

WINCHESTER CITY COUNCIL  
DEVELOPMENT CONTROL COMMITTEE AGENDA

Winchester City  
Council  
Planning Department  
Development Control

TEAM MANAGER  
SIGN OFF SHEET

## Committee Decision

<b>Case No:</b>	05/02781/FUL	<b>Valid Date</b>	24 November 2005
<b>W No:</b>	17745/05	<b>Recommendation Date</b>	17 January 2006
<b>Case Officer:</b>	Ms Nicola Whitehead	<b>8 Week Date</b>	<b>19 January 2006</b>
		<b>Committee date</b>	<b>02 February 2006</b>
<b>Recommendation:</b>	<b>Application Permitted</b>	<b>Decision:</b>	<b>Committee Decision</b>

**Proposal:** Change use of land from agricultural to residential garden

**Site:** Pipits Hill Avington Road Avington Winchester Hampshire

Open Space	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
N	N	N	Y	N	N	Y

<b>APPROVED TO GO TO COMMITTEE</b>
TEAM MANAGER
<b>Signed &amp; Date</b>

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**AMENDED PLANS DATE:-**

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**Item No:** 10  
**Address:** Pipits Hill Avington Road Avington Winchester Hampshire SO21 1DE

**Parish/Ward** Itchen Valley

**Proposal Description:** Change use of land from agricultural to residential garden

**Applicants Name** Mr Kenton Judson

**Case No:** 05/02781/FUL

**W No:** W17745/05

**Case Officer:** Ms Nicola Whitehead

**Date Valid:** 24 November 2005

**Delegated or Committee:** Committee Decision

**Reason for Committee:** Parish Council submitted representations contrary to officer recommendation

**Reason for Committee:** 4 or more representations contrary to the Officer's recommendations have been received

**Site Factors:**

- Conservation Area
- Within 50m of Listed Building
- County Heritage Site
- Site for Nature Conservation

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**Site Description**

- The site is located in the village of Avington and designated countryside and in the Conservation area. The boundary of the conservation area runs along the eastern boundary of the application site.
- The property is a large two storey detached dwelling which was recently extended.
- The rear garden of the property slopes steeply upwards away from the house. The land levels off at the top of the garden and the level strip of land at the top of the garden is the agricultural land which is the focus of this application.
- There is currently no fencing dividing the formal garden area and the strip of agricultural land which is laid to lawn.
- The neighbouring residential properties also have these strips of land to the top of their gardens and many have informally incorporated them into their gardens.
- To the rear of the site there is a farmer's field with high trees bordering the rear boundaries. The tree line obstructs all long views into and out of the site.
- There are no public rights of way in the vicinity

**Relevant Planning History**

- **W17745** Two storey side extensions - Application Permitted- 26/07/2002
- **W17745/03** Arbour in rear garden (PART RETROSPECTIVE) - Application Permitted - 10/01/2005
- **W17745/04** Erection of summer and children's play houses - Application Withdrawn - 04/07/2005

**Proposal**

- As per Proposal Description

**Consultations**

Conservation:

- No Objection

Landscape:

- To the rear of the property are agricultural fields and woodland. There are no footpaths in the immediate vicinity which would be affected by views. The relative height of the site also places it out of views from the majority of the village, the exception being the next door property, Old School House.
- Providing the topography of the site remains the same, the change of use will not have an adverse impact on the character of the area. There are further opportunities to improve the boundary planting with the agricultural fields with native species, such as Quercus, which have been planted elsewhere on the property boundary. The implementation of this planting would be recommended

**Representations:**

Itchen Valley Parish Council

- Object to the application

Letters of representations have been received from 3 Neighbours

- Would set a dangerous precedent for the creeping erosion of agricultural land and a domino effect for further applications for change of use
- Land was originally created by the farmer to prevent agricultural spray drifting and reaching domestic gardens
- Would allow buildings or other structures to be erected which would be detrimental to the

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- neighbouring properties and wider village as the land is on high ground.
- Would affect views into and out of the conservation area.

Upper Itchen Valley society

- Would not object to the application if a condition were imposed to the effect permanent or temporary structures should be prohibited.

**Relevant Planning Policy:**

Hampshire County Structure Plan Review:

- UB3, E16, C1, C2

Winchester District Local Plan

- EN.5, HG.6, C.1, C.2

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP.3, HE.4, C.1

National Planning Policy Guidance/Statements:

- PPS1 – Delivering Sustainable Development
- PPS7 – Sustainable Development in rural areas

**Planning Considerations**

The main considerations in respect of this application are:

- Principle of development
- Impact on the character of the area/spatial characteristics/street scene
- Residential amenities
- Comments on representations

Principle of development

- There are no specific policies restricting the change of use of the land to residential garden and the proposals must be assessed against relevant countryside and conservation area policies.

Impact on character of area

- The limit of the conservation area is at the bottom of the site and encompasses the garden and agricultural strip, the farmers land beyond is not conservation area.
- This strip of land cannot be seen from long views out of the site either from the village or the countryside beyond. There is a farmer's field to the rear of the site which is located on the brow of the hill and is lined by a substantial tree belt. This screens all views from beyond the farmer's field and there are no public rights of way through the field.
- The neighbouring properties also have this strip of agricultural land at the rear of their gardens and many have also informally incorporated the area into their gardens. The officer is satisfied that should this application set a precedent for further like developments that there would be no harm as all the properties have like conditions with regards to views into and out of the site.
- As each site is assessed on its own merits the officer is not concerned that this would set a precedent for areas remote from the site which may be resisted should the proposals be detrimental to the locality.
- The primary concern is the impact of the proposals on the visual integrity of the conservation area and countryside and the officer is satisfied that these will not be affected by the proposal.
- The application is not for any structures within this land and the permitted development rights are removed as part of the recommendation. The applicant is aware that any structures they may wish to erect in this area of the garden would require planning approval.

Residential Amenities

- This area of land can already be used for recreation by the owners. The removal of Permitted Development rights ensures any further development would require planning permission and

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therefore the officer is satisfied that the change of use will not be detrimental to the amenity of the neighbouring properties.

**Recommendation**

**APPROVE – subject to the following condition(s):**

**Conditions/Reasons**

01 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Classes E of Part 1 of Schedule 2 of the Order, shall be carried out without the prior written consent of the Local Planning Authority.

01 Reason: To protect the amenities of the locality and to maintain a good quality environment.

02 A detailed scheme for tree planting along the eastern boundary shall be submitted to and approved in writing by the Local Planning Authority within 6 months of this approval. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the approval of the landscape scheme. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

02 Reason: To improve and enhance the environmental character of the site

**Informatives**

01. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, E16, C1, C2

Winchester District Local Plan Proposals: EN.5, HG.6, C.1, C.2,

Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP.3, HE.4, C.1,