

APP/24/00130 2 Towers Garden, Langstone

The planning application for a hard standing at 2 Towers Garden has an important background, which the officer who wrote the Heritage Report will be aware of, as she was a Havant Borough Conservation Officer when the Langstone Conservation Area Article 4 Direction was made in 2011, but not confirmed until eleven years later, on 2nd March 2022.

Clare Satchwell explains this in her report to Full Council on 16th March 2022.

‘The Council began the preparation of an article 4 direction for the Langstone Conservation Area in 2011 with all of the statutory steps in its preparation taking place, save for the last one. This involves the confirmation of the Article 4 Direction to the Secretary of State following the one-year grace period to avoid compensation claims to the Council, as is commonplace. Regrettably, due to human error at the time this did not take place. This only came to light late last year. Confirmation of the Article 4 has now taken place and so planning permission will be required for a number of household development projects which otherwise have the potential to cause harm to the special character of the Langstone Conservation Area.’

Thanks to this grave error we now have two hard standings at the bottom of Towers Garden, which would otherwise have been refused permission.

In 2021 No. 9 Towers Garden was refused planning permission for a hardstanding on the grounds that it would be detrimental to the visual amenity of the street scene and the Conservation Area, as it would puncture the strong, predominantly green boundary character with hardstanding and vehicle activity etc. When [REDACTED] tried to take enforcement action regarding the [REDACTED] hardstanding [REDACTED] without planning permission, she found that the Article 4 Direction had not been confirmed and was, therefore, not legal.

The Article 4 Direction was then re-advertised and agreed by HBC. Everyone was invited to make representations but no-one objected, even though electric cars were now freely available.

In 2022, No. 9 obtained a certificate of lawfulness for their hardstanding which was legal at the time it was constructed.

In the case of Towers Garden precedence is not a relevant factor, firstly because precedence is not a material planning consideration and secondly because the two permitted hard standings are only there because of a serious mistake by HBC. New applications must be considered with the Article 4 Direction in place.

Fortunately, the two existing hard standings are at the back of the cul-de-sac and do not too seriously affect the green character of Towers Garden as viewed from the High Street. When looking at this application it is important to consider how the character of the Conservation Area would be affected if everyone was eventually allowed to have a hardstanding and all the green frontages were lost.

[REDACTED]

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