EDWARD CAUSH + ASSOCIATES
ARCHITECTS

11 SOUTHDOWN ROAD COSHAM PORTSMOUTH PO6 2EB

phone : 02392 384477
fax : 02392 361582
e mail : eca@south-down.demon.co.uk

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

ECA/EAC/12:1089

31 December 2018

Havant Borough Council
Planning Department
Public Service Plaza
Civic Offices
HAVANT PO9 2AX

Dear Sirs

Fiscal House 2 Havant Road Emsworth PO10 7JE

Please find enclosed my Appeal relating to the above.

Yours faithfully

[redacted]

Edward Caush

Enc

The Planning Inspectorate

HAVANT BOROUGH COUNCIL
03 JAN 20..
RECEIVED

For official use only
Date Recieved

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0303 444 5000. **To help you fill in this form correctly please refer to the enclosed guidance leaflet "How to complete your planning appeal form".**

WARNING: The appeal **and** essential supporting documents **must** reach the Inspectorate within the appeal period. **If your appeal and essential supporting documents are not received in time we will not accept the appeal.**

PLEASE PRINT CLEARLY IN CAPITALS USING **BLACK** INK

A. APPELLANT DETAILS

See section A of the guidance leaflet. The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name: MR & MRS PAUL ALAN MUNDAY

Company/Group name (if applicable):

Address: 17 THE GLADE
WATERLOOVILLE
HAMPSHIRE

Postcode: PO7 7PE

Daytime phone:

Fax:

I prefer to be contacted by Post / Email*

*Email address:

B. AGENT DETAILS (IF ANY) FOR THE APPEAL

See section B of the guidance leaflet.

Name: EDWARD CAUSH

Company/Group name (if applicable): EDWARD CAUSH + ASSOC.

Address: 11 SOUTHDOWN ROAD
COSHAM
PORTSMOUTH

Postcode: PO6 2EB

Your reference: 12:1089

Daytime phone: 02392384477

Fax:

I prefer to be contacted by Post / Email* ✓

*Email address: eca@south-down.demon.co.uk

C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

See section C of the guidance leaflet.

Name of the LPA: HAVANT BOROUGH COUNCIL

LPA's application reference number: APP/18/00827

Date of the application: 15 08 2018

Did the LPA validate and register your application? Yes ✓ No

Date of the LPA's decision notice: 10 10 2018

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address: FISCAL HOUSE
2 HAVANT ROAD
EMSWORTH

Postcode PO10 7JE

Note: Failure to provide the full postcode may delay the processing of your appeal

Please answer the questions below:

1 Is the appeal site within a Green Belt? Yes No ✓

2 Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? If yes, please describe them on a separate sheet. Yes No ✓

E. DESCRIPTION OF THE DEVELOPMENT

See section E of the guidance leaflet.

Has the description of the development changed from that on the application form? Yes No ✓

Area of the whole appeal site (i.e. the boundary) in hectares: .08

Area of floor space of proposed development in square metres: N/A

Does the proposal include demolition of non – listed buildings within a conservation area? Yes No ✓

F. REASON FOR THE APPEAL

See section F of the guidance leaflet.

The reason for this appeal is that the LPA has (please tick which applies):

1 Refused planning permission for the development described in Section E. 1

2 Refused permission to vary or remove a condition(s) 2 ✓

3 Refused prior approval of permitted development rights 3

4 Granted planning permission for the development subject to conditions to which you object 4

5 Refused approval of the matters reserved under an outline planning permission 5

6 Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object 6

7 Refused to approve any matter required by a condition on a previous planning permission (other than those above) 7

8 Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an application for permission or approval 8

9 Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation 9

G. CHOICE OF PROCEDURE

It is important that you read carefully section G of the guidance leaflet before you complete this section.

There are 3 possible procedures:- written representations, hearings and inquiries. You should consider carefully which method suits your circumstances before selecting your preferred option by ticking the box.

1 THE WRITTEN REPRESENTATIONS PROCEDURE W ✓ *

This is normally the quickest and most straightforward way of making an appeal. The written procedure is suited to the vast majority of appeals.

* a) Could the Inspector see the relevant parts of the appeal site sufficiently to judge the proposal from public land? Yes ✓ No

b) Is it essential for the Inspector to enter the site to check measurements or other relevant facts? If so, please explain below or on a separate sheet. Yes No ✓

2 THE HEARING PROCEDURE H ◈

This procedure is likely to be suited to more complicated cases which require detailed discussion about the merits of a proposal. Although you may indicate a preference for a hearing, the Inspectorate must also consider that your appeal is suitable for this procedure. If you are proposing that this appeal follows the hearing procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

◈ If the hearing procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

a) Is there any further information relevant to the hearing which you need to tell us about? If yes please explain below. Yes No

3 THE INQUIRY PROCEDURE I ▲

This is the most formal of the procedures. Although you may indicate a preference for an inquiry the Inspectorate must also consider that your appeal is suitable for this procedure. You are required to provide information concerning the number of witnesses and the length of time they need to give their evidence. If you are proposing that this appeal follows the inquiry procedure you must submit a draft statement of common ground. You must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

▲ a) How many witnesses do you intend to call? No. of witnesses

b) How long do they need to give their evidence?

c) How long do you estimate the inquiry will last? No. of days
(Note: We will take this into consideration, but please bear in mind that our estimate will also be informed by others' advice and our own assessment.)

G. CHOICE OF PROCEDURE (continued)

- If the inquiry procedure is considered suitable we will seek details of your availability when sending the appeal start letter.

d) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes No

H. FULL STATEMENT OF CASE

See section H of the guidance leaflet to help you decide what to include in your full statement of case.

There is no further opportunity to add to your statement of case at a later stage.

Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes No ✓

Have you made a costs application with this appeal? Yes No ✓

REFER TO ATTACHED WRITTEN STATEMENT.

H. FULL STATEMENT OF CASE (continued)

Please continue on a separate sheet if necessary

I. (part one) APPEAL SITE OWNERSHIP DETAILS

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know who owns the appeal site. If you do not own the appeal site or if you own only a part of it, we need to know the name(s) of the owner(s) or part owner(s) and be sure that you have told them that you have made an appeal.

You must tick below which of the "certificates" applies. *Please tick **ONE** box only* ✓

If you are the **sole** owner of the **whole** appeal site, certificate A will apply:

CERTIFICATE A A ✓

I certify that, on the day 21 days before the date of this appeal, nobody except the appellant, was the owner of any part of the land to which the appeal relates:

OR

CERTIFICATE B B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

OR

CERTIFICATES C & D C/D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D in the guidance leaflet and attach it to the appeal form.

I. (part two) AGRICULTURAL HOLDINGS CERTIFICATE

This must be completed for all appeals.
See section I of the guidance leaflet.

We need to know whether the appeal site forms part of an agricultural holding.
Please tick either (a) or (b). *Please tick **ONE** box only* ✓

a) None of the land to which the appeal relates is, or is part of, an agricultural holding: A ✓

OR

b) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates as listed below: B

Please note: If the appellant is the sole agricultural tenant, (b) should be ticked and 'not applicable' should be written under "Tenant's name".

Tenant's name	Address at which the notice was served	Date the notice was served (this must be within the last 21 days)

J. ESSENTIAL SUPPORTING DOCUMENTS

See section J of the guidance leaflet.

If we do not receive ALL your appeal documents by the end of the appeal period we will not accept your appeal.

You **must** send the documents listed 1-6 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

1 A copy of the **planning application** sent to the LPA. 1 ✓

2 A copy of the **site ownership certificate and agricultural holdings certificate submitted** to the LPA at application stage (this is usually part of the LPA's planning application form). 2 ✓

3 A copy of the **LPA's decision notice** (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application. 3 ✓

4 A **site plan** (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue. 4 ✓

5 Copies of all **plans, drawings and documents** sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.
Please number them clearly and list the numbers here or on a separate sheet. 5

6 Copies of any **additional** plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).
Please number them clearly and list the numbers here or on a separate sheet. 6

You **must** send copies of the following, if appropriate:

7 A copy of the **design and access statement** sent to the LPA (if required). 7

8 A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure. 8

9 Additional plans, drawings or documents relating to the application **but not previously seen by the LPA**. Acceptance of these will be at the Inspector's discretion. 9

Please number them clearly and list the numbers here or on a separate sheet:

10 Any relevant **correspondence** with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements. 10

11 If the appeal is against the LPA's refusal or failure to approve the **matters reserved under an outline permission**, please enclose:
a) the relevant outline application; 11a
b) all plans sent at outline application stage; 11b
c) the original outline planning permission. 11c

12 If the appeal is against the LPA's refusal or failure to decide an application which relates to a **condition**, we must have a copy of the original permission with the condition attached. 12 ✓

13 A copy of any **Environmental Statement** plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA). 13

14 If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over the local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application 14

K. OTHER APPEALS

See section K of the guidance leaflet.

If you have sent other appeals for this or nearby sites to us and these have not been decided, please give details and our reference numbers.

L. CHECK SIGN AND DATE

See section L of the guidance leaflet.

Please tick the boxes to confirm that the following actions have been carried out

1 I have completed all sections of the form and the details of the ownership (sections I one and two) are correct to the best of my knowledge.

2 I have enclosed **all** the essential supporting documents listed in section J.

3 I have sent a copy of this appeal form and relevant documents to the LPA (if you do not we will not normally accept your appeal).

4 I have signed and dated the form *(unsigned forms will be returned to you)*.

Signature [redacted] Date 31:12:2018

Name (in capitals) EDWARD CAUSLY On behalf of (if applicable) MR EMMS MWLOAN

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 2018. Further information about our Data Protection policy can be found in the guidance leaflet.

M. NOW SEND

Remember, it is your responsibility to make sure that we RECEIVE your appeal form and ALL supporting documents within the time limit. See section M of the guidance leaflet

Send THIS form (not a photocopy of it) to us at:

Initial Appeals
Temple Quay House
2 The Square
BRISTOL
BS1 6PN

Helpline: 0303 444 5000

Send a copy to the LPA

Send a copy of the appeal form to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA). There is no need to send them all the documents again; send them any supporting documents not previously sent as part of the application. If you do not send them a copy of this form and documents, we may not accept your appeal.

You may wish to keep a copy of the completed form for your records

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

Published by The Planning Inspectorate September 2015. Printed in the UK on paper comprising 100% post-consumer waste.
© Crown Copyright 2014.

EDWARD CAUSH + ASSOCIATES
ARCHITECTS

11 SOUTHDOWN ROAD COSHAM PORTSMOUTH PO6 2EB

phone : 02392 384477
fax : 02392 361582
e mail : eca@south-down.demon.co.uk

ECA/EAC/12:1089

13 August 2018

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Havant Borough Council
Planning Department
Public Service Plaza
Civic Offices
HAVANT PO9 2AX

Dear Sirs

Fiscal House 2 Havant Road Emsworth PO10 7JE

I enclose a Planning Application seeking the removal of condition 3 imposed on the permission issued as APP/17/0063 which, in effect, removes the Permitted Development opportunity to change the use from B1A (offices) to residential without the need for express planning permission.

The application sets out in detail the reasons for the applicant's contention that this is unnecessary and unreasonable.

However, in summary:

1 – Part of the justification provided in the reason for the condition is that 'residential properties are around the site'
The only use granted permission after the 'prior notification' process in these circumstances would be residential and therefore compatible with other residential properties 'around the site' this justification therefore appears to be inherently unreasonable. If the objection was underpinned by concerns about additional traffic generation there is no evidence to suggest that residential use would be more intrusive than the current office use. Indeed, the Planning Authority's advice from its own internal consultees on a 'pre-application' request for consideration of a possible development of 3 residential units on the site was that there would be less traffic than from the current use. (Ref GEN/18/00125, author Mrs T Pickup, dated 19th February 2018.)

. . . / . . .

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Havant Borough Council

13 August 2018

2- 'To retain the site in employment use'
Where LPAs have particular concerns about this issue or specific requirements to safeguard employment sites, there is an opportunity to identify those areas where the right to change the use under 'PD' may be removed. So far, and at the time of drafting, 17 LPAs had done so, mainly in metropolitan areas but locally including East Hampshire District Council. Havant have not done so which suggests that the authority's concerns on this matter are not overriding.

Policy CS2 in its second clause emphasises the need to favour town centre locations for B1A uses and Annex 2 of the NPPF defines appropriate town centre uses to include offices.

Fiscal House is not in a town centre. There are significant vacancy rates in all of Havant town centres particularly Leigh Park and Waterlooville and although it is relatively low in Emsworth at 5.77%, and Havant which is similar at 5.8%. (Source HBC Annual Monitoring Report 2017) There would clearly be opportunities for B1A uses in the district's town centres. Further employment space is still being developed, and at the time of drafting 4 commercial properties were available for rent or purchase in Emsworth itself although currently having general industrial or retail permissions. However, within 3 miles of Emsworth, modern office space at Langstone Gate and Harts Farm Way is being actively advertised suggesting that there is no shortage of purpose built B1 or B1A premises in the immediate vicinity of the village.

3 – Design was also referred to in the reason for the condition, in that CS16 requiring 'high quality design' solutions was invoked. Since in a 'change of use' scenario design implications would be modest, allowing mainly internal changes to facilitate the modifications necessary to create residential units, the external appearance would not change. Therefore, the contribution which Fiscal House makes to the character of the immediate area and appearance of the street scene would not be significantly altered either. In this context the Conservation Officer's comments, provided in response to a request for Pre-application advice for the redevelopment of the whole site for residential units are pertinent;
'The proposed scheme seeks to replace the existing buildings on the site.....As I fundamentally disagree with the loss of the main building the current layout would in my opinion be out of keeping with the character of the Conservation Area. However, if the building was to be retained and converted into a dwelling with 2 further dwellings constructed (subject to design, size and height) to the rear of the site this might be something I would look more favourably on'.

.../...

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Havant Borough Council

13 August 2018

In other words, the Conservation Officer did not object in principle to the proposal that the site be used for residential purposes but did express concerns about the suggestion that the building known as Fiscal House would be demolished.

Demolition would not be allowed by the opportunity to exercise the right to change the use of the site to residential, following the prior notification procedure.

4 – The policy DM10 was also cited in the reason for the condition which relates to the control of polluting activities. B1A is, by definition, appropriate in a residential area. The relevance of this policy to the reason for refusal is unclear, the current use is not polluting nor is a potential residential use. Further the Highway Authority's comments in respect of the pre-application approach, noted above in numbered paragraph '1' indicate that a potential residential use would generate fewer traffic movements and therefore be somewhat less polluting.

In summary, therefore, the condition fails the test of 'reasonableness'. The retention of the site in solely employment use is not justified by the clauses in the reason provided or the policies used to support them.

Yours faithfully

Edward Caush

Enc

If you would rather make this application online, you can do so on our website:
https://www.planningportal.co.uk/apply

Application for removal or variation of a condition following grant of planning permission.
Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Local Planning Authority details:

Havant BOROUGH COUNCIL

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Civic Offices
Havant
Hampshire PO9 2AX
T 023 9244 6015
F 023 9248 0263

Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MR & MRS
First name:	PAUL ALAN
Last name:	MUNDAY
Company (optional):	
Unit:	
House number:	17
House suffix:	
House name:	
Address 1:	THE ROSE
Address 2:	WATERCOMBE
Address 3:	
Town:	
County:	[illegible]
Country:	
Postcode:	

2. Agent Name and Address

Title:	
First name:	EDWARD
Last name:	CAUSH
Company (optional):	EDWARD CAUSH & ASSOCIATES
Unit:	
House number:	11
House suffix:	
House name:	
Address 1:	SOUTHDOWN ROAD
Address 2:	[illegible]SHAM
Address 3:	
Town:	[illegible]
County:	
Country:	
Postcode:	

3. Site Address Details

Please provide the full postal address of the application site.

Unit:		House number:	–	House suffix:	
House name:	FISCAL HOUSE				
Address 1:	HAVANT ROAD				
Address 2:					
Address 3:					
Town:	EMSWORTH				
County:					
Postcode (optional):	PO10 7JE				

Description of location or a grid reference.
(must be completed if postcode is not known):

Easting: Northing:

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):
(must be pre-application submission)

Details of pre-application advice received?

HAVANT BOROUGH COUNCIL
03 JAN 20..
RECEIVED

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, ~~including the application reference~~ number and date of decision in the sections below:

CHANGE OF USE FROM FINANCIAL SERVICES (CLASS A2) TO OFFICES (CLASS B1A)

Reference number: APP/19/00634 Date of decision (DD/MM/YYYY): 21/08/2019 (date must be pre-application submission)

Please state the condition number(s) to which this application relates:

1.	3	6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

Has the development already started? ☐ Yes ☒ No

If Yes, please state when the development started (DD/MM/YYYY): (date must be pre-application submission)

Has the development been completed? ☐ Yes ☐ No

If Yes, please state when the development was completed (DD/MM/YYYY): (date must be pre-application submission)

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

REFER TO COVERING LETTER

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

7. Ownership Certificates and Agricultural Land Declaration

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner * of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*
*** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.*

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
	[redacted]	3/01/2019

CERTIFICAT[redacted]

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*
*** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*

Name of Owner / Agricultural Tenant	Address	Date Notice Served

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

7. Ownership Certificates and Agricultural Land Declaration (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners* and/or agricultural tenants** of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*

*** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*

The steps taken were:

Name of Owner / Agricultural Tenant	Address	Date Notice Served

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*

*** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*

The steps taken were:

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

8. Planning Application Requirements - Checklist

Please read the following checklist to make sure you have sent all the information in support of your proposal. Failure to submit all information required will result in your application being deemed invalid. It will not be considered valid until all information required by the Local Planning Authority (LPA) has been submitted.

The original and 3 copies* of a completed and dated application form: ☑

The original and 3 copies* of other plans and drawings or information necessary to describe the subject of the application: ☑

The correct fee: £234.00 ☑

The original and 3 copies* of the completed, dated Ownership Certificate (A, B, C or D – as applicable) and Article 14 Certificate (Agricultural Holdings): ☑

*National legislation specifies that the applicant must provide the original plus three copies of the form and supporting documents (a total of four copies), unless the application is submitted electronically or, the LPA indicate that a smaller number of copies is required. LPAs may also accept supporting documents in electronic format by post (for example, on a CD, DVD or USB memory stick). You can check your LPA's website for information or contact their planning department to discuss these options.

9. Declaration

I/we hereby apply for planning permission/consent as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):
	[redacted]	13/12/2018 (date cannot be pre-application)

10. Applicant Contact Details

Telephone numbers

Country code:	National number:	Extension number:

Country code:	Mobile number (optional):

Country code:	Fax number (optional):

Email address (optional):

11. Agent Contact Details

Telephone numbers

Country code:	National number:	Extension number:
	02392 384471	

Country code:	Mobile number (optional):
	07860 848306

Country code:	Fax number (optional):

Email address (optional): eca@south-down.demon.co.uk

12. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land? ☑ Yes ☐ No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact? *(Please select only one)* ☑ Agent ☐ Applicant ☐ Other (if different from the agent/applicant's details)

If Other has been selected, please provide:

Contact name: Edward Cowsh

Telephone number: As above

Email address: As above

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

7. Ownership Certificates and Agricultural Land Declaration

One Certificate A, B, C, or D, must be completed with this application form

CERTIFICATE OF OWNERSHIP - CERTIFICATE A

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/The applicant certifies that on the day 21 days before the date of this application nobody except myself/ the applicant was the owner * of any part of the land or building to which the application relates, and that none of the land to which the application relates is, or is part of, an agricultural holding**

NOTE: You should sign Certificate B, C or D, as appropriate, if you are the sole owner of the land or building to which the application relates but the land is, or is part of, an agricultural holding.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*
*** "agricultural holding" has the meaning given by reference to the definition of "agricultural tenant" in section 65(8) of the Act.*

Signed - Applicant:	Date (DD/MM/YYYY):
[redacted]	3/01/2019

CERTIFICATE OF OWNERSHIP - CERTIFICATE B

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that I have/the applicant has given the requisite notice to everyone else (as listed below) who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land or building to which this application relates.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*
*** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*

Name of Owner / Agricultural Tenant	Address	Date Notice Served

Signed - Applicant:	Or signed - Agent:	Date (DD/MM/YYYY):

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

3. Site Address Details

Please provide the full postal address of the application site.

Unit:		House number:	–	House suffix:	
House name:	FISCAL HOUSE				
Address 1:	HAVANT ROAD				
Address 2:					
Address 3:					
Town:	EMSWORTH				
County:					
Postcode (optional):	PO10 7JE				

Description of location or a grid reference.
(must be completed if postcode is not known):

Easting: Northing:

Description:

4. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application? ☐ Yes ☒ No

If Yes, please complete the following information about the advice you were given. (This will help the authority to deal with this application more efficiently).

Please tick if the full contact details are not known, and then complete as much as possible: ☐

Officer name:

Reference:

Date (DD/MM/YYYY):
(must be pre-application submission)

Details of pre-application advice received?

5. Description Of Your Proposal

Please provide a description of the approved development as shown on the decision letter, including the application reference number and date of decision in the sections below:

CHANGE OF USE FROM FINANCIAL SERVICES (CLASS A2) TO OFFICES (CLASS B1A)

Reference number: 17/00634 Date of decision (DD/MM/YYYY): 21/08/2017 (date must be pre-application submission)

Please state the condition number(s) to which this application relates:

1.	3	6.	
2.		7.	
3.		8.	
4.		9.	
5.		10.	

HAVANT BOROUGH COUNCIL
03 JAN 2018
RECEIVED

Has the development already started? ☐ Yes ☒ No

If Yes, please state when the development started (DD/MM/YYYY): (date must be pre-application submission)

Has the development been completed? ☐ Yes ☐ No

If Yes, please state when the development was completed (DD/MM/YYYY): (date must be pre-application submission)

6. Condition(s) - Removal

Please state why you wish the condition(s) to be removed or changed:

REFER TO COVERING LETTER

If you wish the existing condition to be changed, please state how you wish the condition to be varied:

If you would rather make this application online, you can do so on our website:
https://www.planningportal.co.uk/apply

Application for removal or variation of a condition following grant of planning permission.
Town and Country Planning Act 1990.
Planning (Listed Buildings and Conservation Areas) Act 1990

Privacy Notice

This form is provided by Planning Portal and based on the requirements provided by Government for the sole purpose of submitting information to the Local Planning Authority in accordance with the legislation detailed on this form.

Please be aware that once you have downloaded this form, Planning Portal will have no access to the form or the data you enter into it. Any subsequent use of this form is solely at your discretion, including the choice to complete and submit it to the Local Planning Authority in agreement with the declaration section.

Upon receipt of this form and any supporting information, it is the responsibility of the Local Planning Authority to inform you of its obligations in regards to the processing of your application. Please refer to its website for further information on any legal, regulatory and commercial requirements relating to information security and data protection of the information you have provided.

Local Planning Authority details:

Havant BOROUGH COUNCIL

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Civic Offices
Havant
Hampshire PO9 2AX
T 023 9244 6015
F 023 9248 0263

Publication of applications on planning authority websites

Information provided on this form and in supporting documents may be published on the authority's planning register and website.

Please ensure that the information you submit is accurate and correct and does not include personal or sensitive information. If you require any further clarification, please contact the Local Planning Authority directly.

If printed, please complete using block capitals and black ink.

It is important that you read the accompanying guidance notes and help text as incorrect completion will delay the processing of your application.

1. Applicant Name and Address

Title:	MRS/MR/Ms/Miss/Other:
First name:	PAUL ALAN
Last name:	MUNDAY
Company (optional):	
Unit:	
House number:	17
House suffix:	
House name:	
Address 1:	THE GLADE
Address 2:	WATERLOOVILLE
Address 3:	
Town:	
County:	HAMPSHIRE
Country:	
Postcode:	

2. Agent Name and Address

Title:	
First name:	EDWARD
Last name:	CAUSH
Company (optional):	EDWARD CAUSH & ASSOCIATES
Unit:	
House number:	11
House suffix:	
House name:	
Address 1:	SOUTHDOWN ROAD
Address 2:	COSHAM
Address 3:	
Town:	PORTSMOUTH
County:	
Country:	
Postcode:	

7. Ownership Certificates and Agricultural Land Declaration (continued)

CERTIFICATE OF OWNERSHIP - CERTIFICATE C

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that:

- Neither Certificate A or B can be issued for this application
- All reasonable steps have been taken to find out the names and addresses of the other owners* and/or agricultural tenants** of the land or building, or of a part of it, but I have/ the applicant has been unable to do so.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*

*** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*

The steps taken were:

Name of Owner / Agricultural Tenant	Address	Date Notice Served

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):

CERTIFICATE OF OWNERSHIP - CERTIFICATE D

Town and Country Planning (Development Management Procedure) (England) Order 2015 Certificate under Article 14

I certify/ The applicant certifies that:

- Certificate A cannot be issued for this application
- All reasonable steps have been taken to find out the names and addresses of everyone else who, on the day 21 days before the date of this application, was the owner* and/or agricultural tenant** of any part of the land to which this application relates, but I have/ the applicant has been unable to do so.

** "owner" is a person with a freehold interest or leasehold interest with at least 7 years left to run.*

*** "agricultural tenant" has the meaning given in section 65(8) of the Town and Country Planning Act 1990*

The steps taken were:

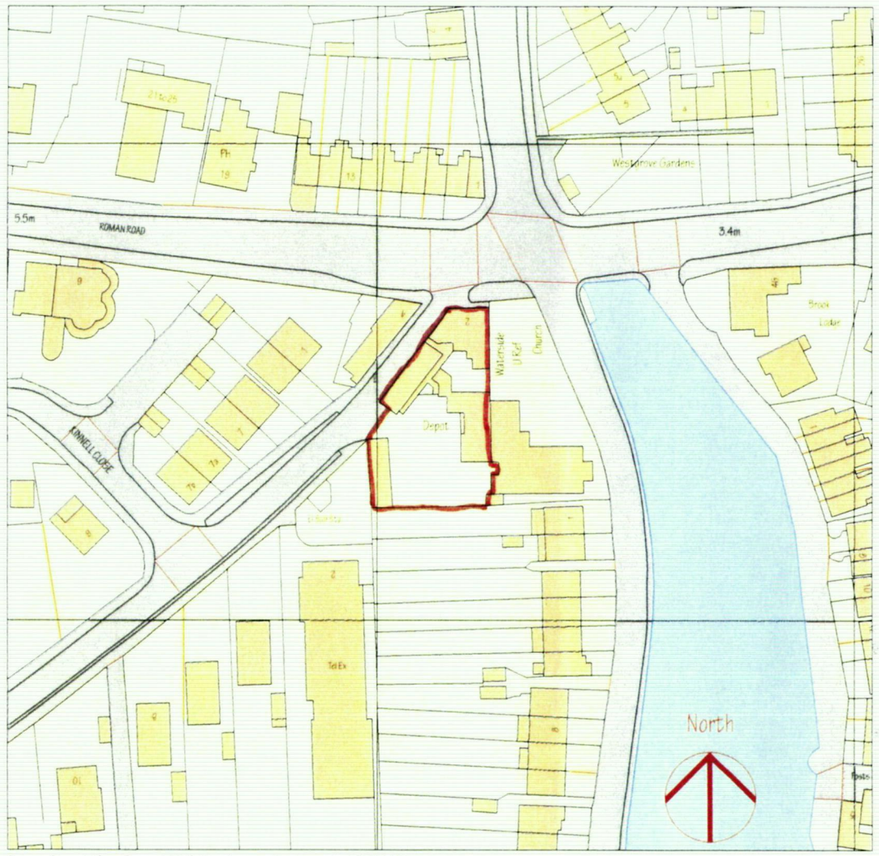
Notice of the application has been published in the following newspaper (circulating in the area where the land is situated):

On the following date (which must not be earlier than 21 days before the date of the application):

Signed - Applicant:

Or signed - Agent:

Date (DD/MM/YYYY):



Ordnance Survey (c) Crown Copyright 2016. All rights reserved. Licence number 100022432

Fiscal House, 2 Havant Road, Emsworth PO10 7JE

Location Plan @ 1:1250

NOTES

This drawing is the copyright of
EDWARD CAUSH + ASSOCIATES
All dimensions must be checked on site prior to the commencement of construction and the Architect notified of any discrepancy. Figured dimensions are to be used in preference to scaled dimensions. The Local Planning Authority may scale from this drawing as the only exception. No deviation from the drawing will be permitted without the written consent of the Architect.

REVISIONS

PURPOSE OF ISSUE
- INFORMATION
- (●) DESIGN
- TENDER
- CONSTRUCTION

EDWARD CAUSH + ASSOCIATES
ARCHITECTS

11 SOUTHDOWN ROAD COSHAM PORTSMOUTH
PO6 2EB

phone 023 92 384477
fax 023 92 361582
email eca@south-down.demon.co.uk

CLIENT
Mr & Mrs P A Munday

JOB TITLE
17 The Glade
Waterlooville
Hampshire
PO7 7PE

DRAWING TITLE
Location Plan

SCALE
1:1250 @ A3

DATE
17.11.2016

DRAWN BY
EC

CHECKED BY

DRAWING NUMBER
12:1089:L(2-)001

LAYOUT ISSUE
02

DRWG REVISION

Appeal Statement – Fiscal House 'removal of condition 3'.

- Site description

1.1 The site occupies an approximately triangular plot in Emsworth on the south side of the main east/west corridor route provided by the A259. The plot on its eastern boundary is occupied by the Waterside United Reformed Church, the boundary aligned on a north-west axis is provided by Warblington Road and an electricity substation. The land immediately to the south is the rear garden of the dwelling whose address is 1 Bath Road. The building on the other side of Warblington Road is occupied by 'Envisage' a dental surgery. While opposite, on the other side of the A259, there is a row of terraced houses and, approximately 40 metres to the west, a public house and petrol station.

1.2 The building on the site and the subject of this appeal is mainly on two floors, with single storey rear extensions with a floor area of 298.46 sq ms or, in round terms, 300 sq ms. The total area of the site is 850 sq ms.

1.3 The original building, which was first used as a Public House, the Sawyers Arms, in the early 19th Century, is of solid brickwork construction and rendered with pitched, hipped and pantile covered rooves. The single storey rear extensions constructed more recently, in the 20th Century, are rendered and with flat rooves. Only the original part of the property has any architectural merit or historic interest, and it is on the western edge of the Emsworth Conservation Area.

1.4 There is allocated parking space for each of the office units currently occupying the building and some space for clients or visitors to the rear of the building. Access from the site is directly onto Warblington Road with a constrained junction to allow access and egress from Warblington Road onto the A259.

2. Proposal

2.1 The property was granted permission for Change of Use from Class A2 to B1A in August 2017 (ref APP/17/00634) but with a condition in effect removing the permitted development right normally allowed to B1A uses, to change its usage to certain other uses without express planning permission. Permission was sought to remove that condition by the application APP/18/00827 which was refused and is the subject of this appeal.

3. Issues

* the reason for refusal
* other national and local policies not cited in the reason for refusal which are relevant.
* other relevant matters from the Officer's report, advocating the recommendation to refuse, and not covered in '1' or '2'.

HAVANT BOROUGH COUNCIL
03 JAN 20..
RECEIVED

- The reason for refusal

The reason provided for the condition was as follows;

'To restrict the use of the premises in the interests of local amenity as residential properties are around the application site and to retain the site in employment use, having due regard to Policies CS2, CS16, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

The reason given for the refusal of permission to remove the condition is –
'Without control of the use of the site given by condition 3, the other permitted uses under the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments would allow uses which are materially and substantially different to B1A Offices. These other uses could comprise B1B, B1C, and B8 (Storage and Distribution). It is considered that given the close proximity of neighbouring residential properties that, without control from the LPA, these changes could have a significant adverse impact on the amenities of neighbouring properties and would not be suitable for this area, particularly with regard to the limited access and junction arrangements adjacent to the site on the corner of Havant Road and Warblington Road. As such it is considered that the proposal could have a significant adverse impact on the amenities of the neighbouring properties and road users. Over all it is considered that the proposal to remove condition 3 would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

3.2 The principal reason for refusal may be summarised as follows; the property is situated in a residential area and therefore residential or local amenity might be adversely affected by a potential change of use. The retention of the site in employment use which was used as an additional argument to support the reason for the condition is not cited in the refusal which relies solely on the residential amenity argument.

3.3 It is apparent that the property is sited in a predominately residential area but, as described above, its immediate neighbours are a church, and electricity substation, with a dentist opposite on the other side of Warblington Road. There is only one residential curtilage abutting the site, and the dwelling itself is adjacent to the church. Its garden forms the boundary with the appeal site. A public house and petrol station are situated in close proximity, on the opposite side of the A259. The immediate vicinity may therefore accurately be described as 'mixed'.

3.4 Potential alternative uses allowed by the relevant permitted development would include other uses in 'B1' but, by definition, B1 uses are suitable in residential locations. B8 could potentially be allowed, as the building is less than 500 sq ms, but in practice neither the building itself not the site would lend itself to such a use, the configuration of the land to the rear of the site would not be convenient for the movement or storage of commercial vehicles and the constrained access both into the site itself and onto the A259 would be likely to seriously inhibit the commercial viability of such a use. Any changes to parking arrangements, for example by demolition of the single storey extensions or widening of the entrance, would require express planning permission.

3.5 In practice the most likely use which any owner of the site would seek to implement would be residential, for the obvious reason that the values which would then accrue would be higher than for the other potential uses. It cannot be argued that a residential use in a mixed, but predominately residential, area would compromise residential amenity. Indeed, the Council's own internal consultees support such a contention. The Conservation Officer's comments on the original APP/17/00634, seeking change of use from A2 to B1A and to which the condition currently being appealed was attached.

'The proposal is for the change of use from office use (class A2) to Financial Services (class B1A).

It is understood that the property is currently in B1A use. The change of use is not deemed to harm the setting or character of either the listed building or the Conservation Area.'

3.6 The Conservation Officer made no comment at all on the refused application and therefore it is reasonable to infer that there are no concerns regarding the potential lifting of the restriction imposed by condition 3. It must be acknowledged that the Conservation Officer's remit is principally with regard to appearance and impact on neighbouring listed buildings and the Conservation area but are none the less pertinent.

3.7 There were no neighbour comments on the application to change the use of the building to B1A to which the condition currently at appeal was applied. There were neighbour comments relating to the application to remove the condition, but the officer's report quoting one clearly indicates that it is not relevant. The comment suggested that there might be potential overlooking, referred to potential additional vehicle movement and the presence of bats. The response was clear; 'The proposal does not seek to change the use of the building'. This neighbour's comment therefore does not undermine the fundamental contention that removal of this condition would not impact on residential amenity in any way.

3.8 In this context 'residential amenity' is the potential effect on existing residents of the proposed removal of this condition, not the residential amenity which might be enjoyed by potential future residents of the site. The Conservation Officer's comment on the original application noted above, and his failure to comment on this application to have Condition 3 removed, indicates that the LPA have limited grounds, if any, to sustain an argument that the removal of the condition itself would be detrimental to setting or appearance. It must also be emphasised that if the use of the building was subsequently changed in line with those uses allowed by the Permitted Development Rights defined by the Use Classes Order there would be no detriment to residential amenity either. The definition of **all** B1 uses in the UCO which may be carried out without detriment to residential amenity.

Use for all or any of the following purposes—

(a)as an office other than a use within class A2 (financial and professional services),

(b)for research and development of products or processes, or

(c)for any industrial process,

being a use which can be carried out in any residential area **without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit**. (my emphasis)

3.9 Any potential B8 use is restricted by a size limitation but while technically this site falls within that definition, for the reasons noted above, this potential use is very unlikely to be implemented. The argument that neighbouring residents would be adversely affected by the removal of condition '3', and the implementation of a different but permitted use is therefore unsubstantiated. The contention in the officer's report on the application that potential changes allowed through the UCO definitions would be 'materially and substantially' different to B1A offices is therefore at odds with the UCO itself which is clear that it provides a definition of uses whose impacts are sufficiently similar not to be detrimental.

3.10 For similar reasons if the appeal is successful and a residential use was eventually implemented there is no sustainable argument that the amenity of neighbouring residents would be adversely affected by possibly 4 or at most 5 flats on the site. Indeed, the reduction in potential traffic movements would be more likely to enhance amenity. In a letter dated 19.2.18 replying to a request for pre-application advice, regarding a potential residential use for the whole site, and following demolition of the current building, the Highway Authority are quoted as advising that 3 residential units would give rise to less traffic than the current office use. While conversion of the existing building might result in more residential units than envisaged in the pre-application enquiry, it is still probable that there would be fewer traffic movements to and from the site over the course of a day. Copy attached.

3.11 Since the LPA acknowledge in the reason for refusal that 'residential properties are around the site' it cannot be argued that the site itself would not provide an appropriate environment for residential use. Although as noted above there is only one residential curtilage adjacent to the site. The 'residential amenity' argument therefore, either in respect of existing and neighbouring residents or potential new residents on the site, cannot be sustained.

3.12 The LPA have also previously expressed a preference for the retention of the site in employment use but acknowledge in the officer's report that providing any alternative uses were within the relevant UCO definitions for B1 or B8 'the removal of condition 3 would still retain an employment use on the site'. (Section ii titled 'Loss of Employment')

The LPA is therefore only concerned that the potential different employment use of the site would be detrimental to the amenity currently enjoyed by neighbouring properties.

3.13 It is also pertinent to note that the Government's intention in providing for this potential change of use was, at least partly, to ease the current shortage of housing – and particularly perhaps small units of more affordable housing.

3.14 It has been shown that there is no amenity argument either in respect of impact on neighbours or potential residents by the implementation of a residential use of the site. Further any permitted employment use of the site, although it seems unlikely that other employment uses would be economically advantageous, would, by definition, be acceptable

in a mixed but predominately residential area. Para 53 of the NPPF states 'Conditions should not be used to restrict national Permitted Development rights unless clear justification exists.' There is no 'clear justification' for the LPA's decision and therefore the condition is not 'necessary' to support the proper planning of the site and its immediate surroundings.

3.15 In the Design and Access statement supporting the application it was argued that the condition was not 'reasonable'. Given that the LPA have accepted that other uses within BI would retain employment and have not shown that there would be detriment to residential amenity, given the definitions in the UCO, from a different employment use or potential residential use of the site, it is still maintained that the imposition of the Condition per se is 'unreasonable'.

4. Other relevant national and local policies not cited in the reason for refusal

4.1 The underlining focus of the current NPPF is its 'presumption in favour of sustainable development' (para 10). The removal of Condition 3, or more accurately the implementation of relevant permitted development following its removal, would enable development which is 'sustainable'. Possible residential use of the site on a bus route, within easy walking distance of Emsworth village centre with its good range of shops and services, and walking distance of Emsworth station is clearly 'sustainable'. Other employment uses could be undertaken without any detriment to residential amenity in the terms of the definition in the UCO.

4.2 This premise is reinforced by reference to paragraphs 38, 53, 55, 85, and 121 of the NPPF which contain the following statements;- (brief relevant extracts)

Para 38 – applications should be 'approved where possible',
Para 53 – conditions should not be used to 'restrict national PD rights unless there is clear justification',
Para 55 – conditions should be kept to a minimum and only 'be imposed where necessary and relevant',
Para 85 – LPAs should encourage 'residential development on appropriate sites',
Para 121 – provides that LPAs should have a 'positive approach to the use of retail and employment land for houses'.

4.3 Taking each in turn the descriptions and narrative provided above suggest that there are no plausible reasons for refusal of the removal of this condition and that therefore the proper planning of the borough should have enabled its approval. Similarly, the LPA have not provided compelling reasons why national PD rights could legitimately be restricted in this case and it follows therefore that this condition is neither necessary or relevant and its removal, in line with Paras 53 and 55, should be allowed.
In the present state of the property market and indeed for the foreseeable future, the most likely viable use of the site as an alternative to its present use would be residential.

Therefore Paras 85 and 121 are at least tangentially relevant in that it is acknowledged that a residential use is most likely to be the preferred option.

5. Local policies

5.1 The policies used to justify its decision in permission APP/17/00634 which included the condition which is now subject to appeal, and the refusal in respect of its removal APP/18/00827 are different. The former cites Policies CS2, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 while the latter only refers to CS 16. The Design and Access statement accompanying the application for the removal of the condition outlines the appellant's case in regard to all those policies, but it is pertinent to refer again to CS 16 as it provides the specific justification for the LPA's position in the appeal case.

5.2 Policy CS 16 will be reproduced in full by the LPA for the Inspector's use. It is most relevant to new development and requires 'high quality design solutions' however it is pertinent that the Conservation Officer has already commented that he could 'look favourably' on the retention of the building and its conversion into a dwelling (letter dated 19.2.18 attached). Therefore a 'design solution' retaining the building would in those terms constitute a 'high quality design'.

5.3 Within the policy itself there is a presumption in favour of 'high quality' solutions but clause 1 (e) states that development 'should not cause unacceptable harm'. The foregoing demonstrates that the removal of condition 3 and subsequent possible implementation (after the Prior Notification process) of residential or other employment development would not cause 'unacceptable harm'. Further clause 5 emphasises the need to increase residential densities in urban areas, self evidently the potential use of the site for residential purposes – particularly if Fiscal House were to be used for 4 or 5 units would be an efficient use of the land in an urban and predominantly, though mixed, residential area. Clause 7 refers to the need for the LPA to adapt to the changing needs of users. In that context the removal of PD rights which at least partly assist in allowing users to be flexible is unjustified.

5.3 It is also noteworthy that Policy CS16 cross refers to The Emsworth Village Design Statement dated 2008. This statement is 'a material consideration for Development Purposes', ('Scope of the Emsworth Design Statement' Background page iii). It provides detail on the expected direction of policy not only for the Conservation Area but also the distinct residential areas of the village, or small town, and its central area. It is appropriate in the context of this appeal to note that on page 12 it produces a photo (2) which is intended to underline and illustrate that – 'Residential accommodation has always been intermixed with traditional core commercial and industrial activities'. Further page 11 describing the built environment says, 'Even today commercial activities form part of the community mix'.
5.4 Similarly, and relevantly, it provides examples of heritage buildings retained with change of use (page 16 photo 4). (The LPA will provide copies with their bundle of documents for the Inspector's use).

5.5 Other policies from the Local Plan which are relevant and not referenced by the LPA are CS9 – Housing; two clauses are of particular relevance; 4 relates to accessibility and transport and 8 which seeks to promote use of PDL sites. The site is clearly 'accessible', it is in easy walking distance of the village centre, on a bus route and in walking distance of the station. It is an edge of centre site and if a prior notification process to change to residential use was successful then it would make use of an existing site within the urban edge.
5.6 CS 17 and 20 – Concentration within urban areas and Transport and Access– the comments above in relation to CS 9 clauses 4 and 8 apply.

5.7 The policies in the relevant Local Plan which were used to provide justification for the original imposition of the condition, CS2 and DM10 were considered in the Statement submitted with the application for its removal, and those arguments do not need to be repeated. The Policies referred to above in the Havant Borough Local Plan (Core Strategy) 2011 and the ancillary document Emsworth Village Statement provide support for the proposed removal of Condition 3 attached to App/17/00634 which was refused by APP/18/00827.

5.8 In summary, also, National Policies provided by the NPPF underline the need for the LPA to avoid unnecessary restrictions on sustainable development and specifically that PD rights should not be restricted without clear justification. Such justification has not been provided.

6. Other relevant matters from the Officer's report relating to APP/18/00827.

6.1 The LPA acknowledge that as the removal of condition 3 would or could still retain employment uses on the site and therefore it relies on the residential amenity argument to support its case. In terms of the potential to change the use under Part O of the GPDO there may be some debate as to its relevance to this issue but that is not part of this application which is only to remove the Condition.

6.2 In its comments 'Applicant's position' (iii) the LPA argues that 'there is clear potential for the scale and intensity of these other uses (permitted using 'PD' rights) ....to appear ....dominant and intrusive ...and are not suitable ...' Since development other than a change of use to the building itself would require express planning permission any proposed development which increased the 'dominance' of the building would be considered when a further application was made and cannot be pertinent to consideration of this appeal which is only for the removal of a condition limiting PD rights.

6.3 In Section 3 (iv) Impact on flooding, the LPA acknowledge that if the appeal is allowed, and therefore there is an opportunity to implement other employment uses, that there would be no greater risk to users of the site than at present. The appellant is aware that, if it is demonstrated that Part O applies to this site then, a flood risk assessment would be required

should the Prior Notification process be invoked.

7. Conclusion

7.1 The LPA rely solely on the Policy provided by CS 16 which relates to design and the impact on neighbouring amenity of a potential change of use. The key issues of this appeal are however; that the Use Classes Order itself defines the possible uses of the site conferred by PD rights as acceptable in a residential area and that Government Policy as defined in the NPPF would encourage the uses so conferred. Similarly, that the weight of Local Plan policies tends to support rather than discourage the uses which might be possible after the removal of the Condition 3 subject to this appeal.

The Inspector is therefore requested to allow this appeal which would permit development compliant with both National and Local policy.

Havant BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

To:
Edward Caush
Edward Caush Associates
11 Southdown Road
Cosham
Portsmouth
PO6 2BB

For: Mr & Mrs P A Munday

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

The Town and Country Planning (Development Management Procedure) (England) Order 2015
Refusal of Planning Permission

Application Number: APP/18/00827
Site Address: Fiscal House, 2 Havant Road, Emsworth, PO10 7JE
Proposal: Removal of Condition 3 of Planning Permission APP/17/00634.

Further to your application received on 15 August 2018 (which was valid from 15 August 2018) Havant Borough Council, as Local Planning Authority, **Refuses Planning Permission** for the above proposal.

The reason(s) for the Council's decision to refuse planning permission is/are:

1 Without control of the use of the site given by condition 3, the other permitted uses under the Town and Country Planning (Use Classes) Order 1987 and its subsequent amendments, would allow uses which are materially and substantially different to B1(a) Offices. These other uses could comprise B1(b), B1(c) and B8 (Storage and Distribution). It is considered that given the close proximity of neighbouring residential properties that, without control from the Local Planning Authority, these changes could have a significant adverse impact on the amenities of neighbouring properties and would not be suitable for this area, particularly with regard to the limited access and junction arrangements adjacent to the site on the corner of Havant Road and Warblington Road. As such it is considered that the proposal could have a significant adverse impact on the amenities of the neighbouring properties and road users. Overall it is considered that the proposal to remove condition 3 would conflict with policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011.

In coming to its decision the Council considered plans and other documents submitted with regard to your application and the relevant policies of the Havant Borough Local Plan and other planning policy documents including the National Planning Policy Framework 2012.

Other Important Information:

(1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please

phone 023 9244 6571.

(2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs

(3) In accordance with paragraphs 38-50 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice,
- You were updated about issues after the initial site visit

Simon Jenkins

Simon Jenkins
Head of Planning (East Hampshire and Havant)

10 October 2018

Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

HAVANT BOROUGH COUNCIL
03 JAN 2019
RECEIVED

Mr E Caush
11 Southdown Road
Cosham
Portsmouth
PO6 2EB

Our Ref: GEN/18/00125
Direct Line: (023) 9244 6461
Ask For: Mrs T Pickup
Email: planning.development@havant.gov.uk

19 February 2018

Site Location: Fiscal House, 2 Havant Road, Emsworth, PO10 7JE
Re: Proposed change of use/redevelopment to residential

Dear Mr Caush

I am writing to you further to your enquiry received on the 29 January 2018 regarding the above address.

The identified site is subject to several constraints as follows: It lies within Emsworth Conservation Area; adjacent a Listed Building (No. 4 Havant Road); the entire site falls within Flood Zone 2 and the northern half falls within Flood Zone 3. Additionally the Mill Pond to the east falls within the AONB and is a designated SINC.

As such any redevelopment proposals would be subject to the following Policies:

From the adopted Havant Borough Core Strategy, 2011:

CS6 - Regeneration of the Borough
CS9 - Housing
CS11 - Protecting and Enhancing the Special Environment and Heritage of Havant Borough
CS12 - Chichester Harbour AONB
CS15 - Flood and Erosion Risk
CS16 - High Quality Design
CS17 - Concentration and Distribution of Development within the Urban Areas
CS20 - Transport and Access Strategy
CS21 - Developer Contributions
DM3 - Protection of Existing Employment and Tourism Sites
DM8 - Conservation, Protection and Enhancement of Existing Natural Features
DM12 - Mitigating the Impacts of Travel
DM13 - Car and Cycle Parking on Residential Development

From the Havant Borough Local Plan (Allocations), 2014:

AL1 - Presumption in favour of sustainable Development
AL2 - Urban Area Boundaries and Undeveloped Gaps between Settlements
DM17 - Contaminated land
DM20 - Historic Assets
DM24 - Recreational Disturbance to Special protected Areas (SPAs) from Residential Development
DM25 - Managing Flood Risk in Emsworth

Planning Considerations

The site lies within the defined urban area where there is a presumption in favour of sustainable development, subject to development control criteria. However, I am of the

opinion that the constraints to development in this case outweigh the presumption in favour, such that redevelopment min the form proposed is unlikely to be supportedd for the following reasons:

Flood Risk

The site lies within Flood Zone 2 and part Flood Zone 3. The NPPF states that a Sequential approach should be taken to such areas, and that development should not be permitted in areas at risk of flooding if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. Since Emsworth has other alternative sites available for residential development outside any flood zone, then it is unlikely that you would be able to provide a Sequential Test justification for the proposed residential development on this site.

It must also be noted that the Environment Agency would classify residential dwellings as 'more vulnerable' development. 'More vulnerable' development in Flood Zone 3b should not be permitted. *More vulnerable* development in Flood Zone 3a requires the exception test to be passed should the Sequential Test be passed first.

The Environment Agency were consulted on your enquiry and I attach their response for your information. They also note that the site is designated a secondary aquifer.

Heritage Issues

The Council's Principal Conservation Officer has commented on your scheme and notes that the site would be considered a non-designated heritage asset as defined in the NPPF. The site is located within the Conservation Area and adjacent a Listed Building. Fiscal House is an existing simple design and bookends the entrance to Warblington Road and contributes positively to the locality. Therefore its loss would be considered harmful to the character and appearance of the Conservation Area and detrimental to the setting of the adjacent Listed Building. Consequently the demolition of Fiscal House cannot be supported in principle and would be considered contrary to policies CS11 and DM20.

I attach for your information the consultation response from the Conservation officer.

Highways

I note your assertion that the junction of Havant Road and Warblington Road has been subject to a number of incidents where the junction is very narrow. However this alleged statement would need supporting with a thorough Transport Statement that includes an analysis of the injury accident records on this public highway junction for the most recent 5 year period. Unless the accident analysis reveals the existing junction to have "severe" transport impacts worthy of some mitigation measures then as a matter of principle your proposal would not be supported.

I am of the informal opinion (ie I don't have access to such accident records) that the highway safety concerns of this junction are not so severe as to warrant or justify the highway widening and improvements now proposed. It could be noted that the narrowness of the junction/lane naturally reduces traffic speed and acts as a traffic calming solution. It must also be noted that the Conservation Officer acknowledged the fact that Warblington Road has its origins as a narrow historic lane. Therefore the character of the road is considered appropriate to its setting and any significant highway improvement could harm the local highway amenity and character.

Loss of employment space

Policy DM3 of the Core Strategy also seeks to protect and safeguard existing employment sites unless it is clearly demonstrated that the site is no longer suitable for B use class employment. It must be demonstrated through an active marketing process for 12 months

that the site is not fit for purpose with no other viable employment use options. Please see pages 125 and 126 of the Core Strategy for advice on the marketing requirement. Unless this process has been adequately undertaken with alternative economic development considered, residential development would not be supported in principle.

Conclusions

I am of the opinion that the highway gain offered by your proposed residential redevelopment is not sufficient to outweigh the flood risk, heritage and policy constraints of the site. Therefore, based on the current information I would not be able to support any such residential redevelopment scheme.

Please note that the above comments are the opinion of individual Planning Officers and are in no way binding upon the Council when determining any future applications for planning permission and nor will they prejudice the outcome of any applications submitted.

This advice also only relates to planning matters, and does not relate to any other application that may be required under Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 02392 446571

Yours faithfully

Mrs T Pickup
Planner
Our Ref: GEN/18/00125

Havant
BOROUGH COUNCIL

Public Service Plaza
Civic Centre Road
Havant
Hampshire PO9 2AX

T 023 9247 4174
F 023 9248 0263

www.havant.gov.uk

Edward Caush Associates
11 Southdown Road
Cosham
Portsmouth
PO6 2BB

HAVANT BOROUGH COUNCIL
03 JAN 2018
RECEIVED

For: Mr & Mrs P A Munday

The Town and Country Planning (Development Management Procedure) (England) Order 2015
Grant of Planning Permission

Application Number: APP/17/00634
Site Address: Fiscal House, 2 Havant Road, Emsworth, PO10 7JE
Proposal: Change of use from financial services (Class A2) to offices (Class B1A).

Further to your application received on 12 June 2017, which was valid from 26 June 2017 Havant Borough Council, as Local Planning Authority **Grants Planning Permission** for the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

(i) The plans and other documents submitted with regard to your application; and

(ii) The following conditions:

Conditions:

1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan - 12:1089:L(2-)001 02 01
Floor plans - 12:1089:L(2-)002 03 A
Reason: To ensure provision of a satisfactory development.

3 The development hereby permitted shall be used only for B1A(Offices), and for no other purpose whatsoever including any other purpose in Class B of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order.
Reason: To restrict the use of the premises in the interests of local amenity as residential properties are around the application site, and to retain the site in employment use, having due regard to Policies CS2, CS16 and DM10 of the Havant Borough Local Plan (Core Strategy) 2011.

Other Important Information:

(1) This notice only relates to the decision of Havant Borough Council as Local Planning Authority under the Town and Country Planning Acts. It does not relate to any other application that may be required under the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.

(2) Your attention is drawn to the attached information regarding firstly your right to appeal to the Planning Inspectorate, if you are aggrieved by the Council's decision, and secondly the rights of an owner to, in certain circumstances serve a purchase notice on the Council. See www.planningportal.gov.uk/pcs.

(3) Any failure to adhere to the details of the approved plans, and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.

(4) In accordance with paragraphs 186 and 187 of the NPPF Havant Borough Council (HBC) takes a positive and proactive approach and works with applicants/agents on development proposals in a manner focused on solutions by:

- Offering a pre-application advice service, and
- Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,

In this instance:

- You sought and were provided with pre-application advice.

Andrew Biltcliffe

Andrew Biltcliffe
Head of Planning

21 August 2017