



Havant
BOROUGH COUNCIL

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: MRS DEBORAH BRETT 18 MENGHAM AVENUE HAYLING ISLAND
HAMPSHIRE PO11 9JB

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 18 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.

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*".

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:-

1. 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: 22nd February 2013

Signed: ... 
Deputy the SOLICITOR TO THE COUNCIL

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

Mrs Deborah Brett
18 Mengham Avenue
Hayling Island
Hants
PO11 9JB

Mr William Ford
18 Fairlight Chalets
Salterns Lane
Hayling Island
Hants
PO11 9PJ



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



Havant
BOROUGH COUNCIL

Title:

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

Drawn By:

Scale:

Drawing No:

Cleaner, Safer, More Prosperous