

DELEGATED OFFICER REPORT

PROPOSAL	Removal of Condition 7 of Planning Permission HWU 02788 to allow for 12 month holiday use of 21 Fairlight Chalets.
LOCATION:	21 Fairlight Chalets, Salterns Lane, Hayling Island, PO11 9LQ
REFERENCE NO:	APP/26/00173
APPLICANT:	Mrs Lynne Holloway
APPLICATION TYPE:	Removal/variation of conditions
CONSULTATION EXPIRY DATE:	23/07/2026
APPLICATION EXPIRY DATE:	19/05/2026
WARD:	Hayling East
CASE OFFICER:	Tina Pickup
SUMMARY RECOMMENDATION:	Approve with Conditions

1. Site Description

- 1.1 The site is a development of 36 'holiday' chalets off a private drive off Salterns Lane, with the original 1954 permission (HWU 02788) limiting occupancy to 8 months only, between 1st March and 31st October only. The site is abutted on all sides by residential development. The chalets are arranged in blocks of 2 or 3 fronting a central drive and are of brick construction with tiled pitched roofs. Each chalet is small, with 1 or 2 bedrooms with sitting room, kitchen and bathroom. A number of them have been extended to the rear. Each chalet has a small private area to the rear, although where extensions have taken place this is reduced to a very insignificant area. The chalets are maintained to different standards.
- 1.2 Originally the frontage area was all laid to grass with a central drive. Over time this has changed and been enclosed by the owners to relate to their individual chalet. Some have laid it out formally for parking; some remain as amenity areas. In terms of use, several of the chalets now have permanent occupancy and therefore the development is now a mixed use of both holiday and full-time occupancy chalets - see planning history section and section 7 for more details.
- 1.3 The vehicular access from Salterns Lane is narrow with limited visibility due an absence of a pavement/footpath and mature oak trees on each side. The single width access drive passes between 16 and 18 Salterns Lane and the side of 31a Fairlight Chalets, and there is no passing point. It then widens out to an area in front of 32, 31 and 31a Fairlight Chalets, with some visitor parking.
- 1.4 The chalet the subject of this application, No. 21, is located to the east of the central drive, having direct vehicular access to 2 frontage parking spaces. Externally it is white painted brickwork beneath a tiled pitched roof. There is a low picket fence at the front, about a metre from the front elevation providing a modest sitting out area and separation from the remainder of the frontage which is hard surfaced for parking. Internally it comprises a lounge/reception room, small bedroom (1.9m x 1.8m), shower

room and rear kitchen, with spiral stairs from the lounge up to a loft area with one rooflight. It has a small rear garden area, about 3.5m long.

- 1.5 The site lies outside the current day flood zones, but within the future flood zone 2.

2. Planning History - in respect of occupation of chalets:

HWU 2788 - Erection of 30 holiday chalets. Permit 8/2/54 subject to condition 7 which states 'these chalets shall only be occupied between the period of 1st March and 31st October of each year.

13268/3 - Erection of 5 chalets (subsequently numbered 31, 32, 33, 34 & 35) Permitted 28/3/1962 Condition 1 states "The chalets shall be occupied only between the 1st March and the 31st October in any year"

13268/4 - Erection of an additional chalet at Fairlight Holiday Camp (subsequently numbered 31A) Permitted 21/3/1967 with no restriction

89/54234 - C/U of 27 for residential use - Permit 14/12/1989 with condition limiting it to a single manager between 1 March and 31 October.

95/52925/3/CLE - for 31 for use of property as a dwellinghouse 11/5/1995. PERM

95/56717/2 - No 1 - Relief of condition 7 of HWU2788 to enable year round occupation. Refused and appeal dismissed 2/2/1996

Reasons:- Even when extended chalets close together with little private amenity space; central area would be taken up with vehicles and too cramped to be lived in permanently.- Access - single car width; visibility poor; conflict with peak flow traffic; wrong to permit more intensive use- Loss of holiday accommodation.

03/54234/001 - No 27 - remove condition restricting use to manager out of season. Refused:

- Year round availability for warden. Whilst size is acceptable for permanent occupation the amenity space is not.
- As warden occupies all year
- level of traffic would not be significantly different.
- Loss of dwelling related to tourism.

APP/12/00896 - Removal of Condition 7 of Planning Permission HWU2788 and Condition 1 of Planning Permission 13268/3 to allow for permanent occupation of chalet numbers 1-30, 32-35 inclusive. Refused 12/11/2012; **Subsequent appeal (REF - APP/X1735/A/13/2194326) was dismissed on 24/10/2013 on 3 key grounds:**

- (a) Loss of holiday accommodation;
- (b) Suitability of all units for permanent accommodation in terms of both internal living and external amenity space; and
- (c) More intensive use of a substandard access onto Salterns Lane.

APP/12/01196 - No. 1 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01197 - No. 2 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01198 - No. 3 - Application for Certificate of Lawfulness relating to permanent

occupation of chalet. PERM - 9/1/13

APP/12/01200 - No. 30 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01201 - No. 20 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01202 - No. 16 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/12/01203 - No. 19 - Application for Certificate of Lawfulness relating to permanent occupation of chalet. PERM - 9/1/13

APP/17/00318 - No 15 - Variation of condition 7 of Planning Permission HWU2788 to allow for permanent occupation of chalet No 15. Perm 7/7/17

APP/17/00804 - No 6 - Application for Lawful Development Certificate relating to use of dwelling for 12 months occupancy. - REFUSED 20/10/2017 - as a Breach of Condition Notice had previously been served in 2014 halting any claim for uninterrupted occupancy

APP/17/01326 - No 33 - Variation of condition 7 of Planning Permission HWU2788 to increase occupancy from 8 months to 12 months of chalet 33 Perm 26/3/18

APP/18/00378 - No 14 - Application for Lawful Development Certificate relating to use of dwelling for 12 months occupancy. - REFUSED 20/10/2017 - as a Breach of Condition Notice had previously been served in 2014 halting any claim for uninterrupted occupancy

APP/21/00696 - Variation of Condition 7 of planning permission HWU2788 and condition 1 of planning permission 13268/3 to allow for permanent occupation of chalet 5 - REFUSED 27/08/21 as too small to provide satisfactory permanent accommodation; loss of holiday accommodation; absence of Habitats mitigation

APP/21/00920 - Variation of Condition 7 of Planning Permission HWU 2788 and Condition 1 of Planning Permission 13268/3 to allow for HMRC Registered Self Catering Holiday Let Occupation (maximum continuous stay 30 days per stay) for 12 month period for No. 8 Fairlight Chalets. Permitted 20/12/2021

APP/21/00921 - Variation of Condition 7 of Planning Permission HWU 2788 and Condition 1 of Planning Permission 13268/3 to allow for HMRC Registered Self Catering Holiday Let occupation (maximum continuous stay 30 days per stay) for 12 month period for No. 34 Fairlight Chalets. Permitted 17/12/2021

Other current application on the site: APP/26/00297 - Removal of Condition 1 of Planning Consent 13268/3 to allow for 12 month holiday use of Chalet number 32.

Enforcement History:

Several of the chalets were subject to an enforcement investigation for a breach of condition as they were being occupied on a permanent basis and some BCN's were served. It transpired that No's 1,2,3,16,19, 20 and 30 had been in permanent occupation for over 4 years and following submission of applications for Certificate of Lawfulness (as above) these are now considered to be lawful. The other chalets

within the development are still required to adhere to the restricted occupancy as per the original planning permission.

3. Proposal

- 3.1 Removal of Condition 7 of Planning Permission HWU 02788 to allow for 12 month holiday use of 21 Fairlight Chalets.
- 3.2 This application was originally submitted seeking permanent occupation but following advice about the issues and planning history, the application has been amended to holiday use only i.e. it is seeking to extend the holiday occupation of the site from 8 months to 12 months of the year.

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 Local Plan (Core Strategy) March 2011

CS5 – Tourism

CS9 – Housing

CS16 – High Quality Design

CS17 – Concentration and Distribution of Development within the Urban Area

CS21 – Developer Requirements

DM13 – Car and Cycle Parking on Residential Development

DM3 – Protection of Existing Employment and Tourism Sites

Havant Borough Local Plan (Allocations) July 2014

AL1 – Presumption in Favour of Sustainable Development

AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

DM24 – Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Havant Borough Council Parking SPD July 2016

Listed Building Grade: n/a

Conservation Area: n/a

5. Statutory and Non Statutory Consultations

Natural England

No objection subject to appropriate mitigation being secured – *see file for full response*

Nutrient Team

I can confirm there is sufficient capacity in the Council's strategic mitigation scheme to accommodate the application proposals.

It should be noted that there is limited capacity remaining in the Council's mitigation scheme at Warblington Farm. There is alternative mitigation available from third party providers in order to avoid and mitigate the water quality impact arising out of the proposed development. The details of other schemes have been published on the

Partnership for South Hampshire's website
at: <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>.

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, as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: n/a

Number of representations received: 0

Comment	Officer Comment

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) Loss of holiday accommodation
- (iii) Suitability for permanent occupation
- (iv) Neighbouring amenity considerations
- (v) Highway safety
- (vi) Compliance with Habitats Regulations

(i) Principle of development

7.2 The intention of the original permission HWU2788 was to provide a site of 'holiday' chalets. However, the word 'holiday' is only in the description of development and not specifically conditioned. The conditions do however limit the length of occupation to 8 months of the year, between 1st March and 31st October only. Consequently, some chalets are occupied by the same person/family for the whole 8 months (which is permitted with the wording of the condition) and some are used as short stay holiday chalets.

7.3 Two previous applications seeking permanent occupation of the chalets have been refused and dismissed at appeal (95/56717/2 and APP/12/00896). The most recent appeal was dismissed on 24/10/2013 and focused on three key issues:

- (a) Loss of holiday accommodation;
- (b) Suitability of all units for permanent accommodation in terms of both internal living and external amenity space; and
- (c) More intensive use of a substandard access onto Salterns Lane.

- 7.4 Following that appeal decision, Enforcement proceedings included the serving of Breach of Condition Notices on some of the chalets. Others submitted Certificate of Lawfulness applications to claim their permanent occupation was lawful. Currently the following chalets benefit from permanent occupation via Certificate of Lawfulness's: 1, 2, 3, 15, 16, 19, 20, 30 and 3. Additionally chalet 31A was never restricted and benefits from permanent occupancy. The site therefore now constitutes a mixed-use development of holiday and permanent occupancy homes.
- 7.5 Since the 2013 appeal, the LPA has only actively permitted 2 chalets to have permanent occupancy - numbers 15 and 33, because these 2 chalets are both larger than others and on corner sites with larger plots with increased available amenity space making them able to support permanent residency. All other chalets remain in restricted occupancy (including some that have been permitted to be used for holiday use for 12 months, with conditions defining holiday use), and if any are being occupied in breach of their conditions then this is a matter for the Enforcement Team to follow up.
- 7.6 The current proposal relates to number 21 which it is understood to be only occupied occasionally by the current owner. Currently the original conditions still apply limiting occupation of number 21 to between March and October only. This application seeks 12 months occupation i.e. an additional 4 months, for holiday, short term use only. How this impacts the key issues identified previously at appeal, together with other material considerations, will be discussed below:

(ii) Retention of holiday accommodation

- 7.7 It is clear that the original permission for 30 chalets in 1954 and the extra 6 chalets permitted in 1962 and 1967 were to provide holiday accommodation on a seasonal basis. Subsequent appeals have protected that stance and policies CS5 and DM3 of the Local Plan seek to safeguard tourist facilities unless it can be demonstrated that they are not fit for purpose or financially unviable. In the past appeal case, neither of these tests had been satisfied and the Inspector concluded that as there is still demand for the chalets and that they are clearly suitable for holiday accommodation, they should be retained for holiday accommodation purposes.
- 7.8 Since the 1950's and 60's holidays out of season have increased. The chalets have been upgraded since then with heating etc, and lifestyles have changed, such that the demand for holiday accommodation now continues all year round. Therefore, the use of the chalet for holiday accommodation all year, through the winter months, would continue to adhere to the original aims of the site and also policy CS5 in that the availability of tourist accommodation in the Borough would be enhanced.
- 7.9 Therefore, provided the definition of "holiday use" is carefully conditioned to ensure it remains in short term holiday use and not abused by permanent occupiers, then the principle of the chalet being available for holiday use 12 months of the year is considered acceptable. It is considered the use should be both limited to a maximum continuous stay of 30 days per stay, and that the chalet does not become anyone's primary residence.

(iii) Suitability for holiday occupation

- 7.10 The PI noted that the chalets that had not been extended had limited internal space and facilities and whilst acceptable for holiday purposes, would be unduly constrained as permanent residences. It was further noted that where chalets had been extended to improve internal standard of accommodation, this reduced the amount of amenity

space and resulted in an unduly cramped arrangement. Generally, it was noted that chalets cannot not provide adequate levels of both internal space and external amenity space.

- 7.11 Since the appeal the Governments has also introduced the Nationally Described Space Standards which set out the minimum internal space requirements for every new dwelling. These chalets are tiny, and do meet these requirements, further demonstrating their unsuitability for permanent occupation.
- 7.12 However this proposal is not seeking the creation of a permanent dwelling; it is seeking an additional 4 months of holiday use in the winter months. It is therefore considered that the size of the chalet and the facilities it provides would continue to be adequate and suitable for short term holiday use.

(iv) Neighbouring amenity considerations

- 7.13 Originally, in the 1950's and 60's, the site was intended for, and entirely occupied for holiday purposes. However, over time, some of the chalets have become lawfully occupied as permanent dwellings, creating a potential conflict between permanent residents who want to enjoy peace and quiet, and short stay holiday makers. The noise and activity, comings and goings etc, associated with holiday use could be more intense than for permanent dwellings. However, regard must be had to the fact that this site was always intended for holiday use.
- 7.14 The proposal would result in chalet 21 being used for holiday purposes for 12 months of the year. It is considered that the additional 4 months holiday use during the winter months would only result in minimal additional conflict with existing permanent residents. Being winter the use of outdoor spaces with noisy BBQ's etc would be less frequent and many of the chalets are empty during the winter, so the overall site would be quieter. Overall, the additional harm to neighbouring amenity on a site always intended for holiday use, is considered minimal and insufficient to warrant a refusal of permission.

(v) Highway safety

- 7.15 The current access into the site from Salterns Lane is a single car's width with no passing places and there is limited visibility at the junction. In the 2013 appeal decision, the PI highlighted that it would be wrong to permit a more intensive use on a presently sub-standard access - this view being consistent with earlier appeal decisions. However, this proposal is for the additional use of one chalet for 4 months, when many of the other chalets are unoccupied. Overall, it is considered that the associated additional traffic movements from short term holiday use for 4 additional months would not place a significant increase in movements along the access road and junction sufficient to justify a reason for refusal.
- 7.16 The site has two on site parking spaces to serve the small chalet with one ground floor bedroom and a loft area that may be used as a second bedroom, which is considered sufficient and compliant with the Parking SPD and policy DM13.

(vi) Compliance with Habitats Regulations

- 7.17 The proposed development would increase the occupancy of the chalet by 4 months, from 8 to 12 months, when previously there was no occupancy between November and February. Since the site lies within 5.6km of the Solent SPAs this increase in occupancy and overnight accommodation is considered to be tantamount to a

proportionate increase in both recreational disturbance and increased waste water, requiring a Habitats Regulations Assessment.

- 7.18 The Council has therefore conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites due to both the proportionate increase in recreation and the decrease in water quality that would be a result of the proposed additional 4 months use.
- 7.19 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development.
- 7.20 With respect to the Solent Recreation Mitigation Strategy the applicant has entered into a Unilateral Undertaken and paid the appropriate sum of £201.60 to address the potential additional recreational harm from the additional 4 months use. Therefore, it is considered that this recreational element of the impacts of development have been adequately mitigated against. With respect to the water quality issue and the Council's updated Position Statement, August 2025, the applicant has been able to also enter into the mitigation scheme at Budds Farm to offset the additional nitrogen from the development. A Unilateral Undertaking has been received, together with the appropriate contribution of £647.14 as proportionate nutrient mitigation.
- 7.21 The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment and raise no objection.
- 7.22 As an existing fitted out small chalet, with only a shower and no bath, washing machine or dishwasher, a water calculator has also been submitted demonstrating that the water consumption in the chalet is only 91.08 l/p/p/d which is within the target of 110 l/p/p/d. It is necessary to condition that all measures to achieve this water efficiency are maintained in perpetuity.

8 Conclusion

- 8.1 It is recognised that a succession of previous applications and appeals have concluded that individually or in combination, the holiday accommodation at Fairlight Chalets site is not suitable for permanent residential accommodation for a variety of reasons. However, this application is not seeking permanent occupation for a single household but is seeking to retain it in short term holiday use, for an additional 4 months of the year between 1st November and end of February each year. This would continue to conform to the original ideology of the site as a holiday site providing holiday accommodation in accordance with policies CS5 and DM3, and is supported in principle. In the absence of any other identified harm, provided adequate conditions are imposed ensuring short term holiday use only, then the proposal is therefore recommended for permission.
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9. RECOMMENDATION:

That the Interim Head of Planning be authorised to Approve with Conditions for application APP/26/00173

Conditions:

1	<p>The development must be begun not later than three years beginning with the date of this permission.</p> <p>Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>1:1250 Site Location Plan Occupancy Calculator Nitrogen Budget Water Calculator</p> <p>Reason: - To ensure provision of a satisfactory development.</p>
3	<p>The chalet shall be occupied for short-term holiday accommodation only, with maximum continuous stay of 30 days and no return within 14 days. The property shall not be used for an individual's sole or primary residence. The owner/operator of the chalet shall maintain an up-to-date register of the names of all occupiers of the site, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.</p> <p>Reason: To ensure the continued holiday use of the chalet to protect the tourist accommodation in the Borough, having regard to policies CS5 and DM3 of the Havant Borough Local Plan (Core Strategy) and the National Planning Policy Framework.</p>
4	<p>At all times following occupation of the development hereby approved, all measures necessary to meet the hereby approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.</p> <p>Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. In compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017, the local planning authority has a duty to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In</p>

	coming to this decision, the Council has also had regard to Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011.
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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> <p>Offering a pre-application advice service, and</p> <p>Updating you of any issues that may arise in the processing of your application and where possible suggesting solutions, and,</p> <p>In this instance:</p> <p>You were updated about issues after the initial site visit, issues explained and additional information requested and forthcoming, making your proposal acceptable.</p>
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