

DELEGATED OFFICER REPORT

PROPOSAL	Lawful Development Certificate (Existing) - Confirmation that consent references APP/23/00769 and APP/24/00297 have been lawfully commenced at Hayling Island Holiday Park confirming the total number of caravans is 555.
LOCATION:	Hayling Island Holiday Park, Manor Road, Hayling Island, PO11 0QS
REFERENCE NO:	APP/26/00291
APPLICANT:	Country and Coastal Parks Ltd
APPLICATION TYPE:	Lawful development: Existing use
CONSULTATION EXPIRY DATE:	16/06/2026
APPLICATION EXPIRY DATE:	23/06/2026
WARD:	Hayling West
SUMMARY RECOMMENDATION:	Grant a Lawful Development Certificate

1 Site Description

- 1.1 The site address is a caravan holiday park located in the south west of Hayling Island.
- 1.2 The main access point to the site is from Manor Road. The site is situated in a semi-rural environment with residential housing to the west and north and open land to the east.
- 1.3 The site contains mature trees and hedges particularly along the side.
- 1.4 The site is close to many significant natural and historic heritage assets, however, there are none located on the application site. The closest assets are listed buildings which adjoin the site. Those are the Grade II Listed: Flint Cottage adjacent the site to the north west; Newton House Hotel adjacent the site to the south west; Farm Cottage and Rook Farmhouse adjacent the site to the south east; and the Grade II* Church of St Mary adjacent to the site at the north east.
- 1.5 The majority of the site is within Flood Zone 1, with the exception of the top north-east corner which may be subject to climate change.
- 1.6 A public footpath traverses the site from Church Road to the east to Manor Road to the west.

2 Planning History

Is there any planning history relevant to the current application?

Yes

APP/22/01096 - A Certificate of Lawfulness for the use of the land the subject of this application was granted as a holiday park for recreation purposes ancillary to a caravan site – granted 23/2/2023

APP/23/00769 - Application for Lawful Development Certificate relating to the stationing of 112 No. static caravans for occupation (other than warden accommodation) between 1 March and 31 December in any calendar year - granted 5/1/24

APP/24/00297 - Application for certificate of lawfulness relating to confirmation that the repositioning of 65 static caravans from land benefiting from consent references s95/52816/4 and 07/52816/011, onto land benefiting from consent reference APP/23/00769, would not result in a material change of use of the caravan site – granted 11/10/24

3 Proposal

Lawful Development Certificate (Existing) - Confirmation that consent references APP/23/00769 and APP/24/00297 have been lawfully commenced at Hayling Island Holiday Park confirming the total number of caravans is 555.

4 Policy Considerations are not applicable to the application

5 Statutory and Non Statutory Consultations

Jonathan Hulls – No Comment
Wilf Forrow – No Comment
Paul Gray – No Comment

6 Community Involvement

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

Number of Neighbouring properties consulted: 49

Number of representations received: 1

The representation submitted relates to a planning issue which is not relevant to the determination of this application.

The legal considerations are addressed in Section 7.

7 Legal Considerations

- 7.1 The proposal is seeking a legal determination that consent references APP/23/00769 and APP/24/00297 have been lawfully commenced at Hayling Island Holiday Park confirming the total number of caravans is 555.
- 7.2 As these ‘consents’ were in fact certificates of lawfulness for the use of the land, these are not ‘commenced’ in the same way as a planning permission. The certificate that the LPA can grant in response to the application can only confirm that the use of the land for the stationing of 555 caravans is lawful as at the date of the application. This has already been confirmed by the previous certificates of lawfulness when taken together. However, the lawful use of the caravans is only for ten months of the year (1 March – 31 December in any calendar year) other than the warden’s accommodation.
- 7.3 The definition of a caravan site for planning purposes is set out in section 1(4) of the Caravan Sites and Control of Development Act 1960 as meaning land on which a caravan is stationed for the purposes of human habitation and land which is used in conjunction with land on which a caravan is so stationed.

Relevant Planning History

- 7.4 On 23/2/2023 under reference APP/22/01096 a Certificate of Lawfulness (CoL) for the use of the land the subject of this application was granted certifying that the use as a holiday park for recreation purposes ancillary to a caravan site was lawful. It was found that this ancillary use of the land was linked to Westar Hayling Island Holiday Park, which was in the same ownership and within the same planning unit, when assessed against the criteria in the Burdle decision. Therefore, it was found that the land had a lawful use as a caravan site, albeit when the application was determined the application site was used for ancillary purposes to a caravan site. It was also found that there were no conditions on the land limiting the number of caravans that can be stationed on it.
- 7.5 On 8/9/23 a CoL under reference APP/23/00769 was submitted which sought confirmation that it would be lawful to station 112 static caravans for occupation (other than warden accommodation) between 1 March and 31 December in any calendar year on the application site. This sought to increase the number of caravans on the land to the south, east and north of the established caravan site to the west from 443 to 555. A CoL was granted on 5/1/24 for this application, which demonstrated on the balance of probability, that the stationing of up to 555 caravans on the planning unit was lawful although the certificate was not issued in those terms.
- 7.6 On 11/10/24 a CoL under reference APP/24/00297 was granted for the repositioning of 65 static caravans from land benefiting from consent references 95/52816/4 and 07/52816/011 onto land benefiting from consent reference APP/23/00769 for occupation between 1 March and 31 December in any calendar year, other than warden accommodation, would not amount to a material change of use.

Evidence

- 7.7 Photographs provided at Appendix 3 in the Planning Statement show the implemented consents in March 2025, with the bases and infrastructure installed in accordance with the caravan site licence dated 27 March 2026 and within the red line of consent references APP/23/00769 and APP/24/00297.

8 Conclusion

- 8.1 Based principally on the planning history, it is considered that, as at the date of the application, it would be lawful for the purposes of section 191 of the Town and Country Planning Act 1990 to station 555 caravans on the land for occupation (other than warden accommodation) between 1 March – 31 December in any calendar year. (other than the warden's accommodation, and a Lawful Development Certificate should be granted in those terms. The Legal Team concur with this recommendation.
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9 RECOMMENDATION:

That the Head of Place and Growth
be authorised to grant a Lawful Development Certificate for application APP/26/00291

FIRST SCHEDULE:

This certificate relates to the following development:

The stationing of up to 555 static caravans for occupation (other than warden accommodation) between 1 March - 31 December in any calendar year as described in the written particulars, plans and other documents submitted with your application.

SECOND SCHEDULE:

This certificate relates to land at Hayling Island Holiday Park, Manor Road, Hayling Island, PO11 0QS as shown edged red on the submitted Location Plan.

OTHER IMPORTANT INFORMATION:

- (1) This Certificate is issued solely for the purpose of Section 191 of the Town and Country Planning Act 1990 (as amended). It does not relate to any other application that may be required under any other part of the Town and Country Planning Act, the Building Regulations or under any other Act, Regulation, Byelaw or Order where the Council's approval may be needed. For further guidance as to the need for consent under the Building Regulations please phone 023 9244 6571.
- (2) It certifies that the use specified in the First Schedule taking place on land described in the Second Schedule was lawful within the meaning of section 191 of the Town and Country Planning Act 1990 (as amended) on the specified date and thus would not have been liable to enforcement action under part 7 of the 1990 Act on that date.
- (3) The certificate only applies to the extent of the development specified in the First Schedule taking place on land described in the Second Schedule and identified on the attached plan. Any development which is materially different from that described or which relates to other land may render the owner/occupier liable to enforcement action under section 172 of the 1990 Act.
- (4) Your attention is drawn to the attached information regarding your right to appeal to the Ministry of Housing, Community and Local Government if you are aggrieved by the Council's decision.

