

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

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

ENFORCEMENT NOTICE

ISSUED BY: HAVANT BOROUGH COUNCIL

1. THIS NOTICE is issued by the Council because it appears to them that there has been a breach of planning control, within paragraph (a) of section 171A(1) of the above Act, at the land described below. The Council consider that it is expedient to issue this notice, having regard to the provisions of the development plan and to other material planning considerations. The Annex at the end of the Notice and the enclosures to which it refers contain important additional information.

2. THE LAND TO WHICH THE NOTICE RELATES

Land at Tournurbury Woods, Tournurbury Lane, Hayling Island shown edged red on attached plan ("the Land").

3. THE MATTERS WHICH APPEAR TO CONSTITUTE THE BREACH OF PLANNING CONTROL

Without planning permission and within the last 10 years, a material change of use of the land from agriculture and a dwellinghouse used for holiday letting's, to the use of the land for agriculture, a dwellinghouse used for holiday letting's, camping, holding of weddings and other commercial events.

4. REASONS FOR ISSUING THIS NOTICE

It appears to the Council that the above breach of planning control has occurred within the last 10 years.

The development is in the countryside and the use of the land causes significant harm to this sensitive rural location and to the amenity of occupiers of the area by reason of noise and disturbance contrary to Policy AL1 of the Havant Borough Local Plan (Allocations) and Policies CS16, CS17 and M10 of the Havant Borough Core Strategy and national advice in the National Planning Policy Framework.

The development falls within the Chichester Area of Outstanding Natural Beauty, a Special Protection Area, a Site of Special Scientific Interest and a Special Area of Conservation and an appropriate assessment to assess the

development on these sensitive areas in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has not been undertaken to ascertain whether it is likely the development would have a significant effect on these important nature conservation areas designated under UK and European Law and of International importance. Therefore, due to insufficient information and applying the precautionary principle, it has not been shown through appropriate assessment that the development would not adversely affect the integrity of these sites. The development is therefore contrary to the requirements in The Conservation of Habitats and Species Regulations 2017, Policies CS11, CS12 and DM8 and DM9 of the Havant Borough Core Strategy and national advice in the National Planning Policy Framework.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these problems.

5. WHAT YOU ARE REQUIRED TO DO

- 1 Cease the use of the Land for weddings and other commercial events.
- 2 Cease the use of the Land for camping associated with weddings and other commercial events.
- 3 Cease the use of the dwellinghouse for accommodation associated with weddings and other commercial events.
- 4 Remove from the Land, all buildings (excluding the dwellinghouse), structures, decking and marquees and any other paraphernalia associated with weddings and commercial events.

6. TIME FOR COMPLIANCE: 3 months after this notice takes effect.

7. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 13 March 2020 unless an appeal is made against it beforehand.

Dated: 17 January 2020

Signed: 

Head of Neighbourhood Support

On behalf of:
Havant Borough Council
Civic Centre Road
Havant
Hants
PO9 2AX

ANNEX

YOUR RIGHT OF APPEAL

You can appeal against this notice, but any appeal must be received, or posted in time to be received, by the Secretary of State before the date specified in paragraph 7 of the Notice. Please read the enclosed Planning Inspectorate advice note on how to appeal.

If you appeal and are pleading ground (a) and asking for the deemed planning application to be considered as part of your appeal you must pay a fee of £924.00 to the Council (made payable to "Havant Borough Council") and this should be sent with a copy of the appeal form.

Your attention is drawn to the attached extracts of the Town & Country Planning Act 1990.

WHAT HAPPENS IF YOU DO NOT APPEAL

If you do not appeal against this Enforcement Notice, it will take effect on the date specified in paragraph 7 of the Notice and you must then ensure that the required steps for complying with it, for which you may be held responsible, are taken within the period(s) specified in paragraph 6 of the notice. Failure to comply with an Enforcement Notice which has taken effect can result in prosecution and/or remedial action by the Council.

SUBMISSION TO SECRETARY OF STATE

If you appeal against this Notice you must submit to the Secretary of State, either when giving notice of appeal or within 14 days from the date on which the Secretary of State sends you a notice so requiring you, a statement in writing specifying the grounds on which you are appealing against the enforcement notice and stating briefly the facts on which you propose to rely in support of each of those grounds.

PERSONS SERVED

The following persons have been served with copies of this Enforcement Notice:

[REDACTED] Sea Front, Hayling Island, PO11 9HR
[REDACTED] Sea Front, Hayling Island, PO11 9HR
[REDACTED] Tournerbury Woods, Tournerbury Lane, Hayling Island
[REDACTED] Tournerbury Woods, Tournerbury Lane, Hayling Island