

The Head of Development Control
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
Hampshire
PO9 2AX

5 April 2022

Dear Sir,

Planning Statement.

20 Greville Green, Emsworth, Havant, PO10 7TH.

Log cabin in rear garden and temporary child-minding use for one year (resubmission of application APP/21/00830).

Our client Amy Dorey was disappointed that her proposal - to erect a log cabin in her rear garden at 20 Greville Green and use it to mind six children (ie APP/21/00830) - was rejected by your Council in December because it would allegedly *"...cause unacceptable harm to the character of the locality and amenity of neighbours through noise and disturbance."* Our client was particularly concerned that, although the 'Other Important Information' on the reverse of the decision notice asserted that her agent Paul Davey had been up-dated on the issues generated by her proposal, possible solutions had **not** been initiated by the case officer, Joseph Toole, while the application was before him. As the opportunity to challenge that decision at appeal has passed, we have been instructed to invite reconsideration of our client's proposal. For the avoidance of doubt, this submission should be seen to comprise the Design and Access Statement that is required by Policy D1 of the Emsworth Neighbourhood Plan.

Joseph Toole's report acknowledged that the log cabin would not *"...appear overbearing or result in the harmful loss of light to the occupiers of no.19"* but recorded his *"...concerns about the commercial use of the outbuilding and the noise and disturbance that would arise from such a use."* It is apparent that his approach followed the lead given by Regulatory Officer Mark Moss, who had recorded that his *"...only real concern is for the possibility that loud music could be played in the studio room or in the garden area, for the enjoyment or entertainment of the children."*



The application site viewed from the south, on Greville Green.

Although Mark Moss had expressed concern at the *possibility* of loud music being played, neither he nor Joseph Toole sought to find a remedy for their concern. On reflection, they should have shown more diligence and explored the possibility of granting permission for a

temporary period (a 'trial run') and/or the imposition of a planning condition to restrict noise emissions. A 'Trial run' was advocated by paragraph 111 of Circular 11/95 "...where an application is made for permanent permission for a use which may be 'potentially detrimental' to existing uses nearby but there is insufficient evidence to enable the authority to be sure of its character or effect...Nor would a temporary permission be justified on the grounds that, although a particular use, such as a hostel or playgroup, would be acceptable in a certain location, the character of its management may change.". It is noteworthy



The application site, viewed from the rear of the property.

that a 'playgroup' (which is a strikingly similar use to child-minding) was cited in Circular 1195 as a use that was particularly suitable for a 'trial run' because the local planning authority could not determine, with certainty, whether it would be (un)acceptable within the situation intended.

Our client has retained Mike Vine of Airtight Noisecheck to formulate a planning condition that could be imposed on a temporary or permanent consent for a child-minding business at this site. On 22nd March, Regulatory Officer Mark Moss was invited to comment on the prospective efficacy of a planning condition which could be imposed on a temporary or permanent consent:- *"The level of noise emitted from any loud music at the proposed nursery [20 Greville Green, Emsworth, Havant Po10 7TH] shall not exceed 50-55 dBA between 0830 hrs and 1730 hrs Monday to Friday, as measured at the nearest noise sensitive facade in relation to the proposed site at [19 and 21 Greville Green, Emsworth]...The levels of 50-55 dBA are the recommended values as listed in section 7.7.3.2 Design Criteria for external noise."*

Criterion (e) of Core Strategy Policy CS16 asserts that the *design* of a proposal should not "...cause unacceptable harm to the amenity of neighbours through...noise"; Policy E1 re Health and Wellbeing of the emergent Local Plan generates a presumption in favour of development which would *"Promote and facilitate informal play, social interaction; and 'General Design Policy' D2 of the Emsworth Neighbourhood Plan calls for new buildings to be appropriate in height, mass and materials to the character of the area. Joseph Toole previously recorded his judgement that as "The proposed rear outbuilding would not be readily visible from the street scene...the building itself is not considered to have a negative impact upon the character of the area."* Whilst it is our belief that the planning condition drafted by Mike Vine would ensure that unacceptable harm would **not** be caused to neighbours through noise or disturbance, no cast-iron guarantees can be given in advance of commencement of the child-minding use, so a trial period (of a year) would be a fair and equitable way to proceed.

Yours faithfully,

Robert Tutton
Director