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Site Address: Land on south side of, Mill Rythe Lane, Hayling Island  
Proposal: Change of use application for use of the land to a vehicle parking compound including the retention of 2No. metal containers and erection of a palisade fence along the fronting Mill Rythe Lane . (Retrospective application).  
Application No: APP/18/00277 Expiry Date: 04/05/2018  
Applicant: Mssrs Slydell  
Hayden Vehicle Rentals (HVR)  
Agent: Mr Douglas Case Officer: Rachael McMurray  
Jeffrey Douglas Chartered  
Architect  
Ward: Hayling East

Reason for Committee Consideration: Proposal represents a departure from the Development Plan

HPS Recommendation: **GRANT PERMISSION**

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## **1 Site Description**

- 1.1 The application site relates to a 0.1ha parcel of land on the south side of Mill Rythe Lane, Hayling Island. It is located within the boundary of the Chichester Harbour of Outstanding Natural Beauty (AONB). It sits at the western edge of a cluster of industrial style employment premises which stretch eastwards to adjoin the waterfront and which include boat building and repair businesses. The application site is understood to have been used as a vehicle storage compound relating to Hayden Vehicle Rentals (HVR) since 2014.
- 1.2 To the west of the site is a field currently used as a donkey sanctuary. Further to the west of this is Havant Road, the A3023, with the nearest residential property fronting Havant Road to the north west. To the east and south of the site lies an industrial style building and large yard area once used by Howards Car Spares, and now with permission for a range of B1, B2 and B8 uses. North of the site is a wooded, undeveloped parcel of land.
- 1.3 The application site has been enclosed by a 1.8m high palisade fence fronting onto Mill Rythe Lane and the original metal boundary fence which extends along the western boundary of the former Howards Car Spares premises has been extended up to the highway. There are also two metal containers located within the application site, adjacent to the eastern boundary.

## **2 Recent Relevant Planning History**

- 2.1 09/73876/000 - Erection of 7No. B1/B2 business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking. Withdrawn 08/09/2009.  
10/73876/001 - Erection of 7No. B1/B2 marine related business units with new access to Mill Rythe Lane, incorporating associated landscaping and parking (revised application). Refused 13/04/2010; appeal dismissed 24/01/2011.  
APP/12/00301 - Change of use to open boat storage with associated containers and works including fencing. Withdrawn 31/05/2012.  
APP/13/00055 - Change of use to open boat and jet-ski storage with associated containers and works including fencing. (Revised application.) Withdrawn 18/10/2013.

- 2.2 The submission of this application follows a recent planning enforcement investigation into the use of the site.

### **3      Proposal**

- 3.1 Change of use of the land to a vehicle parking compound including the retention of 2No. metal containers and erection of a palisade fence fronting Mill Rythe Lane. (Retrospective application). Following initial consideration of the application, a landscaping plan has been submitted proposing the planting of a laurel hedge and climbers along the line of the palisade fence (see Appendix C).
- 3.2 The two metal containers are for the secure storage of minibus seats for rental vehicles for adaptation of vehicle seating at the customer's request. No maintenance or repair work is to be carried out on the site.

### **4      Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

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|------|--|
| CS2  | (Employment)   |
| CS12 | (Chichester Harbour Area of Outstanding Natural Beauty (AONB)) |
| CS15 | (Flood and Coastal Erosion)                                    |
| CS16 | (High Quality Design)  |
| CS17 | (Concentration of development within urban areas)              |
| DM9  | (Development in the Coastal Zone)                              |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

### **5      Statutory and Non-Statutory Consultations**

#### **Chichester Harbour Conservancy**

Recommendation – Objection.

Visited on the 3.5.18 and reviewed the planning history of the site on line, which indicates this land has never been recognised as having lawful commercial use, notwithstanding Mrs Howard's ownership of the land. The agent does not even acknowledge that the site lies within an Area of Outstanding Natural Beauty.

The Conservancy wrote to Havant Borough Council 31 July 2014 asking the Council to serve a S.215 Notice to tidy up the land. The Conservancy never received the courtesy of a response advising of the result of any enforcement investigation. The Conservancy would appreciate a written explanation of why no action was taken by the council to protect this part of the AONB.

Having regard to the Policy framework, the recommendation of objection is based on the fact that the development sought neither conserves nor enhances this part of the Area of Outstanding Natural Beauty, required under Policies CS12 and CS16 of the Development Plan.

Whilst the Conservancy would have no objection to the land being made secure with some appropriate rural style timber fencing, it wholly opposes the very harsh and urban metal palisade fencing that has been installed without planning permission.

This site lies outside the ‘urban area’ defined by CS17 and AL2 and should remain open in character to provide a landscaped buffer for the historic commercial uses abutting it.

The Conservancy therefore suggests that the application be refused and formal enforcement action be taken to clear the land of all parked vehicles, the palisade fencing, any other non-natural materials and the two unsightly container units.

**Officer response:** *The planning history has revealed that no formal enforcement action was carried out with regards to the land use in 2014, however following a more recent investigation the applicants are now seeking to regularise matters through this application. The impact on the AONB is discussed in Section 7 below.*

#### **Crime Prevention -Minor Apps**

No response provided.

#### **Highways Engineer, Development Engineer**

The Highway Authority has no adverse comment on this application.

#### **Landscape Team, Havant Borough Council**

The proposed (revised) landscaping plan received on 25 June 2018 is considered to be acceptable and offer a reasonable level of screening.

#### **Natural England Government Team**

No response provided.

### **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 1

Number of site notices: 1

Statutory advertisement: 27/07/2018

Number of representations received: None

### **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) Impact upon the character and appearance of the AONB
  - (iii) Impact upon residential amenity
- (i) Principle of development

7.2 The application site is situated outside of the urban area as defined by Policy CS17 of the Havant Borough Local Plan (Core Strategy) 2011, and consequently this application for a commercial use of the land has been advertised as a departure from the Development Plan. It relates to an employment use, and the submitted application forms report that the use supports 5 FTE jobs, as well as providing overspill provision for local businesses. The

principle of additional employment provision is supported by Policy CS2 of the Local Plan, albeit that the location of the site in this case is not consistent with the objectives of the Policy to prioritise the use of previously developed land. Nonetheless, the provision of employment is a matter which must be given due consideration when weighing the issues that this application gives rise to.

- 7.3 The site also forms part of the landward element of the Chichester Harbour AONB, with the Harbour itself lying some distance to the east beyond a series of industrial style buildings. The impact of the development on the AONB is considered further at (ii) below.
- 7.4 The application site historically formed part of the neighbouring agricultural land, between the site and Havant Road, which is currently being used for a donkey sanctuary. However, following queries raised by Chichester Harbour Conservancy in 2014 in relation to a previous application on adjacent land, it was identified then to be unallocated but adjoining land safeguarded for employment purposes on the proposals map (Allocations Plan 2014). It has since been used for vehicle storage including for the parking of customers cars, Hayden's Rental Vehicles staff cars and overspill parking for other nearby businesses.

(ii) Impact upon the character and appearance of the AONB

- 7.5 Policy CS12 of the Local Plan sets out the approach to development proposals affecting the AONB:

*Development will be permitted where it:*

- 1. Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting.*
- 2. Is appropriate to the economic, social and environmental wellbeing of the area or is desirable for the understanding and enjoyment of the area.*
- 3. Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan).*
- 4. Meets the policy aims of the Chichester Harbour AONB Management Plan*
- 5. Provides mitigation of any detrimental effects including where appropriate the improvement of existing damaged landscapes relating to the proposal.*

- 7.6 Paragraph 172 of the NPPF 2018 advises that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, and the scale and extent of development within them should be limited. Consideration should be given to any detrimental effects and the extent to which they could be moderated.
- 7.7 In the context of this policy background, Chichester Harbour Conservancy have raised issues in their consultation response, that the development neither preserves or enhances the AONB. Also, that the palisade fencing which has been erected is harmful to the character of the AONB. They have advised that the land should be returned to agricultural purposes.
- 7.8 In considering the impact of the development on the AONB, it is noted that the site is located at the periphery of an intensively developed industrial area, with several commercial units situated between the site and the coastline. As such, it is considered that the site is not highly visible from the wider Chichester Harbour coastline to the east, nor from the view of Havant Road to the west as it is set back. Thus any visual impact is localised and limited. It is also located immediately to the front of an existing substantial B1/B2/B8 building and open land use – the former Howards Car Spares premises - and has a similar boundary treatment to this site. To help mitigate the impact of the palisade fencing, a landscaping plan has been submitted (see Appendix C) which seeks to soften the visual impact of the fencing to give a more rural appearance to the boundary treatment. The metal containers have also been painted green and sit within the canopy of the adjacent boundary trees and are therefore not highly prominent.

- 7.9 The Council's Landscape Officer has been consulted on the landscaping plan and has advised that this is acceptable in terms of the planting proposed.
- 7.10 It is recognised that the nature of the change of use the subject of this application is not one which would be suitable in all parts of the AONB, given its overtly commercial character and the level of vehicle storage involved. However, given the industrial context of the wider Mill Rythe site, coupled with the fact that the application is not highly visible from Havant Road or the coastline, and that the visual impact of the fencing can be mitigated by the proposed landscaping, the extent of harm to the character of the AONB is considered limited.

(iii) Impact upon residential amenity

- 7.11 It is considered that the development has a limited and acceptable impact on nearby residential amenity due to the distances between the closest neighbouring resident and the application site (a minimum of c.60m), and the nature of the change of use being for storage only, with no industrial processes to be carried on. It is noted that no objections to the application have been received from any nearby residents.

## 8 Conclusion

- 8.1 In weighing the issues associated with this application, it is noted that the proposal would regularise the use of the land for commercial purposes and the employment provision that it supports, and this weighs in its favour. The surrounding land uses are considered to provide a suitable context for the proposals, and in that context it is clear that the impacts of the development on the AONB are localised and limited. Subject to appropriate conditions, the proposals would deliver mitigation of the visual impact of the fencing and land use through appropriate planting proposals which are supported by the Council's Landscape Officer.
- 8.2 Taken together, this retrospective application is considered to be acceptable for the reasons set out above, and as such is recommended for permission.

## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00277 subject to the following conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

DN: 21804/101 - Existing location plan and proposed block plan  
DN: 210804/102 A - Proposed Hedge Planting to Road Boundary

**Reason:** - To ensure provision of a satisfactory development.

- 2 The landscaping works shown on the landscaping plan received on 25th June 2018 [DN: 210804/102 A - Proposed Hedge Planting to Road Boundary] shall be carried out in accordance with the approved details within two months of the date of this planning permission, or such other date as may be agreed in writing by the Local Planning Authority. Any trees, hedging or plants planted or retained in accordance with this condition which are removed, uprooted, destroyed, die or become severely damaged or become seriously diseased within 5 years of

planting shall be replaced within the next planting season by trees, hedging or plants of similar size and species to those originally required to be planted.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policies CS11, CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

**Appendices:**

A – Location Plan

B – Proposed Block Plan

C – Proposed Landscaping Plan – received on 25 June 2018.