

Objection Response to APP/24/00343 - Variation of Condition 3 of Planning Permission APP/13/00550

Overview:

This application cannot be granted for the following reasons –

- 1) Material Planning Considerations.
- 2) Setting of precedent for others to ignore planning conditions.
- 3) Other inter-related legislative matters.
- 4) No likelihood of compliance if approval granted.
- 5) Negative impact on other Borough based accommodation providers.
- 6) Misleading information supplied by the developers Susan & John Galyer.

1) Material Planning Considerations:

This application cannot be approved by HBC on a material planning consideration basis because to approve it would be to set a precedent in the Borough that HBC Planning Policy CS16 in the HBC Borough Design Guide SPD is irrelevant and can be ignored at will by those, like this developer husband and wife, who do not believe planning rules apply to them.

The permission for this development in 2013 was granted strictly on the condition that:

"The annex hereby permitted shall be occupied only for purposes incidental to that of the dwelling house and shall at no time be used as a separate unit of accommodation without the written permission of the local planning authority."

This is abundantly clear on its terms.

In 2013 HBC laid out its sound planning reasoning for applying this condition to the development, namely -

"Reason: In the interests of neighbour amenity and to prevent an over development of the site area and having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012."

The husband and wife developers however clearly feel that planning rules do not apply to them as the Air BnB website reviews shows that within a few years of having had planning permission granted, this developer couple wholesale ignored their planning conditions in order to commercially profit from their unlawful rental business.

There has been no material change of circumstances to the application site's location (Salterns Close) since time of grant of permission and associated condition. It remains a purely residential use cul-de-sac.

2) Setting of precedent for others to ignore planning conditions:

If HBC planning department are of a mind to set such a precedent by approving this application, it will open up HBC to challenge on any other development in the Borough where Policies CS16 and DM13 (and the NPPF) have been applied. In other words, every application.

3) Other inter-related legislative matters:

Further, if this application is perversely approved, such an approval can only be achieved by making the developer couple comply with all current Building Control Regulations for commercially let overnight accommodation.

These include but are not limited to -

Disability Accessibility Building Control legislation and Fire and Safety requirements for commercially let overnight accommodation.

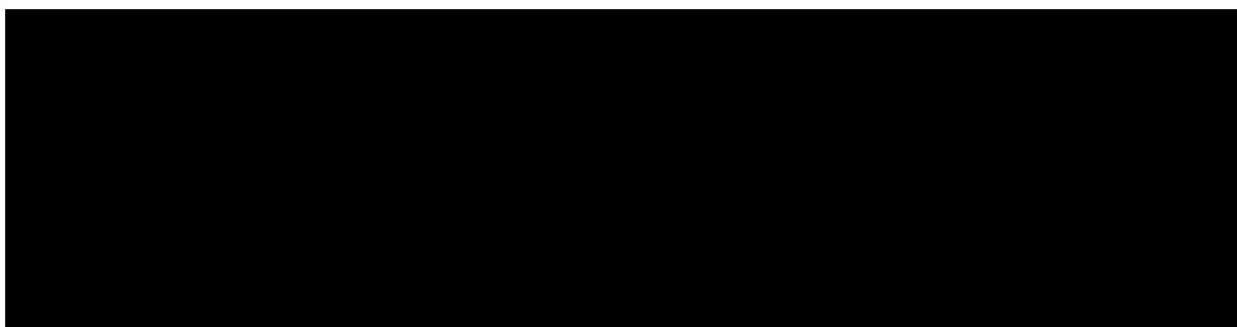
As the accommodation is not on the ground floor a new planning application to make this development fully accessible would be required. This will need to include a lift to take wheelchair / powerchair users and an alternative means of escape in the event of fire and malfunction of the lift. Currently the access is entirely inadequate, being only a spiral staircase. The bathroom will need to be substantially enlarged to allow for regulatory turning circles, handrails, safety equipment, non-slip flooring and full disability washing and toileting facilities with room for carers in attendance.

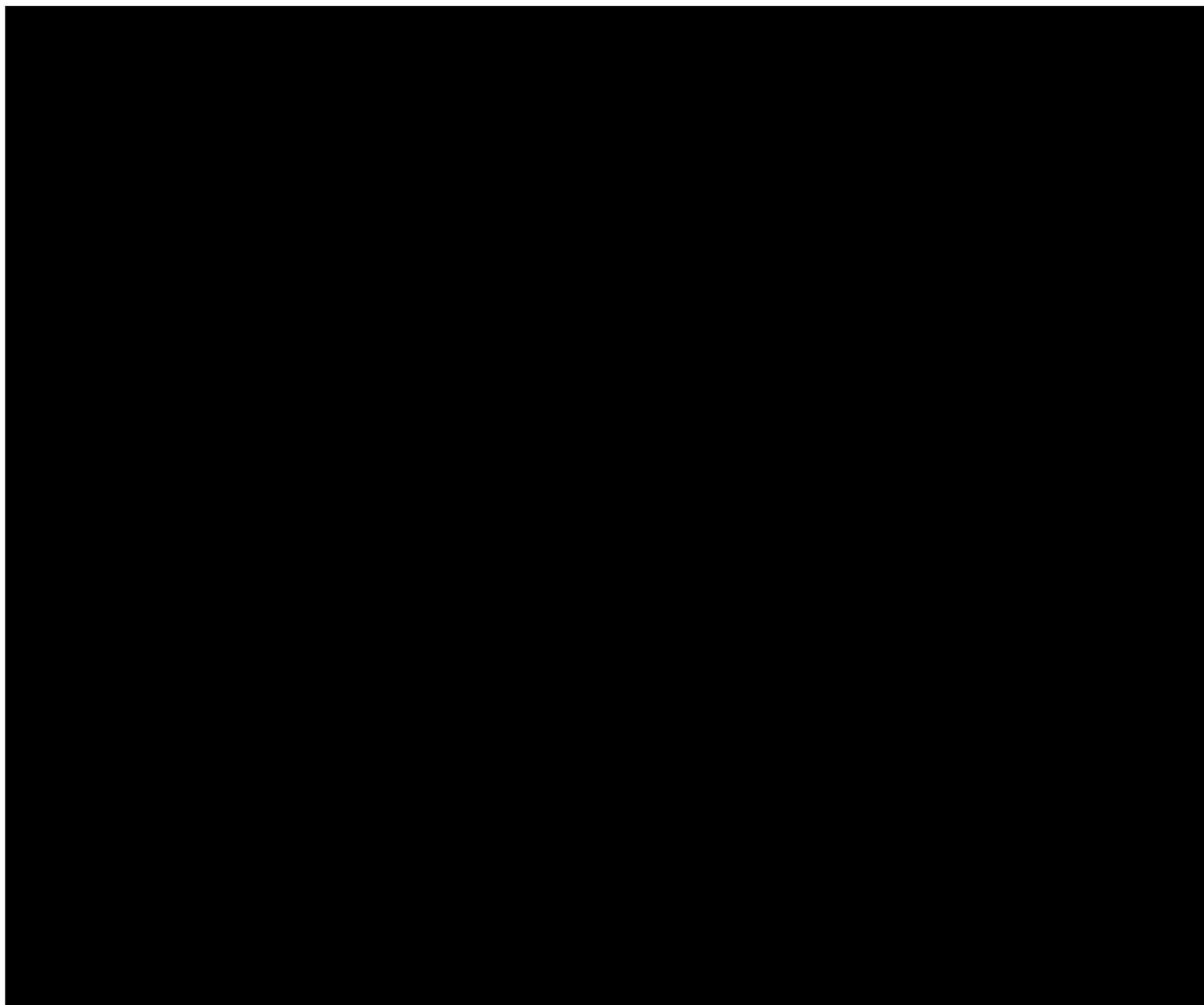
If this action is not undertaken by HBC then HBC lays itself open to challenge on the basis that it has ignored Policy CS16, sub point 4. –

“All development should demonstrate that its design - Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all;”

This application should not be approved until Hampshire Fire & Rescue Service have undertaken a full Fire Risk survey of the property as a whole including escape routes (for both ambulatory and non-ambulatory persons), Fire exit signage, mains operated and battery backed up fire suppression installation, emergency lighting and full Fire Risk Assessments undertaken before the development can be let on the open market.

4) No likelihood of compliance if approval granted:

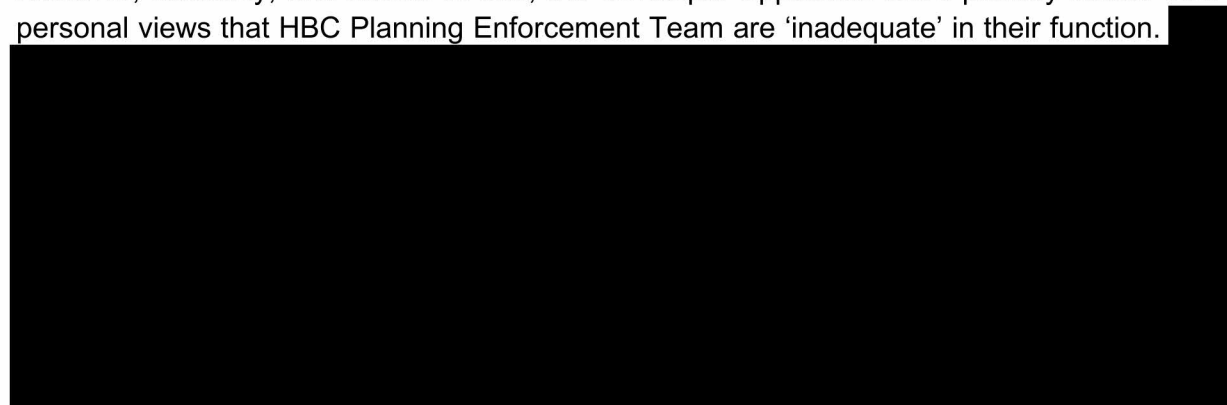




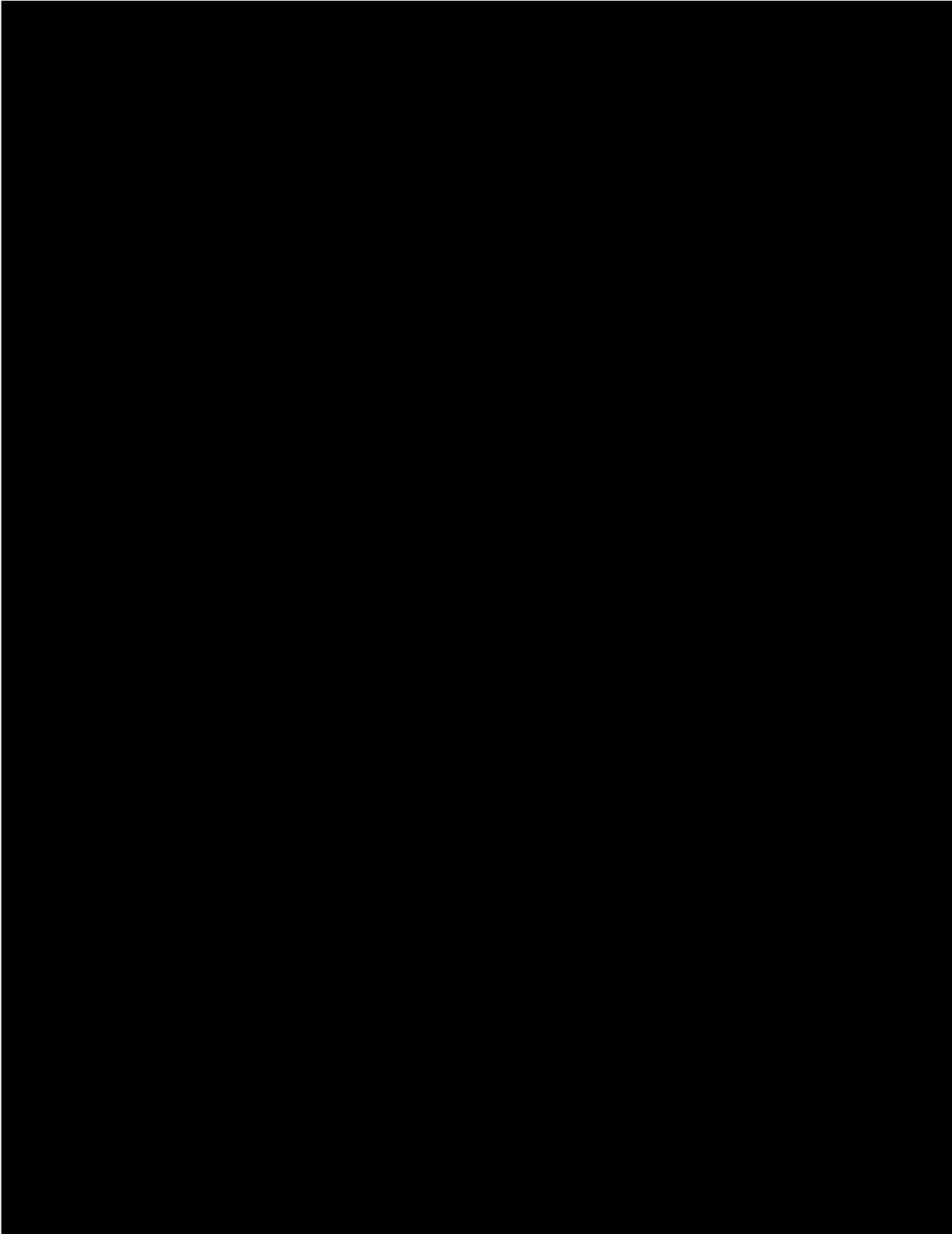
HBC should take note that whilst the developer and his 'Air BnB Super host' wife have applied for limited use – up to 120 days a year – in order to circumnavigate various legislative controls and commitments, HBC cannot approve the application with confidence and surety that such a condition will be adhered to by this developer couple in the future.

The reasons for this factual observation are twofold – firstly, past performance is generally the best indicator of future performance and the developers' blatant disregard for HBC's conditioning of their 2013 application as laid out above should suffice.

However, secondly, and added to that, the developer applicants have publicly stated their personal views that HBC Planning Enforcement Team are 'inadequate' in their function.



and



In that vein, it is apropos for HBC to refuse this application as on current evidence and past performance it is most likely that the developers will at any given point in the future ignore the condition of 120 days to seek maximum commercial gain and profit for themselves, without regard to their neighbours amenity or planning conditions, as they have already done so over a number of years.

5) Negative impact on other Borough based accommodation businesses.

HBC should consider, in weighing the planning balance, the suitability, necessity and desirability of adding yet another Airbnb property to the already saturated supply of tourist accommodation on Hayling Island and in the Borough. On Hayling Island alone there are over 30 Airbnb's listed on the Airbnb website. Some of these listings are multiple unit listings.

The Borough is very well served with professionally run established tourist accommodation providers who pay Business Rates to HBC, (under this application by limiting the number of days to 120, the developers will not be subject to paying Business Rates) and such established providers are subjected to immense cost, overhead and detailed scrutiny by relevant authorities (such as Building Control, Fire Risk assessment and implementation, Health & Safety compliance etc) in a highly competitive market, as well as employing many locals and contributing to the local economy.

To approve this application is to create a two-tier system whereby the rules, regulations and legislative burden that established Hotels, Bed and Breakfasts, Camping, Static Holiday Homes and Holiday Village sites within the Borough have to adhere to are bypassed for this developer couple through their disregard for planning permission rules (hypocritically, such disregard only being so when such rules apply to them. In all other circumstances they are happy to engage in extensive 'lawfare' campaigns against HBC and their neighbours when it suits them).

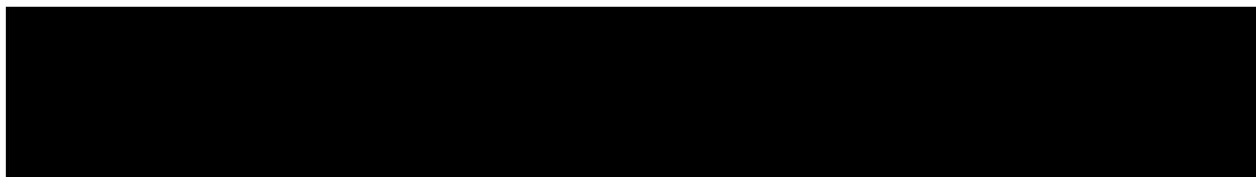
Economically, socially and environmentally this application adds nothing to the Borough's hospitality offerings. In fact the opposite is true, as it unfairly diminishes the size of the pie that established Havant Borough accommodation operators, whom contribute economically, socially and environmentally to the Borough's vibrancy and well-being have to share round.

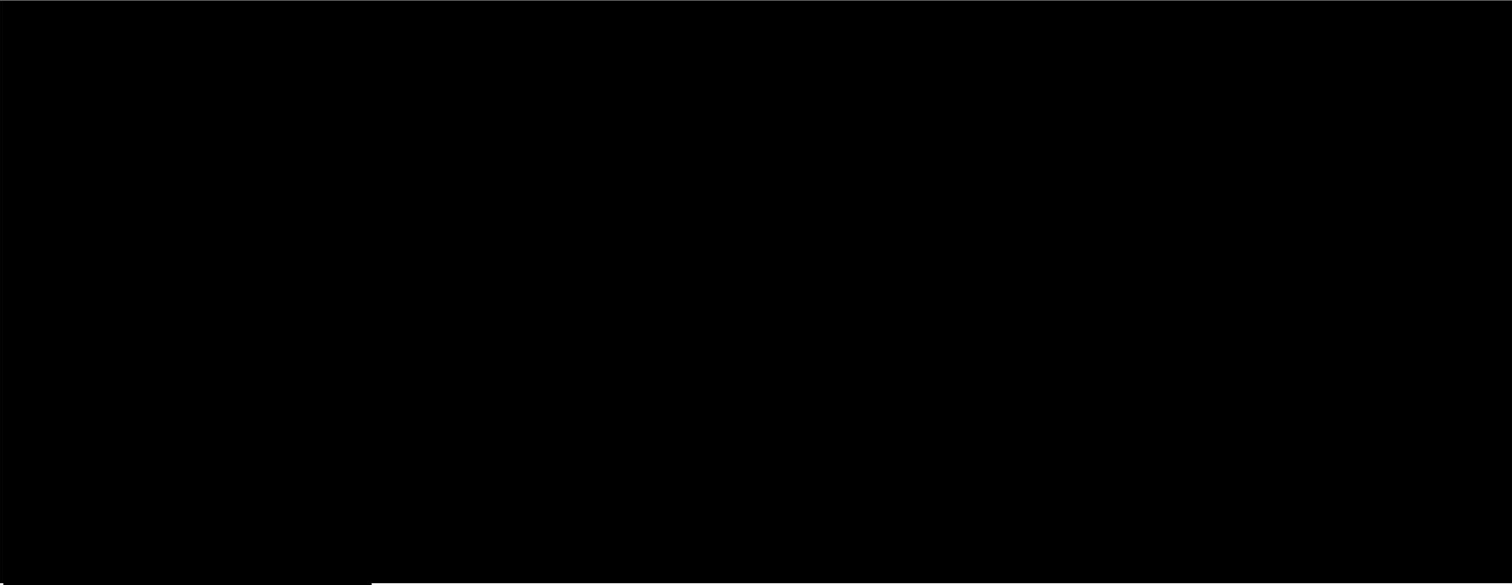
Whilst the share taken at up to 120 nights may be small, it is nonetheless the precedent principle (as previously mentioned) that applies here – i.e. if this husband and wife developer can unlawfully break planning conditions for years, 'trouser the money' and then be allowed to carry on, to commercially profit for themselves, it sets a negative precedent that planning permission conditions do not have to be adhered to.

6) Misleading information supplied by Susan & John Galyer (the developers).

Within the submitted planning statement the developers state –

"The owners / applicants are on site for the vast majority of visits to ensure noise and behaviour guidelines are adhered to."





they cannot guarantee being on site when they are letting this Airbnb and their false assurances that this is the case in their Planning Statement to HBC dismissed as not credible.

Conclusion:

For the reasons set out above, the variation of Condition 3 of APP/13/00550 does not meet the thresholds of sustainable development as laid out in the NPPF and the Condition should remain in place, to serve its function as originally intended and fully justified in the original Officers Report and Decision Notice.