

TOWN AND COUNTRY PLANNING ACT (as amended)

SECTION 78 APPEAL

Appeal by Ms. Elizabeth Foster, against the decision by Havant Borough Council to refuse outline planning permission for proposed construction of 1 No. 2 bedroom chalet dwelling, on land at 36 Havant Road, Hayling Island, PO11 0PX.

LPA| Ref: No: APP/14/01030

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GROUNDS OF APPEAL

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1.0 THE APPEAL SITE AND ITS SETTING

- 1.1 The appeal site comprises a rectangular level plot approximately 62 metres deep and approximately 15.5 metres wide, located within a ribbon development of 8 detached dwellings established many years ago, on the eastern side of Havant Road (A3023), Hayling Island.
- 1.2 The appeal site was at one time used as part of the front garden to No. 38, but is now a mainly underused grass plot and an area used for vehicle storage, with close boarded fences and hedges on its northern and southern boundaries. The grass continues to be cut regularly and the site is generally well maintained. A close boarded fence with vehicular access gates is set within and across the full width of the site, behind which is a hard standing lawfully used for the stationing of vehicles. A wooden post and rail fence forms the front boundary which defines the common boundary with No. 34 Havant Road and includes a recessed vehicular access gate. A mature tree stands within the site, close to the front boundary.
- 1.3 To the north and south of the appeal site, the adjoining bungalows are modest in scale and design, character and appearance. Beyond the rear, eastern boundary, is an open field and distant views of Chichester Harbour. Adjoining the western side of Havant Road, opposite the site, is a grass covered footway and sporadic groups of trees, beyond which is an open area of farmland and distant views of farm buildings. A tarmacadam footway adjoins the front boundary of the site and proceeds to the north and south, in front of neighbouring bungalows.
- 1.4 The group of adjoining dwellings are in the main set back a substantial distance from Havant Road. However, whilst Nos. 20 and 24 stand comparatively nearer to the road, six of the dwellings (Nos. 26-38) represent a distinct rhythm and cohesion that has exerted an influence on the design and siting of the proposed bungalow.
- 1.5 Fleet village is approximately 500 metres (or a 5 minutes walk) to the north of the site, where a range of local services is available. Stoke Post Office/General Store is located at No. 47 Havant Road and nearby there is a Chinese Take-away. Stoke Fruit Farm provides general provisions including vegetables, fruit and meat. Opposite the shops, there is a car park and recycle collection point. The Yew Tree and The Maypole public houses may also be reached conveniently on foot, using the continuous footpath on the eastern side of Havant Road.

- 1.6 Havant Road (A3023) is the principle public transport route connecting Hayling Island with Havant and other sub-regional centres of employment, shopping and leisure. Two "Stagecoach" bus services use this primary route (30 and 31) and bus-stops are a short distance in a northerly direction from the appeal site - just 30 metres, on the eastern side of the road and 60 metres away, on the western side, outside "The Maypole" public house. From the appeal site and neighbouring dwellings there is direct access in a northerly direction to bus services to the centres of Havant and beyond to Portsmouth and Waterloooville between 06.07 and 22.35 hours and southbound services travel to Sandy Point, Mengham and Beachlands in the southern parts of Hayling Island. The natural terrain of Hayling Island is especially conducive to the use of the bicycle. A range of services and facilities is therefore conveniently accessible from the appeal site, on a primary bus route, without the need to use a private car.

2.0 PLANNING HSITORY

- 2.1 LPA Ref. 98/57904. Proposed concrete hard standing for motor home and horsebox.
This was a retrospective application for the retention of an existing hard standing. The proposal was recommended for refusal on the grounds of being contrary to Policies C.1, C.22 and GDD1 and no overriding justification. The application was withdrawn 10.11.98.
- 2.2 LPA Ref. 98/57904/1. Proposed change of use of the land for the parking of two vehicles, retention of concrete hand standing and erection of garden shed. Planning permission was granted 29.01.99.
- 2.3 LPA Ref. 99/57904/02. Outline application for one detached dwelling. Refused in July 1999. Appeal dismissed in January 2000.
- 2.4 LPA Ref. 07/57904/003. Proposed construction of 1 No. 2 bedroom chalet bungalow with integral garage. Refused 16.08.07.
- 2.5 LPA Ref. APP/14/01030. Outline application for proposed construction of 1 No. 2 bedroom, chalet style dwelling, with all matters reserved. Refused December 2014.

3.0 THE PROPOSAL

- 3.1 Outline planning permission is sought for the proposed construction of one 2 bedroom chalet dwelling with detached garage and cycle store, on land identified as 36 Havant Road, Hayling Island.
- 3.2 The proposed chalet dwelling is considered to be appropriate in relation to neighbouring property, particularly in terms of siting, proportion, frontage alignment and compatibility.

4.0 DEVELOPMENT PLAN

- 4.1 The National Planning Policy Framework (NPPF) 2012 and the Havant Borough Council's Local Plan (Core Strategy) 2011 are the relevant, extant national and local planning policies for reference in this case.

5.0 CONCLUDING STATEMENT: THE CASE FOR THE APPELLANT

- 5.1 Summarily, the main issues in this case would seem to be the proposed dwelling's location in a rural setting and to what extent, if any, the proposal would harm the character and appearance of the area?
- 5.2 A true and objective assessment of the appeal site's natural context would conclude that it is not an isolated site in an unsustainable countryside location, unrelated to other adjacent dwellings or remote from access to local community facilities and services, as claimed by the Council.
- 5.3 The appeal site occupies a precisely comparable area to that of plot sizes of adjoining bungalows; each of the 9 plots were originally sold as individual development plots. The site has a "residential" postal address and is already provided with potential connection to the main sewer located under the rear gardens of all plots. Other services (electricity, water, gas, telephone, storm water drainage) which serve adjoining property are also available for simple connection to the appeal site.

- 5.4 A concrete driveway within the appeal site adjacent to its northern boundary leads from the existing vehicular access to a concrete hard standing used for the stationing of large vehicles and a garden shed; the grass area viewed for the adjoining road is regularly maintained. The Council's description of the plot is less than accurate and is misleading.
- 5.5 The site has been previously developed /brownfield land for the past 16 years and it has all the necessary material attributes of a ready made bona fide development infill plot.
- 5.6 The development proposal is supported in this appeal by adjoining property occupiers and no local objection has been recorded.
- 5.7 Policy CS9 Housing is interpreted as being primarily a policy instrument aimed at promoting scale development in urban areas of the borough, including that of Hayling Island, and components of the policy have little relevance to the proposed development in this case.
- 5.8 Policy CS17 refers to making the most effective use of land in the borough, including previously development or underused land within the urban area. It is noted that the local planning authority has no policy provision in its Local Plan (Core Strategy) for previously developed or under-used land in non-urban areas but places reliance with countryside policies advocated in national policy.
- 5.9 At the heart of the NPPF is a presumption in favour of development. Under section 11 the natural environment/countryside policies it states that "...decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land)".
- 5.10 The Council's assertion that the proposal would lead to an unacceptable intensification of residential development that would have a harmful impact upon the rural character of the area, is refuted as being unsubstantiated.
- 5.11 It is acknowledged that the appeal site is close to SSSI, RAMSAR, SPA sites and a Brent Goose strategy site but the proposal has been assessed by NE who have concluded that the proposal would not have an unacceptable impact on nature conservation interests.

- 5.12 Notwithstanding the Council's reasons for refusal, it is considered that by reason of the plot's true status as previously developed (brownfield land), with potential for single connection to all services, the proposal is directly associated with exceptional circumstances and complies with government policy for the effective use of previously developed (brownfield land) in the countryside and support for rural communities.. The local planning authority has consistently declined to identify the plot relatively and proportionately as previously developed brownfield land. Moreover, the proposed development could proceed without discernable harm to the character and appearance of its rural setting and without harm to interest of acknowledged importance, namely the adjacent habitats.
- 5.13 It is a fundamental principle of planning management that every application should be considered on its individual merits. Accordingly therefore, with the fullest regard to those matters of material relevance, we respectfully request that the appeal be allowed exceptionally and outline planning permission be granted for the proposed construction of 1 No.2 bedroom chalet dwelling at 36 Havant Road, Hayling Island, PO11 0PX, subject to conditions which may be considered appropriate to prescribe.

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For the Appellant, Ms. Elizabeth Foster.