in a local plan, and explains that these will be considered with regard to overall land availability and the other policies of that Plan. General development criteria are contained in policy E2 requiring all permissible development to be appropriate in design, scale, layout and density to its surroundings.
3. Local Plan policy C1 permits development only for agriculture, horticulture or forestry in places outside existing or proposed built-up areas. The proposals map clearly shows the appeal site located outside a built-up area and in the countryside, to which this policy therefore applies, as do SP policies C2 and H5. Policy C22 seeks to resist development (including consolidation of small-scale developments) which would significantly prejudice the interests of the Area of Outstanding Natural Beauty (AONB) or Site of Special Scientific Interest (SSSI) at Chichester Harbour. The proposals map applies this policy to the appeal site, although it lies just outside the actual boundary of the AONB. Policy HO6 has been cited but as this relates to the built-up areas it does not, strictly speaking, apply to

this case. Lastly, policy GDD1 is a general development control policy, requiring that development otherwise acceptable should comply with certain criteria, including that it would be sympathetic and appropriate in terms of scale, design, layout, siting, materials and density, both in itself and in relation to its surroundings.

Other planning policies

4. I understand that a review of the Structure Plan has been the subject of an Examination in Public, and that modifications were published in May 1999. This emphasises the importance of sustainable development patterns and provides, through policy H1, that Havant Borough should provide 2990 new houses between 1996-2011. Policy H3 expects land to be allocated in local plans for housing development provided it meets certain criteria, including location on public transport routes and an absence of harm to other interests of acknowledged importance. Policy H9 repeats the content of existing SP policy H7, whilst the thrust of Review policies C1, C2, H8 and UB3 (as proposed to be modified) is similar to corresponding extant policies. I also understand that there is an emerging District Wide Local Plan, which is to be placed on deposit shortly. I have been given no details of any specific policies, but note that it continues to support the aims and objectives set out in the adopted policies. In view of the procedural stage that these plans have reached, they cannot be given the weight of a development plan, but I recognise that the SP Review has reached an advanced stage towards adoption.
5. My attention has also been drawn to national planning policy, especially that contained in Planning Policy Guidance (PPG) Note 1 concerning General Policy and Principles, PPG 7 on countryside matters, and PPG 13 on Transport.

The main issue

6. From my inspection of the site and its surroundings and from the written representations made I consider that the main issue in this case is the effect of the proposal on the character and appearance of the area.

Inspector's reasons

Character and appearance

7. The appeal site comprises a rectangular level plot within a line of 8 bungalows standing on the eastern side of Havant Road, and is largely unused apart from a hardstanding which accommodated 2 vehicles at the time of my visit. To the north and south are modest bungalows, separated from the site by fencing and hedging, whilst to the east is a grass field, with distant views of Chichester Harbour beyond. Across Havant Road to the west is a large field, sown to crops, with farm buildings visible in the distance. There is a public house nearby to the north, and the small settlement of Fleet containing a few shops is about 500m to the north.
8. In my view the line of bungalows appears as an isolated group of dwellings, outside any identifiable settlement and set within open countryside. The appeal site represents a noticeable gap in this line and its undeveloped nature is readily apparent to passers-by. The erection of a dwelling here would change the appearance of the site from a grass plot, largely unused, to a domestic curtilage with a building filling much of the width of the plot. As such it would contribute to a consolidation of this group of dwellings and give it a more urban character, as this gap disappeared.

9. I appreciate that English Nature consider that the dwelling is unlikely to have a significant effect on the interest features or wider nature conservation interests of the area. I see too that the Chichester Harbour Conservancy accept that the impact of this proposal would be insignificant in its context, and in view of this and their error in stating that the site is within the AONB I give little weight to their recommendation for refusal of the proposal. Nevertheless, I consider that the proposal would serve to harm the generally rural character and appearance of the area. It would thereby conflict with policies C2, H5 and C1 in the development plan, although I expect that if the proposal were otherwise acceptable, a suitable dwelling could be designed for the site to accord with policies E2 and GDD1.

Other material considerations

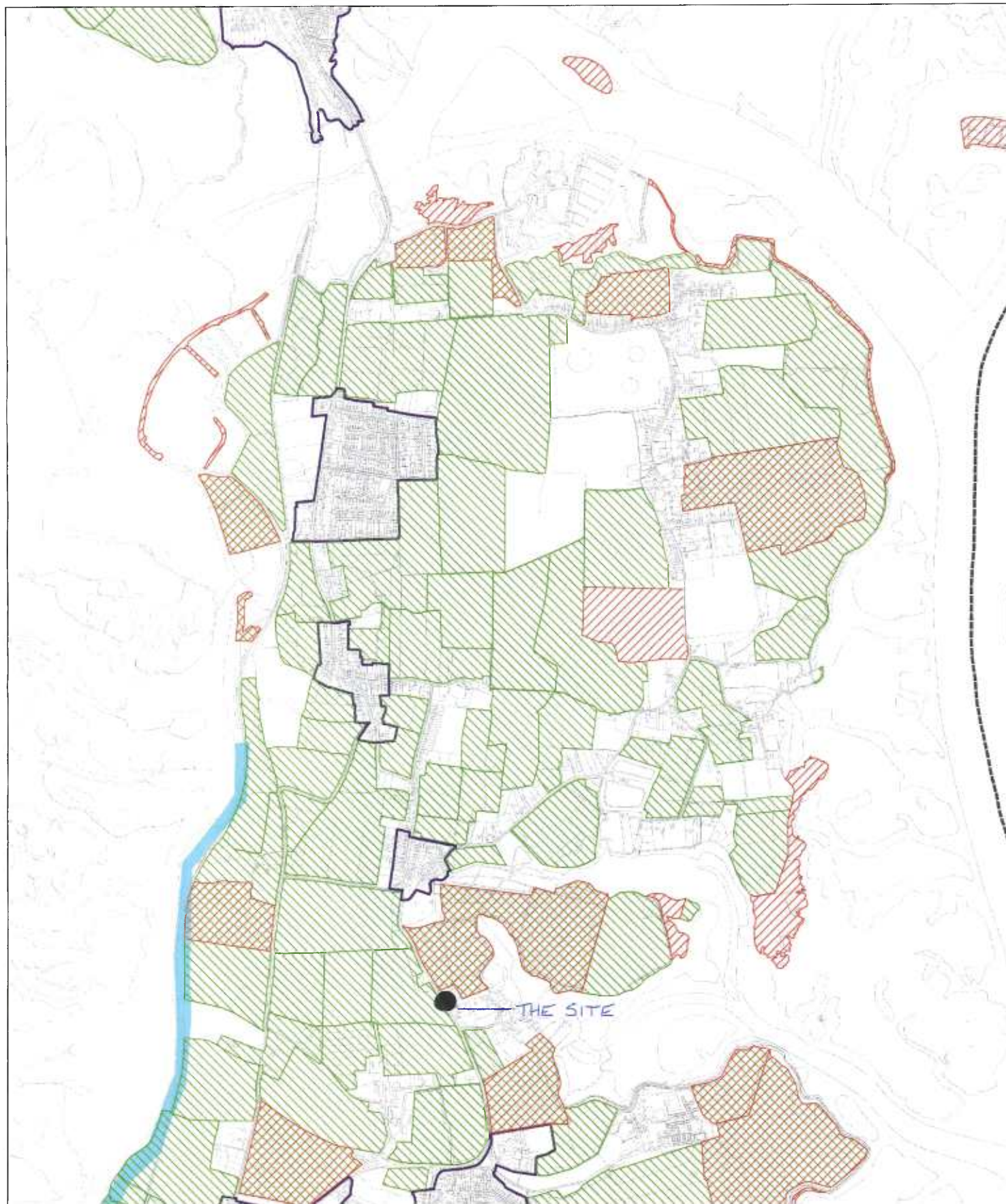
10. These comprise the general location of the site, in relation to the objectives of sustainable development, and the housing land supply position. In relation to the first of these, I note the changing thrust of the emerging Structure Plan review, and especially the content of policy H3. I saw that the site lies alongside the busy main road which connects the urban area of Hayling Island with Havant, and accept that there is a frequent bus service past the site running to these places, so that there is an alternative here to the use of the private car. However, the site appears to be divorced from places of secondary education, most shopping, employment and sport and recreation. As such it is likely that occupants of the proposed dwelling would have to make frequent significant journeys to destinations for these purposes and I am not aware of the extent to which the bus service links to such places. Therefore I do not think that much weight can be attached to this factor and note also that policy H3 requires that, as well as being served by public transport, a development should not cause significant harm to other interests of acknowledged importance. I have concluded above that the proposal would harm the rural character and appearance of the area.
11. In relation to the housing land supply position, a report on housing land supply produced by the County Council for 1997 apparently shows that the supply of such land in Havant Borough for the period 1997-2002 was then 1344 units, against a 5 year requirement of 1599 units, leaving a shortfall of 255 dwellings. This information is 2 or 3 years old, and clearly relates to an interim period until SP modifications are published. Updated information (in light of the publication of SP modifications) has been provided by the Council, and I have taken account of this, together with the agent's comments on this subject. The latest interim situation appears to be that at 1999 there was a supply of 1048 dwelling sites in the Borough, compared with a 5 year requirement calculated against the SP proposed modifications of 791 dwellings. In the light of these figures I do not think that this matter can outweigh the objection I have identified. I acknowledge the content of SP policy H7, but see nothing there to justify permitting this proposal.

Conclusions

12. For the reasons given above I conclude that the appeal should not, on balance, succeed and I shall exercise the powers transferred to me accordingly. I have taken account of all the other matters raised in the written representations but find no reason to outweigh the considerations that have led me to my conclusion.

D. J. Munro

Hayling Island North Policies Map



-  Borough Boundary
-  AL2 Urban Area Boundaries and Undeveloped Gaps Between Settlements
-  AL4 Coastal Change Management Areas
-  DM23 Uncertain Sites Brent Geese and/or Waders
-  DM23 Important Sites Brent Geese and/or Waders

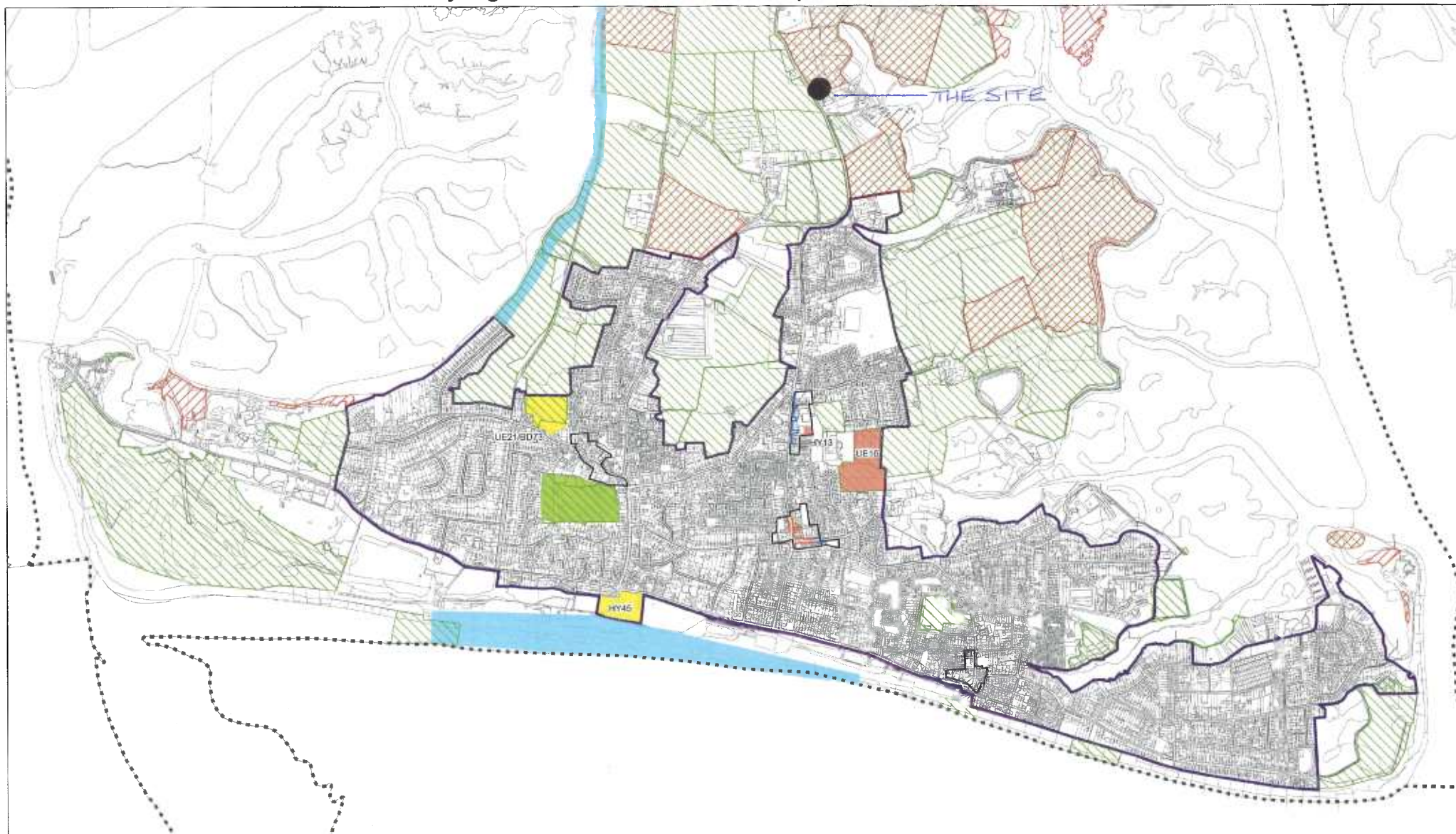
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Ref. King, D. (2010) Solent Waders and Brent Goose Strategy 2010
Hampshire and Isle of Wight Wildlife Trust



Havant
BOROUGH COUNCIL

Hayling Island South Policies Map



- | | |
|--|--|
| Borough Boundary | AL8 Local Green Spaces |
| AL2 Urban Area Boundaries and Undeveloped Gaps Between Settlements | DM23 Uncertain Sites Brent Geese and/or Waders |
| AL3.1 Town, District and Local Centres | DM23 Important Sites Brent Geese and/or Waders |
| AL3.3 Primary Frontages | Housing Allocations |
| AL3.4 Secondary Frontages | Mixed Use Allocations |
| AL4 Coastal Change Management Areas | |

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