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Planning Development Service Manager
Havant Borough Council
Public Service Plaza
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HAVANT
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Our ref. JM/Aubin Wood

14th August 2018

Dear Sir

**PROPOSED GARDEN OUTBUILDING AT 49 OAK TREE DRIVE, EMSWORTH.
PO10 7UJ.**

I have today submitted the above householder application via the Planning Portal under reference PP- 07209322. Given that your Council removed certain permitted development rights when granting planning permission for the Aubin Wood development no application fee is required. The application comprises the following plans:

Location Plan at 1/250 scale
Block Plan at 1/250 scale
Outbuilding plans and elevations

The proposed outbuilding would not normally require planning permission as it falls within Class E of Part 1 of Schedule 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). As stated above, however, when granting planning permission for the erection of 48 dwelling at the end of Oak Tree Drive in February 2011 (LPA ref 09/72129/002) you imposed a condition removing certain permitted development rights. As having considered this condition and the stated reason for imposing it I am of the opinion, with respect, that it fails to comply with paragraph 55 of the National Planning Policy Framework in respect of the necessity test. As stated in Planning Practice Guidance '*Conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances.*' It is difficult to see what exceptional circumstances apply to a traditional low density residential development which is neither within a Conservation Area nor on any land designated for its special landscape character.

The proposed outbuilding will be used solely for purposes incidental to the dwellinghouse. I can also confirm that neighbours on either side of the proposed development have been consulted and have no objections to the proposals.

The proposals satisfy the relevant policies in the adopted Havant Borough Core Strategy (2011) and Borough Design Guide SPD (2011) thus having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004 there is no reason to believe that the proposals will not gain planning consent. If however, having given the application a detailed

appraisal, you have any reservations or feel unable to make a favourable recommendation I request that you contact me so that we can discuss the matter further.

Yours sincerely



John Montgomery