

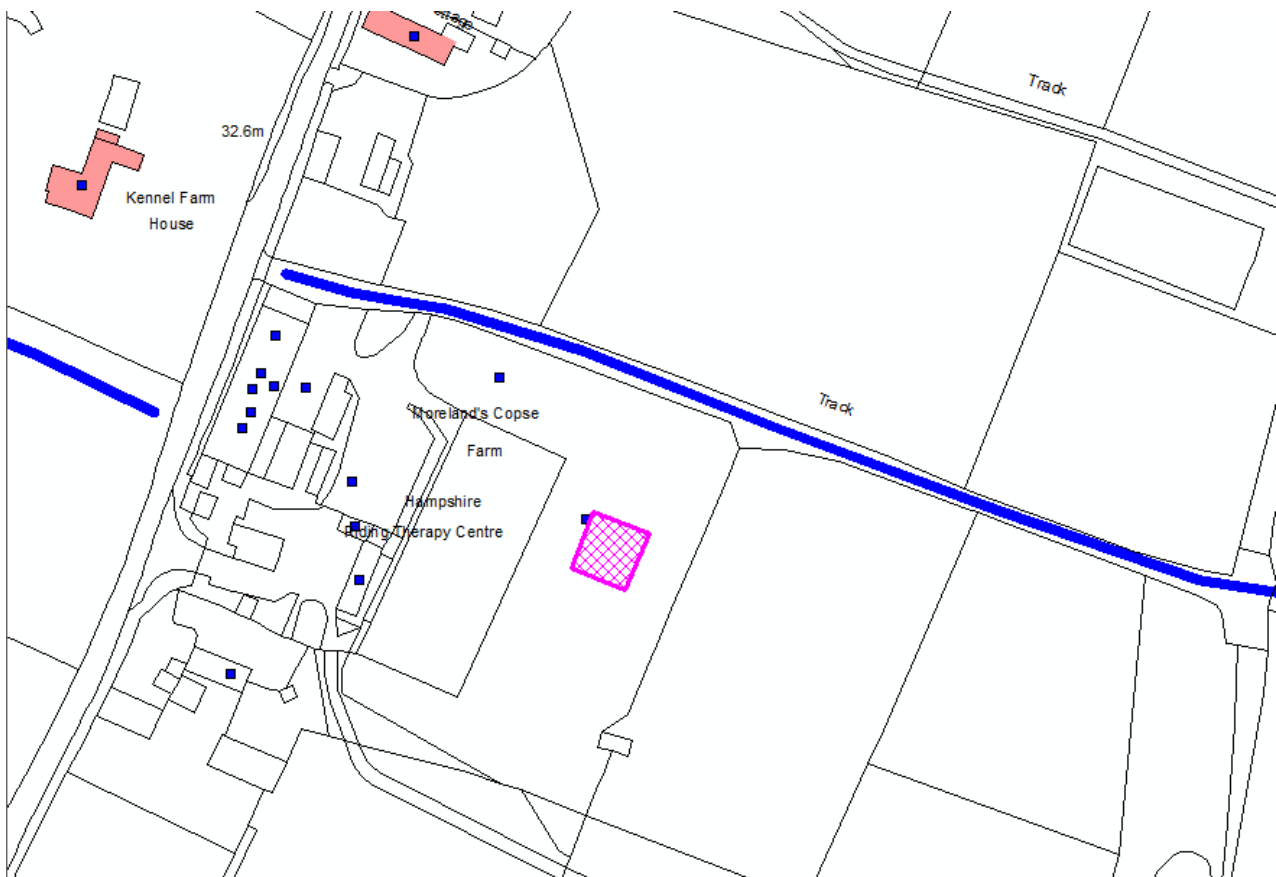
WINCHESTER CITY COUNCIL  
PLANNING COMMITTEE

**Case No:** 23/02453/FUL  
**Proposal Description:** (Retrospective & Updated Description) For the erection of Stable block containing 6 stables, tack room and small hay barn  
**Address:** Tanglefoot Farm Livery Hensting Lane Fishers Pond Hampshire  
**Parish:** Colden Common Parish Council  
**Applicants Name:** Mrs Paula Johnston  
**Case Officer:** Cameron Taylor  
**Date Valid:** 19 October 2023  
**Recommendation:** Permit  
**Pre Application Advice:** No

**Link to Planning Documents**

23/02453/FUL

<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 it is acceptable in terms of impact on the character of the area, that it would not harm neighbouring residential amenity and complies with the policies of the adopted Development Plan. It is therefore in compliance with policies MTRA3, MTRA4 of the LPP1 and DM12, DM15, DM16 and DM17 of the LPP2.

**General Comments**

The application is reported to Committee due to the number of objections received contrary to the Officer's recommendation.

**Amendments to Plans Negotiated**

None

**Site Description**

The site is located to the east of Hensting Lane, down a private access which is a Public Right of Way (PROW). The track serves the application site, the wider grazing land and a former stable block which fronts onto Hensting Lane. The location of the application building sits on land which is elevated in comparison to Hensting Lane and continues to rise to the east. The area is characterised by residential dwellings to the north of the site with various built forms and architectural approaches. These include a number of listed buildings. The area surrounding the site comprises a mix of commercial buildings, paddocks for equestrian use and agricultural land.

**Proposal**

The application is seeking retrospective permission for the erection of a stable block containing 6 stables, a tack room and small hay barn.

The red outline of this planning application encircles the stable building itself for which permission is being sought. Whilst comments have been raised regarding the surrounding hardstanding, this falls outside the red line and therefore is not considered under this application.

**Relevant Planning History**

*Application Site*

Erection of 10 floodlight columns around outdoor riding arena (RETROSPECTIVE) (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY) Permitted 23 November 2011

*Adjacent site (to the west):*

Change of use from equestrian use as part of the former Hampshire Riding Therapy Centre to class B1(a) use; including removal of existing redundant buildings, alterations/improvements to the external appearance of retained buildings and provision of

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enclosures for external plant associated with the heating and cooling of the building  
(19/00781/FUL) Permitted 18.07.2019

## Consultations

Hampshire County Council Countryside Service: Objection Raised:

- The submitted plans do not show the relevant Public Rights of Way, Footpath Colden Common 17
- The PROW should be identified on the plans, along with clarification as to whether the proposal will result in an intensification of vehicle use along the footpath.
- Mitigation should be provided where appropriate

## Representations:

Colden Common Parish Council

*-"The Parish Council has no comment on this application"*

18 Objecting Representations received from different addresses citing the following material planning reasons:

- Character and appearance of the area
  - Has a harmful impact upon the character of the area and landscape
- Ecology
  - Loss of an area of flower and nature rich grass land
  - No offsetting to mitigate the loss of ecology
- Right of Way
  - Harmful impact upon the Right of Way
- Site incorrectly described in description
  - Doesn't include hardstanding or parking on plans
- The lighting is not being screened
- Not in compliance with policies DM12 (I,iv,v,vi,vii), DM13 (I,iii,iv), MTRA 3 & MTRA4
- Breach of condition under previous application

23 Supporting Representations received from different addresses citing the following material planning reasons:.

- Character and appearance of the area
  - In-keeping to the rural character and uses in the area
  - Unintrusive
- Landscape
  - Not detrimental to the surrounding landscape
  - Cleared the site of rubbish
- Ecology
  - Has included new planting and landscaping around the stables
  - Improvement to surrounding biodiversity
  - Removed ragwort to the area
- Access and Parking
  - Utilises existing access

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- Ample parking for the equestrian use
- Supporting a local business

**Relevant Government Planning Policy and Guidance**

National Planning Policy Framework (December 2023)

Section 4 Decision Making

Section 8 Promoting healthy and safe communities

Section 16 Conserving and enhancing the historic environment

National Planning Practice Guidance

Climate Change

Consultation and pre-decision matters

Design: process and tools

Environmental Impact Assessment

Planning Obligations

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

Policy DS1- Development Strategy and Principles

Policy MTRA3- Other Settlements in the Market Towns and Rural Areas

Policy MTRA4- Development in the Countryside

Policy CP6- Local Services and Facilities

Policy CP13 – High Quality Design

Policy CP16 – Biodiversity

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

DM1 – Location of New Development

DM12- Equestrian Development

DM15 – Local Distinctiveness

DM16 – Site Design Criteria

DM17 – Site Development Principles

DM18 – Access and Parking

DM23 – Development in the Countryside

Supplementary Planning Document

National Design Guide 2019

High Quality Places 2015

Air Quality Supplementary Planning Document 2021

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.

Nature Emergency Declaration.

Statement of Community Involvement 2018 and 2020

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## **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, 2023) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The application site is located outside of a defined settlement boundary and as such is on land designated countryside, therefore relevant countryside policies apply.

Policy MTRA4 of the Local Plan Part 1 allows for development which has an operational need for a countryside location. The supporting text to this policy advises that development which has an essential need to be located in the countryside could reasonably include certain types of open recreational uses which require a countryside location.

LPP2 Policy DM12 supports the erection of stables and equestrian training areas subject to any proposal adhering to various criteria. Specifically, it states that horse related facilities and development related to grazing and equestrian enterprises, including stables, will be permitted where a countryside location is necessary.

Having regard to these policies, it is considered that because the development supports an established equestrian use of the site (previously served by a stable block which has recently been converted to offices), it would meet an ongoing activity which requires a countryside location.

The criteria listed under LPP2 Policy DM12 include the need to ensure development respects existing landscape pattern and minimises visual impact, by means of location, scale, appearance and design. The policy also seeks to ensure proposals do not involve the use of construction materials, boundary treatments, floodlighting, new or extended access routes, or other infrastructure related to the equestrian development that would have an adverse impact on the appearance of the landscape (amongst various other requirements). These issues are considered below.

Overall, it is concluded that the principle of development is acceptable subject to ensuring it would be in accordance with all other relevant policies contained within the Development Plan (having particular regard to the specific criteria listed under LPP2 Policies DM12, DM15 and DM23).

### **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 area is rural in nature with a single-storey building (a former stable) adjoining Hensting Lane located to the west of the site which has a commercial (office) use.

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There is an established precedent for equestrian development in the area and both the existing office building and riding arena are notable features on the site, particularly in relation to views from Hensting Lane and the PROW. The introduction of additional stabling to the site is not considered harmful to this character.

The stables are located to the east of Hensting Lane down the private access which is a Public Right of Way (PROW). Whilst the stables are situated on land higher than Hensting Lane, they have a scale in-keeping with rural buildings in the area and the scale of the site itself. The external finish of the stables comprises redwood shiplap and a corrugated roof which is considered to remain in-keeping to the character and appearance of the site and wider area. The stables are visible from the public realm along Hensting Lane, however given the scale of the stables and vegetation to the site and area it is considered to not provide harmful view the site.

In accordance with LPP2 Policy DM12, the stable makes best use of existing infrastructure most notably the existing vehicular access and track. It is also closely associated with the existing riding arena.

As identified above, the site does include a PROW which runs along the access to the north of stables. Comments have been received from Hampshire County Council (Countryside Services) raising concern that the PROW is not shown on plans. The consultee summarises that the proposal does not protect or enhance the PROW.

A full assessment of the impact on the PROW has been undertaken. It is noted that the location of the stables is situated within close proximity to existing buildings and commercial uses in the area along with the existing equestrian use of the site and others in the area. As such they are considered to meet the requirements of LPP2 Policy DM12 in relation to avoiding isolated or scattered development as well as minimising impacts upon views from the PROW.

Users of this section of the PROW are therefore experiencing multiple uses and built form. The stables have a scale in-keeping with the appearance and rural nature of the site and wider area and do not interrupt the use of the PROW itself. Users of the PROW can therefore continue to experience the area and countryside and significant adverse harm is not demonstrated.

Whilst additional hardsurfacing has been introduced immediately north of the stable block (evidently without the benefit of formal planning consent), this does not form part of this application as it is outside of the red line. It would therefore not fall to be assessed as part of the current application.

Overall, it is concluded that the scale and appearance of the stables and their cumulative impact with other development within the site does not unacceptably harm the character of the area. Therefore, the development complies with policies DM12, DM15, DM16 and DM23 of the LPP2 and Paragraph 104 of the NPPF (2023) which together seek to ensure development preserves local distinctiveness, minimises visual impact, by means of location, scale, appearance and design, avoids harmful cumulative impacts, and does not detract from the enjoyment of the countryside from the public realm or public rights of way.

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**Development affecting the South Downs National Park**

The application site is located over 360m to the west of 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 2023. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 182 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.

The South Downs National Park is a designated Dark Skies Reserve. In the interests of protecting this status, condition 8 is included to obtain details of any external lighting prior to its installation. This allows the LPA to assess the amount and direction of any installed lighting.

Due to the distance and intervening features, an adverse impact on the National Park and its statutory purposes is not identified.

**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 (2023) Section 16.

The preservation or enhancement of the character or appearance of the conservation area (S.72 P(LBCA) Act 1990; Policies DM27 & DM28 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16.

The preservation of a non-designated heritage asset (Policies DM29 & DM32 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; NPPF (2023) Section 16).

The preservation or enhancement of shopfronts and signage (Policies DM33 & DM34 of the Winchester District Local Plan Part 2 Adopted 2017; Policy CP20 Winchester District Joint Core Strategy; Winchester City Council *Design Guidance for the Control of Shopfronts & Signs* (1998), NPPF (2023) Section 16).

Guidance

The consideration and assessment of due regard is required in relation to the relevant legislation and guidance as outlined within the Historic Environment/Archaeology consultation response.

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  
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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 205 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 206 states that any harm to, or loss of, the significance of a 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 development does not impact directly upon a statutory listed building or structure. There are 3 Grade II listed building within the immediate area of the site, these being Kennel Farm House (Grade II) to the west of the site and Henstings Lane. Hensting Cottage (Grade II) and The Thatched Cottage (Grade II) are located on the same side of Hensting Lane to the north of the site.

The nearest listed building is located over 110 metres away from the stables themselves, with other structures situated between them. Therefore, given the scale and nature of the proposed stables being in-keeping to the rural character of the area, along with the intervening distances to the heritage assets and existing surrounding development, the proposal does not affect the statutory Listed buildings or structure including the setting.

Based upon the above assessment 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 205 of the NPPF (2023), 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

### **Neighbouring amenity**

The nearest residential dwelling is located around 100 metres to the northwest of the stables. The nearest curtilage to land in ownership of dwellings along Hensting Lane is located over 30 metres to the north but this has dense boundary treatment and involves dense boundary treatment. Given the nature of the development and character of the area an adverse overbearing, overshadowing and overlooking impact is not identified. Additionally there is sufficient distance between the stables and neighbouring residents to ensure any unacceptably harmful impacts arising from noise and odour are unlikely to arise. Therefore the development complies with policy DM17 of the LPP2.



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**Sustainable Transport**

The development (which relates to an ongoing equestrian use) utilises the existing vehicular access and track which runs to the north of the stables. Hensting Lane itself is an unclassified road which is subject to a 30mph speed limit. The location of the development is such that it does not impact upon visibility around the access to the highway. It is also evident that there is adequate informal parking within the site and that the use does not give rise to an increased demand for on road parking. Given the nature and scale of the development and the speed restriction of the road, it is considered to not have an adverse impact upon high safety or traffic generation.

With regards to impacts upon the PROW arising from vehicular activity (an issue raised in the comments received from Countryside Access), the stable serves an established equestrian use (of up to 8 horses) and would not directly facilitate an increase in vehicular traffic along the PROW.

It is noted that similar concerns were raised by both Countryside Access and third parties at the time application reference 19/00781/FUL was under consideration for the change of use of the road fronting stable to office accommodation (immediately west of the current application site). This consented development also uses the same vehicular access as the current application site (shared with the PROW). The carparking associated with this use is accessed directly from the PROW. It was ultimately concluded by WCC at the time that due to the level of vehicular activity associated with the equestrian uses taking place on the site at that time (which included 100 car movements a week alongside additional movements generated by approximately 10 staff), the office use would not give rise to an unacceptably harmful increase in vehicular activity to the extent that refusal would be justified on these grounds.

Having regard to the existing level of vehicular activity along the PROW which results from both the ongoing office and equestrian uses it is concluded that to raise an objection on the grounds of harmful impacts upon the safety and enjoyment of users of the PROW resulting from increased vehicular activity would not be sustainable.

Overall, it is therefore concluded that the development provides for the needs of pedestrians and allows for access to, and movement within, the site in a safe and effective manner as required by LPP2 Policy DM18.

**Ecology and Biodiversity**

The development seeks retrospective permission and the third party comments regarding works previously undertaken are noted. The site retains a large amount of planting around the stables and wider area with new planting also having been added.

However, in the interests of enhancing the surrounding biodiversity further, condition 5 is attached seeking mitigation and enhancement measures. It is anticipated that this could reasonably include details of native planting alongside bat and bird boxes. Condition 8 would ensure no external lighting would be introduced to the application site without details of specification and luminosity being agreed beforehand.

The application site does not lie within or adjacent to any designated sites of nature conservation interests. Furthermore, the proposal will have no wider impact as it is not  
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development within, bordering or in close proximity to a European Protected Site (i.e. River Itchen SAC, The Solent SAC, SPAs, Ramsar Sites) and is not overnight accommodation affecting Nitrates.

Overall, it is concluded that, subject to appropriate conditions being imposed, the development would avoid unacceptably harmful impacts upon biodiversity and would secure enhancements on site as required by policy CP16 of the LPP1.

### **Appropriate Assessment.**

Due to the distance of the site from Nationally protected sites, an Appropriate Assessment under the Habitat Regulations is not required.

### **Sustainable Drainage**

The stables have already been implemented. There is no requirement to consider foul provision in this instance and condition 6 is attached in order to secure details of surface water runoff measures.

Therefore, the proposal complies with policy DM17 of the LPP2.

### **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.

### **Trees**

Whilst the submitted location plan identifies a number of trees to the west and south of the application site, those which lie closest to the application building are separated from the development by a steep bank and it is clear that the building also does not fall within the canopy spread of these trees. As a result it is concluded that the development does not impact upon trees on or adjacent to the site and no conflict with LPP2 Policy DM24 has been identified.

### **Planning Balance and Conclusion**

The development is not considered to have a significant adverse impact upon the character and appearance of the site and wider area and does not unacceptably harm neighbouring amenities. The development has a need for a countryside location and supports an existing business. Given its location and scale an adverse harm upon the public right of way is not identified. The proposal therefore complies with policies DM1,

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DM12, DM15, DM16, DM17, DM18 of the Local Plan Part 2 (2017) and DS1, CP16 and CP20 of the Local Plan Part 1 (2013) and the High Quality Places SPD.

**Recommendation**

subject to the following condition(s):

**Conditions**

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

-Stable Block Plan- Received 19.10.2023

-Proposed Plans- Received 19.10.2023

Reason: In the interests of proper planning and for the avoidance of doubt.

2. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed Proposed Plans- Received 19.10.2023 of the submitted documents.

Reason: To ensure a satisfactory visual relationship between the new development and the wider area.

3. The proposed stables hereby permitted shall not be occupied at any time other than for purposes for equestrian use (for the stabling of no more than 6 horses) and shall not, at any time, be used or converted for living accommodation, business, commercial or industrial purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to prevent the creation of inappropriate units of accommodation or conversion, possibly leading to over intensive use of the site.

4. A Biodiversity Mitigation and Enhancement Plan shall be submitted within 6 months of the approval and be approved by the Local Planning Authority.

The agreed measures shall be implemented within 3 months of the date of their written approval and shall thereafter be retained for the lifetime of the approved development.

Reason: To accord with Policy CP16 of the Winchester District Local Plan Part 1.

5. Within 3 months of the date of consent, detailed proposals for the disposal of surface water arrangements shall be submitted to and approved in writing by the Local Planning Authority.

The agreed measures shall be implemented within 3 months of the date of their written approval and shall thereafter be retained for the lifetime of the approved development.

Reason: To ensure satisfactory provision of foul and surface water drainage

6. Details of the facilities for the storage of horse manure, including its location and its

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means of disposal from the site, shall be submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this decision. The facilities shall be provided within 3 months of the date of their approval in writing and thereafter maintained in accordance with the approved details for the lifetime of the approved development.

Reason: To avoid harmful amenity impacts caused by the operation of the development as required by Policy DM12 of the Winchester District Local Plan Part 2 - Development Management and Site Allocations (LPP2)

7. No external lighting shall be installed on the site unless details of such proposals have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the specification, luminosity, operation and layout of lighting.

The lighting must then be installed and implemented in accordance with the approved details.

Reason: To protect the ecology and amenities of the area in accordance with policy CP16 of the Winchester District Local Plan Part 1 – Joint Core Strategy (2013) and policy DM23 and policy DM23 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations.

**Informative:**

1.

In accordance with the NPPF, Winchester City Council (WCC) take a positive and proactive approach to development proposals, working with applicants and agents to achieve the best solution. To this end WCC:

- offer a pre-application advice service and,
- update applicants/agents of any issues that may arise in the processing of their application, where possible suggesting alternative solutions.

2.

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

Winchester Local Plan Part 1 – Joint Core Strategy (LPP1)

Policy DS1- Development Strategy and Principles

Policy MTRA3- Other Settlements in the Market Towns and Rural Areas

Policy MTRA4- Development in the Countryside

Policy CP6- Local Services and Facilities

Policy CP13 – High Quality Design

Policy CP16 – Biodiversity

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

DM1 – Location of New Development  
DM12- Equestrian Development  
DM15 – Local Distinctiveness  
DM16 – Site Design Criteria  
DM17 – Site Development Principles  
DM18 – Access and Parking  
DM23 – Development in the Countryside

3.

This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out above, 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.

4.

All building works including demolition, construction and machinery or plant operation should only be carried out between the hours of 0800 and 1800 hrs Monday to Friday and 0800 and 1300 hrs Saturday and at no time on Sundays or recognised public holidays. Where allegations of noise from such works are substantiated by the Environmental Protection Team, a Notice limiting the hours of operation under The Control of Pollution Act 1974 may be served.

5.

During Construction, no materials should be burnt on site. Where allegations of statutory nuisance are substantiated by the Environmental Protection Team, an Abatement Notice may be served under The Environmental Protection Act 1990. The applicant is reminded that the emission of dark smoke through the burning of materials is a direct offence under The Clean Air Act 1993.

6.

Please be respectful to your neighbours and the environment when carrying out your development. Ensure that the site is well organised, clean and tidy and that facilities, stored materials, vehicles and plant are located to minimise disruption. Please consider the impact on your neighbours by informing them of the works and minimising air, light and noise pollution and minimising the impact of deliveries, parking and working on public or private roads. Any damage to these areas should be remediated as soon as is practically possible.

For further advice, please refer to the Construction Code of Practise

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<http://www.ccscheme.org.uk/index.php/ccs-ltd/what-is-the-ccs/code-of-considerate-practice>

7.

Please be advised that Building Regulations approval may be required for this development. Please contact WCC Building Control Department for more information (T: 01962 848176, E: [buildingcontrol@winchester.gov.uk](mailto:buildingcontrol@winchester.gov.uk))