



refusal.

To conclude, in assessing the proposal (including associated evidence) against the adopted Local Plans and the National Planning Policy Framework (NPPF) it is considered that whilst the proposal is a departure from the Development Plan, the application is recommended for permission because it is a sustainable form of tourism development appropriately located in the countryside and at a scale which supports the local economy of Hayling Island and represents sustainable development, subject to appropriate controls through conditions and legal agreement.

## **1 Site Description**

The site is located to the south of the residential curtilage of the dwellinghouse known as Mandai. Mandai is one of a linear form of residential properties, made up of detached dwellings, to the north of the site. To the west and south of the appeal site are open agricultural fields. St Peters Road runs along the eastern boundary of the site, beyond which is additional agricultural land.

- 1.2 The site is enclosed by mature planting to all boundaries, with the addition of timber fencing between the boundary of Mandai and the application site. The site also benefits from vehicular access onto St Peters Road in the south-east corner of the site.
- 1.3 The site has recently had two touring caravans on the site, one towards the front boundary of the site and the second more centrally positioned. In addition to the touring caravans there is a Wendy house, used for play, an enclosed hot tub, a timber shed like structure containing a shower, toilet and washing machine, a storage container with building equipment inside to the far west of the site, a white van, electric connection, decked area in front of the central caravan and additional hardstandings. These are all unauthorised, and are outlined in more detail in paragraph 2.4.
- 1.4 The site is located outside of the settlement boundary within a rural setting, and is within the defined 'Non-Urban' area, as defined by the Havant Borough Local Plan (Allocations) 2014. The site is within Flood Zone 1, although the access and adjoining road fall within Flood Zones 2 and 3.
- 1.5 The site has an extensive planning history, including regarding Enforcement Action, which is outlined in detail below.

## **2 Relevant Planning History**

### Planning History

- 2.1 APP/17/00942 - Use of land for touring caravan site and alteration of access. Application withdrawn 30/01/2018.
- 2.2 APP/14/00999 Application for lawful development certificate relating to existing use of land as leisure plot. Refused 21 January 2015 – No appeal lodged.
- 2.3 05/60059/000 Outline application for construction of a chalet bungalow with/without shared access - Refused 24 May 2005.

Appeal Dismissed – 02 March 2006 – APP/X1735/A/05/1192877  
High Court Challenge – Withdrawn – 11/07/2006

## Enforcement History

### 2.4 13/00262/CMP Alleged unauthorised use of land.

Following an enforcement investigation, a Planning Enforcement notice was served in respect of the site on 27 May 2016, which was appealed and was the subject of a Public Inquiry.

The matters which appeared to constitute the breach of planning control were, within the last 10 years, the change of use of the Land to use as a leisure plot with ancillary development. In addition to the unauthorised development the following ancillary items were on the land in breach of planning control:

- (a) The siting and use of two caravans
- (b) The parking and storing of vehicles on site
- (c) The siting of a storage container
- (d) Associated ancillary development including CCTV installation, hardstandings, decking, patios, siting of hot tub, siting of timber shed, chimnea and skips, kerbing and play house.

### 2.5 The requirements of the notice were to:

1. Permanently cease the use of the Land as a leisure plot.
2. Permanently remove all vehicles parked and stored on the Land.
3. Permanently remove boat and trailer parked and stored on the Land.
4. Permanently remove the storage container from the Land
5. Permanently remove the caravans from the Land
6. Permanently remove all associated development and paraphernalia from the Land, including CCTV installation, hardstanding and patios, hot tub, timber sheds, decking, chiminea, skips, bench, picnic table, kerbing and playhouse.
7. Re-instate the Land to its original undeveloped condition prior to the breach of planning control.

### 2.6 The time period for compliance with the notice was for 3 months from the date it took effect.

### 2.7 The notice would have taken effect on 1st July 2016, but was held in abeyance pending the outcome of the appeal.

### 2.8 The appeal was made on three grounds; (d), (f) and (g). **Ground (d)** that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. **Ground (f)** that the steps required to comply with the requirements of the notice were excessive, and lesser steps would overcome the objections. **Ground (g)** that the time given to comply with the notice was too short. It is important to note that the grounds of appeal **did not** include ground (a), which refers to an opinion that planning permission should be granted for the proposal. As such the Inspector did not consider whether Planning Permission should have been granted, and only considered those matters contained under grounds (d), (f) and (g).

### 2.9 The appeal was dismissed, with the Enforcement Notice Varied and upheld, on 2 May 2017, for the following reasons: Ground (d) – that, at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. The Inspector did not consider that the appellant had proven on the balance of probability that no material change of use requiring planning permission had occurred since 23 September 2004. The evidence indicates that a material change of use occurred in or

around 2009/2010 from use as a garden detached from a dwelling to use as a leisure plot with ancillary development. As this represents development for which planning permission is required, the current use of the land is unauthorised. The appeal on ground (g) therefore was dismissed.

*Ground (f) - An appeal on this ground is that the steps exceed what is necessary to remedy the breach of planning control.* The Inspector concluded that the requirements did not exceed what was necessary to remedy the breach of planning control and did not preclude the appellant doing what he is lawfully entitled to do in the future once the notice has been complied with.

*Ground (g) - An appeal on this ground is that the compliance period is too short.* The Inspector outlined that the three-month compliance period specified in the notice would place the appellant in some difficulty bearing in mind his personal circumstances. Instead, the Inspector considered a compliance period of 6 months to be more appropriate and varied the compliance period of the notice to this effect.

As such the requirements of the Enforcement Notice should have been complied with by **2 November 2017**. To date, whilst some clearance has taken place on the site, full compliance with the Notice is yet to be achieved.

### **3 Proposal**

- 3.1 The application is for the Use of Land for touring holiday/tourism caravan site and erection of utility block. The application proposes that the number of pitches would be restricted to three, with it being anticipated that those using the site would stay for 1 or 2 weeks, using the site as a base to explore the local area.
- 3.2 The proposal would be utilising some of the existing hardstandings for the caravans, which would be restricted to concrete strips to form a hard surface under the wheels, while retaining the rural appearance of the site.
- 3.3 The site already has electricity and water supplies. Toilet and shower facilities would be provided near the entrance in the form of a small building. These would be connected to the main sewer, in order to ensure that the site is appropriately drained. The application outlines that no additional facilities to be brought on to the site
- 3.4 The application form and drawings have been submitted with:
  - A Design & Access Statement including management plan of the facility
  - Transport Statement
  - Flood Risk Assessment
  - Ecology Assessment

### **4 Policy Considerations**

National Planning Policy Framework 2018

Havant Borough Local Plan (Core Strategy) March 2011

CS11	(Protecting and Enhancing the Special Environment and Heritage of Havant Borough)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)

CS5	(Tourism)
DM11	(Planning for More Sustainable Travel)
DM12	(Mitigating the Impacts of Travel)
DM14	(Car and Cycle Parking on Development (excluding residential))
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)

Havant Borough Local Plan (Allocations) July 2014

AL1	(Presumption in Favour of Sustainable Development)
AL2	(Urban Area Boundaries and Undeveloped Gaps between Settlements)

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

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

### **Coastal Engineering, Havant Borough Council**

I can confirm that the Eastern Solent Coastal Partnership (ESCP) have no objection to the proposed development, but are able to offer the following comments and advice; The site is shown to currently lie within the Environment Agency's Flood Zone 1, and is therefore considered to be at low risk (<1:1000 year/0.1% annual probability) of experiencing an extreme tidal flood event. However, from 2085 onwards, increasing portions of the site are predicted to lie within Flood Zone 3, and the site will therefore be at risk of experiencing a 1:200 year (0.5% annual probability) extreme tidal flood event. For information, the present day 1:200 year extreme tidal flood level for Chichester Harbour is 3.4mAOD, increasing to a predicted 4.5mAOD by the year 2115, due to the effects of climate change.

As stated within the Planning Statement submitted by the applicant, access and egress for the site along St Peters Road is located within Flood Zone 3. Therefore, it will be necessary for occupants of the site to remain on-site in the event of an extreme tidal flood until any water has receded.

The ESCP strongly recommend that where practicable to do so, flood resistance and resilience measures be incorporated into the site and the caravans occupying the site. We also advise that all occupants of the site sign up to the Government's Flood Warning Service and prepare a Flood Warning and Evacuation Plan in accordance with advice from the Environment Agency, to ensure that adequate warning is received prior to an extreme tidal flood event.

### **Council's Ecologist**

The application is accompanied by an Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018). The application site itself is clearly unsuitable for supporting wintering birds and there is considered to be sufficient vegetation screening present for visual disturbance not to be an issue. I am content that the issue of potential impacts to overwintering birds has been addressed.

The site is also considered to offer some potential for supporting common reptiles and nesting birds. Some general recommendations are provided for ensuring that ecological impacts continue to be avoided.

If you are minded to grant permission can I suggest that ecological mitigation measures

are secured by condition:

*Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority.*

*Reason: to protect biodiversity in accordance with the Conservation Regulations 2017, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Core Strategy March 2011.*

### **Southern Water**

In order to protect drainage apparatus, Southern Water requests that if consent is granted, a condition is attached to the planning permission. For example “The developer must advise the local authority (in consultation with Southern Water) of the measures which will be undertaken to protect the public sewers, prior to the commencement of the development.”

The applicant is advised to discuss the matter further with Southern Water.

Southern Water requires a formal application for a connection to the public foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, an informative is attached to the consent. Please note our public records do not show a public foul sewer within St Peters Road.

### **Environment Agency**

The Environment Agency has no objection to the proposed development as submitted.

#### Advice to Local Planning Authority

Due consideration should be given by Havant Borough Council to the acceptability and adequacy of rescue or evacuation arrangements and the provision of and adequacy of a temporary refuge. These are not within our direct remit or expertise, but nevertheless are important considerations for managing flood risk for this development.

The applicant has demonstrated through the FRA that they understand the requirement for flood emergency planning including flood warning and evacuation of people. A Flood Warning and Evacuation Plan was not submitted with this application however the applicant is prepared to produce this. The FRA comments that the evacuation plan would involve towing the touring caravans off the site. However, this may not be possible due to the potential lack of access to the site during an extreme flood event. The potential lack of access should be addressed through a site specific flood management plan which would need to be agreed with the LPA.

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework (NPPF) for Flood Risk and Coastal Change states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

The FRA states that during an extreme event, guests would potentially have suitable shelter on the site as the proposed hardstanding areas for the three caravans are to be located in Flood Zone 1 which has a low annual probability of river and sea flooding.

The LPA should consider whether the proposed location of the caravans can provide suitable shelter until flooding on the road frontage has fallen to a safe level.

If the LPA is not satisfied, taking into account all relevant considerations, that the proposed development can be considered safe without the provision of safe access and exit then planning permission should be refused.

#### **Environmental Health Manager**

I do not have adverse comments to make, however, due to the purpose of the site and range of occupants that may occupy the site for short period of time, and on holidays, I have concerns about noise that may be produced. The applicant has not discussed this issue, so I have little information to base this comment. However, should any complaints be received, Environmental Health will use its powers under the Environmental Protection Act 1990 to deal with any noise nuisance that may occur. The owner of the site must be made aware that should any local residents do complain to Havant Borough Council, an investigation will be initiated to determine whether a statutory noise exists and an abatement notice may be served on the person allowing the nuisance to take place (the land owner) requiring him/her to take such a steps as are necessary to prevent further nuisance.

Further the applicant must be made aware that he/she will require a site licence to operate the site as a caravan site. the applicant must ensure that all amenities are up to current standards and proper and adequate fire separations between the "pitches/caravans" must be introduced and thereafter maintained.

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

The Highway Authority have no adverse comment to this application subject to provision of the sight lines shown on submitted plan number Hayling03 date 26 September and the engineering works referred to in the Transport Statement.

#### **Planning Policy,**

Notwithstanding the site's location outside of the urban area, the proposal has the potential to support small scale rural tourism development. As such, subject to appropriate conditions to secure the safety of development from residual flood risk throughout its lifetime, there is no policy objection to the development.

## **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: 14

Number of site notices: 1

Statutory advertisement: 10/08/18.

Number of representations received:

**Objections: 8, including North East Hayling Residents Association**

Summary of planning issues raised:

- 6.1 Adverse impact on the character of the area and the amenity of local residents. This is a very rural site with no surrounding businesses or offices which spoil the landscape. If this development is allowed it will in time lead to further development.
- 6.2 The site was meant to be cleared by the current owners and many villagers are unsure why HBC have not enforced this Notice. There are no grounds for this application to be permitted, in view of the outstanding enforcement notice and the fact that this is a garden site.
- 6.3 The three current caravan sites in the road are indeed within walking distance to a pub, this site will not support local business. There are already adequate facilities with 2 caravan sites further down the road on more appropriate sites.
- 6.4 The fact that there is a pumping sewer across this site and it is in a flood zone is against HBC development plan.
- 6.5 Highway Safety and Traffic - Although there is a traffic assessment provided with the application, the site itself is on a very narrow winding part of the road with traffic often travelling well above the speed limit. The proposed access route from Northney Road is in places particularly narrow especially through the village itself with very limited room to pass 2 normal cars, certainly not a touring caravan - with the limited site access and nature of the roads, this application will cause dangerous conditions.
- 6.6 Design, appearance and layout - the site is not suitably located, there does not appear to be any restriction on occupancy. From the road, this site would be extremely out of keeping - although the application says it cannot be seen from the road this is incorrect. This application is a commercial activity which will generate noise, congestion and a hazard within a residential area. There is no tourist need for this site as there are 2 other adequate, more suitable sites along the same road towards the south end.

### **1 letter of support**

- 6.7 Support the application and think this will be a great use of the site. As owner of the Farm Shop on the main road our business relies on tourist trade who have a tendency to shop little and often in our shop.

## **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 area
- (iii) Impact upon residential amenity
- (iv) Impact on highways
- (v) Impact on flooding
- (vi) Impact on ecology
- (vii) Impact on drainage
- (viii) Enforcement history

(i) Principle of development

- 7.2 Policy AL2 and Policy CS17 of the adopted Local Plan seek to concentrate development in the defined urban area. The application site lies outside the urban area and would therefore be contrary to these policies, unless there is an overriding need for it to be located within the countryside.
- 7.3 Policy CS5 of the adopted Local Plan supports appropriate development proposals that provide hotel and other types of tourist accommodation in principle. This is supplemented by paragraph 83 of the National Planning Policy Framework 2018 (NPPF) which states that in order to promote a strong rural economy, local plans should support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This could include supporting the provision and expansion of tourist and visitor facilities in appropriate locations.
- 7.4 The planning guidance provided by Visit Britain and Visit England indicates tourism sites must be easily accessible for visitors, and where possible enable sustainable travel. It is however, acknowledged that many small-scale rural tourism developments are car dependent, but the use of the car does not make the proposal unsustainable. Encouraging greater domestic tourism has the potential to support jobs in rural areas, reducing out commuting.
- 7.5 The submitted Planning Statement also indicates the site would be restricted to three touring caravans and “those using the site would stay for 1 or 2 weeks” (paragraph 5.18). In this respect, though the proposal is for the change of use of the land to a touring caravan site, in order to ensure that the touring caravans do not become permanent residential accommodation owing to their location away from local services or owing to their form and setting, appropriate controls need to be in place to control this. The former Good Practice Guide on Planning for Tourism (GPGPT), now withdrawn and replaced by the NPPF, which provides similar advice, recommended conditions to allow all year holiday use and prevent residential use of holiday/touring caravans, subject to appropriate controls.
- 7.6 The former Guide records that tourism is increasingly a year-round activity and that such a spread of demand for self-catering accommodation is advantageous to local economies, but recognises that occupancy conditions are reasonable to preclude permanent residential use. It is therefore considered that given the evolving nature of the tourism market flexibility is required to respond to an evolving tourist and day visitor market. As such it is considered in this instance that subject to suitable conditions and a legal agreement, which would limit the number of touring caravans permitted on the site and ensure that the site is used for tourism/holiday purposes and therefore not result in the creation of permanent residential dwellings, that the use of the site in the manner proposed would be consistent with the approach set out in the Guide and the NPPF.
- 7.7 As such it is considered that the principle of development is considered acceptable, subject to relevant conditions and legal agreement, as both national policy and development plan policies consider that tourism facilities are appropriate in the countryside, provided they do not harm protected landscapes and environmentally sensitive areas, which is considered in detail below.

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

- 7.8 From St Peters Road the site is largely hidden when approaching from both directions

by existing vegetation and the neighbouring buildings at Mandai, although there are views in through the access. The introduction of the touring caravans in combination with the proposed utility block will therefore have an impact upon the character and appearance of the locality. To that end views through to the touring caravans from the main road are likely to be achievable. It is also reasonable to assume that once the site is further established that more domestic paraphernalia might accumulate on the site further detracting from the openness of the location. However, views of the site would have to be actively sought; it would not be directly evident to users of the road, or passers-by, that the site is being used as a touring caravan site. Furthermore, touring caravans are of limited height, and from going along St Peters Road beyond the site entrance, the touring caravans and ancillary block would only be glimpsed, given the combination of mature trees and hedging on the front (eastern boundary) and close boarded fencing, behind the landscaping.

- 7.9 Therefore, whilst it is accepted that the proposed use would cause some harm to the openness of the countryside location, it is well screened and the impacts would be limited. In reaching this conclusion, account has been taken of the opportunity to introduce additional landscaping within and around the site, which is proposed to be secured by condition. Whilst native species are likely to take some time to establish, these would, in time, reinforce the well-established screening which already exists, particularly on the eastern boundary with St Peters Road.
- 7.10 Whilst it is acknowledged that the landscape impact could be improved in the longer term through additional landscaping, there are still concerns regarding its wider visual impact from neighbours and the Residents Association. However, given the proximity of the site to existing built form; its sensitive design, layout and scale; provision of a tourism use and its subsequent contribution towards the wider economy of the district; it is considered that on balance the landscape impact, whilst altered, is not so detrimental when weighed up against the other elements outlined in this report as to warrant a refusal of this application.
- 7.11 It is acknowledged that there is a need for control over night sky pollution and that no lighting should be installed unless necessary and justified accordingly. A condition would control external lighting on the site and would be subject to the agreement of the LPA.

(iii) Impact upon residential amenity

- 7.12 The proposed development has the potential to have a detrimental impact on the amenities of neighbouring residents to the north along St Peters Road, through the potential of visitors to cause noise and disturbance unless these activities are carefully managed particularly given the proximity of the site. To address these concerns, the application has been submitted with an operational management plan which outlines how the site would be managed and controlled, and further outlines measures to control arrivals, waste and noise management and how occupiers can contact the site owner, if any issues arise. This management plan has been considered by the Environmental Health team, who have raised no objection to this application, subject to the imposition of relevant conditions requiring the site to be managed in accordance with these measures.

(iv) Impact on highways

- 7.13 In considering the highway issues arising from the application it is considered that two aspects need to be taken into account - firstly the ability of the site to accommodate the parking and turning movements, including provision of adequate visibility when

using the existing access onto the highway associated with the proposed uses; and secondly the appropriateness of the site's location in terms of the access to and impact on the wider highway network.

- 7.14 On the first issue it is considered that the submitted site layout plan satisfactorily demonstrates that the car and touring caravan parking, turning and access requirements associated with the proposed use can be accommodated on the site without prejudicing highway safety and is acceptable to the Development Engineer.
- 7.15 In terms of traffic generation, the application is supported by a Transport Statement. This highlights that this development would not generate a significant number of additional journeys and whilst some additional movements might be expected, these would be expected outside of peak network operation hours. The Development Engineer has reviewed the application and has noted that the numbers of trips would not generate a significant number of additional of vehicular movements along St Peters Road and raises no objection. The National Planning Policy Framework outlines that proposals would have to have proven severe cumulative harm on the highway network, in order for applications to be refused for highway reasons. As such while the development will lead to some additional vehicle movements in the vicinity of the site, they are not considered to be of a degree that would be detrimental to the safety and free flow of the surrounding highway network and would not justify a reason for refusal on this issue.

(v) Impact on flooding

- 7.16 The main body of the application site lies within flood zone 1, which has the lowest probability of flooding. However, parts of the access and St Peters Road lie in parts of flood zones 2 and 3. The applicant has demonstrated through their Flood Risk Assessment that they understand the requirement for flood emergency planning including flood warning and evacuation of people, if the areas in flood zone 3 are inundated in a flood event. A Flood Warning and Evacuation Plan was not submitted with this application however the applicant is prepared to produce this. The FRA comments that the evacuation plan would involve towing the touring caravans off the site. However, this may not be possible due to the potential lack of access to the site during an extreme flood event. It is considered that the arrangements required during such an event, which would be tidal and therefore time-limited, can be addressed through a site-specific flood management plan which can be secured through appropriate conditions. This approach which is supported by both the Environment Agency and Eastern Solent Coastal Partnership who raise no objection to this application.

(vi) Impact on ecology

- 7.17 The application is accompanied by an Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018). The application site itself is clearly unsuitable for supporting wintering birds and there is considered to be sufficient vegetation screening present for visual disturbance not to be an issue. As such it is considered that the issue of potential impacts to overwintering birds has been addressed.
- 7.18 The site is also considered to offer some potential for supporting common reptiles and nesting birds. Some general recommendations are provided for ensuring that ecological impacts continue to be avoided, these can be secured through ecological mitigation measures by a condition, as recommended by the Council's Ecologist.

(vii) Impact on drainage

- 7.19 Southern Water have responded to this application, outlining that a public foul rising main crosses the site. As such given the limited degree of development in that area, it is considered appropriate to apply a condition to ensure that the public sewer is protected during construction and for an ongoing period.

(viii) Enforcement history

- 7.20 The site has had a complex enforcement history, with the previous enforcement appeal being dismissed by the Planning Inspectorate on 2 May 2017. As noted in the planning history, the appellant appealed the Enforcement notice on three grounds; (d), (f) and (g). Ground (d) refers to, at that time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice. Ground (f) that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. Ground (g) that the time given to comply with the notice is too short. It is important to note that the grounds of appeal did not include ground (a), which refers to that planning permission should be granted for the proposal.
- 7.21 Local residents are concerned that allowing the proposed development would invalidate the recent dismissed appeal and set a precedent for similar development to take place on the adjoining land. However, there is no substantiated evidence that any such development is proposed. Moreover, any such proposals, including this application, have to be considered on their own merits having regard to adopted policy at the time and all other material considerations. The enforcement history of the site is therefore not a reason to refuse permission for this scheme.

## **8 Conclusion**

- 8.1 It is recognised there is a balance to be taken in determining this proposal. In considering whether the presumption in favour of sustainable development is satisfied the economic, social and environmental aspects of the proposal must be weighed. The development lies outside of the built-up area, however it is accepted that this is a tourism development, which is appropriately located in the countryside and at a low key scale which supports economic development in form of providing further tourism facilities on Hayling Island.
- 8.2 In addition, any harmful visual impact of the development would be localised. The additional landscaping that is proposed would reduce, and mitigate to a degree, the landscape impact of the development and overall the development would not unduly affect the character and appearance of the wider area. It has also been concluded that the development would not have an adverse impact on highway safety, both in terms of its impact on the surrounding highway network and providing safe access to the site. Furthermore, it is not considered to have a significant adverse impact on neighbour amenity or protected species, subject to appropriate conditions.
- 8.3 In conclusion, having regard to the presumption in favour of sustainable development and the requirements of the NPPF, that planning permission should be granted for such development unless any other material considerations indicate otherwise, it is considered that there are benefits from the environmental, social and economic dimensions that can be captured from this proposal, and as such the proposal does constitute sustainable development. Accordingly, in what is a challenging balance of sustainable development principles, the application is recommended for permission.

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## 9 RECOMMENDATION:

That the Head of Planning be authorised to **GRANT PERMISSION** for application APP/18/00207 subject to: -

(A) a Section 106 legal agreement to control the number of touring caravans and manner of occupancy; and

(B) the following conditions (and any others that the Head of Planning considers necessary to impose prior to the issuing of the decision):

- 1 The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

PROPOSED BLOCK PLAN HAYLING 02

SITE PLAN - HAYLING 03

LOCATION MAP - HAYLING 04

Proposed elevations of utility block HAYLING 05

Flood Risk Assessment dated 21 December 2017

Transport Statement

Ecological Assessment of Impacts on Brent Geese Report - January 2018

Design and access statement, which includes the management plan of the site (Paragraphs 5.25 – 5.27)

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

- 3 The holiday touring caravans shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main place of residence. The operators shall maintain an up-to-date register of the names of all owners of caravans on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.

**Reason:** To ensure that control over the development and that the caravans do not become separate residential dwellings in accordance with policy DM4 of the Havant Borough Local Plan (Core Strategy) 2011 and NPPF.

- 4 There shall be no more than 3 touring caravans (as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) stationed on the site at any time,

**Reason:** To ensure that control over the development and that level of development on the site, given its sensitive location in accordance with policies DM4, DM8 of the Havant Borough Local Plan (Core Strategy) 2011 and policies AL1 and AL2 of the Havant Borough Local Plan (Allocations) 2014.

- 5 No development shall take place until a Site Development Scheme has been submitted to and approved in writing by the Local Planning Authority. Notwithstanding the details shown on any of the previously submitted plans, the Site Development Scheme shall include details of:
- (a) the positioning of the proposed touring caravans;
  - (b) all boundary treatments;
  - (c) all parking and hardstanding areas;
  - (d) all external lighting;
  - (e) any proposed new landscaping, planting, seeding or turfing;
  - (f) the proposed means of foul water disposal; and
  - (g) a timetable for the implementation of the above works.

The approved Scheme shall have been carried out in full, and completed in accordance with the approved timetable. unless otherwise agreed in writing by the Local Planning Authority. Following the implementation of the approved Site Development Scheme specified in this condition, the works thus carried out shall thereafter be retained and maintained, and shall remain in use throughout the lifetime of the development.

**Reason:** To achieve an appropriate landscaping scheme to integrate the development into the landscape and mitigate any impact upon the amenities of neighbouring properties, in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the NPPF.

- 6 Details of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. The lighting shall be installed, maintained and operated in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

**Reason:** To protect the amenity of future residents, create an appropriate public realm, and conserve the character of the area in accordance with policies CS12 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, and the NPPF.

- 7 Development shall proceed in accordance with the ecological mitigation measures detailed within the Ecological Assessment of Impacts on Brent Geese Report (HES, January 2018) unless otherwise agreed in writing by the Local Planning Authority. All avoidance and mitigation features shall be permanently retained and maintained in accordance with the agreed details

**Reason:** To protect biodiversity in accordance with the Conservation Regulations 2010, Wildlife & Countryside Act 1981, the NERC Act (2006), NPPF and Policy CS 11 of the Havant Borough Local Plan (Core Strategy) 2011, in order to provide ecological protection and enhancement in accordance with the Wildlife & Countryside Act 1981, NERC Act 2006, NPPF, Policies DM23 and DM24, CS21 of the Havant Borough Local Plan (Allocations) 2014, and the NPPF.

- 8 Prior to the occupation of any relevant part of the permitted development, a Flood Warning and Evacuation Plan to ensure the safety of residents/occupiers in the event of a flood or tidal occurrence shall be submitted to and approved in writing by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be implemented in accordance with the approved details.

**Reason:** To ensure the safe evacuation of residents in accordance with Section 9 of the Planning Practice Guidance to the National Planning Policy Framework

(NPPF) for Flood Risk and Coastal Change and Policy CS15 Flood and Coastal Erosion Risk of the Havant Borough Local Plan (Core Strategy) 2011.

- 9 Prior to the commencement of development, details including methods of protection in order to protect the public sewer which runs across the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**Reason:** To ensure adequate provision for drainage in accordance with the NPPF and in accordance with policy CS15 of the Havant Borough Local Plan (Core Strategy) 2011

**Appendices:**

- (A) Location Plan
- (B) Site layout plan and block plan
- (C) Existing block plan
- (D) Proposed elevation and floorplan of utility building