

For Applicant:

Mrs M Denton
106 Sea Front, Hayling Island, PO11
9HW

Mr Roger Lilley, Lilley Architecture
232 Southwood Road, Hayling Island,
PO11 9QQ

CERTIFICATE OF LAWFUL USE OR DEVELOPMENT
Section 191 of The Town and Country Planning Act 1990
Notification of Decision: Grant a Lawful Development Certificate

Application Number: APP/25/01019

Site Address: 106A Sea Front, Hayling Island, PO11 9HW

Proposal: Lawful Development Certificate for the use of the existing flat at 106A Sea Front, Hayling Island, PO11 9HW as a separate dwelling (C3).

Havant Borough Council, as Local Planning Authority, certifies that on 17 December 2025 the use described in the First Schedule to this certificate in respect of land described in the Second Schedule and as shown edged in red on the submitted location plan was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) for the following reason:

It appears to the Local Planning Authority on the balance of probability that the Flat at 106A Sea Front has been continuously occupied as a separate C3 dwelling for at least four years prior to the date of this application. In reaching this determination the Authority has considered all evidence and information submitted by the applicant.

Steve Weaver

Steve Weaver

Development Manager

Havant Borough Council
24 February 2026

FIRST SCHEDULE:

This certificate relates to the following development: Lawful Development Certificate for the use of the existing flat at 106A Sea Front, Hayling Island, PO11 9HW as a separate dwelling (C3), as described in the written particulars; Drawing numbers 601 LDC01 Rev B, 601 LDC02 Rev A and 601 LDC03 Rev A; and other documents submitted with your application valid on 17/12/2025.

SECOND SCHEDULE:

This certificate relates to land at 106A Sea Front, Hayling Island, PO11 9HW as shown edged red on Drawing number 601 LDC01 Rev B.

Other Important Information:

1.	This Certificate is issued solely for the purpose of Sections 191 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, 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 02392 446571.
2.	It certifies that the use/development specified in the First Schedule taking place on land described in the Second Schedule was/were/would have been lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus was not/were not/would not have been liable to enforcement action under Part 7 of the 1990 Act on that date.
3.	The certificate only applies to the extent of the use/development specified in the First Schedule taking place on land described in the Second Schedule and as shown edged in red on the submitted location plan. Any use/development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under Section 172 of the 1990 Act.
4.	The effect of the certificate is also qualified by the provision in section 191 (6) of the 1990 Act (as amended), which states: -The lawfulness of any use, operations or other matter for which a certificate is in force under this section shall be conclusively presumed.
5.	Your attention is drawn to the attached information regarding your right to appeal to the Secretary of State if you are aggrieved by the Council's decision.

**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.