Havant BOROUGH COUNCIL

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Mr Philip Choules
Flat 2, 159 Southwood Road, HAYLING
ISLAND, United Kingdom, PO11 9PY

The Town and Country Planning (Development Management Procedure) (England) Order 2015
Notification of Decision: Refuse

Application Number: APP/25/00937
Site Address: Brontes Cafe, Havant Road, Hayling Island, PO11 0LP
Proposal: Provision of Fixed Container of 9 metre length, to replace present mobile cafe unit; with external freestanding toilet.

Further to your application received on 12 November 2025 (which was valid from 20 January 2026) Havant Borough Council, as Local Planning Authority **Refuses** the above proposal in accordance with the submitted plans and particulars as detailed below.

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

Reasons:

1	The proposed development would by reason of its design and siting appear incongruous and visually intrusive in the wider context of the local area and would fail to conserve and enhance the landscape and scenic beauty of the Chichester Harbour National Landscape. As such the development would be contrary to Policies CS11, CS12, CS16, and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, Havant Borough Design Guide SPD 2011, Chichester Harbour Management Plan 2024-2025, Havant Borough Council and Chichester District Council Joint SPD – Chichester Harbour Area of Outstanding Natural Beauty, and the National Planning Policy framework.
2	The proposal would be on land that is subject to highway status and therefore the siting of a container would result in loss of access for the maintenance of existing underground infrastructure and the Langstone bridge. The proposal would therefore result in harm to highway safety and would be contrary to Paragraph 116 of the National Planning Policy Framework.
3	Insufficient information has been submitted to determine the impacts on the adjacent Solent Maritime Special Area of Conservation (SAC), Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar site, and the Langstone Harbour Site of Special Scientific Interest (SSSI). In the absence of a Habitats Regulations Assessment and appropriate mitigation measures, it cannot be determined whether the development would likely have a significant effect on the Solent European Sites. The proposal would be contrary to Policies CS11 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, The Conservation of Habitats and Species Regulations 2017 (as amended) and the National Planning Policy Framework.
4	Insufficient evidence has been provided to demonstrate that the proposed development would not result in a harmful impact to nearby trees, which contribute to the visual amenity of the area. Furthermore, no details of waste management have been provided to ensure that there would be no adverse impact on visual amenity and ensure that pollution would be prevented. As such

	the development would be contrary to Policies CS11, DM5, DM8, and DM10 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy framework.
5	Insufficient information has been submitted with regards to how the container would be removed from site or secured during a flooding event. As such it has not been demonstrated that the proposal would be safe for its lifetime and would not result in an increase in flood risk elsewhere. Furthermore, it has not been demonstrated that there would be no contamination impacts during a flooding event from the toilet block holding tank. The proposal is therefore contrary to Policies DM10 and CS15 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

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. Your application is considered unacceptable for the reasons set out in this Decision Notice.

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
13 February 2026

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.