
Removal/variation of conditions
Notification of Decision: Approve with Conditions

Application Number: APP/25/00430

Site Address: Stags Leap, land adj 43a Portsdown Hill Road, Havant, PO9 3JU

Proposal: Variation of Conditions 2 and 5 of Planning Permission APP/14/00420 relating to solar panels and fencing.

Further to your application received on 5 May 2025 which was valid from 17 June 2025, Havant Borough Council, as Local Planning Authority, **Approve with Conditions** the above proposal in accordance with the submitted plans and particulars as detailed below.

This permission is subject to compliance with:

- (i) The plans and other documents submitted with regard to your application; and
- (ii) The following conditions:

Conditions:

1	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Location Plan CFA FULL 04</p> <p>Proposed Wall Dimensions Plan, dated 06/06/2025</p> <p>Proposed Wall Position and Visibility Splay Plan, dated 18/04/2026</p> <p>Proposed Solar Panels Plan, dated 14/06/2025</p> <p>Proposed 3 Roofs Solar Panels Plan</p> <p>Reason: To ensure provision of a satisfactory development.</p>
2	<p>None of the dwellings hereby approved shall be occupied until a more detailed soft landscaping scheme for all open parts of the site not proposed to be hard surfaced 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.</p>

	<p>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.</p> <p>Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS16 and DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>
3	<p>None of the dwellings hereby approved shall be occupied until plans and particulars specifying the alignment, type, height and, where appropriate, construction materials and design of all proposed screen walls, fences, hedges and other means of enclosure have been submitted to and approved in writing by the Local Planning Authority. Unless agreed otherwise in writing by the Authority, the development hereby permitted shall not be brought into use prior to the completion of the installation of all screening provision as is thus approved by the Authority. At all times thereafter, all of that screening provision shall be retained in a wholly sound and effective condition.</p> <p>Reason: To safeguard the amenities of the locality and occupiers of neighbouring property and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>
4	<p>No dwelling shall be occupied until space for the loading, unloading and parking of vehicles has been provided within the site, surfaced and marked out in accordance with the approved details. Such areas shall thereafter be retained and used solely for those purposes.</p> <p>Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>
5	<p>Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure permitted by Part 1, Classes A/B/E/F of the 2015 Order, as amended, shall be erected within the curtilage of the dwelling houses hereby permitted without the prior written approval of the Local Planning Authority.</p> <p>Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the character and appearance of the development and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.</p>
6	<p>The development hereby permitted shall not be occupied until a Completion Certificate of Compliance with the Code for Sustainable Homes has been</p>

	<p>submitted to and approved in writing by the Local Planning Authority. The Certificate shall demonstrate that the development will attain a minimum standard of Level 3 in accordance with the Code. The development shall be carried out only in accordance with the details the subject of the Certificate.</p> <p>Reason: To ensure that the development is carried out in accordance with Policy CS14 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>
7	<p>Development shall proceed in accordance with the ecological mitigation, compensation and enhancement measures detailed within the Ecological Appraisal report (Hankinson Duckett Associates (HDA), March 2014) and Bat Survey report (HDA, May 2014), unless otherwise agreed in writing by the local planning authority. All ecological mitigation measures shall be permanently retained on site in accordance with the submitted details. In addition, a monitoring report detailing the mitigation works undertaken (to include photographic evidence and site plans/maps) shall be submitted for comment to the Local Planning Authority at a date no later than 3 months after the occupation of the first dwelling.</p> <p>Reason: To protect, maintain and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS11 of the Havant Borough Core Strategy March 2011.</p>
8	<p>The shared turning space in front of the dwellinghouses shall be retained to enable vehicles to enter and leave in a forward gear and this shall be maintained and kept available for that purpose at all times.</p> <p>Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>
9	<p>The development shall not be brought into use until a minimum of 3 parking spaces have been provided within the curtilage of each dwelling house and thereafter all of those spaces kept available for such purposes.</p> <p>Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>
10	<p>The proposed works shall be carried out strictly in accordance with the Arboricultural Impact Assessment and Method Statement and Tree Protection Plan prepared by Changing Scenes, audited by Barrell Tree care received 22 June 2014.</p>

	Reason: To ensure the trees are not adversely affected by the construction of the development and having due regard to policy DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and National Planning Policy Framework, March 2012.
11	<p>The approved lines of site splays on the Wall Position Visibility Splay Plan shall be kept free of any obstruction between 0.6m and 2.0m in height above the adjacent carriageway and shall be subsequently maintained so thereafter.</p> <p>Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.</p>

Informatives:

1	<p>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:</p> <ul style="list-style-type: none"> • 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, <p>In this instance:</p> <ul style="list-style-type: none"> • Your application was acceptable as submitted and no further assistance was required.
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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

3.	Any failure to adhere to the details of the approved plans , and other documents or to comply with any conditions listed above may lead to enforcement action being taken by the Council. If you wish to depart from the approved details or conditions in any way you should contact the Planning and Development service at the Plaza or by telephoning 023 9244 6015.
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Paul Barton

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Interim Head of Planning

Havant Borough Council
05 June 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.