

For Applicant:

Hayling Island Builders Ltd
2 Castle Business Village Station Road
Hampton TW12 2BX

BVA Planning
Mira House 88 Elm Road Reading RG6
5TR

Outline planning permission: Some matters reserved
Notification of Decision: Refuse

Application Number: APP/21/01350

Site Address: Land north of Oysters, Station Road, Hayling Island

Proposal: Outline application for erection of up to 29 dwelling units and associated highway works with all other matters reserved.

Further to your application received on 23 November 2021 (which was valid from 3 March 2022), Havant Borough Council, as the Local Planning Authority, **Refuse** the above proposal inaccordance with the submitted plans and particulars as detailed below.

The reasons for the Council's decision to refuse planning permission are:

Reasons:

1	The Council's Strategic Flood Risk Assessment (SFRA) and the National Flood Map for Planning show that the single access road to Hayling Island, the A3023, is at risk of flooding, with significant increases expected in extent, depth and hazard in the future. Currently, there are no plans and no guarantee that funding will be available to provide a sea defence scheme to protect the A3023 from flooding and to maintain safe access to and egress from Hayling Island in the near future. The proposed development cannot provide measures to ensure that its residents are safe in the event that vehicular access to and from the mainland is not achievable. Therefore, the proposal cannot be regarded as safe in the event that vehicular access to the mainland is not achievable and is considered contrary to Policy CS 15 of the adopted Havant Borough Local Plan (Core Strategy) (March 2011) and the National Planning Policy Framework.
2	Insufficient information has been submitted to demonstrate that the proposed development can be satisfactorily accommodated on site without harm to protected species. In particular, the proposed development would remove the vast majority of reptile habitat, and no details of a suitable alternative compensatory habitat has been provided, consequently there is no clarity over the size of any compensatory reptile habitats needed to be accommodated within the site. Whilst the Illustrative Masterplan indicates narrow strips of land on the edges of the site, the reminder of the site accommodates a compact built form. At this outline stage, there is insufficient information to determine the exact car parking provision, widths of roads, footpaths and associated road layout

	features, such as turning places. Therefore, there is no certainty that the final built development could be contained within its current extent without the need for more land. As a result, the submission has not demonstrated that the application site could satisfactorily accommodate the proposed number of dwellings, together with associated infrastructure, and the compensatory reptile habitat. Whilst off-site habitat could be considered acceptable, no details of such provision have been provided. The proposal is therefore contrary to the provisions of Policies CS 11 and DM8 of the adopted Havant Borough Local Plan (Core Strategy) (March 2011) and the National Planning Policy Framework.
3	Insufficient information has been submitted to demonstrate that the proposed development could be satisfactorily accommodated on site without causing unacceptably harmful visual and landscape impacts. In the absence of sufficient detail demonstrating the necessary surface water drainage measures required on the site, it is not possible to conclude that the remainder of the site would be able to acceptably accommodate the proposed number of dwellings together with policy compliant associated infrastructure. Given the sensitive, rural-edge location and the urban grain and building heights surrounding the application site, increased densities or building heights (to compensate for the land loss to accommodate drainage features) would not be considered in accordance with the provisions of Policy CS 16 of the adopted Havant Borough Local Plan (Core Strategy) (March 2011) and the National Planning Policy Framework.
4	Binding arrangements are not in place to secure the following aspects of the development, as a result of which it is not considered that the development could be undertaken in a satisfactory manner: 1. Affordable Housing; 2. S106 monitoring fee; 3. Nitrates mitigation; 4. Solent Recreation Mitigation Strategy contribution; 5. Payment towards provision of Community Worker; 6. SUDS bond; 7. A contribution towards Health of £19,952; 8. Landscape and Ecological Management Plan (Waders and Brent Geese); 9. Common Parts Management; 10. Management Company and Management Plan; 11. Pedestrian and cycle connection between the eastern corner of the site and Charleston Close and on the western boundary towards the Hayling Billy;

	12. Highways: (a) a proportionate financial contribution towards improvements of crossing facilities and pedestrian access to the Hayling Billy Trail at Station Road including at the junction of Staunton Avenue; (b) Strategic Highway improvements - a transport contribution towards the cumulative harm of the development to mitigate its impact on the A3023 with the monies secured towards: • Delivery of the Hayling Billy Improvement Study Work; • Measures at Langstone Roundabout to reduce delay; and • Other measures along the A3023 corridor which seek to reduce car dependence and manage journey time reliability along the corridor. 13. Binding access arrangement for works on the Havant Borough Council's land to provide a connection onto the Hayling Billy trail (including any ecological assessments and subsequent mitigation). The carrying out of the development in the absence of such provision would result in an unsatisfactory and unsustainable form of development having due regard to Policies CS1, CS7, CS8, CS9, CS11, CS13, CS15, CS16, CS19, CS20, CS21, DM13 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011; Policies DM20, DM23 and DM24 of the Havant Borough Local Plan (Allocations) 2014; the Conservation of Habitats and Species Regulations 2017 (as amended); and the National Planning Policy Framework.
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Informatives:

1	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 were updated about issues after the initial site visit,
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	Your application is considered unacceptable for the reasons set out in this Decision Notice.
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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

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.co.uk

Steve Weaver

Steve Weaver

Development Manager

Havant Borough Council
05 December 2025

**PLEASE NOTE THE FOLLOWING IMPORTANT INFORMATION TO BE READ
ALONGSIDE YOUR NOTIFICATION OF DECISION**

1: APPEAL INFORMATION

**NOTIFICATION TO BE SENT TO AN APPLICANT WHEN A LOCAL PLANNING AUTHORITY
REFUSE PLANNING PERMISSION OR GRANT IT SUBJECT TO CONDITIONS**

- These notes are for information only and do not purport to set out the law on the subject.
- Only the applicant possesses the right of appeal.

Appeals to the Secretary of State

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within 6 months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a householder application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse planning permission for a minor commercial application and you want to appeal against your local planning authority's decision then you must do so within 12 weeks of the date of this notice.
- If this is a decision to refuse express consent for the display of an advertisement and you want to appeal against your local planning authority's decision then you must do so within 8 weeks of the date of receipt of this notice.
- If this is a decision to refuse consent to work on a tree which is subject to a Tree Preservation Order and you want to appeal against your local planning authority's decision then you must do so within 28 days of the date of this notice.
- If this is a decision to refuse any other type of application and you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/appeal-householder-planning-decision-for-householder-applications>; <https://www.gov.uk/appeal-planning-decision-for-full-applications>; <https://www.gov.uk/planning-inspectorate> for anything else.

- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry, then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

2: BUILDING CONTROL

IMPORTANT NOTICE FOR APPLICANTS WITH REGARD TO BUILDING REGULATIONS

This notice only relates to the decision of Havant Borough Council under the Town and Country Planning Acts. It does not relate to any other application that may be required any other Act, Regulation, Byelaw or Order where the Council's approval may be needed.

For further guidance as the need for consent under the Building Regulations, please telephone Havant Borough Council's Building Control team on: 023 9244 6571

3: FURTHER INFORMATION FOR APPLICATIONS RELATING TO NEW VEHICULAR ACCESS/DROPPED KERBS

If your application includes a dropped kerb, please visit Hampshire County Council's guidance here: <https://www.hants.gov.uk/transport/parking/droppedkerbs>

This page provides essential information for residents, explaining that planning permission and dropped kerb consent are two separate requirements. While planning permission may be granted by the local planning authority, dropped kerb consent must still be obtained from Hampshire County Council, as they are responsible for managing access to the public highway.

It is particularly important to highlight that for applications involving classified roads (A, B, and C roads), applicants must provide evidence of planning permission as part of their dropped kerb application. This ensures that all necessary safety, traffic, and infrastructure considerations are properly addressed.

4: SOUTHERN GAS ADVISORY NOTE

In June 2021 SGN issued a comprehensive advisory note

There are a number of risks created by built over gas mains and services; these are:

Pipework loading - pipes are at risk from loads applied by the new structure and are more susceptible to interference damage.

Gas entry into buildings - pipework proximity increases risk of gas entry in buildings. Leaks arising from previous external pipework able to track directly into main building from unsealed entry.

Occupier safety - lack or no fire resistance of pipework, fittings, or meter installation. Means of escape could be impeded by an enclosed meter.

Please note therefore, if you plan to dig, or carry out building work to a property, site, or public highway within our gas network, you must:

1. Check your proposals against the information held at <https://www.linesearchbeforeudig.co.uk/> to assess any risk associated with your development and
2. Contact our Plant Protection team to let them know. Plant location enquiries must be made via email, but you can phone us with general plant protection queries. See our contact details below:

Phone: 0800 912 1722 / Email: plantlocation@sgn.co.uk

In the event of an overbuild on our gas network, the pipework must be altered, you may be temporarily disconnected, and your insurance may be invalidated.

Further information on safe digging practices can be found here:

Our free Damage Prevention e-Learning only takes 10-15 minutes to complete and highlights the importance of working safely near gas pipelines, giving clear guidance on what to do and who to contact before starting any work <https://www.sgn.co.uk/damage-prevention>

Further information can also be found here <https://www.sgn.co.uk/help-and-advice/digging-safely>

SGN personnel will contact you accordingly.