



The Planning Inspectorate

An Executive Agency in the Department of the Environment and the Welsh Office

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Mr P J Shergold
1 Fairlight Chalets
Salterns Lane
Hayling Island
Hants
PO11 9PJ

Your Ref:

Our Ref:

T/APP/X1735/A/95/257803/P8

Date: 2 FEB 1996

Dear Sir

TOWN AND COUNTRY PLANNING ACT 1990, SECTION 78 AND SCHEDULE 6
APPLICATION NO: 95/56717/2

1. I have been appointed by the Secretary of State for the Environment to determine your appeal against the decision of the Havant Borough Council to refuse an application for relief from condition 7 of planning permission HWV2788 to enable all year round occupation of the chalet. I am treating this as an application for planning permission under Section 73 of the Town and Country Planning Act 1990, for the development of land without complying with a condition subject to which a previous planning permission was granted. Planning permission No HWU/2788 was dated 8 February 1954 and was for the erection of 30 holiday chalets at "Fairlight", Salterns Lane, Hayling Island. I have considered the written representations made by you and by the Council. I inspected the site on 18 December 1995; my visit was to have been an accompanied one, but as you were neither present nor represented I carried out my inspection on an unaccompanied basis.

2. Disputed condition No 7 states that these chalets shall only be occupied between the period of 1st March and 31st October of each year.

3. Having considered the representations before me, and having seen your chalet and its surroundings, the main issues before me in considering your appeal seem to me to be (1) whether your chalet, and others in the Fairlight group, are unsuitable for permanent residential occupation; (2) whether the access leading to Fairlight Chalets is unacceptably inadequate to serve such a use; and (3) whether permanent residential occupation of the chalet would be unacceptably in breach of the Local Planning Authority's tourism policy.

4. The chalets are very small, even when, like yours, they have been extended; they are close together, with little private amenity space. The pleasing open space in the middle of the development would be largely taken up by parking spaces if the Council's parking standards for permanent dwelling houses were complied with. I agree with the Local

Planning Authority that, although adequate for short-term holiday occupation, they are too cramped in accordance with modern standards to be lived in permanently

5. So far as the access is concerned, it is of only single car width and visibility from it along Salterns Lane is very poor. While it has been used over a period of many years by occupants of Fairlight Chalets, and while no doubt the heaviest use of it during the summer months is by occupants of the chalets in genuine holiday use, I accept the Local Planning Authority's point that the pattern of usage by permanent occupants is likely to be different from that of holiday makers; it is more likely to conflict with peak traffic flows along Salterns Lane. The access is clearly sub-standard in the light of modern guidance as to what is required in the interests of traffic safety, and it would in my view be wrong to permit the more intense use of it which could be expected to flow from permanent occupation of your chalet or of other chalets in the group.

6. The Havant Borough Local Plan was adopted in June 1994 and thus forms part of the development plan for the Borough. Section 54A of the Town and Country Planning Act 1990 requires me to determine your appeal in accordance with the development plan unless material considerations indicate otherwise. While the wording of Local Plan Policy TO4 - Loss of Holiday Accommodation - applies specifically to the loss of existing hotel or guest house accommodation, rather than to the loss of self-catering holiday chalets, the explanatory memorandum (paragraph 6.7) makes it clear that the Council also has it in mind to prevent the loss of the latter type of holiday accommodation, and I take the change of use of your chalet from holiday accommodation to permanent residential use to be contrary to the clear aims of the policy. This constitutes a further reason for not allowing this appeal.

7. You suggest that it is inequitable for you to be denied permission for permanent residential occupation of your chalet when some neighbouring chalets are already so occupied. It is apparent from the planning history of Fairlight Chalets, however, that only 3 chalets out of 36 are legally in permanent residential use. No 31a was erected under a planning permission granted nearly 30 years ago; no occupancy condition was imposed, for reasons no longer known to the Local Planning Authority. No 31 is occupied permanently, not with planning permission, but under the benefit of a Lawful Development Certificate. No 27 is occupied on a permanent basis by the site manager. All other chalets are subject to the same occupancy condition that applies to No 1. It is clear from the representations before me that it is the Council's policy that this state of affairs should continue, and I accept that this policy has been consistently applied for many years. I do not regard the permanent occupation of the three chalets to which I have been referred as being a persuasive precedent for the occupancy condition to be removed in respect of the other chalets.

8. I have considered all the other matters raised in the representations before me, but these do not outweigh the considerations that have led me to my decision.

9. For the above reasons, and in exercise of the powers transferred to me, I hereby dismiss this appeal.

Yours faithfully


A N Marshall MA (Oxon) Solicitor
Inspector