



H.B.C.

PLANNING APPEAL FORM

If you need this document in large print, in audio format or in Braille, please contact our helpline on 0117 372 6372. **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 Peter Mason
Organisation name (if applicable) Fairlight Chalet Owners Association
Address 6 Elm Cottages, White City
 Woolton Hill, Newbury, Berkshire Postcode RG20 9TH
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 Arthur J. Hedges
Organisation name (if applicable) Arthur J. Hedges - Planning
Address 43 Bartholomew Street
 Newbury Berkshire Postcode RG14 5QA
Your reference A307
Daytime phone Fax
I prefer to be contacted by Post ☒ Email ☐ *
* Email address



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/12/00896**

Date of the application **29.08.2012.**

Did the LPA validate and register your application?

Yes ☒ No ☐

Date of the LPA's decision notice (if issued) **12.11.2012.**

D. APPEAL SITE ADDRESS

See section D of the guidance leaflet.

Address

1 - 30, 32 - 35 Fairlight Chalets

Salterns Lane, Hayling Island

Postcode **PO11 9LQ**

Hampshire

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 ☐

Removal of condition 7 of planning permission HWU 2788 and condition 1 of planning permission 13268/3 to allow for permanent occupation of chalet numbers 1 - 30, 32 - 25 inclusive

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

0.4

Area of floor space of proposed development in square metres

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

2 ☐

3 Refused approval of the matters reserved under an outline planning permission.

3 ☐

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

4 ☐

5 Refused to approve any matter required by a condition on a previous planning permission (other than those in 3 or 4 above).

5 ☐

Or

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

6 ☐

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 simplest, quickest and most straightforward way of making an appeal. The written procedure is particularly suited to small-scale developments (e.g. individual houses or small groups of houses; appeals against conditions and changes of use).

*

- 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 ☐

In order to assess the quality of the building and site layout

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. You must give detailed reasons below or on a separate sheet why you think a hearing is necessary.

◆

- 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 must give detailed reasons below or on a separate sheet why you think an inquiry is necessary.

▲

- a) 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.)
- b) How many witnesses do you intend to call? No. of witnesses
- c) Is there any further information relevant to the inquiry which you need to tell us about? If so, please explain below. Yes ☐ No ☐

H. GROUNDS OF APPEAL

See section H of the guidance leaflet to help you decide what to include in your grounds of appeal.

Do you intend to submit a *planning obligation* (a section 106 agreement or a unilateral undertaking) with this appeal?

Yes

☐

No

☒

The planning application was submitted following a letter received by residents, dated 29th March 2012 from Havant Borough Council (enclosed). The site consists of thirty-six well constructed chalets, one was granted permanent planning permission (31a) and one had the benefit of a C.L.U. (31). Other chalets had been permanently occupied and upgraded with double glazing, insulation etc. to modern standards. Each chalet has 1 - 2 bedrooms and none is permanently occupied by more than two residents. Each site provides one car parking space while the access way makes provision for additional parking. The site is visited on a regular basis by the local authority refuse collection vehicles and tradesman servicing the various chalets. Following the refusal seven more residents have applied for, and been granted, Certificates of Lawful Use making the total number of permanently occupied dwellings, nine, 25% of the total. Copies of C.L.U.s for Nos. 1, 2, 3, 16, 19, 20, 30 and 30 are attached to this Appeal.

We would refer to the letter dated 24th August 2012 and the Inspectors letter of decision relating to a similar site at Solent Breezes, Chilling Lane, Warsash, Hampshire which formed part of the planning application.

To turn to the specific reasons for refusal we would make the following observations:-

1. The removal of the conditions would not necessarily result in the loss of holiday accommodation.
2. Nine chalets are in permanent occupation and provide comfortable accommodation throughout the year. The buildings are constructed of permanent materials and can be brought up to full requirements in terms of thermal insulation etc.
3. The chalets are small and car parking is required throughout the year. This has been achieved without recourse to providing two parking spaces per chalet. The site is well managed and the appearance of the area is attractive being administered by the Chalet Owners Association.
4. The access drive has coped with the traffic generated by the use of the chalets, whether permanently occupied or as holiday lets, throughout the year. The site has been in operation for over sixty years and as previously stated is serviced by

H. GROUNDS OF APPEAL (continued)

both local authority and private tradesmen.

5. The appellants believe that, it is possible that, with some more properties being permanently occupied, traffic generation will be reduced. While families can use the chalets, i.e. five to six people, for holidays, they are only suitable for one or two residents on a permanent basis.
6. & 7. The chalets exist and the appellants do not consider that a charge on their properties to be either fair or reasonable. 25% of the chalets already have permanent rights without having to make financial contributions apart from local taxes.
8. The nine chalets that are permanently occupied have predominantly only one person resident with the possibility of only one more being able to use the small one or two bedroomed unit. If the conditions were to be removed this would provide a number of "affordable houses" to enter the market. The chalets are rated on the lowest rating band - Band A.

The appellants believe that their case, supported by the views of the Inspector in respect of the Solent Breezes Appeal, will not cause harm to the local environment. They are aware of the presumption in favour of sustainable development and would respectfully request the Inspector to allow this Appeal.

I. APPEAL SITE OWNERSHIP DETAILS

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). We also need to be sure that any other owner knows that you have made an appeal.

YOU MUST TICK WHICH OF THE CERTIFICATES APPLIES.

Please read the enclosed *Guidance Notes* if in doubt.

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 (see Note (i) of the *Guidance Notes* for a definition) 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 (see *Guidance Notes*) to everyone else who, on the day 21 days before the date of this appeal, was the owner (see Note (i) of the *Guidance Notes* for a definition) 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

See attached

22.02.13.

CERTIFICATES C and D

C & D ☐

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D enclosed with the accompanying *Guidance Notes* and attach it to the appeal form.

AGRICULTURAL HOLDINGS CERTIFICATE (This has to be completed for all appeals)

We also need to know whether the appeal site forms part of an agricultural holding. Please tick either (a) or (b).

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

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 ☐

Tenant's Name

Address at which the notice was served

Date the notice was served

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 1-7 below with your appeal form. Please tick the boxes to show which documents you are enclosing.

1	A copy of the original 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 (these are 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 <u>two named roads</u> 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 ☐
7	A copy of the design and access statement sent to the LPA (if required).	7 ☐

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

8	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. Please number them clearly and list the numbers here or on a separate sheet: Letters to LPA dated 13.09.12. & 13.10.12. copies of original decisions 	8 ☒
9	Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.	9 ☒
10	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; b) all plans sent at outline application stage; c) the original outline planning permission.	10a ☐ 10b ☐ 10c ☐
11	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 <u>original permission</u> with the condition attached.	11 ☐
12	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).	12 ☐

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 Signature]

Date

22.02.2013.

Name
(in capitals)

ARTHUR J. HEDGES

On behalf of
(if applicable)

Peter Mason



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 1998. 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
PO Box 3035
Temple Quay House
2 The Square
Temple Quay
BRISTOL
BS1 9FG

Helpline: 0117 372 6372

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 appeal 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.