

DELEGATED OFFICER REPORT

PROPOSAL	Erection of a detached, three-bedroom, self-build dwelling with associated access, parking, hard and soft landscaping, and associated works, with an ancillary one-bedroom carers annexe following subdivision of the plot and demolition of the existing buildings
LOCATION:	26 Wittering Road, Hayling Island, PO11 9SP
REFERENCE NO:	APP/26/00089
APPLICANT:	Mr and Mrs Peter and Gusti Taylor
APPLICATION TYPE:	Full planning permission
CONSULTATION EXPIRY DATE:	25/06/2026
APPLICATION EXPIRY DATE:	10/04/2026
WARD:	Hayling East
CASE OFFICER:	Tina Pickup
SUMMARY RECOMMENDATION:	Refuse

1. Site Description

- 1.1 The site comprises the curtilage of 26 Wittering Road which is a three storey, flat roofed designed, detached dwelling located on the north-east side of the road. The site benefits from a water side location, having an outlook over Chichester Harbour and the peninsula towards Hayling Island Sailing Club.
- 1.2 The existing dwelling is constructed of white render with a curved design, and the top floor is recessive to the one below. Other harbourside properties on this eastern side of Wittering Road are largely characterised by flat roofed contemporary two storey dwellings. Due to its height and colour, the existing dwelling is currently the most visible and prominent building in the long-distance views from the peninsula opposite.
- 1.3 The curtilage of the site is largely laid to lawn with some mature shrubs and trees. Vehicular access is taken in the southwestern corner of the site and there are a number of low level outbuildings at the front of the site, but screened from Wittering Road by mature vegetation. Notably the plot size is larger than most others on this eastern side of Wittering Road.
- 1.4 The shoreline of the site lies within the Chichester Harbour National Landscape (formerly AONB), as well as the internationally designated Chichester Harbour SSSI, Ramsar and SPA, and Solent Marine SAC. Part of the peninsula opposite the site is also identified as SPA sites (H98, H80 and H97) for Brent Geese and wading birds as part of the Solent Waders Brent Goose Strategy.
- 1.5 The site itself is located within a small pocket of land that is current day flood zone 1 but surrounded by extensive flood zone 3 areas. The entire site, and whole of the Eastoke peninsula, however, lies within the future flood zone as identified by the Strategic Flood Risk Assessment.

- 1.6 There is a TPO on the site covering two trees: an oak and a cherry tree (TPO number 1072) - but please see planning history below.
- 1.7 Wittering Road is not adopted.

2. Planning History

29190 - Extensions - Permitted 2 June 1981

03/56940/001 - Single storey extension to south elevation, extensions at first floor to north and south elevations. Demolition of the existing second floor and erection of a larger replacement second floor with a roof terrace over. Installation of external staircase giving access to the second floor. Permitted 19 September 2003

03/56940/002 - Application to remove Cherry Tree T1 of TPO 1072 Consent 20 January 2004 with condition that a replacement tree is planted. *Therefore, the TPO now only officially covers the one tree, the oak.*

06/56940/003 - Replacement boundary wall (height 1.75m) in rendered brick work. Permitted 14 June 2006

3. Proposal

- 3.1 Erection of a detached, three-bedroom, self-build dwelling with associated access, parking, hard and soft landscaping, and associated works, with an ancillary one-bedroom carers annexe following subdivision of the plot and demolition of the existing buildings
- 3.2 Notwithstanding the above description as a 3-bed dwelling plus internal annexe, the proposal has been treated as a 4-bed dwelling. The proposal is for a contemporary flat roofed two storey design having a width of about 12.7m and an apparent height of between about 6.2m and 6.9m depending on natural ground level adjacent. Its southern length extends to some 24m, taking into account the first floor overhang and single storey car port. The first floor length is a maximum of 15.5m. The proposed dwelling would be sited between number 24 and 26 Wittering Road as part of the linear pattern of development.
- 3.3 Materials are proposed to be mixed grey buff bricks, with sections of dark stained timber cladding, and a grey stone banding between ground and first floor. Dark aluminium windows and doors would be used. The majority of the flat roof above the car port and single storey porch would be a green roof. Indicative landscaping is shown for this green roof, balcony edging and northern boundary screening. Three car parking spaces are shown to be provided, as well as a bike shed.

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 August 2026, the Development Plan, and all other material planning considerations identified in the Planning Considerations section of the report.

Havant Borough Local Plan (Core Strategy) 2011
CS9 - Housing

CS11 - Protecting and Enhancing the Special Environment and Heritage of Havant Borough
CS12 – Chichester Harbour Area of Outstanding Natural beauty (AONB)
CS15 – Flood and Erosion Risk
CS16 - High Quality Design
CS17 - Concentration and Distribution of Development within the Urban Areas
CS21 - Developer Requirements
DM8 - Conservation, Protection and Enhancement of Existing Natural Features
DM9 – Development in the Coastal Zone
DM10 - Pollution
DM13 - Car and Cycle Parking on Residential Developments

Havant Borough Local Plan (Allocations) July 2014

AL1 - Presumption in Favour of Sustainable Developments
AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements
DM24 - Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development

Chichester Harbour National Landscape Management Plan (2025 - 2030)

Planning Principles PP01 – Great Weight for a Nationally Important Landscape
Planning Principles PP03 – Residential & Householder Development
Planning Principles PP05 – Dark Skies & Light Pollution
Planning Principles PP07 – Development near the National Landscape Boundary

Building a Better Future Plan

The Council approved its Regulation 19 Publication 'Building a Better Future' Plan on 15 July 2026. This currently has limited weight in decision making, but its emerging policies will attract increasing weight as time progresses. Of particular relevance to this proposal would be Policy 29: Development on the Coast.

In addition, the following Supplementary Planning Documents are relevant:
Chichester Harbour Area of Outstanding Natural Beauty Joint Supplementary Planning Document, July 2017
Havant Borough Design Guide SPD, December 2011
Havant Borough Council Parking SPD, July 2016

In addition, the Council has some advisory notes on flood risk matters which are considered relevant to this application:

Flood Risk in Development Planning, October 2025
Flood risk Sequential Test & Exception test Guidance for Applicants & Planning Officers, January 2026

Listed Building Grade: n/a
Conservation Area: n/a

5. Statutory and Non Statutory Consultations

Arboriculturalist/Tree Officer

The proposed development will necessitate the removal of a number of trees and a hedge, however these trees are considered not to be of a quality to provide a refusal on arboricultural grounds due to their BS5837 categorisation.

The submitted AIA from Wadey Trees is to a high standard and will if adhered to in terms

of the AMS and TPP ensure that the development can take place without there being a negative impact on the retained trees.

Should permission be given the please attach the following condition:

The development hereby permitted shall only be carried out in accordance with the Arboricultural Impact Appraisal and Preliminary Arboricultural Method Statement (Reference WT-085-25) and British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

Reason: To ensure the continuity of amenity value afforded by the trees in question and in accordance with policies CS16 and DM8 of the Havant Borough Core Strategy (2011) and the National Planning Policy Framework.

In addition to this please also include:

The development hereby permitted will be required to submit a full mitigation planting scheme to be agreed in writing by the LPA prior to any development being undertaken on site and all agree planting must be completed within the following planting season following site completion.

Ecologist

The application is not accompanied by any ecological information. I have therefore carried out my own, non-exhaustive desk-based assessment using the application documents, online sources, and recent GIS mapping.

The application site is adjacent to areas of international and national conservation value, namely the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Chichester Harbour Site of Special Scientific Interest (SSSI). Whilst direct impacts are unlikely, development in this location could result in various indirect impacts to these sites and the species they support. Potential impact pathways include noise and visual disturbance (affecting overwintering bird species), and airborne and waterborne pollution (affecting the water environment and coastal habitats). In order to ensure that impacts are avoided, I would recommend that a Construction Environment Management Plan (CEMP) is secured by condition. There is also potential, though limited, for new artificial lighting to result in impacts on nocturnal species such as bats and bird species feeding on adjacent intertidal habitats. The Council will need to undertake its own appropriate assessment in accordance with the Habitats Regulations 2017.

The application also falls within Natural England's SSSI Impact Zone mapping. Natural England have provided consultation advice, stating that further information would be required to address both nutrient neutrality and recreational disturbance issues. I understand that these matters have been addressed by the applicant, and both are subject to established strategic level mitigation processes.

Overall, I am content that the site itself is not likely to be of significant ecological value, containing managed grass lawn with formal plantings alongside various outbuildings/sheds. The proposal would result in a net loss of managed lawn and some formal plantings, as well as the outbuildings/sheds. I am content that the proposed development is unlikely to result in impacts to protected and notable species within the application site. No further information is necessary.

I would recommend that any new landscaping utilises species suited to this coastal location, ideally based on appropriate native species. The value of a green roof would be substantially increased with an appropriate native-led seed mix rather than a generic Sedum-type installation.

If you are minded to grant permission, can I suggest the following condition wording:

Prior to the commencement of any development activities, a Construction Environment Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include specific measures to avoid or mitigate potential impact

pathways affecting the adjacent Chichester & Langstone Harbours Special Protection Area (SPA) and Chichester Harbour Site of Special Scientific Interest (SSSI) and should include roles, responsibilities, and methods. Reason: to protect biodiversity in accordance with the Environment Act 2021, Conservation Regulations 2017, Wildlife & Countryside Act 1981, NPPF, NERC Act 2006 and Policy CS 11 of the Havant Borough Core Strategy March 2011.

I would also recommend restrictions on the placement and type of external lighting at this location.

The applicant is claiming a self-build and custom exemption from mandatory Biodiversity Net Gain (BNG). This is an acceptable exemption under current BNG rules but will need to be confirmed as acceptable in planning terms by the Local Planning Authority.

Environment Agency – initial response

In the absence of an adequate Flood Risk Assessment (FRA) **we object** to this application and recommend that planning permission is refused.

Reasons The submitted FRA does not comply with the requirements for site-specific flood risk assessments, as set out in paragraphs 20 to 21 of the Flood Risk and Coastal Change Planning Practice Guidance and its site-specific flood risk assessment checklist. The FRA does not therefore adequately assess whether the development will increase flood risk elsewhere. In particular, the FRA fails to:

- Assess and include flood risk mitigation measures to address flood risk for the lifetime of the development. The development proposes inadequate: • Raised finished floor levels • Resistance and resilience measures
- Assess the impact of climate change using appropriate climate change allowances

Environment Agency – response to amended FRA

According to our Flood Map for Planning, the application site lies within Flood Zones 1, 2 and 3, which is land defined by the National Planning Policy Framework (NPPF) and associated Flood risk and coastal change Planning Policy Guidance (PPG) as having a low, medium and high probability of flooding, respectively.

Environment Agency position We have reviewed the additional information and consider that it satisfactorily addresses our earlier concerns. Therefore, subject to the condition below, **we withdraw our previous objection**, dated 1 April 2026.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (by Aegaea Limited, ref AEG9033_PO11_HaylingIsland_01, Issue 3, dated 01 June 2026) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.68 metres Above Ordnance Datum (mAOD)
 - Flood resilience and resistance measures shall be included up to the level of 4.75mAOD
- These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason This condition is in accordance with paragraph 178 of the NPPF to reduce the risk of flooding to the proposed development and future occupants

See file for full response & advise to LPA

Chichester Harbour Conservancy – see file for full response

Recommendation – No objection, subject to the Bird Aware Solent developer contribution being made and suggested conditions.

Following a site visit note:

A mixture of architecture in the street, with No. 26 Wittering Road's 3 storey scale and white rendered finish particularly standing out in the NL. The plot certainly has one of the widest harbour frontages in the street.

FRA says site levels vary 3.75m to 4.45m AoD and that internal ground floor level is proposed at 4.5m AoD, to keep occupants safe from a 1:100 tidal flood event going forward. Submitted sectional drawing shows finished upper roof height of 10.78 AoD, that for No. 26 currently being 13.22 AoD. The new dwelling would be slightly higher than No. 22 to the south, but match its general scale and appearance.

Architect says Conservancy's 2.10.2025 concerns have been addressed by –
(a) Continuing the grey/buff mix of brickwork into the first floor level (instead of off white render);
(b) Reducing the amount of (full-length) glazing facing the Harbour; and,
(c) Reducing the width of the new dwelling.

The Conservancy is grateful for those adjustments, which will result in a very attractive contemporary dwelling, built from a muted materials palette, for the site, whose sustainable credentials are briefly set out at paragraph 3.6 of the Planning Statement.

One minor quibble – the planning statement at paragraph 4.25 states “excluding upward facing glazing”, yet one large one rooflight is specified over the stairwell. Conservancy Officers would wish this to be fitted with an automatic dusk till dawn blind, which is to be retained in working order at all times thereafter, to meet The Conservancy's Planning Principle 05.

A number of trees/tree groups on site add to the verdant setting of this plot and the NL. Planning statement says that trees at the site covered by a TPO no longer exist. 8 (lesser quality) trees and part of two tree groups proposed to be removed to make way for the new dwelling. The most important category B trees are being retained. New tree planting proposed, albeit not detailed as part of a submitted soft planting design. Much of this new tree planting said to be on northern boundary between new dwelling and No.26.

No preliminary ecological assessment submitted - (nor does any appear to have been submitted for GEN/24/00887) – so uncertain whether any protected species could be impacted by demolition of the collection of garden sheds on the site. As the scheme is for a self-build dwelling, no requirement for BNG at the site. Still, the new tree and other planting promised will enhance the NL. Details of this can be conditioned, but Conservancy Officers would encourage a 2:1 tree replacement ratio, with new (native species) trees planted to heavy nursery standard.

I note the Planning Statement says the applicants will make the Bird Aware Solent contribution to mitigate recreational disturbance at the Harbour shoreline and obtain the necessary nutrient credits (at the Council's Warblington Farm scheme) to off-set the forecast 1.13 kg TN/yr additional nutrient loading predicted for the new dwelling.

However, these sheds are small and had shallow flat roofs, so would not appear suitable to form bat roosts.

No objections, subject to suggested conditions to ensure an enhancement to the NL.

Development Infrastructure Team (CIL & S106)

CIL Liabe: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>

Mitigation will be required to mitigate against the effects of:

- (a) the likely impact of bird disturbance utilising the Bird Aware Solent Revised Strategy and
- (b) to mitigate against the increased nutrient load at the Solent European Sites.

More information on our website:

- Bird Aware Solent Revised Strategy: <https://www.havant.gov.uk/planning->

[services/planning-policy/community-infrastructure-levy-cil/section-106-legal-agreements-3](#)

• Nutrient Neutrality: <https://www.havant.gov.uk/planning-services/planning-policy/supplementary-planning-documents/nutrient-neutrality/nutrient-0>

Biodiversity Net Gain

In England, biodiversity net gain (BNG) is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021).

Developers must deliver a biodiversity net gain of 10%. This means a development will result in more, or better quality, natural habitat than there was before development.

More information is available: <https://www.gov.uk/guidance/meet-biodiversity-net-gain-requirements-steps-for-developers>

There are some exemptions and if an exemption is claimed this must form part of the planning application submission.

Natural England

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES The proposed development has the potential to have a harmful effect on terrestrial Sites of Special Scientific Interest (SSSIs) and those Special Areas of Conservation (SACs), Special Protection Areas (SPAs) or Ramsar sites that they underpin.

Further information required - potential water quality/nutrient impacts to European Sites (habitats sites)

Further information required - recreational pressure impacts to Solent SPAs

Planning Policy – initial response

Principle of Development

The site lies within the urban area as defined by policies AL2 and CS17, so the principle of development is accepted in this location.

5-year housing land supply

It is also acknowledged that the Council cannot currently demonstrate a five year housing land supply, which further supports a resumption in favour of sustainable development (para 11d of the NPPF).

However, it does not follow that planning permission should automatically be granted for development which would boost housing supply. Rather, permission should only be refused where the adverse impacts of permitting the scheme would significantly and demonstrably outweigh the benefits.

Weight must be given to the fact that the proposal would contribute to the Council's housing supply, but given that it is just a single dwelling, its contribution is minimal. Other matters would still need to be weighed in the balance, in particular flood risk, which is listed in footnote 7 of the NPPF as a particular constraint in the context of the presumption, and is discussed further below.

Flood Risk

This site lies on the east facing coast at Eastoke on Hayling Island. While much of the Eastoke Peninsula is at risk of tidal flooding according to the Environment Agency's Flood Map for Planning, the proposal site itself lies in Flood Zone 1 in the present day. However, once climate change is taken into account, the site itself is likely to move into the extent of Flood Zone 3, according to the Council's Strategic Flood Risk Assessment.

The applicant has provided a site-specific Flood Risk Assessment. The views of the Environment Agency and/or Coastal Partners should be sought on the acceptability of its conclusions.

The FRA includes a section on the sequential test and the exception test. With regard to the sequential test the applicant claims that this is not required as the FRA demonstrates 'the proposed development would be at low risk of flooding from all sources for its lifetime'. Planning Policy Officers do not consider this to be a correct interpretation of paragraph 175 of the NPPF, which is quoted in this context, as that paragraph does not refer to the level of risk, and rather refers to 'no built development within the site boundary...would be located on an area that would be at risk of flooding from any source, now and in the future'. That patently does not apply here, since the proposed dwelling is clearly located in an area considered to be at risk in the future, which the applicant's FRA acknowledges.

Exemptions based on safety considerations, as set out in paragraph 027 of the PPG, relate to surface water risk only.

Planning Policy officers therefore remain of the view, as expressed in pre-application advice, that the sequential test is required in support of this application. This should demonstrate that there are no reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The search for alternative sites may be limited to Hayling Island, rather than the whole borough, the Council considering that a split of the borough into five distinct areas is appropriate in light of paragraph 027a of the PPG.

If the sequential test is passed, the exception test will also be required to be passed. While it is acknowledged that the site lies in Flood Zone 1 in the present day, it is considered to lie in Flood Zone 3 in the future, so the exception test applies in line with Table 2 of the NPPF. The applicant should therefore demonstrate that

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

Landscape and Ecology

Looking beyond the principle of the proposal and the matter of flood risk, its visual impact and effects on the sensitive Harbour environment will be a particular considerations with the following policies needing to be satisfied if the proposal proceeds to application:

- **Development in the Coastal Zone** – development is only considered acceptable in the coastal zone if landscape, access, recreational and ecological impacts are avoided or addressed in line with DM9
- **Chichester Harbour AONB** - National Policy and Local Plan Policy CS12 require the protection of the qualities of the AONB. The site is located on the edge of the AONB, within its setting, and therefore the visual impact of the proposal should be carefully considered. The Chichester AONB SPD may assist in this regard.
- **Design** – Policy CS16 expects high quality design in all development, and this will be particularly pertinent here given the above policies
- **Chichester and Langstone Harbours SPA, Ramsar and SSSI designations and Solent Maritime SAC** - The site lies immediately adjacent to these protected areas.

The Council's ecologist and landscape officer, as well as Natural England and the Chichester Harbour Conservancy may wish to comment on the proposal.

Summary

While development within the urban area is accepted in principle, and the Council cannot demonstrate a 5 year housing land supply, proposals must still meet the other requirements of national and local policy. In this case, the tidal flood risk to the proposed property will be a key consideration.

Planning Policy - See File for interim response

Planning Policy – Final response

Comments were previously provided in March 2026 and in early July 2026. These comments update and supersede those comments.

Policy Status

The Local Plan (Core Strategy) and the Local Plan (Allocations), together with the Hampshire Minerals and Waste Plan form the development plan for the borough.

The Council approved its Regulation 19 Publication 'Building a Better Future' Plan on 15 July 2026. This has limited weight in decision making at this stage.

These documents are available at www.havant.gov.uk/localplan.

Principle of Development

The site lies within the urban area as defined by policies AL2 and CS17, so the principle of development is accepted in this location.

5-year housing land supply

It is also acknowledged that the Council cannot currently demonstrate a five-year housing land supply, which further supports a presumption in favour of sustainable development (para 11d of the NPPF).

However, it does not follow that planning permission should automatically be granted for development which would boost housing supply. Rather, permission should only be refused where the adverse impacts of permitting the scheme would significantly and demonstrably outweigh the benefits.

Weight must be given to the fact that the proposal would contribute to the Council's housing supply, but given that it is just a single dwelling, its contribution is minimal. Other matters would still need to be weighed in the balance, in particular flood risk, which is listed in footnote 7 of the NPPF as a particular constraint in the context of the presumption, and is discussed further below.

Flood Risk

This site lies on the east facing coast at Eastoke on Hayling Island. While much of the Eastoke Peninsula is at risk of tidal flooding according to the Environment Agency's Flood Map for Planning, the proposal site itself lies in Flood Zone 1 in the present day. However, once climate change is taken into account, the site itself is likely to move into the extent of Flood Zone 3, according to the Council's Strategic Flood Risk Assessment.

The applicant has provided a site-specific Flood Risk Assessment. Following requested revisions to the FRA, it noted that the Environment Agency and Coastal Partners raise no objections to proposal, subject to conditions and additional considerations by the LPA regarding the emergency planning and rescue arrangements.

On the request of the policy team, the applicant has also provided a Sequential and Exception Test. The FRA includes a section on the sequential test and the exception test.

The applicant's sequential test demonstrates a comprehensive review of a large number of sites within the agreed area of search of Hayling Island and concludes that there are no reasonable alternative sites for this proposal. The policy team initially considered that it was unclear why certain sites had been discounted, but the applicant has clarified the way this information is presented in the Sequential Test. On the basis of this further explanation, it is accepted that the test has identified no alternative reasonably available sites to accommodate the proposal. Although the applicant's test did not take into consideration all extant planning permissions delivering dwellings, the Council has undertaken its own review of these and has not concluded that any are reasonably available. Overall, the policy team concludes that the sequential test has been passed.

The exception test must also be passed, and the applicant has submitted commentary on why they consider that the proposal passes this test:

- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
- b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.

The arguments put by the applicant in relation to part a) are not disputed, although it is noted that significant weight is placed on the provision of a dwelling in light of the housing land supply position. The policy team acknowledges the 5 year supply position, but suggests that a single dwelling would make a very limited contribution to that supply. The provisions of part a) of the exception test also relate to there being "wider sustainability benefits to the community". The proposed development is a single dwelling with no regeneration or wider benefits to the community of Eastoke or Hayling Island more widely. As such, it is considered that such the wider sustainability benefits would be low in scale and limited solely to providing a minor increase in housing supply. This should be given consideration in undertaking the planning balance and determining this application.

Part b) of the exception test – the safety of the development – will be established through the FRA (discussed above).

Finally, in concluding the flood risk considerations, it should be noted that national guidance (para 27 of the PPG) states that housing considerations, including housing land supply, may be relevant in the planning balance, alongside the outcome of the sequential test.

Landscape and Ecology

Looking beyond the principle of the proposal and the matter of flood risk, its visual impact and effects on the sensitive Harbour environment will be a particular consideration with the following policies needing to be satisfied if the proposal proceeds to application:

- **Development in the Coastal Zone** – development is only considered acceptable in the coastal zone if landscape, access, recreational and ecological impacts are avoided or addressed in line with DM9
- **Chichester Harbour AONB** - National Policy and Local Plan Policy CS12 require the protection of the qualities of the AONB. The site is located on the edge of the AONB, within its setting, and therefore the visual impact of the proposal should be carefully considered. The Chichester AONB SPD may assist in this regard.
- **Design** – Policy CS16 expects high quality design in all development, and this will be particularly pertinent here given the above policies

- **Chichester and Langstone Harbours SPA, Ramsar and SSSI designations and Solent Maritime SAC** - The site lies immediately adjacent to these protected areas.

The Council's ecologist and landscape officer, as well as Natural England and the Chichester Harbour Conservancy may wish to comment on the proposal.

Officer Comment – these Policy comments have been superseded by the publication of the new NPPF on 17/08/26 and section 7 below takes into account the new NPPF.

Coastal Team – initial response

The site lies in the Environment Agency's Flood Zone 1 and is therefore considered to be at low risk (less than 1 in 1000 year / <0.1% annual probability of experiencing an extreme tidal flood event). However, in the future, with climate change taken into account, the site is expected to move into Flood Zone 3, and is therefore considered to become at high risk of flooding (1 in 200 year / 0.5% annual probability of experiencing an extreme tidal flood event) during the lifetime of the development.

All the sleeping accommodation in the proposed dwelling is located at ground floor level. The applicant has provided a site specific Flood Risk Assessment. The assessment has concluded that, based on current EA modelling with climate change allowances applied, flood levels could reach 4.20m AOD. In response, finished flood levels are proposed at 4.50m AOD, 500mm above existing ground levels and 300mm above the expected flood level.

EA guidance recommends that finished floor levels should lie 600mm above the expected flood level. The applicant should seek to achieve this, or demonstrate why it cannot be achieved. If it is not possible to achieve, the new dwelling should be designed with suitable flood resistance and resilience techniques / methods to 600mm above the expected flood level - this element is currently absent from the applicant's FRA.

Coastal Partners would expect flood resistance measures to be implemented in all situations where internal flooding could occur. Resilience measures should not be utilised instead of resistance measures but alongside them.

It is noted that the FRA recommends that future occupants sign up to the EA's Flood Warning Service. Coastal Partners support this recommendation. However, the LPA, in arriving at their decision, should note that the applicant's FRA does not consider whether access or egress from the site would be possible at the time of a flood. Given that the area around the site lies in present day Flood Zone 3, it must be assumed that no dry or safe access or egress would be possible, and that occupants may need to evacuate before a flood event, or remain in their dwelling. The LPA must consider whether they are satisfied with this arrangement in terms of the overall acceptability of the development.

It is suggested that in its present form the FRA does not robustly demonstrate that the development will be safe for its lifetime and raise a **holding objection** to this proposal.

End Note:

Coastal Partners makes comments only in relation to tidal flood and erosion risk, and it is for the LPA to consider all other forms of flood risk as required by the NPPF and PPG, taking advice from any relevant consultees. Equally, it is for the LPA to satisfy themselves that any NPPF / PPG / local policy requirements for passing the sequential and exception tests have been met for all forms of flooding, including for tidal risk.

Coastal Team – response to amended FRA

The updated FRA

- Uses updated modelling provided by the EA to consider both the higher central and the upper end climate change scenario
- Shows that finished flood levels are proposed at 4.68mAoD, which is 300mm above the expected higher central flood level of 4.38mAoD
- Proposes resistance and resilience measures to 5.05m AoD, which is 670mm above the expected higher central flood level and 300mm above the upper end flood level.

- Considers access and egress

Coastal Partners are content that tidal flood risk has been adequately considered through the updated FRA, and that appropriate finished floor levels and resistance and resilience measures have been considered. On this basis, we **withdraw our holding objection**.

However, Coastal Partners continue to advise the LPA that in arriving at its final decision, they should take account of the following matters:

- The FRA, at paragraph 5.5 presents the raised flood levels and the additional resistance and resilience measures as options for the owner to consider, and it is therefore not clear whether they are actually proposed to be delivered as part of any permission. Coastal Partners recommends to the LPA that finished floor levels and resistance and resilience measures are secured by condition.
- The FRA, at paragraph 5.10-5.14 is clear the site lies in an area where a flood event could be hazardous for some or for most people, and that safe access and egress are unlikely to be possible. Coastal Partners would add that as well as the site itself, the access onto Hayling Island, as well as a number of the access roads to the site including Wittering Road itself are also at risk of tidal flooding with significant depths. The occupiers of the development would therefore rely on prior evacuation, or on taking safe refuge in the dwelling at the time of a flood. This potentially places an additional burden on the local emergency services, and the LPA should consider whether they find this acceptable.
- A sequential test has also been provided by the applicant, but as noted previously, this is for the LPA to consider and Coastal Partners make not comment on the test.

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: 6

Number of site notices: 1

Publicity Type	Publicity Details	Start Date	End Date	Reasons
Site Notice		11/03/2026	01/04/2026	Is advertised in the public interest

Number of representations received: **14 in total: 5 letters of objection**; and **9 letters of support**.

Comment	Officer Comment
Objection Comments, in full:	
I object to the proposed development due to the impact on the character of Wittering Road. The northern end of Wittering Road is one of the few roads in the south east of Hayling Island with trees and green spaces and is an environment to be cherished. An additional dwelling in the garden of 26 Wittering Road will have a significant detrimental impact on this character. The plot at 26 Wittering Road has previously been sub divided with the construction of 26A Wittering Road and a further reduction in the size of the garden of no 26 would also ruin the standing of one of the finest houses on Hayling Island.	Noted – see section 7

<p>Allowing this application could also be used as a precedent for further development in a number of other plots in Wittering Road which would in time destroy the character of the road. This also applies to a number of other properties in the Chichester Harbour National Landscape.</p>	<p>Each application must be considered on its merits</p>
<p>I am writing to object to the proposed additional house in the grounds of 26 Wittering Road (APP/26/00089). The Haven (26) is unique in its position, design and gardens. Its grounds provide a welcome break from the continual rows of houses that these infill properties are creating. The original green tree lined ambience of the road will be destroyed by adding additional houses. Also, I'm very concerned this "infill addition (should it become successful) could be used as a sign for further acceptance for future additional properties. As we've witnessed, this brings more ground clearance of mature trees and bushes removed, with birds and wildlife already struggling in this area with their ever reducing surrounding habitat, this is exacerbated with neighbouring properties being cleared of many trees already.</p> <p>The original houses built in the early 60's were designed to have coastal outlooks. The proposed dwelling will completely ruin our outlook with the new proposed two storey building. I implore you to seriously consider my opinions for the wildlife and the ambience of the road. Once these places and areas have been compromised, they are gone forever.</p>	<p>Each application must be considered on its merits</p> <p>Noted – see section 7</p>
<p>My objections are based on the information provided in the design proposal submitted by OB Architects, on behalf of the owners of The Haven, 26 Wittering Road.</p> <p>'It is recommended that the new house is subservient to the host property in order to respect its setting'</p> <p>&</p> <p>'The proposed dwelling is positioned and seated to respect neighbouring properties'. OB Architects</p> <p>The proposed infill site will be located in a small plot which will constitute a considerable proportion of the original garden belonging to the Haven. It will be a dense building, one metre from the boundary of 22 Wittering Road, and be hard up against the new boundary with the existing house.</p> <p>It will not from the perspective of properties on the western side of Wittering road 'Contribute to the character of the area' OB. It will degrade a landmark plot by cramming in another dwelling, which by nature of the size of the plot has to be subservient to the host dwelling, resulting in the loss of open space/outlook and associated vegetation.</p> <p>'There is a regular and uniform spacing between the dwellings enhancing the rhythmic appearance of the street' OB</p>	<p>Noted - see section 7</p>

<p>As the existing plot is at a bend in the road, it already has one of the smallest frontages on the street. Splitting this in half creates two very narrow and awkward frontages / access points, which is out of keeping and disrupts the rhythm of the street. This proposed infill would destroy that very spacing and contribute further to the further degradation of the 'mature and verdant setting of the site' OB.</p> <p>'The intention is for the new dwelling to sit comfortably within its environment reducing visual impact from key viewpoints' OB</p> <p>'The site is screened from wittering road by a band of retained shrubbery and hedgerow limiting its visibility from the street' OB</p> <p>'Dense/mature planting obscures the site from view' OB</p> <p>The vegetation in question exists only because 19, 21 & 22 have maintained the original treelined feel of wittering road by seeking to preserve trees and greenery, unlike 26 where an apparently healthy, landmark pine was felled in 2025, on the site where the proposed dwelling is to be sited. The design drawings indicate that there will be further denuding of the vegetation currently existing on the plot for development. As the shrubbery previously mentioned by OB is approximately the height of a one story dwelling, it will easily be visible from the road and result in a loss of open outlook for properties 19 & 21 on the western side of Wittering Road.</p> <p>'The aim of the new infill dwelling is to create a home specifically for a downsizing family, while meeting their future needs should they require care or assistance' OB</p> <p>Is it possible that the existing dwelling be modified to accommodate a balanced and supportive living environment for the owners and reflect more sensitively, plot size and concerns of overdevelopment. In the timescale given for this development smaller properties with sea views and garden have been available, with the potential for a carers annex. One such property is currently on the market in Wittering road and was refurbished to reflect the very needs expressed in this proposal. The creation of overdevelopment infill sites leads to a major problem for the retention of character of Wittering road. Once a precedent has been set, there are three other large plots which could be considered as potential infill sites for multiple dwelling development. It seems environmentally irresponsible to construct a new additional building when the</p>	<p>Each application must be considered on its merits</p>
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<p>existing house is very large. It would be much more environmentally conscious to retrofit and reconfigure the existing structure to allow for a live-in carer, increasing energy performance, thermal comfort etc.</p> <p>There is also the issue of the host dwelling, The Haven, a landmark house in the historical development of Sandy Point being significantly developed with the introduction of an infill development. There is the potential for the reduction in value to lead to the host dwelling being developed for multiple occupations as the remaining drive could accommodate parking for a number of vehicles.</p> <p>'This site presents an opportunity to deliver much needed family houses in the area' OB</p> <p>It is somewhat disingenuous to suggest that the Haven, which will be sold off, subsequently in the region of £2,000,000, will provide much needed family accommodation. While the plans undoubtedly offer an 'enhancement of the site' for the owners this will be to the detriment of the near neighbours and wittering road, in terms of open space, outlook, and habitats for the local bird population. Not to mention the increase in night-time light pollution that an additional dwelling would create.</p> <p>Infill sites at the end of Brackelham road, at the entry to Hayling Island Sailing Club demonstrate how little regard is given to the retention of mature, verdant sites when these developments are approved. The four, now mature houses (two of which are infill) have no shrubbery, trees or grass. Flood mitigation is a huge issue. In an area at risk of flooding, building a new dwelling and removing valuable run-off / drainage land as well as established trees and vegetation, will add to an already saturated ground condition and decrease the area's flood resilience especially as flood events become more frequent and severe.</p> <p>While OB Architects have striven to paint a picture of a small house in a leafy idle, the reality is that their proposal, if allowed, will further destroy that very aspect that we are seeking to preserve and potentially open the floodgates to further infill proposals.</p>	
<p>I am writing to object to the proposed additional house in the grounds of 26 Wittering Road (APP/26/00089).</p> <p>In the first instance the description as "three-bedroom, self-build dwelling with associated access, parking, hard and soft landscaping, and associated works, with an ancillary one-bedroom carers annexe....." would seem at odds with the plans submitted, that clearly show a four bedroom house, the statement in the proposal that the forth bedroom, (double ensuite) would "facilitate the presence of a carer without</p>	<p>Noted – application treated as a 4 bed dwelling</p>

<p>compromising the privacy or independence of the family..." does not fit with the integral bedroom, with no kitchen facilities shown on the plans.</p> <p>The existing No. 26 Wittering Road is the largest house in the Road, and the only one on the Eastern side with three floors. The current garden is proportional to the scale of the current house, and matches the proportions of other houses on the Eastern side of Wittering Road. The infill proposed would result in two large houses with disproportional scaled gardens.</p> <p>The design of the plots in Wittering Road, originally set out in the 1930s/1940s, shows a herring bone arrangement between the East and West side of Witter Road, so that neither side looks directly at houses across the Road. Even in 1938, builders had adopted the "upside down" style to take advantage of the outlook from both sides of the Road, without any houses looking directly into the living accommodation opposite. No 26, already subdivided, probably in the 1960s, into 26 and 26A, already breaks this, and I suggest also explains why 26A has few West facing windows. The proposed West facing windows, look directly into the living accommodation of 23, 21 and 19. Detrimental to the privacy of these dwellings, and the proposed development.</p> <p>The proposed new building is extremely close to the existing buildings of No. 26 and 24, all but closing the original designers gaps in the housing, creating a continuous wall of buildings as you head south along Wittering road. Creating a congested corner, spoiling the current feel of the road.</p> <p>The existing balconies and windows of the South facing elevation on No 26 clearly overlooks, both the living accommodation and garden of the proposed infill, destroying the privacy of both dwellings. The West facing balconies on the first and second floor of the current No.26 would look directly into the living accommodation of the proposal, or against a bland wall in close proximity.</p> <p>The suggested shared driveway, although not unique to the Road, is certainly out of keeping with the other properties. The removal of the existing sheds and garages, would suggest that this storage is required for both the paraphernalia of garden maintenance and the diversity of costal life. Although the submitted plans show no sign of replacement at either the new building or the existing one. I would suggest that a further sprawling mass of associated sheds and garages would be required at both the properties, consideration should be shown for this.</p> <p>The biodiversity check list seems to have ignored the proximity of the lagoon to the east, with its diverse population of wading birds, kingfishers and autumn visiting swans and geese and the potential impact of additional light pollution. The 2025</p>	<p>Noted - see section 7</p> <p>Noted – see section 7 re neighbouring amenity</p> <p>Replacement sheds could be erected under future permitted development rights</p> <p>Council's ecologist has reviewed the application</p>
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removal of a large pine tree on the site of the proposal, along with removal of other local pine trees have also removed the local population Goldcrests, a frequent sight in this very diverse area. There is also a large population of bats in the location, regularly hunting above the existing trees and gardens. No consideration has been given to the potential loss of diversity from this more densely packed housing development.	
<p>I am unhappy with the proposed changes to the iconic Haven site. The splitting of the site into two rather narrow plots will detrimentally affect the overall outlook of that side of the road and will contribute to the growing overpopulation of this end of the island where so many new oversized houses have been squeezed into smaller and smaller plots. Such development will surely devalue the existing properties.</p> <p>Furthermore, I am concerned about the continuing removal of trees and shrubbery and thus of much needed habitat for local avian and other wildlife. The local bat population has been growing for some years and I am concerned that additional housing and the inevitable added light pollution will negatively affect these endangered species.</p> <p>Lastly this development is likely to incur the use of multiple commercial trucks, heavy machinery and plant down a rather narrow road inevitably degrading the surface. As this is a private road all residents will be affected and will be asked to contribute to the unavoidable costs of reparations. Very few of the roads residents have even been formally advised of this proposal which I consider, in the light of the possible surface damage, to be unreasonable. As a close neighbour I was not notified and with that aspect in mind, if permission is granted we ask that it is conditional upon the developers reinstating the road to at least the condition it is in before work commences.</p>	<p>Noted – see section 7</p> <p>Noted - see section 7</p> <p>Short term disruption from construction not a material consideration; a CEMP would be conditioned; and any impact on private road a private matter</p>
Support comments summarised:	
A good solution to a sensitive site	
Provides a sustainable, energy efficient home with minimal impact on the surrounding area	
Would visually enhance the value & character of the area	
Blends & fits in well; height is lower than existing building & in line with others; reflects angles of adjacent properties minimising overlooking but allowing views of the coast; design in keeping and does not compromise street scene;	
Existing trees will provide screening and privacy; hardly visible from road	
Accessed off current driveway preventing another entrance	
Does not detract from the view from the east or harbour entrance	

Reflects applicants passion for sustainable practice & would maintain ecological balance	
Chichester Harbour Conservancy advice taken on board & materials changed	
Annexe accommodation provides for future family needs	
"Done Up" and extended properties in the area contribute to enhancing the area both visually & by increasing the value of properties	

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) Flood risk
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Highways/parking provision
- (vi) Impact on Trees, Ecology and Biodiversity Net Gain (BNG)
- (vii) Compliance with the Habitats Regulations
- (viii) Human Rights Act
- (ix) Equalities and Diversities

(i) Principle of development

7.2 The application site is located within the defined urban area, i.e. within a 'Settlement' for the purposes of the National Planning Policy Framework (NPPF), August 2026, where further development is considered acceptable in principle, subject to consideration of detailed development management criteria.

7.3 The 2026 NPPF provides a presumption in favour of sustainable development under Policy S3 and establishes the principle of development within settlements under Policy S4. Policy S4 indicates that development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework. Notably Part 2. of Policy S4 sets out how to apply the presumption in favour and the circumstances when the benefits would be substantially outweighed by any adverse effects. Clause c.) is specific in stating one such circumstance is when the proposal *"Fails to comply with one of the national decision-making policies which state that development proposals should be refused in specific circumstances."*

7.4 It is accepted that the proposal would result in the net gain of 1 residential unit, making more effective use of the site, within the settlement area of Hayling Island, although the site's remote location at the end of the peninsula is not a particularly accessible location. The proposal would only make a very modest contribution to housing supply in the context of a 1.3 year housing land supply, but this limited benefit of the proposal must be afforded weight in the overall planning balance.

7.5 In this instance for the subdivision of an existing residential curtilage, regard must also be had to Policy L2 of the NPPF which encourages making effective use of land, and states that *"Substantial weight should be given to the benefits where a development*

proposal achieves:....d) Creating additional homes within settlementsthrough sensitive redevelopment or additional development within existing plots (includingadditional units within residential curtilages)..." Such proposals should meet 3 criteria about street scene design; providing acceptable living standards for residents and neighbours; and the ratio of developed areas of residential curtilages. NPPF Policy L3 goes on to encourage efficient use of land and notes that within settlements "...development proposals for residential and mixed-use development should contribute to an increase in the density of the area in which they are situated..." This is subject to taking into account the existing character of an area, as set out in NPPF policy DP3.

(ii) Flood risk

- 7.6 The site is located in a small pocket of land that is current day flood zone 1, surrounded by extensive flood zone 3 areas. Therefore, in the event of a current day flood, even the existing residents of the site and area would have no escape routes and be reliant on advance warnings, or boat evacuation, potentially placing a burden on emergency services. When taking climate change into account this scenario is exacerbated, with the site itself falling within future flood zone 3, and the whole of the Eastoke peninsula, as well as the main access road onto and off Hayling Island, being future flood zone 3 and liable to flooding.
- 7.7 The objective of the recently updated NPPF, August 2026, continues to be to minimise risks to development from all sources of flooding, taking climate change into account, and to steer development away from areas at risk, ensuring development will be safe for its lifetime without increasing flood risk elsewhere, and incorporating sustainable drainage systems where appropriate. This proposal meets the criteria set out in Policy F5 to require a sequential test. As a 'More Vulnerable' development category in flood zone 3a then as set out in Table 3 of Annex F of the NPPF, and in accordance with Policy F6, the exception test is also required in this instance.
- 7.8 During the course of determining this application the original Flood Risk Assessment has been updated to take account of the comments made by the Environment Agency, but also to provide a detailed sequential test and exception test. In accordance with the Council's guidance note on the Flood Risk Sequential & Exceptions Test, January 2026, and Planning Practice Guidance, the area of search for the submitted sequential test was agreed as Hayling Island. The sequential test reviewed a variety of sources to establish the availability of any suitable alternative sites, though notably omitted to search the planning register for extant planning permissions.
- 7.9 Having reviewed the submitted sequential test and undertaken our own review of extant planning permissions in Hayling Island, the LPA agree that there are currently no suitable and 'reasonably available' alternative sites identified for 1 dwelling outside any flood zone on Hayling Island. Therefore, the sequential test has been passed.
- 7.10 Policy F6 of the NPPF relates to the exception test and requires all the following criteria to be met:
 - i. *Provide wider sustainability benefits to the community that outweigh the flood risk;*
 - ii. *Be safe for its anticipated lifetime in accordance with policy F7; and*
 - iii. *Not increase flood risk elsewhere and, where possible, reduce flood risk overall.*
- 7.11 In this instance the Exception Test is considered at paras 7.1 to 7.8 of the submitted Sequential Test Report but the information provided is considered very weak at addressing each clause of the exception test. Clause i) requires "wider sustainability benefits to the community that outweigh the risk" (LPA emphasis). No information has

been provided as to how the proposed development for one dwelling for the applicant's own use and benefit would result in any wider sustainability benefits for the community.

7.12 Paragraph 036 of the Planning Practice Guidance provides some examples of wider sustainability benefits to the community as:

- *The re-use of suitable brownfield land as part of a local regeneration scheme,;*
- *An overall reduction in flood risk to the wider community through the provision of, or financial contribution to, flood risk management infrastructure;*
- *The provision of multifunctional Sustainable Drainage Systems that integrate with green infrastructure, significantly exceeding National Planning Policy Framework policy requirements for Sustainable Drainage Systems;*

This paragraph goes on to state that: “Where wider sustainability benefits are absent or where they are outweighed by flood risk, the Exception Test has not been satisfied and the site allocation in the plan should not be made or planning permission should be refused.”

7.13 The submitted Exception Test suggests that because the Council cannot demonstrate its housing supply then the provision of just 1 dwelling in a sustainable location with a number of unspecified sustainable features would address clause i) of the exception test. However, it is considered that the benefit of just 1 dwelling would make a negligible contribution to the Council's housing need and is not considered to provide the wider sustainability benefits to the community required by clause i) of the exception test.

7.14 In this case the proposal would result in the loss of a well-kept garden space that actively contributes to the setting and character of the area, as well as surface water drainage, for the development of one dwelling for the personal gain of the applicant. Notably there are no immediate bus stops, the nearest being in Sandy Point Road, served by just 2 buses (numbers 30 and 31), and so future occupiers would largely be reliant on the use of a private vehicle to meet future occupiers' day to day needs. The sustainable attributes of the proposal are therefore considered minimal, and there is certainly no wider sustainability benefits to the community offered. It is therefore considered that clause i) of the Exception Test is failed.

7.15 Whilst each application must be considered on its merits, nevertheless the LPA has had regard to another appeal decision for a single dwelling where the sequential test had been passed but the exception test did not provide wider sustainability benefits to the community - Appeal Ref: APP/Y2003/W/25/3375482 dated 29 January 2026 for land west of Britton Close, Luddington, DN17 4RL.

7.16 The remaining two clauses of the exception test relate to the development being safe for its lifetime whilst not increasing flood risk elsewhere, and if possible, reduce flood risk overall. These issues need to be in accordance with NPPF policy F7 and the site-specific flood risk assessment provided. It is further noted that NPPF policy CC3 relates to adaptation to climate change and also requires development proposals to take into account the current and potential impacts of climate change over the lifetime of the scheme. To minimise vulnerability to these impacts criteria a). of this policy requires development to be located where the risk of flooding is minimised or can be managed and the development made safe without increasing risk elsewhere, in accordance with policies F4, F5, F6, F7 & F8.

7.17 During the course of determining this application, the FRA was updated to respond to

comments made by the Environment Agency and increased the finished floor level to 4.68mAoD, providing a 300mm freeboard above the expected higher central flood level of 4.38mAoD. On this basis the Environment Agency have withdrawn their objection but require conditions setting the finished floor level and requiring provision of flood resilience and resistance measures.

- 7.18 However it is noted that no specific flood resilience or resistance measures have been included in any of the submitted drawings or plans, Design & Access Statement, or Planning Statement – the submission is completely absent on these. The only reference is paragraph 5.5 of the FRA which states “*the owner may wish to consider flood resilience and resistance measures...*” (LPA emphasis) and provides a list of typical measures – but does not set out which specific measures, if any, are actually to be provided in this case.
- 7.19 Part 2 of Policy F7 of the NPPF is quite clear that where development is proposed in a location known to be at risk of flooding now or in the future, which this site is, then it should be refused unless 5 criteria are met (i.e. it is a national decision-making policy). Criteria d.) states that “*The development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;*” It is considered that this has not currently adequately been demonstrated, and whilst in the event of a permission additional details could have been requested, in the event of refusal, the lack of adequate details fails criteria d.) and should form part of the reason for refusal. Notably adopted Policy CS15 also requires flood resilience and resistance measures to be incorporated into schemes, and as such the proposal is also contrary to this requirement and policy.
- 7.20 Criteria c.) of part 2 of Policy F7 states “*Any residual risk can be safely managed, and safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*” The submitted FRA at paragraph 5.12 admits that the site is surrounded by areas with a flood hazard of ‘danger for most’ and states at paragraph 5.13 that “*Therefore, safe access and egress may not be achievable during future tidal flood events associated with the design climate change scenario.*”. Other than encouraging future residents to sign up to flood warning/alerts the FRA does not consider escape routes or provide any emergency plan. Adopted policy CS15 also requires evacuation plans to be in place and the lack of consideration of escape routes and emergency plans within the submission is considered contrary to both clause c.) of part 2 of Policy F7 of the NPPF and adopted policy CS15.
- 7.21 Notably the application of Policy S4 requires developments in settlement areas to be approved unless the proposal fails to comply with one of the national decision-making policies, of which Policy F7 is one. Since it has been concluded the proposal fails criteria 2. c) and 2. d) of Policy F7, then in accordance with clause c) of Policy S4, the proposal must be refused.
- 7.22 Whilst not determinative in this instance, it should also be noted that emerging Local Plan policy 29 from the Building a Better Plan, relates to Development on the Coast and this site is located within the newly defined Coastal Change Management Area (CCMA), falling within the identified Secondary CCM. Emerging policy 29 at clause f) states:
“*Permanent new residential development, including through changes of use, will not be permitted within the primary or the secondary CCMA.*”
This emerging policy is consistent with NPPF Policy F9, also a national decision-making policy, which notes at clause 3. that new residential development is inappropriate within CCMA’s unless further criteria are met. These policies are seeking to protect new development from coastal erosion and tidal inundation. Therefore, it is

likely that as this emerging local policy gains weight, then there would be another fundamental objection and reason for refusal for the development of this site for a residential dwelling on flood risk grounds.

- 7.23 Taking all the flood risk issues into account, the LPA is of the opinion that whilst the sequential test has been passed and there are no other alternative site available, the development of this site with a new dwelling would not provide any wider sustainability benefits to the community that outweigh the flood risk as required by the Exception Test. This is exacerbated by the fact that clauses c.) and d.) of Part 2 of Policy F7 of the NPPF are also failed with a lack of any detailed flood resistance and resilience measures, and no escape routes or emergency plan. It is therefore considered the proposal would not provide a satisfactory form of sustainable development that is safe from flood risk issues for future occupiers, users or visitors and is therefore contrary to Policies S4, CC3, F6 and F7 of the NPPF, August 2026, as well as adopted policy CS15.

(iii) Impact upon the character and appearance of the area

- 7.24 The site is located in a sensitive landscape area, being adjacent the Chichester Harbour National Landscape (formerly AONB), as well as the internationally designated Chichester Harbour SSSI, Ramsar and SPA, and Solent Marine SAC. The NPPF at Policy N4 notes that “*Development proposals within the setting of Protected Landscapes should be sensitively located and designed to avoid or minimise adverse impacts on the Protected Landscape.*” This is endorsed by policies CS11 and CS12 which seek to protect nature conservation designations and key landscapes, including the setting of the National Landscape (formerly AONB).
- 7.25 Being a foreshore property, the site is highly visible from the Chichester Harbour NL and in a prominent public position, particularly from the peninsula with Hayling Sailing Club. Most of the dwellings fronting the waterside in this locality are flat roofed two storey dwellings of an appropriately muted colour that blend with the background vegetation such that they are relatively unobtrusive in their setting. The existing property at number 26 is the largest and most prominent, being the highest at 3 stories, bulkiest and brightest, finished in white render. The remaining properties to the south are generally lower at two stories and more muted in external colour.
- 7.26 The proposed two storey dwelling would be some 2.46m lower than number 26 and appropriately subservient to it. The proposed height would be marginally higher than number 22 to the south, and similar to number 20 beyond that. Overall, its height, scale and silhouette would be comparable to other properties fronting the foreshore. The proposed flat roofed design is also consistent, and materials would be mixed grey and buff brickwork with some feature dark stained cladding with dark door and window frames. This would create an appropriately darker toned and muted appearance to lessen its visual impact in the wider landscape, as required by the Chichester Harbour NL Joint SPD. Overall, it is considered that the design of the proposed dwelling would sit comfortably adjacent other two storey dwellings when viewed from the north and east.
- 7.27 In terms of the proposed dwelling and its siting, it is acknowledged that the curtilage of number 26 is the largest plot in the vicinity but its subdivision in the manner proposed would not be out of character with some of the smaller plots in the area. The loss of the large plot and its setting to number 26 which contributes to the spacious character of the area is unfortunate, but a large plot appropriate to the size of the number 26 would remain for the host dwelling. As noted at paragraph 7.4 above, regard must also be had to Policies L2 and L3 of the NPPF which encourage making effective use of

land and contributions to increased densities in settlement areas through additional units on residential curtilages.

- 7.28 The proposed siting of the two-storey element is considered respectful of the nominal two storey building line and the forward projection would not be intrusive in street scene terms as it would be set behind the existing front boundary and mature planting, all of which is to be retained by virtue of using the existing driveway.
- 7.29 There would be approximately 1m to the southern boundary and 1.3m to the northern, but due to the angled siting of the two-storey bulk of adjacent properties the overall separation and gaps between properties would not appear unduly cramped and would be consistent with others in the area. It is also noted that the proposed development adjacent the southern boundary is largely single storey only, and the pattern of development in the area tends to include single storey development closer to side boundaries.
- 7.30 From the south, on Wittering Road itself, the proposed dwelling would be largely screened by the retention of the existing front boundary wall and mature planting. Overall, it is considered that the proposed dwelling could sit comfortably within its plot and be respectful of the surrounding linear pattern of development, without causing any undue harm to the character or appearance of the area, or setting of the National Landscape, in accordance with policies CS11, CS12 and C16, as well as the NPPF.

(iv) Impact upon residential amenity

- 7.31 In terms of future occupiers the proposal can readily provide ample on-site amenity space to meet the Borough Design Guide SPD. Future occupiers may experience a perception of being overlooked from the existing windows and balconies on number 26 facing the site. However, the layout of the proposed dwelling is such that the habitable areas including covered sitting out area and first floor balcony would be largely screened by the new building itself. There are only ground floor windows serving bedrooms in the north elevation facing 26 so any actual cross overlooking would be minimal. Indicative landscaping is shown for the northern boundary and if robust and high enough this planting could provide additional screening to soften any overlooking impact.
- 7.32 A front first floor balcony is also proposed which would sit opposite first floor balconies of number 26, potentially leading to cross overlooking. The proposed plans do show a substantial landscape edge to this terrace and had permission been forthcoming then more details of some effective screening could have been requested or conditioned.
- 7.33 In terms of impacts on neighbouring residents, number 22 to the south has a recent two storey addition that includes a first floor corner window serving a bedroom, and this room has other windows. Other first floor windows facing the application site serve a bathroom and small secondary window to another bedroom. There are no first floor windows proposed in the side elevation facing number 22 and the proposed first floor rear balcony would be recessed. As a result there would be no material overlooking or loss of privacy towards number 22. Due to the orientation of the site it is also considered unlikely that there would be any material overshadowing towards number 22 sufficient to impact their amenity.
- 7.34 Properties opposite the site have sufficient separation distance and intervening mature screening to be unaffected in terms of overlooking or loss of privacy.
- 7.35 Overall it is considered that the proposed dwelling would not appear overbearing or

have any adverse impact on outlook or privacy and would have limited and acceptable impact on neighbouring amenity, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

(v) Highways/parking provision

- 7.36 The proposal uses the existing access point off Wittering Road which would become shared. In this scenario the Hampshire County Council Standing Advice is applicable which requires on site turning for both dwellings to ensure that all vehicles can enter and leave the site in a forward gear. The proposal includes provision of a car port with ample room for vehicles to turn. Number 26 would retain its parking and manoeuvring space to the north of the dwelling. As such both dwellings meet the requirements of HCC's standing advice for safe access and turning.
- 7.37 In terms of on-site parking, both dwellings have at least 4 rooms that would count as bedrooms, requiring 3 on site parking spaces each to meet the adopted Parking SPD. The site is large enough to readily accommodate that for both dwellings. In addition, on site cycle storage is required and a bike shed is proposed for the garden area, meeting this requirement. Therefore, the proposal is considered compliant with policy DM13 and the Parking SPD.

(vi) Impact on Trees, Ecology and Biodiversity Net Gain (BNG)

- 7.38 An Arboricultural Impact and Mitigation Statement has been provided which the Council's Tree Officer has reviewed. It confirms that the trees subject to the historic TPO are no longer present on the site and that some low-quality trees will be removed. Trees within the neighbouring garden at 22 are more significant and the removal of the existing sheds under their RPA's will be removed by hand to minimise disturbance to both canopies and roots. The existing concrete base will be re-used for the car port to further reduce disturbance.
- 7.39 The Council's Tree Officer raises no objection to the proposal and recommends the provisions set out within the AIA and AMS are adhered to, which could be achieved via condition. It is also noted that there is opportunity for additional landscaping to help mitigate the loss of the existing trees and provide screening (as noted in section iiv above) and had permission be recommended these matters could be conditioned.
- 7.40 In term of impact on ecology, the Council's Ecologist has noted the managed lawn and formal planting nature of the site, the development of which is unlikely to result in impacts to protected and notable species. New landscaping and the proposed green roof offer the opportunity for native species and could be conditioned. The site is also adjacent the Solent Maritime Special Area of Conservation (SAC), Chichester & Langstone Harbours Special Protection Area (SPA) and Ramsar site, and Chichester Harbour Site of Special Scientific Interest (SSSI) and indirect impacts of development such as noise and visual disturbance and pollution during construction could arise. Therefore, a Construction Environment Management Plan (CEMP) would be secured via condition if permission had been recommended, as well as consideration of external lighting to reduce impacts on bats and nocturnal species. Notably these impacts need to be assessed via an appropriate assessment in accordance with the Habitats Regulations 2017, which, given the recommendation for refusal, the Council has not done and would be for the Inspectorate at appeal stage.
- 7.41 In terms of Biodiversity net gain (BNG), this is now a legal requirement for planning permission introduced for small sites such as this (since 2nd April 2024). In this case the applicants have claimed an exemption from the BNG requirements due to the site

being less than 0.5ha and a Self-build and custom development. The submitted CIL forms concur with the self-build approach which is likely to be accepted in this instance.

(vii) Compliance with the Habitats Regulations

7.42 In order to comply with Regulation 63 of The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 the application requires a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA) as the proposal is likely to have a significant effect on several Solent European Sites due to both the increase in recreation and the decrease in water quality that would result from the proposed net gain in two residential units.

7.43 The LPA operates two packages of avoidance and mitigation measures. 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. To enable the Council to undertake the HRA AA three forms are required: the European Site Avoidance and Mitigation Checklist; the Havant occupancy Calculator; and a Solent Maritime Nitrogen Budget Calculator. These forms have been received.

7.44 However, given the recommendation for refusal on other matters, the HRA AA has not been prepared and neither have Natural England been consulted as required by the Habitats Regulations. Taking a precautionary approach to decision-making as required by Government guidance, at this stage the risk of the proposal having an adverse effect on a European site's integrity cannot be ruled out and it is therefore necessary to include the non-provision of any avoidance and mitigation packages for both recreational disturbance and impact on water quality as a reason for refusal as contrary to policies CS11, CS21 and DM24, as well as non-compliance with the Habitats Regulations. Should an appeal be lodged against the decision to refuse, then these matters can be revisited at appeal stage.

(viii) Human Rights Act

7.45 The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

(ix) Equalities and Diversities

7.46 This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and the case officer has concluded that the application does not cause discrimination on the grounds of gender, race and disability.

8 Conclusions

8.1 It is acknowledged that many detailed aspects of this proposed dwelling are acceptable – its siting and design would be sympathetic to the character of the area and have minimal adverse impacts on either neighbouring amenity or the wider landscape including impact on the setting of the National Landscape. And it would

provide an additional dwelling at an increased density to make more effective use of land and make a small contribution to the Borough's housing need.

- 8.2 However, these benefits of the proposal are not considered to outweigh the significant flood risk issues of the site. The site is subject to future flood zone 3a, as well as being surrounded by current day flood zone 3, and the proposed development lacks any detailed flood resistance and resilience measures and provides no escape routes or emergency plan. The Exception Test is considered failed, as the proposed dwelling would not provide any wider sustainability benefits to the community that outweigh the flood risk. It is therefore considered the proposal would not provide a satisfactory form of sustainable development that is safe from flood risk issues for future occupiers, users or visitors and is therefore contrary to Policies S4, CC3, F6 and F7 of the NPPF, August 2026, as well as adopted policy CS15
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9. RECOMMENDATION:

That the Interim Development Manager be authorised to Refuse application APP/26/00089

Reasons for Refusal:

1. The proposed development is located within an area at risk of flooding where the Exception Test is required by the National Planning Policy Framework. The Local Planning Authority is not satisfied that the development has demonstrated that the wider sustainability benefits to the community outweigh the risks arising from its location within an area of flood risk. Furthermore, insufficient information has been provided about flood resistance and resilience measures, and no escape route or emergency plan has been provided. It has not therefore been demonstrated that the development would be safe from flooding for potential occupiers, users or visitors, contrary to Policies S4, CC3, F6 and F7 of the National Planning Policy Framework, August 2026, and Policy CS15 of the Havant Borough Core Strategy, 2011.
2. In the absence of a Habitats Regulations Assessment and suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant adverse effect on the Solent European Sites. The development would be likely to result in increased recreational pressures from future residents and have an impact on the water environment, and as such, it is contrary to Policy DM24 of the Havant Borough Local Plan (Allocations Plan) 2014, Policies CS11 and CS21 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, August 2026.

Informatives:

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 sought and were provided with pre-application advice,

You were updated about issues after the initial site visit,

Despite additional information submitted, your application is considered unacceptable for the reasons set out in this Decision Notice.