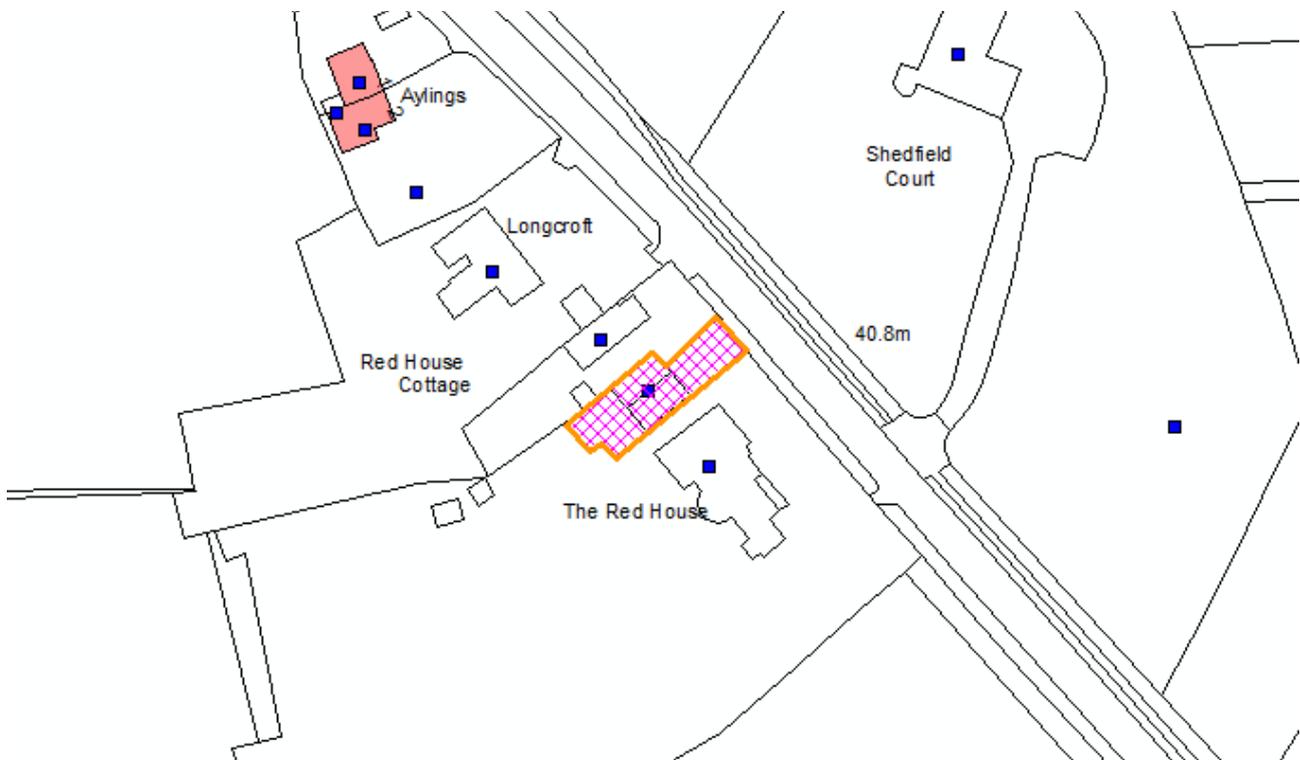


WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 23/01084/FUL
Proposal Description: Change of Use from a Domestic Ancillary Outbuilding to a Separate Dwellinghouse (Use Class C3).
Address: The White House Cottage, Botley Road, Shedfield, Southampton, Hampshire
Parish: Shedfield Parish Council
Applicants Name: Mr Christopher Collins
Case Officer: Rose Chapman
Date Valid: 6 June 2023
Recommendation: Permit
Pre Application Advice No

Link to Planning Documents

[Link to page – enter in reference number 23/01084/FUL](https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple)
<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



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Reasons for Recommendation

The development is recommended for permission as it is considered that the proposal would meet the requirements of policy MTRA3 and would not result in harm to the neighbouring properties.

General Comments

The application is reported to Committee at the request of Shedfield Parish Council whose comments are included in Appendix A.

Amendments to Plans Negotiated

None

Site Description

The application site is an outbuilding associated with the Red House. The building is a 2 storey Victorian building of painted brick. The proposal includes a modest amenity area to the rear. There is an existing access on to the Botley Road that would be used.

Proposal

The proposal is for the change of use of the ancillary outbuilding to an independent residential unit.

Relevant Planning History

There is no planning history on the site although there is an enforcement case that confirmed the use of the building as a residential annex.

Consultations

Natural England: No objection subject to a Grampian condition securing Nutrient mitigation.

Representations:

Shedfield Parish Council: Object – Objection is appended in full at Appendix A.

1 Objecting Representation received citing the following material planning reasons:

- internal works completed without planning consent

- enforcement history
- Already occupied as a separate dwelling

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- noise impact from children
- residential clutter
- would lead to further development

Matters not material to Planning and therefore not addressed in the report:

- covenants in place on deeds to prevent development

0 Objecting Representation received

Relevant Government Planning Policy and Guidance

National Planning Policy Framework

Section 2 Achieving Sustainable development

Section 4 Decision Making

Section 5 Delivering a sufficient supply of homes

Section 8 Promoting healthy and safe communities

Section 9 Promoting sustainable transport

Section 11 Making effective use of land

Section 12 Achieving well designed places

Section 14 Meeting the challenge of climate change, flooding and coastal change

Section 15 conserving and enhancing the natural environment

National Planning Practice Guidance

Appropriate Assessment

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Flood risk and coastal change

Light Pollution

Natural Environment

Open space, sports and recreation facilities, public rights of way and local green space

Planning Obligations

Use of planning conditions

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1). DS1 – Development Strategy and Principles

- MTRA1 – Development Strategy for Market Towns and Rural Area
- MTRA3 – Other Settlements in the Market Towns and Rural Area The Countryside
- MTRA4 – Development within the Countryside
- CP1 – Housing Provision
- CP10 – Transport
- CP11 – Sustainable Low and Zero Carbon Built Development
- CP13 – High Quality Design

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- CP14 – Effective Use of Land
- CP15 – Green Infrastructure
- CP16 - Biodiversity
- CP17 – Flooding
- CP19 – South Downs National Park
- CP20 – Heritage and Landscape Character
- CP21 – Infrastructure and community benefit

Winchester District Local Plan Part 2 – Development Management and Site Allocations

- DM1 Location of new development
- DM2 – Dwelling Sizes
- DM15 – Local Distinctiveness
- DM16 – Site Design Criteria
- DM17 – Site Development Principles
- DM18 – Access and Parking
- DM23 - Rural Character

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

RESIDENTIAL PARKING STANDARDS December 2009

Shedfield Village Design Statement

Other relevant documents

CLIMATE EMERGENCY DECLARATION CARBON NEUTRALITY ACTION PLAN 2020 – 2030

Statement of Community Involvement 2018 and 2020

Landscape Character Assessment March 2004 and emerging LCA December 2021

BIODIVERSITY ACTION PLAN 2021

Position Statement on Nitrate Neutral Development – February 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 47 of the National Planning Policy Framework (NPPF, 2021) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 47 of the NPPF requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The development is situated outside of a settlement boundary and therefore countryside policies apply. In this area, policy MTRA3 allows for limited development that would infill small gaps within continuously developed road frontages. The proposal would see the subdivision of an existing residential plot. The site is located within a short run of 5 dwellings of which the Red House (main dwelling) is the last in the run. The existing out

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building is located between the Red house and Red House Cottage and is proposed to be used as a separate dwelling house in a subdivided plot.

As the history indicates, there is enforcement history on the site related to the use of the annexe as a separate residential unit. An Enforcement Notice was served and upheld following an appeal to the Planning Inspectorate.

The Appeal Inspector's report demonstrates that the use of the outbuilding as a dwelling would create a new planning unit. The planning merits of the Enforcement Notice and use as a dwelling were not grounds for the appeal, although MTRA3 comprised one of the reasons for serving the notice initially because the site failed to accord with MTRA3 as it was not within the main built up settlement of Shedfield.

Following this, the applicant applied to regularise the continued use of the annexe as a residential property. There is a gap between what would be considered as the main built up area of Shedfield (due to the fields of Shedfield Equestrian Centre), however the site is visually connected to Shedfield and sits within a cluster of built form in close proximity to the main built up area. Having assessed the location in detail and considering that the use occupies a small existing existing building, it is considered that the site can be described as part of Shedfield and a reason to refuse in respect of MTRA3 is not considered could be sustained.

The principle of development is therefore acceptable, provided that the development is in accordance with the policies of the Development Plan and unless material planning reasons indicate otherwise.

Assessment under 2017 EIA Regulations.

The development does not fall under Schedule I or Schedule II of the 2017 Environmental Impact Assessment Regulations, therefore an Environmental Impact Assessment is not required.

Impact on character and appearance of area

The proposal would subdivide the existing outbuilding that currently forms an annex from the existing dwelling, The Red House. No external changes are proposed. The proposed plot would be modest in comparison to the existing dwelling. However the new plot would be of a similar size to the adjacent property and therefore would not be out of keeping with the prevailing character of the area.

Concerns have been raised in regard to the intensification of use. The lawful use of the building is as a residential annexe which involves residential activity and paraphernalia. Whilst it is acknowledged that the proposed use would result in a separate unit, the building would remain in a residential use and the intensification and level of activity would not be considered to result in materially more harm than the existing situation.

Whilst the additional unit would result in a separated parking requirement, this can be accommodated on the site without harming the overall appearance of the area.

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The application is therefore considered to be in accordance with policies CP13, DM15, DM16, DM17 and DM23.

Development affecting the South Downs National Park

The application site is located approximately 2km from the South Downs National Park.

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) updated 2021. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Due to the intervening distance and features between the application site and the boundary of the Park, the development will not affect any land within the National Park and is in accordance with Section 11a of the National Parks and Access to the Countryside Act 1949.

Historic Environment

Relevant Legislation

The preservation of the special architectural/historic interest of the listed building and its setting (S.66 P(LBCA) Act 1990; Policy DM29 & DM30 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2021) Section 16.

1 and 2 The Aylings are listed properties (Grade II) located approximately 60m to the north. Two further properties (Longcroft and Red House Cottage, not listed) sit between the application site and the listed properties.

As such due regard has been given to Section 66 of the Planning (Listed Buildings and Conservation Areas Act 1990) which confirms that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Listed Building/Structure. Case law has established that where an authority finds that a development proposal would harm the setting of a listed building, it must give that harm “considerable importance and weight”.

The historic environment section of the Planning Practice Guidance further outlines the role of the Local Planning Authority in considering the effects of new development that are in the vicinity of or affect the setting of listing buildings and heritage assets. Paragraph 199 of the NPPF advises that great weight should be given to the conservation of a heritage asset in considering the impact of a proposal on its significance (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 200 states that any harm to, or loss of, the significance of a

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designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Policy CP20 of WDLPP1 and Policy DM29 of WDLPP2 ensure that development preserves and enhances heritage assets and their settings.

The proposal does not result in external alterations to the existing building which would cause harm to the setting of the listed building. In addition, the intervening properties create a suitable buffer between the two sites.

It is considered that the proposal will not result in harm to the significance of the setting and historic interest of the listed building, Section 16 para 199 of the NPPF (2021), S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy CP20 of WDLPP1 and DM29 of WDLPP2 and the historic environment section of the Planning Practice Guidance

The works do not affect other heritage assets including a, Conservation Areas, Archaeology or Non-designated Heritage Assets including their setting.

Neighbouring amenity

The proposed development will be visible from the neighbouring property to the north of the application site. As the structure is existing it is not considered that the proposal would result in additional overlooking, overbearing or loss of light as there is no new fenestration and the existing building had an ancillary residential use. Given the limited size of the property, and its former ancillary residential occupation, it is considered that the impacts on amenity from the proposed use will be limited, and will not result in any significant increase in detrimental impact above that of the existing use as a residential annexe.

It is noted that there are existing windows along the boundary with the Red House Cottage on the ground and first floor. These are currently obscured and it is considered that to preserve the privacy of all occupants these should remain obscure glazed (condition 4) and a further condition is proposed to prevent additional windows being introduced along this elevation (condition 5).

A large section of the building shares a boundary with the neighbouring plot, Red House Cottage. As such, it is considered that permitted development rights regarding Class B and C (roof alterations) should be removed (condition 6) in order to prevent harmful overlooking and overbearing to the neighbour at Red House Cottage.

Therefore it is not considered that there will be any harmful adverse impacts on residential amenity as a separate residential unit. The proposal therefore complies with policy DM17.

Sustainable Transport

The application site benefits from an existing access off Botley Road as a long standing arrangement. There is sufficient space on the site for vehicles to enter and leave in a forward gear and therefore the proposal is in accordance with the Hampshire Highways Standing Advice.

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In regard to parking the proposal has 3 bedrooms and therefore would require 2 parking spaces off the road to comply with the residential parking standards. At the site visit it was evident that there is sufficient space on the site for 2 spaces off the road including turning space.

More vehicles will be using the existing access if White House Cottage is a separate residential unit, however the number of additional vehicular movements is not considered excessive to cause adverse harm to the safety and operation of the highway network.

Therefore the proposal complies with policy DM18.

Ecology and Biodiversity

The proposal is for overnight accommodation affecting Nitrates.

The Solent coastline provides feeding grounds for internationally protected populations for overwintering waders and wildfowl, and is also extensively used for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new housing around the Solent cannot be ruled out. Applications for residential development within 5.6 km of the Solent SPAs will need to propose measures to mitigate the direct impacts of their development on the Solent SPA. This can be done by the provision of a financial contribution either before planning permission is granted or by entering into a s106 agreement before planning permission is granted with an undertaking that the payment will be made before the development is implemented. The proposal would provide 1x 3 bed dwelling requiring a payment of £834 to comply with policy CP16, this payment and relevant agreements have been received.

The development therefore complies with The EU Habitats Directive and Conservation of Habitats & Species (Amendment) Regulations 2011 and contains an Appropriate Assessment as Competent Authority (if required).

Therefore the proposal complies with policy CP16.

Appropriate Assessment.

Regarding nutrient neutrality, the application will have a likely significant effect in the absence of avoidance and mitigation measures on European and internationally protected sites as a positive contribution of 1.48 Kg/N/year is made (nitrates only). The authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrate neutral development and the guidance on Nitrates from Natural England.

The authority's appropriate assessment is that the application coupled with a mitigation package secured by way of a Grampian condition requiring compliance within 3 months complies with this strategy and would result in nitrate neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard.

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This represents the authority's Appropriate Assessment as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of the Ramsar site/s is a matter of government policy set out in the National Planning Policy Framework 2018.

Under Reg 63(4) of the Habs Regs the Council considers that is not appropriate, to take the opinion of the general public, and have not therefore further advertised the Appropriate Assessment.

Sustainable Drainage

The proposal would make use of the existing foul and surface water drainage system that is in place. As the building is existing it is not considered that the proposal would generate additional surface water and therefore additional surface water drainage is not required.

Therefore the proposal complies with policy DM17.

Equality

Due regard should be given to the Equality Act 2010: Public Sector Equality Duty. Public bodies need to consciously think about the three aims of the Equality Duty as part of the process of decision-making. The weight given to the Equality Duty, compared to the other factors, will depend on how much that function affects discrimination, equality of opportunity and good relations and the extent of any disadvantage that needs to be addressed. The Local Planning Authority has given due regard to this duty and the considerations do not outweigh any matters in the exercise of our duty.

Planning Balance and Conclusion

The proposal would see the subdivision of an existing plot to create a new residential planning unit. The site is within an MTRA3 area and is located within a continually developed road frontage. No external changes are proposed and there is sufficient parking on the site to prevent overflow parking on the road.

The proposal is considered to be comply with policies DS1, MTRA3, CP13, CP16, DM15, DM16, DM17 and DM18.

Recommendation

Permit subject to the following condition(s):

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended).

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2. The development hereby approved shall be constructed in accordance with the following plans:

'Location Plan' submitted to the Local Planning Authority 03.02.2023

Drawing Number: W23-011 001 – Floor Plans

Drawing number: 10446 101 – existing plans and elevations.

Reason: For the avoidance of doubt, to ensure that the proposed development is carried out in accordance with the plans and documents from which the permission relates to comply with Section 91 of the Town and Country Planning Act 1990.

3. Within 3 months of the date of this permission the following information shall be submitted to the Local Planning Authority for assessment:
- A water efficiency calculation which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to and approved in writing by the Local Planning Authority
 - A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European sites by the development and be implemented in full prior to first occupation and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and
 - All measures forming part of that mitigation have been secured and submitted to the Local Planning Authority.

Reason: To accord with the Conservation of Habitats and Species Regulations 2017, and Policy CP11, CP16 and CP21 of the Winchester District Local Plan Part 1.

4. The windows along the north western boundary that is shared with Red House Cottage as shown on the approved plan of the development hereby permitted must be glazed with obscure glass which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4 and the glazing shall thereafter be retained in this condition at all times.

Reason: To protect the privacy of the adjoining property and to prevent overlooking.

5. No windows additional windows shall be constructed in the north western elevation of the property hereby permitted, unless otherwise agreed in writing by the local planning authority.

Reason: To protect the amenity and privacy of the adjoining residential properties.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking and re-enacting that Order with or without modification), no development permitted by Classes B and C of Part 1 Schedule 2 of the Order shall be carried out without the prior written consent of the Local Planning Authority.

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Reason: In the interests of the visual amenities of the area and to protect neighbour amenities.

7. Within 3 months of this decision, detailed information (in the form of a BRE water calculator) demonstrating that the dwelling meets the Code 4 standard for water (as defined by the WAT 1 in the Code for Sustainable Homes) shall be submitted to the Local Planning Authority for approval.

Reason: To ensure a sustainable form of development consistent with the objectives of The National Planning Policy Framework 2012 and to accord with the requirements of Policy CP11 of the Winchester District Local Plan Part 1 - Joint Core Strategy.

Informative:

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

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

Local Plan Part 1 Joint Core Strategy: DS1, MTRA3, CP13, CP15, CP16.

Local Plan Part 2: DM1, DM15, DM16, DM17, DM18,

3. In accordance with paragraph 38 of the NPPF Winchester City Council (WCC) take a positive and proactive approach to development proposals focused on solutions. WCC work with applicants/agents in a positive and proactive manner by;

-offering a pre-application advice service and,

-updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

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Appendix 1 – Shedfield Parish Council

Re: 23/01084/FUL - Change of Use from a Domestic Ancillary Outbuilding to a Separate Dwellinghouse (Use Class C3)

Shedfield Parish Council would like to make an objection to this application for the following reasons:

An enforcement notice was issued on 6 May 2022 regarding this property for a breach of planning control.

One of the reasons for this enforcement was that:

“The material change of use through the conversion of an existing ancillary building to create a wholly independent new dwelling, along with the associated operational development is unacceptable as it is contrary to Policies DS1, MTRA3 MTRA4 of the Winchester Local Plan Part 1 and the NPPF 2019.”

A further reason was that:

“The unauthorised development is served by an access onto Botley Road where visibility is severely restricted in both directions, and the additional use of this access is prejudicial to highway safety contrary to the objectives of Policy DM18 – Access and Parking of The Winchester District Local Plan Part 2 – Development Management and Site Allocations.”

The enforcement was appealed, dismissed and the enforcement notice upheld – albeit that the term “single” dwelling house was amended to “separate” dwelling house; and “Cease the use of the building shown hatched green on the attached plan for residential occupation” was changed to “Cease the use of the building shown hatched green on the attached plan as a separate dwellinghouse.”

On appeal, it was confirmed that domestic use of the dwellinghouse as ancillary to the Red House would be lawful. This application wishes to change the use from a domestic ancillary outbuilding to a separate dwellinghouse, which is in complete contradiction to the upheld enforcement namely, that a new dwelling is not acceptable under the policies referred to above.

In conclusion, Shedfield Parish Council therefore recommends refusal of the application due to the reasons provided above and requests that the application goes before the committee.

Best wishes

Ailsa Duckworth, Assistant Clerk
On behalf of Shedfield Parish Council

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