Havant BOROUGH COUNCIL

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To:
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For: Mrs Shipp

Ref No.: APP/11/00008

Town and Country Planning Act 1990: Section 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 24 December 2010 the use/development described in the First Schedule to this certificate in respect of land described in the Second Schedule would be lawful within the meaning of section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

1 The replacement vessel, measuring 20.7 metres (68 feet) in length and 5.4 metres (18 feet) wide is of dimensions that are significantly greater than are set out in the lawful use of the site, which identifies that a vessel not exceeding 3.7 metres (45 feet) in length, 4 metres (13 feet) in width and 3.4 metres (11 feet) in height was moored for a period of at least ten years. Consequently, the mooring of a larger vessel for use as a houseboat is outside the scale of that lawful use and therefore constitutes a material change of use, requiring planning permission pursuant to Section 55(1) of the Town and Country Planning Act 1990 (as amended).

2 The proposed works to convert the vessel into a houseboat at the application site, by reason of their size, extent, and impact are considered to constitute building operations, and are therefore development under Section 55(1) of the Town and Country Planning Act, 1990 (as amended) and do not benefit from a grant of planning permission.

Service Manager (Planning Development)

05 October 2011

Our Ref: APP/11/00008

FIRST SCHEDULE:

This decision relates to the following use/development:

Certificate of Lawfulness relating to the use of a houseboat mooring for the conversion of an empty barge to a houseboat.

As described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This decision relates to Land east of 13 The Kench, Ferry Road, Hayling Island, Hampshire, shown outlined in red on the attached Ordnance Survey Site Plan

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.gvo.uk/pcs.

(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.