

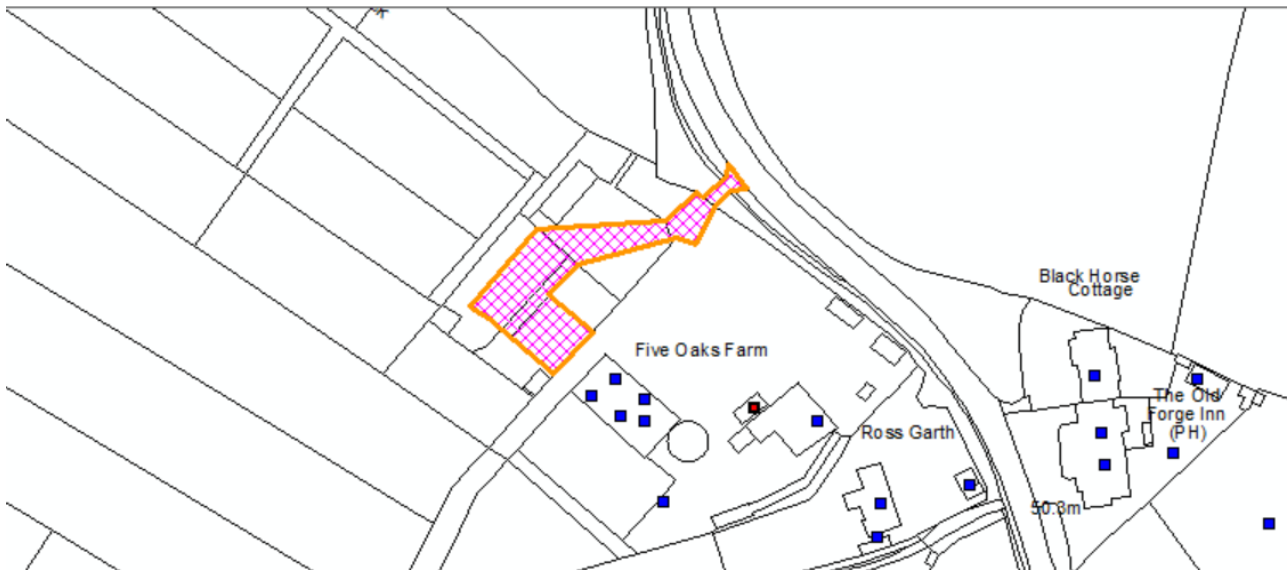
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 24/01868/FUL
Proposal Description: The partial change of use of agricultural barn to office and storage use and use of part of the yard area for parking; External alterations to provide new windows and doors, and new mezzanine internally
Address: Five Oaks Farm, Winchester Road, Shedfield, Southampton, Hampshire
Parish: Shedfield Parish Council
Applicants Name: Mr Colin Hiscock
Case Officer: Liz Young
Date Valid: 30 October 2024
Recommendation: Permit
Pre-Application Advice Yes

Link to Planning Documents:

24/01868/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 would be in accordance with the objectives of LPP1 Policy MTRA4 alongside paragraph 88 of the NPPF which together support development in rural areas, including through conversion of existing buildings. The location, nature and scale of the development is such that it would not cause unacceptable harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation subject to appropriate conditions being imposed.

General Comments

Shedfield Parish Council have requested for the application to be determined by Planning Committee due to concerns over the adequacy of the vehicular access to accommodate the use and also the general principle of introducing a commercial (non-agricultural) use to the site. The comments have been appended in full to this report.

Amendments to Plans Negotiated

None

Site Description

The application site (just over 0.1 hectares in size) comprises a steel framed, rectangular barn and part of a yard area which together form part of a wider parcel of land which falls within the same ownership. The building itself was originally built for the purposes of agriculture through the agricultural prior notification procedure (16/00055/APN) and has an external footprint of approximately 470 square metres. It currently has roller shutter doors to its northeast and northwest elevations and externally consists of brown profile cladding. The main ground floor area comprises an agricultural workshop and stabling alongside a mezzanine with office, kitchen and storage above.

A number of dwellings lie close to the site, including Five Oaks Bungalow (approximately 60 metres to the southeast), Ross Garth (approximately 80 metres to the southeast) and Black Horse Cottage (approximately 100 metres to the east). The wider area is characterised by scattered dwellings set amongst fields along with agricultural / equestrian development. A public house (the Old Forge Inn) lies opposite the site.

A public right of way lies approximately 140 metres to the southwest of the site.

The site lies within open countryside and also falls within the Bishops Waltham Settlement Gap.

Proposal

Consent is sought for the change of use of part of the agricultural barn to commercial office and storage and also to use part of the yard area for parking in association with the proposed use.

This is a partly retrospective application as it is stated that the business activities are currently undertaken within the open yard area to the east of the access track (mainly

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based within various portable office buildings). The application proposes that the business be relocated from these temporary structures (which do not benefit from any formal planning consent), to occupy part of the application building. The submitted plans indicate that part of the ground floor area of the barn (approximately 170 square metres) is to remain in agricultural use, whilst the rest (approximately 260 square metres) will form a reception area, office and storage in association with the business use. At first floor level the mezzanine is to be enlarged to approximately 200 square metres and would form additional office / meeting space and a kitchen.

Externally, full height windows / glazed entrance doors are proposed to be added to the northwest, southwest and southeast elevations.

The development would be served by 16 parking spaces.

The business use is stated to be operated by Logistical Building Services Holding Ltd. The information submitted in support of the application states that the business activities comprise the provision of technical building services (plumbing, heating and ventilation, electrical etc). This involves a combination of design and logistical staff, who are office based, with additional staff who then install the systems that have been designed into new and refurbished buildings over a wide geographical area. Staff involved in the installation generally work from home and include a large number of subcontractors, with no need to visit the offices. This workforce includes a team of 8 site managers, employed by LBS, who work on and from various sites, and who normally visit the office base at Five Oaks four times a year.

Relevant Planning History

- 07/03204/LDC - Residential occupation of caravan (CERTIFICATE OF LAWFULNESS). Refused 13th March 2008.
- 09/00747/APN - Erection of steel framed barn. 14th May 2009.
- 09/01001/FUL - (AMENDED DESCRIPTION) Erection of 3 no. barns for agricultural and equine use. Withdrawn 14th August 2009.
- 09/02513/FUL - One no. 3 bedroom house. Refused 24th February 2010.
- 09/02621/FUL - Replacement of 3 no. existing buildings with purpose built stable block, haystore, tack bedding and feed building (RESUBMISSION). Refused 24th February 2010.
- 12/01099/FUL - Erection of loose boxes, tack room, 2 no. stables, hay barn, farm offices and menage (RETROSPECTIVE). Permitted 2nd August 2012.
- 12/01926/FUL - Retrospective change of use to brick and tile sales and storage business. Refused 11th December 2012.
- 12/01928/FUL - Retrospective change of use to forklift training facility and training area. Refused 20th December 2012.

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- 13/01607/FUL - Replacement residential mobile home with detached 1 no. three bedroom dwelling and detached garage. Refused 21st October 2013.
- 13/01814/FUL - (RETROSPECTIVE) Change of use to forklift training facility and training area. Refused 4th November 2013.
- 13/02004/FUL - (RETROSPECTIVE) Change of use to brick and tile sales and storage business (RESUBMISSION). Refused 4th November 2013.
- 16/00055/APN - Erection of a steel framed barn. No objections raised 29th January 2016
- 19/01787/SCOPE - Scoping Opinion for Extraction of soft sand and restoration with inert fill at Five Oaks Farm, North of Shedfield SO32 2HS (SCO/2019/0622). Scoping Opinion Issued 12th September 2019
- 20/00714/APN - Feeds, Hay and Agricultural Machinery Store. No objections raised 30th April 2020.
- 20/01483/HCS - The winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials, associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield, SO32 2HS (EIA). Refused 20th October 2022
- 23/00328/LDC - the building now referred to as The Bungalow has existed on the site since at least 2012, and its use as a dwelling started in 2018. This use includes a small area of land to the front of the building used to park (up to) 2 cars, and small areas to the west and east used to store bins and garden items and closely associated with the residential use. LDC Permitted 21st June 2023
- 23/00472/LDC - The building to which this application relates has existing on site since at least 2009 and was assessed as being a 'building' and being in lawful use as an office in a planning appeal determined in 2015. It has continued to be used as an office since that date. The use includes the use of adjacent land for circulation and parking. LDC Refused 13th June 2023

Consultations

Service Lead – Engineering (Drainage) – No objections subject to conditions:

- The area around the development site is at high risk of pluvial flooding
- Clarification as to whether a septic tank (not encouraged) or package treatment plant is proposed to serve the development is required along with details as to whether the final effluent discharge will occur in a water course or a drainage field.
- Recommend a standard pre-commencement condition for foul and surface water drainage to address these issues

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Service Lead – Sustainability and Natural Environment (Ecology) – No objections subject to conditions securing a Biodiversity Enhancement Plan (BEP)

Hampshire County Council (Highway Authority) – No objections raised:

- The proposal to use the existing access is considered acceptable
- The proposed level of parking that has been provided does not raise concerns regarding overspill parking on the local highway
- The proposal would not result in a significant increase in the overall number of vehicle movements

Naturespace – No objections subject to informative:

- Agree with the conclusion of the ecological report and that due to the distance between the site and the nearest waterbody great crested newts are unlikely to be impacted by the proposed development.

Representations:

Shedfield Parish Council (First Comment 12 December 2024)

Objection raised:

- The site has been subject to a number of previous enforcement investigations and there are outstanding enforcement issues on the site
- The existing access to the site has been deemed unacceptable / unsafe for other planning applications (including 20/01483/HCS)
- Any industrialisation or change of use of the site would have a detrimental impact on the community
- The sale and storage of bricks, which included the ancillary use as an office, was an unauthorised use and was instructed to cease
- The land should have been returned to its condition before the use as brickmongers/sales office building
- To continue the use of the building as an office, in connection with the sale and storage of bricks, is a breach of the requirements of an existing Enforcement Notice and remains unlawful
- The lawful use of the land is for mixed-use for agriculture, the private keeping and exercising of horses and a maximum of 6 horses for private/DIY livery
- The parish council agrees that the portable buildings should be removed

Shedfield Parish Council (Second Comment 16 January 2025)

Requests that the item be considered by the Planning Committee for the following material planning reasons:

- The business at this site is unlawful. The lawful use of the land is agriculture and/or private equestrian. The application for change of use is not justified.
- Industrialisation or change of use of the site would have a detrimental impact on the community.

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- To continue the use of the building as an office is a breach of the requirements of the Enforcement Notice.
- Any use of the office, not relating to the primary use of the land, is unauthorised. In addition, parking and circulation are not ancillary to the lawful use of the land.
- Shedfield Parish Council considers that the redevelopment of existing buildings to enhance the current business is not acceptable due to its unlawful nature.
- Further intensification of the site should not take place
- The appeal decision in 2015 underpins and determines a recent LDC application, which was refused - 23/00472/LDC – Application for certificate of lawfulness for an existing useful operation.
- The reasons for the refusal of the LDC remain, meaning this application is not appropriate and should also be refused.

2 Objecting representations received from 2 different addresses within the administrative area of Winchester District:

- The site is designated for agricultural use
- Planning permission has previously been refused on the site

No supporting third party comments received

Relevant Government Planning Policy and Guidance

National Planning Policy Framework (December 2024)

Chapter 2 – Achieving Sustainable Development

Chapter 6 – Building a Strong Competitive Economy

Chapter 9 – Promoting Sustainable Transport

Chapter 11 – Making Effective Use of Land

Chapter 12 – Achieving Well Designed Places

Chapter 14 – Meeting the Challenge of Climate Change, Flooding and Coastal Change

Chapter 15 – Conserving and Enhancing the Natural Environment

National Planning Practice Guidance

Biodiversity Net Gain 2024

Climate Change 2019

Effective Use of Land 2019

Natural Environment 2024

Travel Plans, Transport Assessments and Statements 2014

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

Policy DS1 – Development Strategy and Principles

Policy MTRA1 - Development Strategy Market Towns and Rural Area

Policy MTRA2 - Market Towns and Larger Villages

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

Policy MTRA4 - Development in the Countryside

Policy CP8 – Economic Growth and Diversification

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Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP13 – High Quality Design
Policy CP14 – The Effective Use of Land
Policy CP15 – Green Infrastructure
Policy CP16 – Biodiversity
Policy CP17 – Flooding, Flood Risk and the Water Environment
Policy CP18 – Settlement Gaps
Policy CP20 – Heritage and Landscape Character

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

Policy DM1 – Location of New Development
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM19 – Development and Pollution
Policy DM23 – Rural Character

Supplementary Planning Documents

- National Design Guide 2019
- High Quality Places 2015
- Hampshire County Council Commercial Parking Standards 2002
- Parish Plan and Village Design Statement Shedfield Civil Parish, Comprising the Villages of Shedfield, Shirrell Heath and Waltham Chase

Other relevant documents

Climate Emergency Declaration, Carbon Neutrality Action Plan 2020-2023.
Nature Emergency Declaration.
Statement of Community Involvement 2018 and 2020

Planning Considerations

Principle of development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004 and paragraph 48 of the National Planning Policy Framework (NPPF, 2024) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Policy DS1 of the LPP1 is consistent with the NPPF which states in paragraph 11 that decisions should apply a presumption in favour of sustainable development and that for decision taking this means approving development proposals that accord with an up-to-date development plan without delay.

LPP1 Policy DS1 sets out the overarching development strategy for the district. Amongst various other requirements this policy states that development proposals will be expected to make efficient use of land within existing settlements and prioritise the use of previously developed land in accessible locations in accordance with the development strategies set

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out in Policies WT1, SH1 and MTRA1. This strategy is continued within the LPP2 by Policy DM1 which states that development that accords with the Development Plan will be permitted within the defined boundaries of the settlements it refers to. It states that outside of these areas, countryside policies will apply and only development appropriate to a countryside location will be permitted.

As identified by the Parish Council the site lies within open countryside. The proposal would therefore fall to be assessed primarily against LPP1 Policy MTRA4. Whilst in the first instance this policy seeks to restrict new development to that which has an operational need for a countryside location, such as for agriculture, horticulture or forestry, it also allows for the reuse of existing rural buildings for employment uses, tourist accommodation, community uses or affordable housing (amongst other listed exceptions). In the case of proposals involving the re-use of buildings, the policy requires that the existing building should be of permanent construction and capable of use without major reconstruction.

Whilst it is acknowledged that Parish Council and third-party concerns have been raised in relation to the agricultural use of the site, LPP1 Policy MTRA4 is supportive of the general principle of re-using existing agricultural buildings for employment purposes. The application has been accompanied by a structural survey which demonstrates that the existing barn is a relatively modern construction and is generally in good condition (including the concrete slab). The proposed first floor structure is proposed to be formed using a structurally independent stand-alone mezzanine floor structure supported on the 200mm thick existing ground floor slab which is in good condition. The mezzanine floor structure will include vertically braced bays and will not rely upon the existing structure for lateral stability. It is considered that this information demonstrates that the existing barn is suitable for conversion to partial office use as required by LPP1 Policy MTRA4.

A further consideration is that paragraph 88 of the NPPF supports the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, new buildings.

Overall, it is concluded that the general principle of the proposed development is acceptable, having regard to both the Development Plan and material considerations as set out above.

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

Planning policy acknowledges that when considering the impacts of development in rural areas it is necessary to have regard to both visual impacts alongside wider impacts upon tranquillity (such as noise and light pollution). These factors are recognised (by LPP2 policy DM23 in particular) as essential components of rural character. As highlighted in the supporting text to LPP2 Policy DM23, the introduction of urban elements, such as significant areas of hard landscaping can detract from the special qualities of the

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countryside. This policy also highlights that noise and lighting pollution may be more noticeable in rural areas due to the relative tranquillity of the surroundings. It states that the cumulative impact of developments will be considered, including any ancillary or minor development that may occur as a result of the main proposal. LPP1 Policy CP20 along with LPP2 Policy DM15 together seek to ensure development proposals conserve local distinctiveness, especially in terms of characteristic materials, trees, built form and layout, tranquillity, sense of place and setting.

LPP1 Policy MTRA4 is also relevant in that it seeks to ensure proposals which are not located within defined settlements should not cause harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation.

It is acknowledged that the Parish Council raise concerns over the impact upon the character of the area. However, the proposed development would not result in the introduction of any additional built development to the site. The northeast elevation of the building (which faces towards the highway) would remain unchanged. Whilst windows are proposed to be added to the other elevations these would only occupy a relatively modest proportion of the building and would not significantly alter the overall character of the site. The proposed parking would be located within the existing yard area and would not necessitate the introduction of any additional development. The parking area is also well screened from the highway and this aspect of the development would therefore not have a significant harmful impact upon the character of the area.

Impacts upon views towards the site from the public right of way (approximately 150 metres to the south) would be limited due to the distance between and the minimal changes proposed to the southwest elevation of the barn. The granting of planning consent with conditions to regularise the commercial uses taking place on the site would also ensure a greater level of control over activities taking place, ensuring they are completed in a policy compliant manner.

Therefore, subject to imposing a condition to ensure the removal of the existing temporary structures on site once the barn is brought into use it is concluded that the proposal would not have an unacceptably harmful impact upon the character of the area.

With regards to potential impacts upon tranquility, the nature of the proposed use is such that it would have the potential to increase vehicular activity to and from the site in comparison with the original agricultural use. It is stated that there are 13 full time employees associated with the use. The Applicant states that working hours would typically be between 8:00 and 17:00 Monday to Friday with occasional work between 08:00 and 13:00 on Saturdays. Having regard to the scale of the use, the noise levels generated by the Winchester Road (a B classified highway) and the presence of a commercial livery alongside other commercial uses in the immediate area it is considered that the proposed development would not lead to a significant loss of tranquility though increased noise levels.

A plan has been submitted as part of the application which indicates the location of existing (external) lights and cameras on the building. It is stated that no additional lights (or cameras) are proposed. Any further lighting impacts could reasonably be controlled through conditions relating to the introduction of additional external lighting. This would mitigate any significant harmful lighting impacts upon rural character.

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Overall it is concluded that subject to conditions, the layout and design of the development would minimise visual intrusion, preserve local distinctiveness and respond positively to the character, appearance and variety of the local environment, within and surrounding the site as required by LPP2 Policies DM15, DM16 and DM23. The proposals would therefore not give rise to any harmful impacts upon the character of the area.

Settlement Gap

As identified above, the application site lies within the Bishops Waltham Settlement Gap.

It is therefore necessary to also have regard to the requirements of LPP1 Policy CP18. This policy sets out the types of development which will be permitted within the gap(s) based on the principle that development within Gaps will only be permitted if:

- a) it would not diminish the physical and/or visual separation of settlements; and
- b) it would not individually or cumulatively with other existing or proposed development compromise the integrity of the gap.

By the nature of its use, residential or business use would be considered to have the highest detrimental impact on the purpose of CP18 given that these are the uses that the settlements mainly comprise of.

Given the fact that the proposed development would be confined to the established footprint of the existing barn and yard area and would not represent an increase in overall development footprint it is considered that it would not result in a significant or harmful incursion onto open land. For this reason, it is concluded that the proposed development would not diminish the separation of settlements or compromise the integrity of the gap (either individually or cumulatively with other existing or proposed development). As such no conflict with LPP1 Policy CP18 has been identified.

Development affecting the South Downs National Park

The application site is located approximately 1.6 miles 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 2024. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 189 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 nature and scale of the proposed development, the distance between the site and the National Park and the presence of intervening features there would be no harmful visual impacts upon the national park designation. The nature and scale of the proposed development is such that it would not give rise to significant or harmful recreational impacts.

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In conclusion therefore 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 (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 (2024) Section 16.

The proposed development does not affect nor is it near to a statutory listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting. Therefore, no impact is demonstrated.

Neighbouring amenity

The existing barn lies over 50 metres from Five Oaks Farm House (to the south) and because the parking area associated with the proposed use would be located north of the barn, this aspect of the proposal would not give rise to any significant adverse loss of amenity.

The windows proposed on the southeast elevation of the barn would overlook an existing agricultural building and yard area and would not give rise to any harmful loss of amenity towards neighbouring residential properties. No new windows are proposed to be introduced facing towards any neighbouring properties.

Having regard to the distance from neighbouring properties, the existing levels of activity generated from the lawful equestrian use currently taking place across the wider site and the nature of the business use proposed is such that it would not give rise to significant harmful noise impacts upon amenity subject to a restriction on the hours of use.

Overall, it is therefore concluded that the proposed development would not have an unacceptable adverse impact on adjoining land, uses or property by reason of overlooking, overshadowing or by being overbearing as required by LPP2 Policy DM17.

Sustainable Transport

With regards to parking standards, based upon the amount and proportion of uses proposed, the development would give rise to a requirement for 10 car parking spaces and 2 cycle parking spaces (based upon the Hampshire County Council Commercial Parking
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Standards). The Applicant has proposed 6 new parking spaces making a total provision of 16. Cycle parking would be provided within the building itself. The Highways Authority have confirmed that the proposed level of parking does not raise concerns regarding overspill parking on the local highway.

The vehicular access to the proposed development will be via an existing access off Winchester Road and will not change as a result of this development. It is acknowledged that the Parish Council have raised concerns over the suitability of this access for the proposed use. However, the Highway Authority have confirmed that they find this arrangement acceptable having regard to the fact that the proposal would not lead to a significant or harmful increase in vehicular activity to and from the site. It has also been established on site (and also from the submitted plans) that the access benefits from a good standard of visibility in both directions.

Paragraph 116 of the NPPF recognises that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Overall, it is concluded that the proposed development would manage demand on the existing highway network, would allow for access to, and movement within, the site in a safe and effective manner and would incorporate parking provision and vehicular access as part of the overall design of the scheme as required by LPP1 Policy CP10 and LPP2 Policy DM18.

Ecology and Biodiversity

LPP1 Policy CP16 states that new development will be required to show how biodiversity can be retained, protected and enhanced through its design and implementation and also requires new development to avoid adverse impacts, or if unavoidable ensure that impacts are appropriately mitigated. This closely reflects the requirements of paragraph 193 of the NPPF which states that if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

The application site does not lie within or adjacent to any sites of nature conservation interest. The application has been accompanied by a preliminary ecological assessment which confirms that the proposed change of use (located wholly within the existing building and sealed hard surface) would not result in the loss of any on site habitats.

It is recognised that biodiversity net gain is now required under the statutory framework introduced by Schedule 7A of the Town and Country Planning Act 1990. This seeks to ensure development proposals deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits. In this instance it has been established that the proposed development (which would be confined to the existing building and sealed surfaces in the adjacent yard area) is exempt from this requirement as it falls below the de minimis threshold, meaning development which does not impact an onsite priority habitat and impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than

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5 metres in length of onsite linear habitat (as defined in the statutory metric). The WCC Ecologist is in agreement with this assessment and raises no objections subject to biodiversity enhancements being secured in the event that planning consent is granted (condition 7).

Having regard to the above assessment it is concluded that the proposal would avoid adverse impacts and retain, protect and enhance biodiversity through its design and implementation as required by LPP1 Policy CP16, paragraph 193 of the NPPF and also the relevant national planning guidance.

Trees

There are no trees on or adjacent to the site with the potential to be impacted by the development.

Appropriate Assessment.

The proposed development would not involve any additional overnight accommodation and would therefore not increase nutrient load at the Solent water environment. The development also does not lie within or close to any European Nature Conservation Sites and would not materially increase recreational pressure upon these designations. Therefore, the development would not cause a significant effect upon the Solent European Sites protected as Special Protection Area and Special Area of Conservation under European law and it is not necessary to undertake an Appropriate Assessment in this instance.

Sustainability

Paragraph 161 of the NPPF states that the planning system should support the transition to net zero by 2050 and take full account of all climate impacts including overheating, water scarcity, storm and flood risks and coastal change. It also states that proposals should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience

LPP1 Policy CP11 reflects these requirements and states that developments should achieve the lowest level of carbon emissions and water consumption which is practical and viable and should apply the energy hierarchy through maximising energy efficiency and designing out the need for energy use in the first instance

LPP2 Policy DM16 also states that proposals should utilise the principles of energy efficient design, by means of layout, orientation, passive solar gain, and the design of buildings and spaces, as far as is compatible with the character of the area.

The application proposes the re-use of an existing building so will not involve any additional external building materials, or additional areas of hard surfacing. The proposal would therefore minimise its use of resources and its impact upon the environment.

Therefore, it is concluded that as required by LPP1 Policy CP11 the proposed development would be designed to maximise energy efficiency and design out the need

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for energy use by means of the scheme layout and the orientation and design of individual buildings, making full use of passive heating and cooling systems as far as is practical.

Sustainable Drainage

The application site does not lie within or adjacent to a flood zone. Furthermore, the proposal would not result in an increase in impermeable surfaces across the site. The Applicant has provided additional information relating to existing surface water drainage provisions (piped to the network of existing ditches) and the WCC Drainage Engineer has confirmed this arrangement to be acceptable.

With regards to foul drainage, this would be served by an existing package treatment plant on site. The location of this is identified on the submitted plans.

The Drainage Engineer advises that subject to further information being submitted with regards to foul drainage (Condition 8) the proposal would not give rise to unacceptable harmful impacts upon the water environment.

Overall, it is therefore concluded that the proposal would ensure that water supply, surface water drainage and wastewater infrastructure would service new development as required by LPP1 CP17.

Other Considerations

Whilst reference is made by third parties and the Parish Council to the site being subject to an enforcement notice, this related to a previous use involving the storage and sale of bricks (amongst other uses). The relevant planning applications (references 12/01926/FUL and 13/02004/FUL) were refused primarily on the grounds that the use (900 square metres of storage) involved open storage in open countryside which is not supported in principle by the Development Plan and was harmful to both the openness of the settlement gap and the character of the area. Objections were also received from the Highways Authority at the time citing concerns over the number and nature of vehicles resulting from the development (including a number of larger slower vehicles causing potential conflict on the access).

The current proposal does not involve any open storage as it relates to the use of part of an existing barn which is supported by both local and national planning policy. It is also recognised that the current business activities ongoing in the yard to the east are unlawful. However, the current application seeks to regularise this use and to allow it to take place (with appropriate controls) within an existing building as opposed to the unlawful temporary structures within the yard area.

In contrast to the previous applications, no objections have been raised by the Highways Authority, who advise that the existing access is suitable for the likely number of vehicles resulting from the current proposal.

The established equestrian use referred to by the Parish Council relates to the buildings to the south of the current application site but in any event, the fact that a building or site might have an established equestrian use would not rule out the scope to introduce

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alternative uses (having regard to the provisions within LPP1 Policy MTRA4) where they are shown to be in accordance with the Development Plan.

With regards to the reference made by the Parish Council to a 2015 appeal decision, this would appear to relate to the appeal against a previous enforcement notice (reference 11/00188/USE) which related to the siting of a mobile for residential occupation, the storage and sale of bricks and the use of the land for vehicle driver training. The current proposal does not relate to any of these uses and having regard to this and the fact that the appeal grounds related to the lawfulness of the uses and the terms of the enforcement notice (as opposed to the planning merits of the development), this earlier appeal would be of limited relevance to the current application.

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

Overall, it is concluded that the general principle of the proposed development is supported by the Local Development Plan. Furthermore, the proposal would not cause unacceptable harm to the character and landscape of the area or neighbouring uses or create inappropriate noise/light and traffic generation. The proposal is also in accordance with national policy objectives of supporting the sustainable growth and expansion of all types of business in rural areas.

It is therefore recommended that planning permission should be granted.

Recommendation

Permit subject to the following condition(s):

Conditions

1 The development hereby permitted shall begin no later than 3 years from the date of this decision.

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

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

Case No: 24/01868/FUL

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Location Plan – Drawing Reference 24/18/03 REV B
Proposed Full Plans – Drawing Reference 24/18/02 REV A
Current Mechanical and Electrical Services – Drawing Reference A01
Location of temporary office buildings – Dated 23 January 2025
Current Site Access Details – Drawing Reference A01
2025-01-08 - Photos of Lights at Five Oaks

Reason: To ensure an acceptable design, scale and layout and to avoid adverse impacts upon amenity as required by policies DM16 and DM17 of the Winchester District Local Plan Part 2 (2017)

3 The premises shall be used for Use Classes E(g) and B8 and for no other purpose (including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To restrict the use of the premises in the interests of highway safety and to ensure the development can be undertaken without detriment to the amenity of the area by reason of noise, vibration, smell, or other nuisance in accordance with LPP2 Policies DM18, DM19 and DM20.

4 The existing temporary buildings and structures, located on the land to the east of the access, as identified on the plan titled 'Location of temporary office buildings' (dated 23 January 2025), shall be removed from that site within:

- i) 18 months of the date of this planning permission or
- ii) within three months of the construction works on the new office building hereby permitted being completed.

Following the removal of these items, no new items of equipment or portable buildings or other items associated with LBS, shall be brought onto that site without the specific grant of planning permission, or confirmation in writing from the LPA that planning permission is not required.

Reason: To ensure an acceptable design, scale and layout and to avoid adverse impacts upon amenity as required by policies DM16 and DM17 of the Winchester District Local Plan Part 2 (2017)

5 The approved use and associated external lighting (Document Reference 2025-01-08 - Photos of Lights at Five Oaks) shall not operate from the site outside the following times:

07:30 to 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays, nor at any time on Sundays, Bank or Public Holidays.

Reason: To restrict the use of the premises in the interests of highway safety and local amenity as required by LPP2 Policies DM17 and DM18.

6 The approved development shall not be occupied until space has been laid out within the site (in accordance with drawing no. 24/18/03 Rev B) for 16 cars to be parked and for vehicles to turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.

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Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear as required by Policy DM18 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations (LPP2)

7 Within 3 months of the date of this decision a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority for approval in writing. This scheme shall include the type and location of at least 1 bat feature and 1 bird feature.

The approved measures shall be implemented fully in accordance with the approved details within one month of their written approval. Thereafter they shall be retained for the lifetime of the approved development.

Reason: To secure a net gain in biodiversity in accordance with LPP1 policy CP16.

8 Detailed proposals for the disposal of foul water shall be submitted to and approved in writing within three months of the date of this decision. The approved measures shall be implemented in full within three months of the date of their written approval.

Reason: To ensure flood risk is not increased elsewhere, that opportunities to reduce the causes and impacts of flooding within the District are addressed and that wastewater infrastructure to service new development is provided as required by Policy CP17 of the Local Plan Part 1 - Joint Core Strategy Adopted March 2013

9 No external lighting shall be installed on the site other than the approved details in document reference 2025-01-08 - Photos of Lights at Five Oaks, unless details of such proposals have been submitted to and approved in writing by the Local Planning Authority.

The lighting scheme should be in accordance with Guidance Note 08/23 produced by the Bat Conservation Trust and Institute of Lighting Professionals. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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.

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Informatives:

1. In accordance with paragraph 39 of the NPPF (2024), 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.
- In this instance a site meeting was carried out with the applicant.

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

Winchester Local Plan Part 1 – Joint Core Strategy (2013) (LPP1).

Policy DS1 – Development Strategy and Principles
Policy MTRA1 - Development Strategy Market Towns and Rural Area
Policy MTRA2 - Market Towns and Larger Villages
Policy MTRA3 - Other Settlements in the Market Towns and Rural Area
Policy MTRA4 - Development in the Countryside
Policy CP8 – Economic Growth and Diversification
Policy CP11 - Sustainable Low and Zero Carbon Built Development
Policy CP13 – High Quality Design
Policy CP14 – The Effective Use of Land
Policy CP15 – Green Infrastructure
Policy CP16 – Biodiversity
Policy CP17 – Flooding, Flood Risk and the Water Environment
Policy CP18 – Settlement Gaps
Policy CP20 – Heritage and Landscape Character

Winchester District Local Plan Part 2 – Development Management and Site Allocations (2017) (LPP2)

Policy DM1 – Location of New Development
Policy DM15 – Local Distinctiveness
Policy DM16 – Site Design Criteria
Policy DM17 – Site Development Principles
Policy DM18 – Access and Parking
Policy DM19 – Development and Pollution
Policy DM23 – Rural Character

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.

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Construction

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. Where construction site working hours are limited by a planning condition you can apply under Section 74B of the Town and Country Planning Act 1990 which provides a temporary fast track to vary existing conditions.
<https://www.winchester.gov.uk/environment/pollution/construction-sites>

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 Considerate Practice
<https://www.considerateconstructors.com/resources/the-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)

8. Nesting birds

All wild birds are protected under the Wildlife and Countryside Act 1981. The developer must comply with the legal protection of wild birds.

It is an offence to:

- kill, injure or take wild birds
- take, damage or destroy the nests of species that reuse them, such as osprey
- take, damage or destroy a nest that's in use or being built
- take or destroy the egg of any wild bird
- possess or control any wild bird (alive or dead)
- possess or control an egg or any part of an egg of a wild bird

Nesting season - In the UK, the nesting season is from February to August, but the exact timing varies by species. The busiest time for nesting birds is March 1 to July 31.

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Nesting bird checks - If a site could have nesting birds, you should conduct a nesting bird check before any development work. This check should be done at least one hour before any work that could disturb the birds.

Site management - You should consider how to manage the site, including:

- Vegetation management and control
- Nest box management to ensure they are accessible and fit for purpose

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Appendix 1 – Comments received from Shedfield Parish Council

16 January 2025

City Councillor's request that a Planning Application be considered by the Planning Committee

Request from Councillor: Shedfield Parish Council/Cllr Margaret Jones

Case Number: 24/01868/FUL

Site Address: Five Oaks Farm Winchester Road Shedfield Southampton Hampshire SO32 2HS

Proposal Description: The partial change of use of agricultural barn to office and storage use and use of part of the yard area for parking; External alterations to provide new windows and doors, and new mezzanine internally

Requests that the item be considered by the Planning Committee for the following material planning reasons:

- The business at this site is unlawful. The lawful use of the land is agriculture and/or private equestrian. The application for change of use is not justified.
- Industrialisation or change of use of the site would have a detrimental impact on the community.
- To continue the use of the building as an office is a breach of the requirements of the Enforcement Notice.
- Any use of the office, not relating to the primary use of the land, is unauthorised. In addition, parking and circulation are not ancillary to the lawful use of the land.
- Shedfield Parish Council considers that the redevelopment of existing buildings to enhance the current business is not acceptable due to its unlawful nature.
- Further intensification of the site should not take place.
- The appeal decision in 2015 underpins and determines a recent LDC application, which was refused - 23/00472/LDC –Application for certificate of lawfulness for an existing useful operation.
- The reasons for the refusal of the LDC remain, meaning this application is not appropriate and should also be refused.

16 December 2024

Case No: 24/01868/FUL

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Re: 24/01868/FUL

The partial change of use of agricultural barn to office and storage use and use of part of the yard area for parking.

Shedfield Parish Council (SPC) has reviewed the application for 24/01868/FUL and **OBJECTS** for the following reasons:

The Planning Statement does not highlight the fact that the site has been subject to many planning enforcement issues and has been economical in its assessment of the previous planning history, listing only two: **16/00055/APN** and **07/03204/LDC**. The site has been subject to sixteen planning applications, some have been retrospective, and some have gone to appeal.

SPC are aware that there are several outstanding Winchester City Council (WCC) enforcement issues. Before any consideration is given to this planning application, these enforcement issues should be addressed.

The most important recent planning application is **20/01483/HCS** - The winning and working of up to 230,000 tonnes of soft sand with phased working and restoration through backfilling with up to 435,000 tonnes of clean inert waste/materials, associated internal access routes, plant and infrastructure at Five Oaks Farm, Winchester Road, Shedfield, SO32 2HS (EIA) (REFUSED).

One of the factors for refusal was Highways and the farmyard entrance, which was considered dangerous to road users. Nothing has changed since the above application was refused. The entrance remains on a 50 MPH stretch of road, on a double bend. Any additional traffic would increase the danger.

Below is the decision notice for **20/01483/HCS**:

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"Reasons for Refusal

Planning permission is refused for the following reasons:

a) On the basis of the information submitted and notwithstanding the proposed mitigation the proposal is likely to result in unacceptable adverse visual and amenity impacts to occupiers of nearby properties as well as wider amenity impacts associated Heavy Goods Vehicle movements, contrary to the requirements of Policies 10 (Protecting public health, safety and amenity), 12 (Managing traffic) and 13 (High quality design of minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) and Policy DM20 (Development and Noise) of the Winchester City Council Local Plan Part 2 (2017);

b) The development is considered to be contrary to Policy 2 (Climate Change mitigation and adaptation) of the Hampshire Minerals & Waste Plan as it has not fully evidenced mitigation or adaptation measures to minimise its impact on climate change;

c) The development is contrary to the requirements of Policies 5 (Protection of the countryside), 10 (Protecting public health, safety and amenity) and 11 (Flood risk and prevention) of the Hampshire Minerals & Waste Plan (2013) as it cannot be demonstrated that the development can protect local amenity and can protect water quality and surface water drainage and cause no additional flood risk;

d) On the basis of the information submitted, the development is contrary to the requirements of Policy 12 (Managing traffic) of the Hampshire Minerals & Waste Plan (2013) and Policy DM18: Access and Parking of the Winchester City Council Local Plan Part 2 (2017) as it does not have a safe and suitable access to the highway network and does not include suitable mitigation measures to mitigate any significant adverse effects on highway safety. On the basis of the above reasons, the proposal is considered to be contrary Policy 1 (Sustainable minerals and waste development) of the Hampshire Minerals & Waste Plan (2013) as the proposal does not constitute a sustainable minerals and waste development."

Over the years there have been attempts to change the farm use from agricultural to industrial, residential and sand extraction. The site is very important, as it is in the green belt and any industrialisation or change of use of the site would have a detrimental impact on the community.

SPC would like to highlight two further previous applications for the site:

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13/01814/FUL - (RETROSPECTIVE) Change of use to forklift training facility and training area (REFUSED)

"In pursuance of its powers under the above-mentioned Act, the Council, as the Local Planning Authority, hereby REFUSES permission for the above development in accordance with the plans and particulars submitted with your application received on 14 August 2013.

The reason(s) for the decision of the Local Planning Authority to refuse permission is/are specified hereunder:-

- 1 The proposal is contrary to Policies MTRA4 and CP8 of the Winchester Local Plan Part 1 - Joint Core Strategy in that there is no justification for a commercial training use in this countryside location. As such it represents an unsustainable form of development.*
- 2 The proposal is contrary to Policies CP18 and CP20 of the Winchester Local Plan Part 1 - Joint Core Strategy and Policy CE2 of the Winchester District Local Plan Review 2006 in that the scaffold towers, hardstanding, landscape works and portable units are visually intrusive and incongruous in this location and so fail to protect and enhance the District's distinctive landscape and visually and physically diminish the Local Gap.*
- 3 The proposal is contrary to Policy T2 of the Winchester District Local Plan Review 2006 in that increased use of the existing access, which has an inadequate visibility splay and forward stopping sight distances, would cause undue interference with the safety and convenience of the users of adjoining highway.*
- 4 The proposal is contrary to Policies DS1, MTRA1 and CP21 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that inadequate information has been submitted, in terms of a transport statement and assessment, to demonstrate the increase in traffic movements resulting from retail and storage use. As such the proposal fails to make adequate provision for improvements to transport and the highway network in accordance with Hampshire County Council's Transport Contributions Policy 2007, such provision being required in order to mitigate for the additional transport needs and burden imposed on the existing network arising from this development.*
- 5 The proposal is contrary to Policy CP16 of the Winchester District Local Plan Part 1 - Joint Core Strategy, in that no ecological information has been submitted to demonstrate that the proposals will not have a harmful impact upon wildlife species, habitat or biodiversity within the site or in the adjacent Ancient Woodland.*

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

Local Plan Part 1 - Joint Core Strategy: DS1, MTRA1, MTRA4, CP8, CP9, CP16, CP18, CP20, CP21

Winchester District Local Plan Review 2006: DP3, DP4, CE2, CE17, T2, T4

All the above policies are still relevant today.

In 2014, an Enforcement Notice (11/00188/USE) was served, following two retrospective applications which were refused:

12/01926/FUL - Retrospective application for a change of use to brick and tile sales and storage business (REFUSED)

13/02004/FUL - Retrospective application for a change of use to brick and tile sales and storage business - re submission (REFUSED)

Further to this, a Lawful Development Certificate was more recently refused:

23/00472/LDC –Application for certificate of lawfulness for an existing useful operation (REFUSED)

The sale and storage of bricks, which included the ancillary use as an office, was an unauthorised use and was instructed to cease. Further to this, the land should have been returned to its condition before the use as brick mongers/sales office building began.

“The Enforcement Notice (reference 11/00188/USE) issued on 10th April 2014, upheld and amended on appeal reference APP/L1765/C/14/2218981 on 21st May 2015, requires cessation of the use of the land for the sale and storage of bricks and requires that the sales/office building be returned to its condition before the use as brickmongers sales/office building began (Inspector’s decision at para 26(v)).

Use of the building as an office in connection with the sale and storage of bricks is a breach of the requirements of the Enforcement Notice and is not included in calculating any period of immunity. Section 191(2) Town and Country Planning Act prohibits the granting of a

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Certificate of Lawfulness in contravention of an Enforcement Notice which is in force. There is no evidence that any office use of the building other than in connection with the unauthorised use for sale and storage of bricks, commenced until after the appeal decision in 2015. Therefore, any other office use has not taken place for a continuous period of 10 year and is not immune from enforcement action."

To continue the use of the building as an office, in connection with the sale and storage of bricks, is a breach of the requirements of the Enforcement Notice. Regardless of the whether the office is used for sale and storage of bricks, or - as now - to house the logistical support team for the Applicant's business, it remains an unlawful use of the land which was a **mixed-use for agriculture, the private keeping and exercising of horses and a maximum of 6 horses for private/DIY livery.**

Any use of the office, not relating to the primary use of the land, is unauthorised. In addition, parking and circulation are not ancillary to the lawful use of the land, which is agriculture and/or private equestrian.

The parish council agrees that the portable buildings should be removed.

The Planning Statement maintains that:

"It is generally agreed that the site lies outside the settlement of Waltham Chase and within the countryside, where planning policies are generally restrictive towards new development. Specifically, Policy MTRA4 limits the forms of development acceptable in the countryside but does allow for the expansion or redevelopment of existing buildings to facilitate the expansion on site of established businesses.

Paragraph 6.31 advises that there are existing buildings in the countryside that are often an accepted part of the landscape, and which it is appropriate to be used productively. In addition, Policy CP8 advises that the Local Planning Authority will support economic development across the District (in accordance with the spatial strategies), through the retention, regeneration and intensification of previously developed land (PDL)."

Shedfield Parish Council considers that redevelopment of existing buildings to facilitate the expansion on site of established businesses is acceptable, however, from the various planning applications listed above, the business at this site is **unlawful**. To move from the

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current office building, which has been established as being used unlawfully, to a different area of the site does not negate the fact that the lawful use of the land is agriculture and/or private equestrian. The application is unable to make a case for a justified change of use and therefore should be refused permission.

We request that this application be determined by the WCC Planning Committee.

Best wishes

Ailsa Duckworth, Assistant Clerk
On behalf of Shedfield Parish Council