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PO9 2AX.

4 September 2025

Dear Sir/Madam

Planning Portal Reference PP-14301905: Lawful Development Certificate, Unit 2, Dunsbury Park, Fitzwygram Way, Havant, PO9 4EE

Please find enclosed, on behalf of our client Fat Face Ltd, an application submitted under section 192 of the Town and County Planning Act 1990 ("the Act") for a Certificate of Lawful Development. The application seeks confirmation that an additional 6,012 sq m of floorspace at the above site is consented; and that, although this floorspace has not yet been built, it could be constructed under the extant consent without any further planning permissions or discharges of condition being required.

In addition to this supporting statement, the application is accompanied by the following information which has been submitted electronically via the Planning Portal (PP-14301905):

- Application form
- Location Plan Ref. UK Planning Maps
- Decision Notice APP/12/00338;
- Decision Notice APP/15/00732;
- Decision Notice APP/15/01156
- Copy of Plan DHF-BMD-Z2-GF-DR-A-11009-P9 'Ground floor GA plan Phase 2'

The requisite fee (including the Planning Portal service charge) has been paid online at the point of submission.

Legislative Background

Town & Country Planning Act 1990

Section 55(1) of the Town and Country Planning Act 1990 (TCPA) defines the term 'development' as the carrying out of building, engineering, mining, or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.

Section 192 (1) of the Act makes provision for an application to be made to a Local Planning Authority (LPA) by anyone who wishes to ascertain whether any proposed use of buildings or other land would be lawful. The lawfulness of any use or operations for which a certificate is in force under this section shall be conclusively presumed unless there is a material change, before the use is instituted or the operations are begun, in any of the matters relevant to determining such lawfulness.

The applicant wishes to obtain confirmation, by way of a Certificate of Lawfulness, that the implementation of the floorspace referred to as 'Phase 2' and equating to 6,012 sq m would be lawful.

Planning History

Unit 2 was constructed on Plot 2 of the Dunsbury Park development. Dunsbury Park is a large mixed use employment and leisure scheme located east of the A3(M) close to Waterlooville. The original outline consent (planning authority reference APP/12/00338), comprising a 'part outline application relating to development for employment uses and a hotel with conference facilities and a part detailed application for a new access link road with bus gate to Woolston Road; together with landscaping, infrastructure and associated works' was approved in February 2014.

At the time of the grant of outline permission, the planning authority intended the employment space brought forward within the Park to be primarily other Class B uses rather than B8 warehousing. Accordingly Condition B6 of APP/12/00338 imposed limitations on the total consented gross floor areas for B8 and B2 uses as follows:

- B8 – 12,356 sq. m (20 per cent of total employment uses); and
- B2 – 24,712 sq. m (40 per cent of total employment uses)

The remaining 40 per cent balance of the Class B employment space was intended to be the former Class B1, now E(g).

In 2015, a Section 73 application was submitted to Havant Borough Council (reference APP/15/00732) for a variation of Condition B6 of APP/12/00338, to change the maximum allowable B8 floorspace within the scheme from 12,356 sq. m (20 per cent) to 18,534 sq. m (30 per cent) and therefore the limits for B8 and B2 became:

- B8 - 18,534 sq. m (30 per cent of total employment uses); and
- B2 - 18,534 sq. m (30 per cent of total employment uses)

The 40 per cent total for B1 use remained unchanged.

Reserved matters consent (reference APP/15/01156) was then granted for Plot 2, for the *'construction of B8 warehouse and distribution building (18,037 sq m) to be constructed in 2 phases'*. This consent sought approval for a building to meet the requirements of Fat Face and is the consent that was implemented, to provide clothing retailer Fat Face's national distribution facility. It opened in late 2017, and operated in that role for some years. However, in late 2023, retailer NEXT acquired 97 per cent of the equity in the Fat Face business, and in 2024 the Fat Face online operations were moved to a new website hosted via NEXT's 'Total Platform'. At the same time, the remainder of the Fat Face distribution requirements were absorbed into the existing NEXT supply chain operation and consequently the Dunsbury Park site became surplus to requirements. Operations ceased in late 2024.

At present only Phase 1 of the approved scheme, comprising the construction of two of the three bays and with a total GFA of 12,024 sq.m, has been completed. The 'Phase 2' component of the approval, which could be constructed, comprises 6,012 sq. m.

Conclusion

In summary, the planning history demonstrates that Unit 2 has been implemented in accordance with the relevant planning permissions. It was envisaged at the time consent was granted that the development could be implemented in phases. To date, Phase 1 comprising 12,024 sq m has been completed. This Certificate seeks confirmation that the floorspace comprising Phase 2, of 6,012 sq m can be implemented at any time without need for further planning permission or discharges of condition.

Please do contact me should you have any further queries or require any clarification on any of the above.

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Yours faithfully

A handwritten signature in black ink, appearing to read 'C Quinsee', with a long horizontal flourish extending to the right.

Chris Quinsee
Director
Q+A Planning Ltd