

David Eaves

From: David Eaves
Sent: 12 June 2015 13:47
To: 'Chris Flint'
Subject: RE: 132 Havant Road

Chris,

Can I suggest 14.30 on Thursday, I should be accompanied by Laurent Lemagnen (Regulatory Officer Environmental Health) will you be in attendance? Please confirm date and time.

Regards

David Eaves

David Eaves
Senior Planning Officer
Development Management
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549
David.eaves@havant.gov.uk
www.havant.gov.uk
www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

From: Chris Flint [redacted]
Sent: 12 June 2015 10:52
To: David Eaves
Subject: 132 Havant Road

David,

As discussed Mr Ruffell is available to meet next week Thursday pm after 2.30 Friday pm or any time Monday 22 june??

Regards

CHRIS FLINT BSc (Hons) MRICS
DIRECTOR
[redacted]

CHRIS FLINT ASSOCIATES LTD
2 Emerald Close
Waterlooville
Hampshire
PO7 8NZ



Mr Chris Flint
Chris Flint Associates Ltd
2 Emerald Close
Waterlooville
Hants
PO7 8NZ

Our Ref: 14/00114/CMP
Direct Line: 02392 446549
Ask For: Mr D Eaves
E-mail: planning.development@havant.gov.uk

25 June 2015

Dear Mr Flint

RE: TOWN AND COUNTRY PLANNING ACT 1990

Site Address: Land to Rear of 132 Havant Road, Hayling Island, PO11 0LJ

Description: Alleged unauthorised business.

I refer to the above site and to our site meetings of the 18th June 2015 and 29th August 2014 in relation to the business uses taking place at the site.

Having assessed the planning history of the site and the uses taking place over this period I can advise as follows.

From the planning history of the site it is apparent that none of the business operations currently taking place have the benefit of planning permission and they are therefore unauthorised and vulnerable to enforcement action by the Local Planning Authority.

It is considered that the current position with unauthorised uses taking place is not acceptable and there are concerns that the uses are leading to impacts on the residential amenities of nearby residents. The site is also outside the built up area where the policies of the Local Plan discourage new development that is not linked to agriculture or in accordance with the National Planning Policy Framework.

In the circumstances there appear to be three main options available to your client in order to seek to address the breaches of planning control identified as follows:

1. The Cessation of all unauthorised business uses on the site and the restoration of the land to agricultural fields. This would clearly address the issues and a timetable for the works would need to be agreed with the Local Planning Authority.
2. Submit application(s) for Certificate of Lawfulness for areas where clear and compelling evidence of unbroken specific continuous use can be demonstrated on the balance of probability to have taken place over a 10 year period.
3. Application for Planning Permission to retain uses in certain areas.

It is likely that a combination of the above would be needed if the cessation of all uses on the site is not pursued. I provide some observations below which may be of assistance in determining the way forward for your client. I would however emphasise that these comments are made on the basis of the information available at the time of writing and from the visits to the site.

Whilst there is no authorised business use on the site it is clear from the planning record that some business use has been taking place at part of the site for a number of years. The most relevant planning history in this regard is considered to be the following Certificate of Lawfulness application.

Application Ref: 05/70380/001:

Use of a building and hardstandings for purposes associated with a horsebox and coach works business as described in the written particulars, plans and other documents submitted with the application.

The application site area related to only part of the site (to the north of the access road) see attached plan.

The application sought to prove on the balance of probability the use of the building and hardstanding for the specified purposes over the 10 year time period between 24th August 1995 and 24th August 2005.

The application for the Certificate of Lawfulness was refused on the 4th July 2007 for the following reason:

The Local Planning Authority is not satisfied on the balance of probability that the claimed uses of the defined site have continued at a similar intensity and occupying the same area throughout the whole of the necessary 10 year period.

It has to be acknowledged that this decision is now 7 years old and that the period being tested in the application is now nearly 9 years ago.

A second area of the site to the south of the access road has been divided up and used by the following businesses as at 18th June 2015, I have added in brackets Mr Ruffell's oral estimates of the length of time that the uses had been in operation:

All Hours Pumping (4 years)
London Road Motors (3 years)
Lawrence Warner Specialised Cars (4 Months)
SCA Group Building Co - Scaffolding (6 Months)
ANT Scaffold (3 Months)
Cozy Logs (2.5-3 years)

It is clear that none of these uses would meet the requirements of the 10 year test in a Certificate of Lawfulness Application.

In addition to this area there is a further compound to the north of the access road this has been occupied by SGS (2-3 years). This would not meet the requirements of the 10 year test required for a Certificate of Lawfulness.

In the south-east corner of the site is an 'L' shaped building which Mr Russell stated had been in situ since the 1980's. This appears to be in use for Paint Spraying and storage and used in association with the horsebox and coach works business. It is not clear to me at this stage as to how long this use has been taking place within this building. It may be that your client considers that there is evidence of a 10 year use.

Finally, there is an area of land to the rear of 132 Havant Road and west of the fence that crosses the site which is currently used for the parking of large horsebox vehicles and other vehicles. This area appears to have changed in character over the years such that parking has increased and the land has changed from a grassed area with occasional parking to a much more consolidated use. My initial view is that a 10 year period of consistent use cannot be demonstrated in relation to this area of land.

Given this initial assessment I would comment as follows on the three options outlined above.

Removal of all Business Uses from the site

Given the location of the site and the policy background the cessation of the current business uses and the reversion of land to agricultural use would be the Council's preferred route for your client to take. This would involve a timetable for the removal of the uses and the restoration of the land.

Application for Certificate of Lawfulness

If your client considers that sufficient evidence exists in relation to the horsebox and coach works business on the area of land to the north of the access road (excluding the residential mobile home) for a continuous use at a consistent level to be demonstrated over the 10 year period without break then a Certificate of Lawfulness could be applied for. If this is also considered to be able to be demonstrated for the building in the south-east corner of the site this building should also be included in the application.

Further guidance can be viewed in relation to the requirements for a Certificate of Lawfulness application via the following link:

<http://www.planningportal.gov.uk/permission/responsibilities/planningpermission/ldc>

Planning Application

There is an option for your client to submit a planning application seeking retention of the more recently established business uses (listed above).

Any such application would be treated as a departure from the Local Plan since the site is outside the built up area. In considering such an application the Local Planning Authority would need to consider (amongst other matters), the impact of the development on the character and appearance of the countryside, highway implications, the impact on neighbouring residents residential amenities, the business uses/employment provided and the history of activity at the site.

In my view any application would need to demonstrate how the uses would operate and methods that could be used to limit the visual impact of the uses and their impact on neighbouring residents (for example by the provision of additional landscaping, screening, noise reduction methods etc.).

Whilst the outcome of such an application could not at this stage be pre-judged, in my view an application which looks to retain the current uses but also to mitigate their impacts would be worth pursuing in an attempt to regularise the uses.

Removal of uses to the rear of 132 Havant Road and to west of Fence

In my view the current use of this area should cease. There appears to be insufficient evidence to pursue a Certificate of Lawfulness and it is unlikely that a planning application seeking to retain the current use would be granted. This area is closest to residential properties and it would be best utilised as a landscaping area seeking to reduce the impact of the business uses on residential properties. I would therefore ask for confirmation that the parking of vehicles associated with the horsebox and coach works business in this area will cease.

Other matters

It was noted at the site visit that advertisements had been erected along the site frontage and on the gates to the site entrance all fronting Havant Road. I would advise that the advertisements should be removed from the site within 21 days of the date of this letter. These adverts relate to currently unauthorised uses and in one case to an off site business. There is also an advert relating to works previously carried out.

We will be writing to Mr Ruffell shortly in relation to replacement hedge planting to the Havant Road frontage.

I would ask you to respond to the issues raised within 21 days of the date of this letter. If I have not heard from you within this period Enforcement Action in relation to the ongoing uses will be considered.

Please note that the above is the opinion of an individual planning officer and does not constitute a formal determination, nor does it prejudice the outcome of any submitted application.

Yours sincerely

A black rectangular box redacting the signature of the Planning Enforcement Officer.

Mr D Eaves
Planning Enforcement Officer
Development Control

Dàvid Eaves

From: David Eaves
Sent: 25 June 2015 11:29
To: 'Chris Flint'
Subject: Land to Rear of 132 Havant Road - Unauthorised Uses
Attachments: Land rear of 132 Havant Rd Certificate of Lawful Use Plan.pdf

Dear Mr Flint,

Please find attached a plan mentioned in my letter of todays date.

Regards

David Eaves

David Eaves
Senior Planning Officer
Development Management
Havant Borough Council
Public Service Plaza
Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549
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www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

姓名	性别	年龄	职业	住址	电话
王德胜	男	45	教师	北京市朝阳区	12345678
李小明	男	30	工程师	北京市海淀区	87654321
张小红	女	25	医生	上海市浦东新区	98765432
赵大伟	男	50	农民	河南省郑州市	56789012
孙丽娟	女	35	公务员	广东省广州市	45678901
周国强	男	40	商人	浙江省杭州市	34567890
吴小芳	女	20	学生	北京市西城区	23456789
郑文彬	男	38	作家	江苏省南京市	12345678
冯志远	男	55	教授	四川省成都市	01234567
陈静怡	女	28	护士	山东省济南市	90123456
黄伟明	男	42	律师	福建省厦门市	89012345
林小华	女	32	记者	湖北省武汉市	78901234
周大刚	男	48	经理	湖南省长沙市	67890123
吴小敏	女	22	歌手	广东省深圳市	56789012
郑国强	男	52	教授	河南省开封市	45678901
冯小芳	女	30	教师	浙江省宁波市	34567890
陈文彬	男	35	工程师	江苏省苏州市	23456789
黄志远	男	45	商人	四川省绵阳市	12345678
林静怡	女	25	学生	山东省青岛市	01234567
周伟明	男	40	医生	福建省福州市	90123456
吴小华	女	20	歌手	湖北省武汉市	89012345
郑国强	男	50	教授	湖南省长沙市	78901234
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林静怡	女	25	学生		

LEGEND

SYMBOL	DESCRIPTION	SYMBOL	DESCRIPTION
1	Asphalt Paving	10	Grass
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A - ACCESSWAYS
OS - OPEN STORAGE
PT - PARKING AND TURNING

HAVANT BOROUGH
COUNCIL
23 MAY 1985
RECEIVED



Parnell Design Partnership
Chartered Architect Planning and Interior Design Consultants
Planning Supervisors
2 Beechworth Road, Havant, Hampshire, PO9 1AX
Telephone: Havant (01705) 481100

LAND AT 132 HAYANT
ROAD HAYLING ISLAND

DATE PLAN

Source	Date
1998	1998

1200	JUNE 2004
Chassis	

David Eaves

From: Chris Flint <[REDACTED]>
Sent: 02 July 2015 07:02
To: David Eaves
Subject: Re: 132 Havant Road

Dear David,

Further to our site meeting and your recent letter I have now had the opportunity to have a brief discussion with Mr Ruffle who wants to review the options that you have kindly set out.

Once we have a route to resolve the points you have raised we will get back you to confirm the way in which we plan to address the points raised.

Regards

CHRIS FLINT BSc (Hons) MRICS
DIRECTOR
[REDACTED]

CHRIS FLINT ASSOCIATES LTD

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PO7 8NZ

Members of - RICS - Federation of Small Businesses -

WWW.Chrisflintassociates.co.uk

Steve Weaver

From: Les Weymes <[REDACTED]>
Sent: 02 July 2015 16:06
To: Planning and Development Shared Mailbox
Cc: [REDACTED]
Subject: Land to rear of 132 Havant Road, Hayling
Attachments: 2Jul2015 - Letter to HBC Enforcement Officer.pdf

Dear Mr Eaves

Following your letter dated 25 June 2015 addressed to Chris Flint I attach a letter explaining that the owner Mr Ruffell has appointed me to look into this matter on his behalf.

Regards

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]
[REDACTED]

02 July 2015

My Ref :- **Home Farm**
Your Ref:- **14/00114/CMP**

fao Mr D Eaves
Planning Enforcement Officer
Havant Borough Council
Public Service Plaza
Civic Centre Road
HAVANT
Hampshire
PO9 2AX

Dear Mr Eaves

**TOWN AND COUNTRY PLANNING ACT 1990 - LAND TO THE REAR OF 132
HAVANT ROAD, HAYLING ISLAND, HAMPSHIRE, PO11 0LJ -
ALLEGED UNAUTHORISED BUSINESS**

Mr Ruffell who owns the land which is the subject of your letter addressed to Chris Flint dated 25 June 2015 has requested that I undertake a planning assessment of the uses on the land and to then report to him on matters which may be resolvable through the submission of relevant evidence to support an application(s) for a Certificate of Lawful Use or Development (CLU).

You have kindly identified a decision of refusal of a Certificate of Lawfulness dated 4 July 2007 which stated that the LPA was not satisfied on the balance of probability that the claimed uses of the defined site have continued at a similar intensity and occupying the same area throughout the whole of the necessary 10 year period. As I understand it the applicant did not appeal the decision and neither has the LPA commenced enforcement proceedings.

Because of the passage of time since Application 05/70380/001 was first submitted and determined I consider that it will be necessary to undertake a full site inspection, review background papers and with the assistance of Mr Ruffell assemble evidence to support the next steps in the preparation of a CLU.

I will be on annual holiday until 19 July 2015 and have provisionally arranged to meet Mr Ruffell in the week commencing 20 July 2015. It is my understanding that commercial activities have been undertaken on this land for many years and I trust that you will

agree to allow me time to prepare any submissions. As a target date I would hope to conclude my assessment leading to an application(s) by the end of August 2015.

I will be willing to keep in touch with you after meeting Mr Ruffell in the week commencing 20 July 2015.

I look forward to receiving your confirmation of my proposed programme.

Yours sincerely

Les Weymes DipTP, MRTPI

cc: Mr R Ruffell

Steve Weaver

From: David Eaves
Sent: 22 July 2015 16:46
To: 'Les Weymes'
Cc: Steve Weaver
Subject: RE: Land to rear of 132 Havant Road, Hayling 14/00114/CMP

Dear Mr Weymes

I refer to your email and the attached letter dated 2nd July 2015.

I note your intention to visit the site to assess the uses and to submit application(s) by the end of August and I can confirm that this time table is acceptable given the planning issues at the site.

In my letter of the 25th June to Mr Flint, I provided a route for a comprehensive assessment of the various activities taking place on different parts of the land. Given the need to address these activities in planning terms I would state that the unauthorised uses need to be address as a whole in any applications submitted.

Regards

David Eaves

David Eaves
Senior Planning Officer
Development Management
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David.eaves@havant.gov.uk
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www.facebook.com/havantboroughcouncil
www.twitter.com/havantborough

From: Les Weymes [[mailto:\[REDACTED\]](mailto:[REDACTED])]
Sent: 02 July 2015 16:06
To: Planning and Development Shared Mailbox
Cc: [REDACTED]
Subject: Land to rear of 132 Havant Road, Hayling

Dear Mr Eaves

Following your letter dated 25 June 2015 addressed to Chris Flint I attach a letter explaining that the owner Mr Ruffell has appointed me to look into this matter on his behalf.

Regards

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]

Steve Weaver

From: Les Weymes <[REDACTED]>
Sent: 31 July 2015 10:19
To: David Eaves
Cc: Roly Ruffell
Subject: Fwd: Land to rear of 132 Havant Road, Hayling 14/00114/CMP

Dear David

I visited 132 Havant Road yesterday and observed the current disposition of uses and have requested that Mr Ruffell provide me with the history of occupier details. I remain hopeful that I will be in a position to submit an application seeking a Certificate of Lawfulness by the end of August 2015.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]
[REDACTED]

----- Forwarded message -----

From: David Eaves <David.Eaves@havant.gov.uk>
Date: 22 July 2015 at 16:46
Subject: RE: Land to rear of 132 Havant Road, Hayling 14/00114/CMP
To: Les Weymes <[REDACTED]>
Cc: Steve Weaver <Steve.Weaver@havant.gov.uk>

Dear Mr Weymes

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Regards

David Eaves

David Eaves

Senior Planning Officer

Development Management
Havant Borough Council
Public Service Plaza

Civic Centre Road
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PO9 2AX
Direct Line: 02392 446549

David.eaves@havant.gov.uk

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From: Les Weymes [mailto:le [REDACTED]]
Sent: 02 July 2015 16:06
To: Planning and Development Shared Mailbox
Cc: [REDACTED] havant Auto-Reply
Subject: Land to rear of 132 Havant Road, Hayling

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Regards

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]
[REDACTED]

Information in this message is confidential and may be privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and delete the message from your system immediately.

Steve Weaver

From: Les Weymes [REDACTED]
Sent: 03 September 2015 09:59
To: David Eaves
Cc: Roly Ruffell
Subject: Re: Land to rear of 132 Havant Road, Hayling 14/00114/CMP
Attachments: 2Sept2015 - Update Letter to HBC.pdf

Hello David

By way of an update on the preparation of the CLU application I attach a letter dated 2 September 2015.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]

On 22 July 2015 at 16:46, David Eaves <David.Eaves@havant.gov.uk> wrote:

Dear Mr Weymes

I refer to your email and the attached letter dated 2nd July 2015.

I note your intention to visit the site to assess the uses and to submit application(s) by the end of August and I can confirm that this time table is acceptable given the planning issues at the site.

In my letter of the 25th June to Mr Flint, I provided a route for a comprehensive assessment of the various activities taking place on different parts of the land. Given the need to address these activities in planning terms I would state that the unauthorised uses need to be address as a whole in any applications submitted.

Regards

David Eaves

David Eaves

Senior Planning Officer

Development Management
Havant Borough Council
Public Service Plaza

Civic Centre Road
Havant
PO9 2AX
Direct Line: 02392 446549

David.eaves@havant.gov.uk

www.havant.gov.uk

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www.twitter.com/havantborough

From: Les Weymes [mailto: [REDACTED]]
Sent: 02 July 2015 16:06
To: Planning and Development Shared Mailbox
Cc: [REDACTED]; Havant Auto-Reply
Subject: Land to rear of 132 Havant Road, Hayling

Dear Mr Eaves

Following your letter dated 25 June 2015 addressed to Chris Flint I attach a letter explaining that the owner Mr Ruffell has appointed me to look into this matter on his behalf.

Regards

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]
[REDACTED]

Information in this message is confidential and may be privileged. It is intended solely for the person to whom it is addressed. If you are not the intended recipient, please notify the sender and delete the message from your system immediately.

02 September 2015

My Ref :- **Home Farm**

Your Ref:- **14/00114/CMP**

fao Mr D Eaves
Planning Enforcement Officer
Havant Borough Council
Public Service Plaza
Civic Centre Road
HAVANT
Hampshire
PO9 2AX

Dear Mr Eaves

**TOWN AND COUNTRY PLANNING ACT 1990 - LAND TO THE REAR OF 132
HAVANT ROAD, HAYLING ISLAND, HAMPSHIRE, PO11 0LJ -
ALLEGED UNAUTHORISED BUSINESS**

In my letter dated 2 July 2015 I indicated that I hoped to be in a position to submit an application seeking a Certificate of Lawful Use by the end of August 2015. I appreciate that in the interim we have spoken about my enquiries but the preparation of the affidavits to support the application are taking a little longer than at first envisaged.

It is still my intention to submit as soon as possible which may now be towards the end of September 2015.

I trust that this revised timescale will be acceptable to you.

Yours sincerely

[REDACTED]

Les Weymes DipTP, MRTPI

cc: Mr R Ruffell

Steve Weaver

From: Les Weymes <[REDACTED]>
Sent: 01 October 2015 18:35
To: David Eaves
Cc: Roly Ruffell
Subject: Land to the rear of 132 Havant Road - CLU application
Attachments: 01Oct2015 - Letter to HBC Enforcement Officer.pdf

Hello David

Unfortunately it has not been possible to submit the CLU application by end of September but I certainly believe that the documentation will be presented to me by no later than mid October 2015.

I attach a letter of explanation.

Regards Les

Les Weymes Planning Consultancy Ltd, 18 Limberline Spur, Hilsea, Portsmouth, Hampshire, PO3 5HJ Te: [REDACTED]

Les Weymes Planning Consultancy Ltd

18 Limberline Spur
Hilsea
PORTSMOUTH
Hampshire
PO3 5HJ

Phone
Mobile
Company Reg No.
VAT Reg No.
Email le [REDACTED]

01 October 2015

My Ref :- **Home Farm**
Your Ref:- **14/00114/CMP**

fao Mr D Eaves
Planning Enforcement Officer
Havant Borough Council
Public Service Plaza
Civic Centre Road
HAVANT
Hampshire
PO9 2AX

Dear Mr Eaves

**TOWN AND COUNTRY PLANNING ACT 1990 - LAND TO THE REAR OF 132
HAVANT ROAD, HAYLING ISLAND, HAMPSHIRE, PO11 0LJ -
ALLEGED UNAUTHORISED BUSINESS**

In my letter dated 2 September 2015 I indicated that I hoped to be in a position to submit an application seeking a Certificate of Lawful Use by the end of September 2015. I appreciate that in the interim we have spoken about my enquiries but the preparation of the affidavits to support the application are taking a little longer than at first envisaged.

It is still my intention to submit as soon as possible which may now be mid October 2015.

I regret this delay but again the reason is because of the need to obtain the affidavits which will be an essential part of the CLU application.

Yours sincerely

Les Weymes DipTP, MRTPI

cc: Mr R Ruffell