DELEGATED OFFICER REPORT

PROPOSAL	**Retrospective application for consent to move existing fence and extend out towards boundary line.**
LOCATION:	1 Eastleigh Mews, Bartons Road, Havant, PO9 5NA
REFERENCE NO:	APP/25/00738
APPLICANT:	Mr Wyman Babbage
APPLICATION TYPE:	Householder planning permission
CONSULTATION EXPIRY DATE:	30/01/2026
APPLICATION EXPIRY DATE:	26/12/2025
WARD:	St Faiths

SUMMARY RECOMMENDATION: Approve

1. Site Description

The application site comprises of a detached dwellinghouse located in Havant which has been recently built under APP/16/01077. The application site features a side garden, with a fence on the western and eastern boundary, of which the western side fence has been moved between approximately 0.5m to 1.8 metres closer to the private road which is to be assessed as part of this application. The property's materials feature flintwork and brickwork for the external walls and a slate roof in a hipped design. The application site is in an urban and residential area, with the character of the street featuring similarly designed properties, and the setting of East Leigh House.

2. Planning History

APP/16/01078 - Listed Building Consent for residential development to provide 9 dwellinghouses along with the continued use of Eastleigh House as Class B1(a) offices and the demolition of outbuildings to the rear of the building – Approved 27/01/2017.

APP/16/01077 - Residential development to provide 9 dwellinghouses along with the continued use of Eastleigh House as Class B1(a) offices and the demolition of outbuildings to the rear of the building – Approved 27/01/2017. ***Officer note****: this appears to be the permission that has been implemented on site.*

APP/21/00636 - Landscaping scheme to create a new setting for Eastleigh House and 3No. single storey one bedroom terraced wheelchair accessible dwellings for the over 55s.(24.09.21) – Approved 24/09/2021

APP/15/01104 - LBC for the Conversion of Eastleigh House from a single dwellinghouse to B1 offices and two dwellinghouse along with the erection of a two storey extension to provide a further single dwellinghouse including landscaping, parking and turning areas - Approved 04/03/2016

APP/15/01103 - Conversion of Eastleigh House from single C3 dwellinghouse to B1 offices and two C3 dwellinghouse along with the erection of a two storey extension to provide a further single C3 dwellinghouse, plus the construction of a courtyard development of 10 terraced houses, including landscaping, parking and turning areas – Approved 04/03/2016.

3. Proposal

3.1 Retrospective application for consent to move existing fence and extend out towards boundary line.

Officer Note: The relocated fence is not in accordance with conditions 12 and 13 of APP/16/01077 which state:

12 Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no free-standing walls, fences or other means of enclosure of any kind permitted by Part 2, Class A of the General Permitted Development Order as amended shall be erected without the prior written approval of the Local Planning Authority.
***Reason:** In the interests of visual amenity and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*

13 No development hereby permitted shall be commenced until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hardsurfaced has been submitted to and approved in writing by the Local Planning Authority. Such scheme shall specify the proposed finished ground levels in relation to the existing levels, the distribution and species of ground cover to be planted, the positions, species and planting sizes of the trees and shrubs to be planted and/or retained, and timing provisions for completion of the implementation of all such landscaping works. The implementation of all such approved landscaping shall be completed in full accordance with such approved timing provisions. Any tree or shrub planted or retained as part of such approved landscaping scheme which dies or is otherwise removed within the first 5 years shall be replaced with another of the same species and size in the same position during the first available planting season.
***Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012*

4. Policy Considerations

In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this decision has been taken having regard to the policies and proposals in the National Planning Policy Framework, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Council Borough Design Guide SPD December 2011
Havant Borough Council Parking SPD July 2016
Chichester Harbour Management Plan 2024-2025
Havant Borough Council and Chichester District Council Joint SPD - Chichester Harbour Area of Outstanding Natural Beauty

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16 (High Quality Design)
DM8 (Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

DM20 (Historic Assets)
AL1 (Presumption in Favour of Sustainable Development)

Emsworth Neighbourhood Plan Post Examination Version 2020: **N/A**

Listed Building Grade: Located on the within the original curtilage of East Leigh House Grade 2 Listed Building
Conservation Area: **N/A**

5. Statutory and Non Statutory Consultations

Conservation Officer

Site / Location

The application site is located in a residential development, known as Eastleigh Mews, which is accessed from Bartons Road in Havant. 10no. dwellings within the site were constructed approx 10 years ago within the grounds of a Grade II listed building – Eastleigh House, which is positioned towards the southern end of the site. The existing access into the site was utilised. The listed building was extended and converted into dwellings and apartments.

Legislation

When assessing the proposal, the following legislation and policy context is taken in consideration.
Planning (Listed Building and Conservation Areas) Act 1990
Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 ("1990 Act") requires local planning authorities to have special regard to the desirability of preserving a listed building, its setting or any features of special architectural or historic interest when considering whether to grant listed building consent.
Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
National Planning Policy Framework (revised December 2024)
Chapter 16 of the NPPF relates to the Historic Environment including paragraphs 202-221. The following are most relevant:
Para 212 states that:
'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'.
Para 214 states that:

‘Where a development will result in substantial harm to, or total loss of, the significance of a designated heritage asset, permission should be refused, unless this harm is necessary to achieve substantial public benefits, or a number of criteria are met. Where less than substantial harm is identified paragraph 208 requires this harm to be weighed against the public benefits of the proposed development

Para 215 states that:

‘Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use’.

The building subject to this application is not listed, but is deemed to be a non-designated heritage asset (as set out in the introduction) and therefore the following paragraph is also relevant:

Para 216:

‘The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset’.

Havant Borough Local Plan (Core Strategy 2011 and Allocations Plan 2014)

Policy CS11 – Protecting and Enhancing the Special Environment and Heritage of the Havant Borough

Policy CS11 (4) states that planning permission will be granted for development which:

‘Protects and where appropriate enhances the borough’s statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest’.

Policy CS16 – High Quality Design

Policy CP16 (1a) of the Core Strategy states that:

‘Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site’.

b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;

c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors;

d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and cycle routes and encouraging people to use public transport where possible; and

e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.

Policy DM20 (Allocations Plan) - Historic Assets

Policy DM20 states that;

‘Planning permission will be granted for development proposals that conserves and enhances the historic assets of Havant. It also states that application which affect, or have the potential to affect, heritage assets are expected to provide a Heritage Statement that:

1. Describe the significance of the asset and its setting, using appropriate expertise
and where necessary original survey, at a level of detail proportionate to its significance and sufficient to understand the potential impact of the proposal.

2. Sets out the impact of the development on the heritage assets and mitigation that is
proportionate to the impact and the significance of the heritage asset, including where possible positive opportunities to conserve and enjoy heritage assets.

Assessment

The application is seeking retrospective approval for the repositioning of the garden fence, which is now positioned closer to the access road, incorporating a strip of existing landscaping into the applicant's private rear garden.
The main consideration within this application is whether the setting of Eastleigh House would be harmed. The setting of the listed building is now limited to the open space to the front and side of the building, not to the rear, where the original setting has been heavily altered through the implementation of the housing development.
Overall, therefore, the minor relocation of the fence along the access road is not considered to be harmful to the setting of Eastleigh House.

Conclusion

NO OBJECTION

English Heritage

Planning and Listed Building Consent applications requiring consultation with and notification to Historic England (the Historic Buildings and Monuments Commission for England) April 2021

Introduction

This enclosure sets out the circumstances in which Historic England must be consulted or notified of applications for planning permission or listed building consent.

It has been amended to reflect the changes introduced by MHCLG on 21 April 2021

(a) extending planning controls to statues and other monuments and,
(b) extending the range of applications for listed building consent notified to Historic England.

Applications for planning permission

Historic England must be consulted or notified (see note 1) of the following planning applications by virtue of the following provisions:

Consultation:

Development which in the opinion of the local planning authority falls within these categories:

P1 Development of land involving the demolition, in whole or in part, or the material alteration of a listed building which is classified as Grade I or II*

P2 Development likely to affect the site of a scheduled monument

P3 Development likely to affect any battlefield or a Grade I or II* park or garden of special historic interest which is registered in accordance with section 8C of the Historic Buildings and Ancient Monuments Act 1953

Basis for this - Town and Country Planning (Development Management Procedure) (England) Order 2015 - article 18 and Schedule 4.

P4 Development likely to affect certain strategically important views in London

Basis for this - Secretary of State for Communities and Local Government Directions relating to Protected Vistas 2012

Notification:

Development which the local authority (or Secretary of State) think would affect:

P5 The setting of a Grade I or II* listed building; or

P6 The character or appearance of a conservation area where
i) the development involves the erection of a new building or the extension of an existing building; and
ii) the area of land in respect of which the application is made is more than 1,000 square metres

Basis for this - Planning (Listed Buildings and Conservation Areas) Regulations 1990 - regulation 5A (as amended by The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2015

P7 Local authority/ies own applications for planning permission for relevant demolition in
conservation areas. (see note 2)

Basis for this - Town and Country Planning General Regulations 1992 (as amended by the Town and Country Planning General (Amendment) (England) Regulations 2015

Note 1: There is a difference between Consultation and Notification. When LPAs consult on applications, there is a duty to provide a substantive response to the LPA within 21 days. A notification from the LPA is to enable representations to be made if we so wish, and to respond within 21 days. Historic England does not make a distinction in its handling of advice work.

Applications for listed building consent

Historic England must be notified of the following applications for listed building consent by virtue of the following provisions:

Notification:

L1 For works in respect of any Grade I or II* listed building; and

L2 For relevant works in respect of any grade II (unstarred) listed building

(relevant works means:
i) works for the demolition of any principal building (see note 3);
ii) works for the alteration of any principal building which comprise or include the demolition of a principal external wall of the principal building; or
iii) works for the alteration of any principal building which comprises or includes the
demolition of all or a substantial part of the interior of the principal building.
iv) commemorative object works

For the purposes of sub paragraphs ii) and iii) above:

a) a proposal to retain less than 50% of the surface area of that part of a principal building represented on any elevation (ascertained by external measurement on a vertical plan, including the vertical plane of any roof) is treated as a proposal for the demolition of a principal external wall;

b) a proposal to demolish any principal internal element of the structure including any staircase, load bearing wall, floor structure or roof structure is treated as a proposal for the demolition of a substantial part of the interior.)

For the purposes of sub paragraph iv) above:

“commemorative object works” means works for the full or part demolition of a statue, monument, memorial or plaque that are, or are part of, a listed building

L3 Decisions taken by the local planning authorities on these applications

Basis for this - Arrangements for handling heritage applications - Notification to Historic England and National Amenity Societies and the Secretary of State (England) Direction 2021 - made under section 12, 15 (1) and (5) of the Planning (Listed Buildings and Conservation Areas) Act 1990

Historic England
27 April 2021

Note 2: Relevant demolition is defined in section 196D of the Town and Country Planning Act 1990 as “demolition of a building that is situated in a conservation area in England and is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of s75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section.)

Note 3: “principal building” means a building shown on the list compiled under Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and includes (unless the list entry indicates otherwise) any object or structure fixed to that building, but does not include any curtilage building.

6. Publicity and Community Involvement

This application was publicised in accordance with the Council's Local Code of Corporate Governance and the Statement of Community Involvement.

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Press Advert	First Press Advert	21/11/2025	12/12/2025	Affects a Listed Building and/or the setting of a Listed Building
Site Notice	First Site Notice	09/01/2026	30/01/2026	Affects a Listed Building and/or the setting of a Listed Building

Neighbouring properties consulted (as defined by the Statement of Community Involvement)

Number consulted: 20

Public comments: 0

Material planning considerations are addressed in Section 7.

7 Planning Considerations

7.1 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

(i) Principle of development
(ii) Appropriateness of design and impact on the character of the area
(iii) Effect on neighbouring properties
(iv) Biodiversity net gain (BNG)

(i) Principle of development

7.2 The application site is located within the defined urban area, therefore development is considered acceptable in principle subject to development management criteria.

(ii) Appropriateness of design and impact on the character of the area and impact upon the setting of the listed building

Impact upon East Leigh House

7.3 The application site is located within the former grounds of grade II listed; East Leigh House. The Listing for this property reads as follows:

House. Mainly circa 1820, with a north-west wing of older date, obscured by rendering and later featuxes. Brick, with a slate roof. Almost square block of 2 storeys and cellar. The symmetrical front (south) has 3 windows; low-pitched roof with spaced plain mutules set against a fascia, yellow brick walls in Flemish bond (headers to the curved walling), rubbed flat arches and stone cills. Sashes in reveals. The doorway is a reeded architrave, enclosing a plain fanlight and 6-panelled door, now enclosed in a late C19 large glazed porch. The west elevation, with similar treatment, has 3.1 windows, the north side being a 2-storeyed semi-circle with 3 windows: the older lower

wing extends northwards. The east side has 3.1.2 windows, the south side semi-circular walls having 3 windows to the ground floor, and 1 to the 1st floor (raised in style at a later date); large central modern porch with glazed roof. Some contemporary fireplaces.

7.4 Due to the application site being located in the former grounds of East Leigh House. The Council's Conservation Officer was consulted during the application process. The Council's Conservation Officer did not provide an objection to the regularisation of the relocated fence, and officers consider that there is no harm to heritage assets that would arise from this proposal, it is considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 which requires planning authorities, when considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Impact upon visual amenities, the application site and upon the streetscene

7.5 The application proposes to regularise a relocated fence for No.1 Eastleigh Mews which has been relocated between approximately 0.5 to 1.8m closer to the private road. The fence is annotated to measure between approximately 1.8 metres to approximately 2 metres in height.

7.6 With reference to Havant Borough Council Design Guide SPD, although it is acknowledged that high fencing is not typically encouraged for boundary treatment, it is noted that similar works of high timber fencing at front and side boundaries are common within this area forming part of the streetscene. Examples such as at nearby No.3 Eastleigh Mews, (though this is noted to be inset more into their boundary), at East Leigh House, and for the rear/side boundaries of properties within the estate.

7.7 Whilst the fence, is noted to be prominent and tall in height, with reference to the character of other boundary treatment within the estate, on balance it is not considered to be significantly harmful to the local street scene. It is also noted that the fencing within this gated community would not be readily viewable from general public vantage points.

7.8 The area in front of the previous fence was a narrow area of landscaping although this was not secured through a S106 common parts management. In addition the approved landscaping replacement condition ensured the landscaping for 5 years which has now expired. Whilst the removal of the landscaping is unfortunate a refusal of planning permission on this basis is not considered to be justified.

7.9 In consideration of the above, on balance it is deemed that the proposed works are appropriate and do not result in an unacceptably adverse impact on the character of the dwelling and the visual amenity of the locality and would not detract from the setting or harm the significance of the nearby listed building; East Leigh House concurring with Policy CS16 of the Havant Borough Local Plan Core Strategy (2011) Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and DM20 of the Havant Borough Local Plan (Allocations) 2014.

(iii) Effect on neighbouring properties

7.10 With regards to the height, location and setting of the relocated fence, with primary impacts upon the private road And No.3 Eastleigh Mews's driveway space, officers

consider the relocated fence to have an acceptable impact upon neighbouring properties.

(iv) Biodiversity net gain (BNG)

7.11 It is noted that this householder application is exempt from the requirements relating to Biodiversity Net Gain

8 Conclusion

8.1 The fence is acceptable in principle, is on balance appropriate in terms of design and its impact on the character of the area and upon the setting of East Leigh House, and would have a limited and acceptable impact on the neighbouring properties. On this basis it is recommended for approval.

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9. RECOMMENDATION:

That the Development Manager be authorised to Approve for application APP/25/00738

Informative:

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:

Your application was acceptable as submitted and no further assistance was required.