

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)

BREACH OF CONDITION NOTICE

SERVED BY: THE COUNCIL OF THE BOROUGH OF HAVANT

TO: MS WENDY ELIZABETH HEATH 81 STATION ROAD HAYLING ISLAND
HAMPSHIRE PO11 0EB

- 1 **THIS NOTICE** is served by the Council under section 187(A) of the above Act, because they consider that a condition imposed on a grant of planning permission, relating to the land described in paragraph 2 below, has not been complied with. The Council consider that you should be required to comply with the condition specified in this notice. The Annex at the end of this notice contains important additional information.

2 **THE LAND TO WHICH THE NOTICE RELATES**

The land at 6 Fairlight Chalets, Salterns Lane, Hayling Island Hampshire shown edged boldly in black on the attached plan.

3 **THE RELEVANT PLANNING PERMISSION**

The relevant planning permission to which this notice relates is the permission (under reference number HWU 2788), granted by the Council on 8th February 1954 (and attached to this Notice).

4 **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF CONDITION**

The following Condition has not been complied with: Condition No.7, namely ***"These chalets shall only be occupied between the period 1st March and 31st October each year".***

Reason:

1. The loss of a holiday accommodation unit would be detrimental to the tourist offer available in the borough and is therefore contrary to policies CS5 and DM3 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

2. The chalet is not of a suitable standard of accommodation to provide satisfactory living conditions in order to provide for its occupation as a permanent residential unit. Therefore it is contrary to policies CS16 and DM3 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.
3. The use for permanent residential accommodation will, as a consequence of the small size of the chalet, the limited amount of private amenity space associated with the chalet and the limited amount of space to provide the required level of car parking of 2 spaces per chalet and turning space within the site, it would not provide an acceptable level of amenity for the residents and would be detrimental to the character of the locality. Therefore it is contrary to policy CS16 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.
4. The access drive leading to and from the site is of inadequate width and construction to accommodate safely the additional traffic which the permanent occupation of the chalet would generate. This is therefore contrary to policies CS16 and DM13 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.
5. Inadequate visibility splays are provided at the junction of the access with the highway and this, together with the increased use of the access as a consequence of the additional traffic which the permanent occupation of the chalet would generate could cause danger and inconvenience to users of the adjoining highway. This is therefore contrary to policies CS16, CS20 and DM12 of the Havant Borough Core Strategy 2011 which forms part of the Local Development Framework and the National Planning Policy Framework, March 2012.

5 **WHAT YOU ARE REQUIRED TO DO**

As the person responsible for the breach of condition specified in paragraph 4 of this notice you are required to comply with the stated condition by taking the following steps:-

- Occupation of the chalet to be ceased outside of the period of 1st March to 31st October in any year.

6 **TIME FOR COMPLIANCE**

The period for compliance with the requirement at paragraph 5 above is 28 days beginning with the day on which this notice is served on you.

Dated: 24th February 2014

Signed:

on behalf of: The Council of the Borough of Havant

Public Service Plaza

Civic Centre Road

Havant

Hampshire PO9 2AX

ANNEX

WARNING

THIS NOTICE TAKES EFFECT IMMEDIATELY IT IS SERVED ON YOU IN PERSON OR ON THE DAY YOU RECEIVE IT BY POST

THERE IS NO RIGHT OF APPEAL TO THE SECRETARY OF STATE FOR THE ENVIRONMENT AGAINST THIS NOTICE

It is an offence to contravene the requirements stated in paragraph 5 of this notice after the end of the compliance period. You will then be at risk of immediate prosecution in the Magistrates Court, for which the maximum penalty is £1,000 for a first offence and for any subsequent offence. If you are in any doubt about what this notice requires you to do, you should get in touch immediately with Mrs Ware on (02392) 44 6519.

If you do need independent advice about this notice, you are advised to contact urgently a solicitor, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

NAME AND ADDRESS OF PERSONS ON WHOM THIS NOTICE HAS BEEN SERVED

Ms Wendy Elizabeth Heath
6 Fairlight Chalets
Salterns Lane
Hayling Island
Hants
PO11 9PJ

Ms Wendy Elizabeth Heath
81 Station Road
Hayling Island
Hampshire
PO11 0EB



Civic Offices, Civic Centre Road, Havant,
Hampshire PO9 2AX t: 023 9247 4174



Havant
BOROUGH COUNCIL

Title:

Breach of Condition Notice
6 Fairlight Chalets
Salterns Lane
Hayling Island
Hants
PO11 9PJ

Drawn By:

Scale:

Drawing No:

Cleaner, Safer, More Prosperous

HIRE COUNTY COUNCIL

FORM P. 3.

TOWN AND COUNTRY PLANNING ACTS, 1947 AND 1954
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1950

Box 313

To: [illegible]
[illegible]
[illegible]

In pursuance of their powers under the above-mentioned Act and Order, the Council do hereby permit

[illegible]

to be used only for the purpose of

for a limited period only terminating on the [illegible] day of [illegible] 19[illegible]

in accordance with the plans and particulars submitted with your application dated the [illegible] day of [illegible] 19[illegible] and subject to due compliance with the Byelaws and general statutory provisions in force in the district and with the conditions specified hereunder:-

[illegible text]

The Council do hereby declare that permission for the development subject to conditions with effect from the date specified hereunder:-

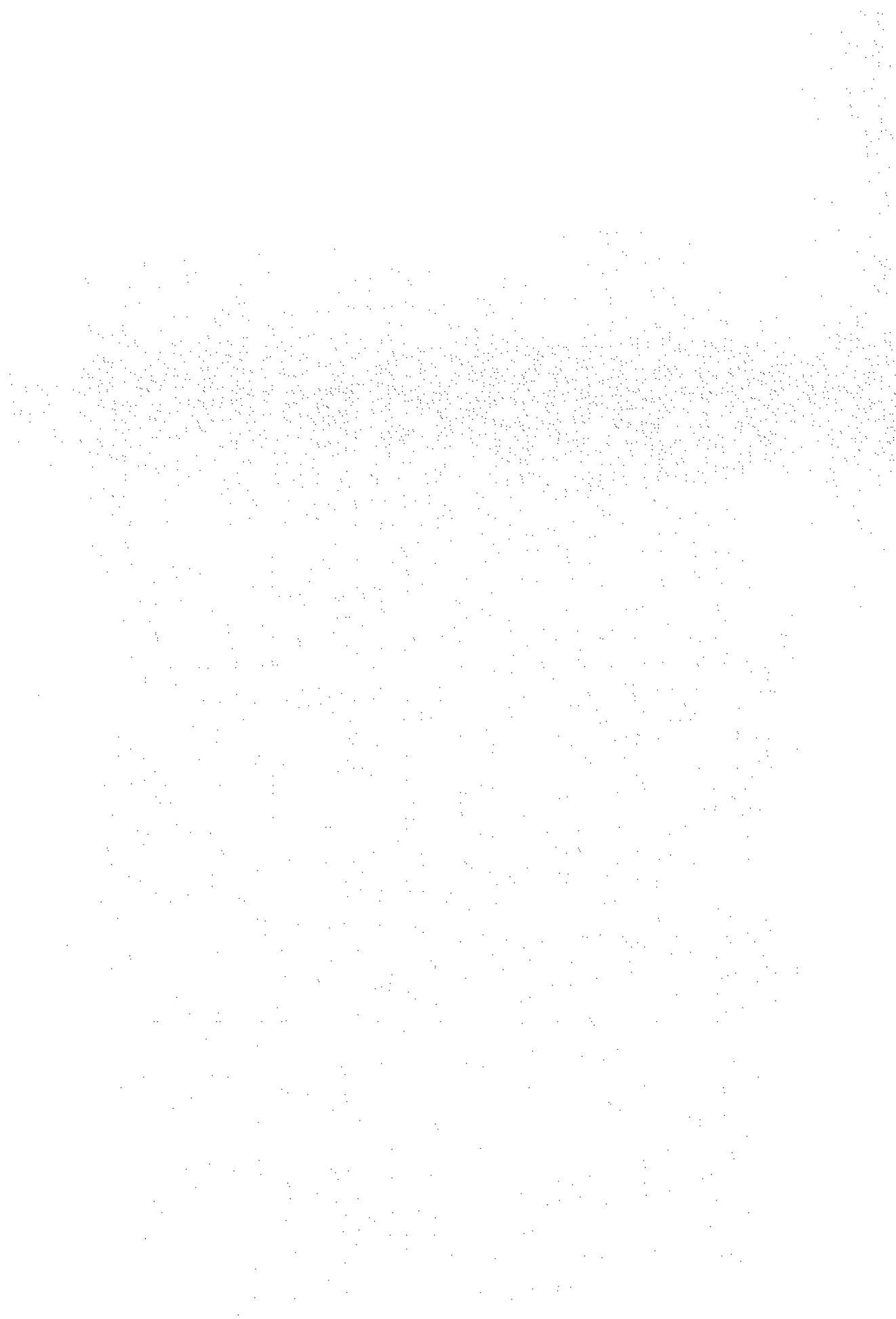
- (1) [illegible]
- (2) [illegible]
- (3) [illegible]
- (4) [illegible]

NOTICE
This permission may be subject to a Development Charge of which the sum of [illegible] may not be carried out without the consent of the [illegible] LAND BOARD

Dated this [illegible] day of [illegible] 19[illegible]

On behalf of the Local Planning Authority

THE CLERK
[illegible]



NOTIFICATION

(1) If the Applicant is aggrieved by the decision of the local planning authority to refuse permission or approval for the proposed development, or its grant, permission or approval subject to conditions, he may, by notice served within one month of receipt of this notice, appeal to the Minister of Housing and Local Government in accordance with Section 16 of the Town and Country Planning Act, 1947.

The Minister has power to allow a larger period for the giving of a notice of appeal and he will exercise his power in cases where he is satisfied that the applicant has been prevented by any action or inaction of the local planning authority from presenting his appeal in time. The Minister is not, however, required to entertain such an appeal if it appears to him that permission for the proposed development could not have been granted by the local planning authority, or could not have been so granted otherwise than subject to the conditions imposed by them, having regard to the provisions of Section 14 of the Act and of the Government's Order and on any directions given under the Act.

(2) If permission to develop land is refused or granted subject to conditions, whether by the local planning authority or by the Minister of Housing and Local Government, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, he may serve on the Council of the county borough or district in which the land is situated a purchase notice requiring that Council to purchase his interest in the land in accordance with Section 18 of the Town and Country Planning Act, 1947.

(3) In certain circumstances a claim may be made against the local planning authority for compensation where permission is refused or granted subject to conditions by the Minister or appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 20 and 21 of the Town and Country Planning Act, 1947.

(4) An applicant who wishes to appeal against a decision of the local planning authority should write to the Principal Regional Office, Ministry of Housing and Local Government, Whitehall, London, W.C.1.

(5) The applicant is recommended to obtain the form and the rules of the procedure.

(6) The applicant should also send a copy of the notice of appeal to the local planning authority and a copy of the notice of appeal to the Council of the county borough or district in which the land is situated.

(7) The applicant should also send a copy of the notice of appeal to the Council of the county borough or district in which the land is situated.



IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED BY THE PLANNING AND
COMPENSATION ACT 1991)

BREACH OF CONDITION NOTICE

SERVED BY: THE COUNCIL OF THE BOROUGH OF HAVANT

TO: Ms WENDY ELIZABETH HEATH 6 FAIRLIGHT CHALETS SALTERNS LANE
HAYLING ISLAND HAMPSHIRE PO11 9PJ

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3 **THE RELEVANT PLANNING PERMISSION**

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4 **THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF CONDITION**

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Reason:

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5 WHAT YOU ARE REQUIRED TO DO

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- Occupation of the chalet to be ceased outside of the period of 1st March to 31st October in any year.

6 **TIME FOR COMPLIANCE**

The period for compliance with the requirement at paragraph 5 above is 28 days beginning with the day on which this notice is served on you.

Dated: 24th February 2014

Signed:

Authorised signatory

on behalf of: The Council of the Borough of Havant
Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

ANNEX

WARNING

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If you do need independent advice about this notice, you are advised to contact urgently a solicitor, planning consultant or other professional adviser specialising in planning matters. If you wish to contest the validity of the notice, you may only do so by an application to the High Court for judicial review.

NAME AND ADDRESS OF PERSONS ON WHOM THIS NOTICE HAS BEEN SERVED

Ms Wendy Elizabeth Heath
6 Fairlight Chalets
Salterns Lane
Hayling Island
Hants
PO11 9PJ

Ms Wendy Elizabeth Heath
81 Station Road
Hayling Island
Hampshire
PO11 0EB



Civic Offices, Civic Centre Road, Havant,
Hampshire PO9 2AX t: 023 9247 4174



Havant
BOROUGH COUNCIL

Title:

Breach of Condition Notice
6 Fairlight Chalets
Salterns Lane
Hayling Island
Hants
PO11 9PJ

Drawn By:

Scale:

Drawing No:

Cleaner, Safer, More Prosperous

HIRE COUNTY COUNCIL

TOWN AND COUNTRY PLANNING ACTS, 1947 AND 1968
TOWN AND COUNTRY PLANNING GENERAL DEVELOPMENT ORDER, 1955

Box 313

To: Mr. J. H. [illegible]
[illegible]
[illegible]

In exercise of their powers under the above-mentioned Act and Order, the Council as the Local Planning Authority, hereby permit

[illegible]

to be used only for the purpose of

for a limited period only commencing on the 1st day of January 1968

in accordance with the plans and particulars submitted with your application dated the 15th day of December 1967 and subject to the observance with the By-laws and general statutory provisions in force in the district and with the conditions specified hereunder—

[illegible text]

The Council further permits the Council to grant permission for the development proposed to comply with the conditions hereinafter specified—

- (1) [illegible]
- (2) [illegible]
- (3) [illegible]
- (4) [illegible]

NOTICE
This application may be made a Development Charge in accordance with the provisions of the Development Charge Act, 1967, and will not be carried out without the consent of THE CENTRAL LAND BOARD.

Dated this 15th day of February 1968

On behalf of the Local Planning Authority

THE CHAIRMAN

NOTIFICATION

1. The Commission is authorized by the Director of the local planning authority to refuse, suspend, or approve or the proposed development, or to grant permission or approval subject to conditions and may, by notice served within one month of receipt of this notice, apply to the Minister of Housing and Local Government in accordance with Section 74 of the Town and Country Planning Act, 1947.

The Minister has power to allow a longer period for making of a notice in certain cases where the power is used where the notice is not made in accordance with the provisions of the Act and of the Development Order and so the directions given under the Order.

4. It appears that the Government of the United States has been in the habit of making a contribution to the Government of the United States in the form of a loan of \$100,000,000, which has been used for the purpose of purchasing the land of the United States. The Government of the United States has been in the habit of making a contribution to the Government of the United States in the form of a loan of \$100,000,000, which has been used for the purpose of purchasing the land of the United States.

(3) In certain circumstances, a person may be made liable for local planning authorities for certain purposes, where paragraph 1 of the 1932 Act is not applicable to the authority or person or as a result of the application of the Act. The circumstances in which paragraph 1 of the Act is not applicable are set out in Schedule 2 to the Town and Country Planning Act 1990.

40. All persons who wish to appeal against a decision of the first planning authority should write to the Assistant Regional Officer, Ministry of Housing and Local Government, White Court, Park Road, Reading.

