

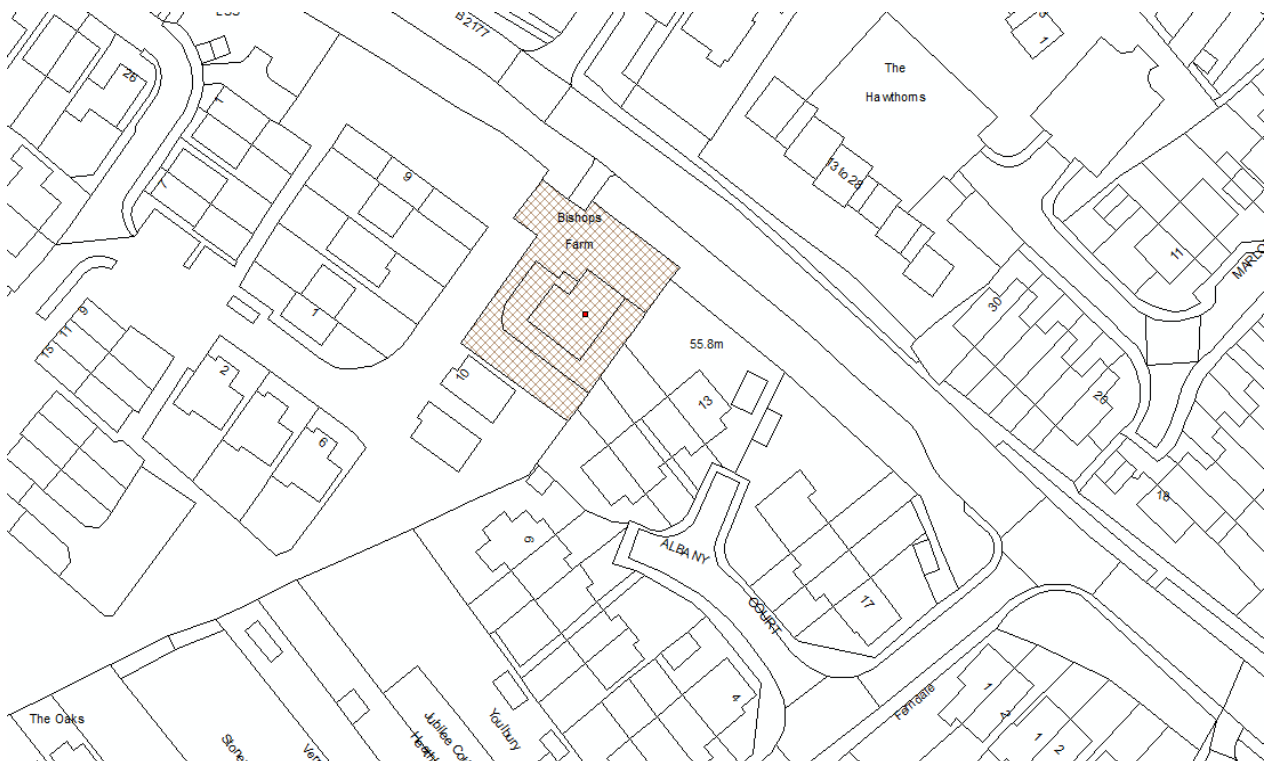
WINCHESTER CITY COUNCIL
PLANNING COMMITTEE

Case No: 25/01383/FUL
Proposal Description: Retrospective change of use of dwelling to allow the premises to be used for supported living for up to 4 adults with learning difficulties (Amended Plans)
Address: Bishops Farm Winchester Road Bishops Waltham
Southampton Hampshire
Parish, or Ward if within Winchester City: Bishops Waltham Parish Council
Applicants Name: Mr H Foster
Case Officer: Nicola Martin
Date Valid: 9 July 2025
Recommendation: Approve subject to conditions
Pre Application Advice Yes – advised planning permission required

Link to Planning Documents

25/01383/FUL

<https://planningapps.winchester.gov.uk/online-applications/search.do?action=simple>



Scale: 1:750

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Reasons for Recommendation

The development is recommended for approval as there is an identified need in Winchester District for supported living places for people with learning disabilities and autism. Harm to neighbour amenity due to overlooking and some general disturbance due

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to the currently unregulated use may be addressed by conditions. It is acknowledged that neighbours experience disturbance due to noise and activities of one or more individuals currently residing at Bishops Farm, however the activities of individuals are not a land-use matter and hence may not be considered to be a material consideration that may be considered in the planning balance.

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

Amendments to Plans Negotiated

Plans were amended during the application process to include an acoustic fence of 2.2m height, with planting of 'pleached trees' alongside. The fence, together with the pleached trees are not yet in-situ. Following receipt of the amended plans, further publicity and re-consultation was undertaken.

Further updated plans were received to indicate that an additional car parking space could be accommodated within the site. No further publicity was undertaken following the receipt of this plan as Officers did not deem it to represent a substantial or notable change to the proposals.

Site Description

The application site is a two-storey, detached building, originally a single dwelling, situated on the south side of Winchester Road and within the defined Settlement Boundary of Bishops Waltham.

Access into the site is directly from Winchester Road, with the front (north-east) of the site laid as hard standing for car parking and turning, although no spaces are marked out. The remainder of the outside space is laid to amenity space (garden, decking and hardstanding).

The closest residential neighbours are 9-13 Albany Court, (a row of terraced properties located to the south-east, the gardens of which back onto the garden of Bishop's Farm) and 10 Poppy Close which lies alongside the south-western site boundary. The topography of the area is such that the properties on Albany Court are slightly elevated in comparison to the application site, and no. 10 Poppy Close is set slightly lower than the application site.

The site is separated from the neighbours by a close boarded fence set on a brick or concrete plinth. The height of the fence (measured from the application site) alongside no. 10 Poppy Close is 1.93m. The fence is set on a brick plinth of 0.2m so that the total height of the boundary treatment is 2.13m. The residents at no. 10 Poppy Close have erected a trellis (with climbing plants) along half the length of the separating fence, increasing the height of that fence by a further 0.95m.

The total height of the fence (measured from the application site) to the rear of nos 10-13 Albany Court is 1.85m, with the fence raised onto a plinth of 0.5m, so that the total height of the fence is approx 2.3m, with additional intervening vegetation (of approx. 3m height) between the application site and the gardens of nos 10 and 11 Albany Court.

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Proposal

This is a retrospective application for a use which is understood to have commenced in August 2020. The supported living facility includes elements of Class C2 (Residential institutions) and elements of Class C3(b) *“Use as a dwelling house (whether or not as a sole or main residence) by b) not more than six residents living together as a single household where care is provided for residents”*

The building currently provides accommodation for up to four adults described as having learning difficulties (currently occupied by three adults). Two units (1 x 1 bedroom apartment and 1 x studio apartment) are provided on the ground floor. Each ground floor unit has access to private external amenity space, with a separate communal garden also available. Also on the ground floor are the communal lounge and kitchen, and a staff office. Two 1 x bedroom apartments are provided on the first floor, along with a staff bedroom, staff bathroom and boiler room.

The residents each have their own Assured Shorthold Tenancy and Bishops Farm is their main residence. The staff arrange regular shared activities and trips out, with the residents encourage to spend time together such as meal times.

The residents each require round the clock support, with a minimum of 1:1 care, although most of the residents at Bishops Farm require 2:1 support. The maximum number of staff expected to be present on site throughout the day would be 8 with visits from a manager occurring on a regular basis, although when residents are off-site (day centres/trips/appointments) the number of staff on site would reduce. Fewer staff are needed at night, with 5 staff currently on shift at night.

Staff work 12-hour shifts with staff changeover occurring at 8am and 8pm.

In addition, to the change of use, the plans were amended during the application process to include an acoustic fence of 2.2m height, with planting of ‘pleached trees’ alongside. The fence, together with the pleached trees are not yet in-situ. Following receipt of the amended plans, further publicity and re-consultation was undertaken.

Pleached trees have branches that have been trained and pruned in a specific manner to create a formal, structured appearance where the branches have been trained to grow in a horizontal or diagonal pattern, typically onto a framework made of bamboo or wire, which results in a, straight stem below and a leafy canopy above. Pleached trees may be evergreen or deciduous.

Further updated plans were received to indicate that an additional car parking space could be accommodated within the site. No further publicity was undertaken following the receipt of this plan as Officers did not deem it to represent a substantial or notable change to the proposals.

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Relevant Planning History

25/00133/LDC. Confirmation that the existing use of the property by up to 4 adults living together as a single household and receiving care falls within Use Class C3(b). Refused 02.06.2025.

“The Officer’s report indicates that the 24-hour care provided by the 8 carers for the 4 residents was considered to be too intensive for the use to be considered as a C3(b) use. The operational activities have a greater impact on the surrounding area and residents, which is indicative of a C2 use. The staff accommodation and communal garden also indicate a C2 use. However, the self-contained aspect of the 4 flats with additional communal space indicates a C3(b) use, as does the individual gardens to two of the flats.

The overall use of the building does not fall into C3(b) nor into C2, and it is therefore considered to be a mixed use (that is sui generis) which does not fall into one defined use class.”

Consultations

Hampshire County Council as Local Highways Authority: As the application is for 5 or fewer dwellings and features no change to the vehicular access, Hampshire County Council's standing advice should be referred to in the first instance. As a result, the Highway Authority will not provide detailed comments on this planning application.

WCC Environmental Protection: Full responses are provided at Appendix 1

Natural England: No objection, subject to appropriate mitigation being secured

Representations:

Bishop’s Waltham Parish Council - The Planning Officers must take into account neighbours' comments and concerns to future-proof this application. A substantial buffer zone (natural or man-made) must be planned in between this site and neighbouring properties to address concerns raised about noise, littering and anti-social behaviour.

31 letters of objection have been received from 21 separate addresses within Winchester District. The following concerns are raised:

Amenity

- Excessive noise and disruption during the evening and late into the night including screaming/shouting/racial abuse/fire alarms
- Anti-social behaviour from carers and residents
- Overlooking of neighbouring properties from upstairs windows
- Use of commercial light fittings/ floodlights in the car park which shine into neighbouring bedrooms
- Proposed trees will result in shading to neighbouring gardens
- The actions of staff encourage the screaming
- Proposed acoustic barrier will be ineffective especially for noise from upstairs rooms
- Car park used for socialising and smoking by carers
- The human rights of neighbours are breached by the noise from the application

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site

- Insufficient outside space for recreation for the residents
- The use of the outside doors as the main entrances into the flats, causing disturbance to neighbours
- The staff have not implemented the existing action plan to reduce the noise

Safety

- Objects are thrown into neighbouring gardens, ranging in size from cigarette butts to garden furniture.
- Concern regarding the safety of residents living in Bishops Farm
- Potential for the residents to harm neighbours

Visual Impact

- Proposed acoustic barrier will reduce integration of residents with community
- Proposed acoustic barrier is visually intrusive

Highway Safety & Car parking

- Road safety concerns due to ambulances reversing onto Winchester Road
- Bins are left out which block the grass verges on both sides of Bishops Farm driveway, making them unpassable
- Insufficient parking on site to accommodate all of the staff leading to parking on grass footpaths and footpaths
- The level of traffic due to staff changeovers is unsuitable for a residential area

Other

- Neighbours were misled as to the use of the building when purchasing neighbouring houses. The site should have been registered as a care home to allow purchasers to be fully informed
- This residential area is unsuitable for a care facility for people with mental health problems
- Impact on property values
- The applicant has not engaged with the local community to respond to concerns
- Enforcement action to remedy breach of planning should be taken
- Retrospective application should count against this application
- Roots of proposed trees will damage adjacent gardens

Six letters of support have been received from addresses within Winchester District, raising the following points:

- Some of the noise emanates from music therapy which is beneficial for residents
- Some of the residents are non-verbal and the noises made are vocalisations for communication
- Noise from neighbours is not unusual in residential areas
- The staff are helpful and professional
- Bishops Farm is a safe place for the residents
- Bishops Farm is in a central location allowing residents access to local facilities
- The 2014 Care in the Community Act has moved people from institutions to

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community settings

- Local Government needs to support all people in communities including elderly and disabled
- People with autism respond badly to change
- The residents are happy and settled at Bishops Farm
- If Bishops Farm were to close it would be difficult to find new accommodation for the residents who may have to move long distances from their relatives
- Noise is not a land-use concern
- There is no highways objection to the level of parking on the site
- The house is monitored by the Care Quality Commission

Relevant Development Plan Documents and Policies

Section 70(2) of the Town and Country Planning Act 1990 and Section 38 (6) of the Planning and Compulsory Purchase Act 2004 require planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The current adopted development plans comprise:

- Hampshire Minerals and Waste Plan 2011-2030 (adopted October 2013)
- Winchester Local Plan 2020-2040 (adopted March 2026)

Hampshire Minerals and Waste Plan 2011-2030 (HMWP)

- Policy15: Safeguarding-mineral resources

Winchester Local Plan 2020-2040 (WLP)

- Strategic Policy SP2 Spatial Strategy and Development Principles
- Strategic Policy D1 High quality, well designed and inclusive places
- Strategic Policy D4 Design Principles for Market Towns and Rural Villages
- Policy D7 Development Standards
- Strategic Policy T1 Sustainable and Active Transport and Travel
- Policy T2 Parking for New Developments
- Policy T3 Prioritising Active and Sustainable Modes of Travel
- Policy T4 Access for New Developments
- Strategic Policy NE1 Protecting and Enhancing Biodiversity and the Natural Environment in the District
- Policy NE16 Nutrient Neutrality Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of the Solent and The River Itchen
- Strategic Policy H1 Housing Provision
- Strategic Policy H2 Spatial Housing Distribution
- Policy H3 Development within Settlements
- Policy H4 Meeting Housing Needs
- Policy E8 Local Shops, Services and Facilities

OTHER RELEVANT PLANNING POLICIES / GUIDANCE

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National Planning Policy Framework 2024 (NPPF)

- Chapter 2 Sustainable Development
- Chapter 4 Decision making
- Chapter 5: Delivering a sufficient supply of new homes
- Chapter 8: Promoting healthy and safe communities
- Chapter 9 Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well-designed places
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 17: Facilitating the sustainable use of minerals

National Planning Practice Guidance

- Housing for Older and disabled people
- Noise

Planning Considerations

Key Issues

- Assessment under 2017 EIA Regulations
- Principle of development
- Design and impact on the character of the area
- Impact on neighbouring properties
- Heritage
- Flooding/drainage
- Contamination
- Sustainable Transport
- Natural Environment and Biodiversity Net Gain
- Appropriate Assessment
- Minerals and Waste

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.

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) require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Policy SP2 of the WLP states that the council will support the delivery of new housing, economic growth and diversification, as appropriate for each of the three spatial areas. For the Market Towns and Rural Area (which includes Bishops Waltham), the policy states that

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provision will be made for about 2,675 new homes and support economic and community development that serves local needs in the most accessible and sustainable locations, which promotes the vitality and viability of communities. Development will be required to (*inter alia*) contribute to individual and community well-being, health and safety and social inclusivity; and achieve high standards of design.

Policy H4 states that proposals for well-designed specialist and supported housing will be supported where the site is in accordance with other policies and in an appropriate location to allow integration into the local community, in close proximity to local facilities and services and can be easily accessed by sustainable transport and an appropriate tenure mix is provided.

Chapter 8 of the NPPF states that planning decisions should aim to achieve places which (*inter alia*) promote social interaction including opportunities between people who might not otherwise come into contact with each other; enable and support healthy lives.

Winchester Strategic Housing Market Assessment Update (WSHMA)¹ identifies a need for specialist and supported housing for older people and disabled people, but focused on housing for the elderly and for wheelchair users, rather than housing for people with learning disabilities and autism. However, reference is made to the HCC Market Position Statements on Learning Disabilities and Autism (2024), which indicates that over the period, the requirement for supported living for adults with learning disabilities and autism is expected to grow by 17% from 1,438 places (2024) to 1,738 places (although it is noted, that the 'future' date is not specified within that report).

Policy E8 relates to the provision of local facilities and services and includes health and care establishments, including nursing/care homes which includes C2 uses such as included within the development proposed here. This policy states that proposals for the development of new services will be supported in accordance with policies SP1 and SP2.

Having regard to the above policies, alongside the fact that the development falls within the settlement boundary of Bishops Waltham, it is concluded that the general principle of the proposed development is acceptable, subject to the proposals also being in accordance with all other relevant policies within the Development Plan.

Impact on character and appearance of area

The application site comprises a detached two-storey dwelling of late 20th century construction, constructed of buff brick with brown concrete pantiles over the roof, together with the parking area to the front, and amenity areas to the rear and sides of the building. The area surrounding the application site on the south side of Winchester Road has a generally quite fine urban grain, typically comprising of smaller dwellings (detached, semi-detached and terraced) within small to medium sized plots.

The proposed change of use would not result in any alterations to the building. Externally, an acoustic fence of 2.2m height is proposed; this would be erected along the south-

¹ Winchester Strategic Housing Market Assessment Update (WSHMA) (Final Report) July 2024, Iceni Projects

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western boundary (alongside No. 10 Poppy Close) and along the south-eastern site boundary (alongside Nos. 10-13 Albany Court). The acoustic fence would have an interlocking timber board profile on both sides. The fence itself would be an additional approximately 0.3m above the height of the existing fence between the application site and no. 10 Poppy Close and would be lower than the raised trellis section of the separating fence. The proposed acoustic fence would be an additional 35cm taller than the height of the existing fence between the application site and nos. 10-13 Albany Court. In addition, the applicant has submitted plans indicating that pleached trees of 1.8m stem height (with additional height of approx. 0.75m provided by the branches) would be planted alongside the fence to provide further screening. This would provide screening at a similar height as the existing plus the trellis.

Concern has been raised that the proposed acoustic barrier is visually intrusive. Given the change in levels between Albany Court and the application site, it is considered that the proposed barrier would not be particularly intrusive to the residents of Albany Court. It is noted that the erection of the fence and planting of the pleached trees would likely involve the removal of the existing vegetation along the south-eastern boundary/in the southern corner of the site, that sits between the application site and nos.10 & 11 Albany Court.

Whilst no detail has been provided for the species or method of planting for the proposed trees, Officers are satisfied that this could be secured by landscape condition to include details of vegetation to be retained on site. A further condition to require submission of samples of materials proposed for the acoustic fence would ensure that the proposed materials are visually acceptable.

Concern has been raised that the refuse and recycling bins are kept out on the grass verge alongside the entrance to the site, thus blocking the passage of pedestrians along an unofficial track which has been created within the grass verge. It is noted that there is a pavement on the northern side of Winchester Road. Officers have passed by the site on a number of different occasions at which times no rubbish or recycling bins were observed outside the site. The submitted plans include provision for bin storage within the site, and Officers are satisfied that this is sufficient for the requirements of the site.

Impact on neighbouring properties

Other than the proposed acoustic fence, there is no construction proposed to be undertaken. As previously described, the change in height from the existing close boarded fence to the proposed acoustic fence is relatively minor and would not give rise to any overbearing or shading effects.

Overlooking

Concern has been raised regarding the potential for overlooking from the upstairs apartments. It is acknowledged that the arrangement of the rear gardens of nos 12 and 13 Albany Close in particular, experience direct overlooking from the upstairs windows, given that these gardens are set back 4.5-5m from the rear elevation of Bishops Farm. It is noted
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that the internal arrangement of the rooms on the first floor is such that the windows to the rear of the building, i.e. the south-east elevation, facing the rear gardens of Albany Court, serve the staff bedroom, a bathroom, the boiler room, and the kitchen area for one of the first-floor apartments (apartment 3).

Historical maps indicate that the dwellings at Albany Court were constructed after Bishops Farm which at that time was a single dwelling. Were Bishops Farm to revert to a single dwelling, the potential for overlooking of the rear gardens of nos. 12 and 13 Albany Court would still be possible; the only difference being that the kitchenette would likely revert to a bedroom. Views from daytime living spaces such as a kitchen or living room are generally considered to be more intrusive/impactful to privacy than those from bedrooms. As such, Officers consider that the presence of the upstairs living/kitchen window is having a harmful effect on the residential amenity of the occupants of nos. 12 and 13 Albany Court due to loss of privacy in the rear gardens.

It is noted that the living/kitchen space of apartment 3 benefits from a second window which faces south-west towards the boundary with no. 10 Poppy Close. The south-west elevation of Bishops Farm is set back 10m from the boundary with that neighbour, and given the existing boundary treatment and orientation, views into the garden of that property from the first floor living room window are generally screened by the existing boundary fence together with the trellis erected by the owners of no. 10 Poppy Close on top of that fence. Officers have observed that only the top part of that window is visible from the garden of no. 10 Poppy Close indicating that views into the garden of that property from the kitchenette window on the southwest elevation are likely to be limited. The proposed acoustic fence with pleached trees would provide similar levels of visual screening from the application site and could be secured by a condition, ensuring that the level of screening is retained.

As such, it is considered that a condition to require installation of a suitably opaque window treatment on the kitchen window for apartment 3, together with the installation of the acoustic fence with pleached trees would reduce the level of overlooking and harm to privacy to a similar level than that which would be expected were Bishops Farm to revert to a single dwelling.

One of the windows to the living room of apartment 4, also on the first floor, faces north-west and is set back 7.5m from the boundary of the application site, however this window overlooks the adjacent road, and is set back 25m from the front elevations of no. 7 and 9 Poppy Close. Whilst the occupant of apartment 4 could have a view of the front gardens of those neighbouring dwellings, no loss of privacy would result due to the intervening distance and also that front gardens are not considered to be private amenity spaces.

Noise and Disturbance

Comments and objections received from neighbours highlight incidences of noise and disturbance emanating from the application site during the day and also at night. With regard to noise, concerns are raised regarding the type of noise and the time of day that this occurs. Neighbours have described the types of noise disturbance as 'racist comments', 'screaming', 'screeching', 'aggressive outbursts' and 'crying'. Neighbours have described changes to their behaviour in response to noise from application site, which include avoiding spending time in their gardens and keeping windows closed.

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In addition, concerns have been raised regarding noise and smoking from the staff when outside of the building.

The applicant has provided a legal opinion which considers whether impacts to residential amenity due to noise and disturbance caused by residents of the care facility would be a material consideration in terms of land-use, sufficient to constitute a reason for refusal. The legal opinion highlighted that only land-use considerations are material to the determination of planning applications, referencing in particular, *Stringer v the Minister for Housing and Local Government* [1970] 1 WLR 1281. It is noted that the Judge in that case stated that *"It seems to me that all considerations relating to the use and development of land are considerations which may, in a proper case, be regarded as planning considerations"*

The legal opinion goes on to state that whilst *"the class of occupation of a proposed development may be a relevant consideration where it flows from the particular land use proposed, but the identity of individual occupants is not a material planning consideration"*. The legal opinion cites *West Midlands Probation Committee v Secretary of State for the Environment*, which concerned a proposed extension to a bail hostel. In that case, the Court found that a fear of crime emanating from a proposed development is capable of being a material planning consideration to a planning decision. The pattern of anti-social behaviour arose from the use of the land as a bail hostel and did not arise merely because of the identity of the particular occupier or of particular residents.

The legal opinion states that the issues arising in terms of noise and disturbance are due to the actions and behaviours of particular individuals rather than resulting from their disability, stating that *"there is no evidence that disabled occupants requiring care are any more likely to be antisocial or noisy than non-disabled occupants."*

This application is for change of use as supported living for up to 4 adults with learning difficulties. The submitted Planning Statement indicates that residents with more severe or complex forms of Autism may exhibit challenging behaviours and find it difficult to interact with other occupants of the facility. The Noise Technical Note further states that some of the residents are non-verbal and therefore communicate in other ways which results in sporadic noise and disturbance.

The Challenging Behaviour Foundation (CBF) is a UK charity specialising in severe learning disabilities. The CBF's website² describes 'challenging behaviour' as a range of behaviours which some people with severe learning disabilities may display to get needs met, including behaviours such as screaming, self-injury, and other destructive behaviours (e.g. throwing things, breaking furniture, tearing things up) CBF also states that *"It is relatively common for individuals with a learning disability to exhibit challenging behaviour, especially those with severe learning disabilities. Prevalence rates range from 5% to 15% in educational, health, or social care services for people with learning disabilities."*

Whilst episodic demonstrations of challenging behaviour is a recognised characteristic of some people with severe learning disabilities, the prevalence rates indicated by the CBF do not suggest that all people with severe learning disabilities who might live at Bishops Farm would experience such challenging behaviours.

² [001 Understanding Challenging Behaviour Info Sheet](#)

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It is noted in the case of the bail hostel (West Midlands Probation Committee v Secretary of State for the Environment) annoyance and fear of crime was found to be directly related to the use of the land due to the established pattern of behaviour of the residents passing through, rather than as 'isolated and idiosyncratic behaviour' of particular residents. In that case, the hostel accommodated up to 12 'bailees' with a typical stay being only 4 weeks. The applicant has advised that there have been only 4 residents at Bishops Farm since it began operating as a supported living facility, so whilst the behaviour exhibited by residents may be an established pattern for one or more of the individuals living at the site, there is not sufficient evidence to indicate that such behaviour is representative of other individuals with learning difficulties who might be housed at the supported living facility in the future.

It is noted that WCC Environmental Protection Officers have received formal complaints from two neighbours regarding noise and antisocial behaviour from the site dating back to July 2021, with subsequent complaints received in 2022, 2023, 2025 and 2026. Recordings of the noise and disturbances have been made by neighbours and provided to WCC Environmental Protection Officers, in response to which, noise monitoring devices were erected at one neighbouring dwelling, in April 2022, for approximately a week. That recording was reviewed by the Council's Environmental Protection Officers who found that the noise levels recorded were not of sufficient duration or frequency to breach the threshold for statutory nuisance levels and as such a case could therefore not be progressed using the Council's statutory nuisance power (defined under Section 79(1)(g) of the Environmental Protection Act 1990 as "noise emitted from premises so as to be prejudicial to health or a nuisance").

Notwithstanding that the threshold for statutory nuisance has not been breached, Environmental Protection Officers have expressed concerns that neighbouring residents are being adversely impacted, in respect to amenity, by the Bishops Farm site.

The applicant has submitted an acoustic report which proposes a 2.2m acoustic fence to be erected alongside the boundaries with neighbouring dwellings, along with planting of pleached trees to provide a landscape barrier, although the acoustic report acknowledges that the level of attenuation offered by any barrier will be negligible at upper floors of the neighbouring dwellings, if outside of the effective line of sight for the barrier. This indicates also that the barrier would be ineffective for noise emanating from the upstairs of Bishops Farm building.

In addition, the applicant has provided details of an Action Plan which was devised in response to complaints from neighbours and seeks to address a number of concerns, including noise. These include keeping upstairs windows closed (to which end air conditioning units have been installed in the upstairs apartments); regular contact with neighbours; moving residents indoors if expressing noisy behaviours. It is noted that some objections have raised concern that the Action Plan measures to reduce noise have not been implemented by the staff.

In addition, neighbours and objectors have described other disturbances, including incidences where items have been thrown over fences, into neighbouring gardens or into the street (Poppy Close). The applicant has stated that they (as the operator of the facility) are required to record incidences of this type and has provided details of throwing incidences which have occurred within the past 5 years as follows:

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- 17.01.2026 - individual was playing in the garden and threw two footballs over the neighbour's fence.
- 31.03.2024 - individual was being supported with taking the bins out when he ripped and threw items of rubbish over the wall in the driveway area.
- 30.07.2023 - Individual threw 2 garden plastic items (watering can and plastic plant pots) over the fence, with one going into another one of Bishop Farm sectioned garden areas and another going into a neighbour's garden.
- 08.11.2021 - individual threw items of clothing over the neighbouring fence, taking it from the washing line.
- 21.06.2021 - individual threw two cushions over neighbour fence.

These records suggest that the throwing incidents are relatively sporadic and are not wholly dissimilar to what might occur should the house be occupied as an individual residential dwelling (C3) use. It is noted that objections from neighbours indicate that in addition to the above, items such as a clothes airer and garden furniture have also been thrown over the boundary fence.

Other disturbances described by neighbours include noise and disturbance from the employed carers at the times of changeover (8 AM and 8 PM); use of the car park at the front of the site for smoking and conversation; use of floodlights on the site which shine into neighbouring bedrooms; and use of the external doors from the gardens as the main entrances into the flats.

In terms of the use of the external areas for smoking and conversation, and also the use of the external /garden doors to gain entrance into the flats, these activities might occur with a typical C3 domestic dwelling and Officers consider that this is not specifically related to the character of the use of the land for its use as a supported living facility (C3(b) / C2). However, as previously described, a condition to require the submission of a plan identifying a designated smoking area for use by staff, to be located away from neighbouring gardens should help to address some of the concerns relating to noise /odour/smoke from smoking activities.

With regard to the use of external lighting, no details of lighting have been provided, although Officers have observed low height (approx.1.2m height) lights located in the car parking area and within the garden. Should the application be approved, a condition to require submission of details of existing external lighting, and a restriction on any further external lighting would be attached to the decision notice.

It is acknowledged that Bishops Farm could accommodate a large family which could generate noise and disturbance from the use of the garden, playing music, or raised voices. A family might use the outside space at any time, whereas for the proposed use, a condition to restrict the times of use of the outside space could possibly be attached to a permission. However, given that the proposal is to provide a home for the residents, which they lease through Assured Shorthold Tenancy agreements, Officers are concerned that restricting the use of the amenity space would be unreasonable as it would result in unacceptable impact to the amenity of the residents of Bishops Close themselves and be discriminatory.

Overall, the actions of and noise from one or more of the residents has affected the amenity of neighbours as evidenced by the high number of public representations

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received. The concerns relating to overlooking from upstairs living /kitchen areas and also staff smoking can be addressed by the use of conditions. The proposed acoustic barrier together with landscaping /planting would be expected to reduce the level of noise experienced by neighbours when in their gardens emanating from the gardens of Bishops Farm, although not the noise experienced at first floor level.

However, it is acknowledged that noise generated by individuals is not a land-use matter and hence not a material consideration that can be controlled by planning conditions. The Action Plan proposed by the applicant suggests measures that staff can take to manage the behaviour of residents and reduce the noise experienced by neighbours, however, Officers have some concerns that a condition to require adherence to the existing Action Plan would not meet all of the six tests for conditions, in particular whether a condition is enforceable.

However, other elements that affect the amenity of neighbours can be controlled by condition and would meet all of the tests. These include the proposed acoustic fence; landscape management and maintenance; and the creation of a designated staff smoking area away from neighbours' gardens; and opaque window treatment to first floor living spaces that directly overlook the rear gardens of neighbours. It is acknowledged that the noise generated by particular individuals is not a land-use matter so that a condition to require its erection might not necessarily meet the 6 tests, however the acoustic fence would also help to mitigate the general noise/hub-bub generated at the site by the additional numbers of staff and visitors to the site which are present due to its function as a supported living facility, and in addition would improve visual screening and for this reason would satisfy the relevant NPPF tests.

As such, should permission be granted, conditions to secure these items would be attached to the decision notice.

The development would therefore comply with the requirements of WDLP policy D7 (Environmental Standards), and chapter 12 of the NPPF.

Historic Environment

There are no designated or undesignated heritage assets within 500m of the application site.

No Impact, the works do not affect a statutory Listed building or structure including setting; Conservation Areas, Archaeology or Non-designated Heritage Assets including setting.

Flooding/Drainage

The site is located within Flood Zone 1 and there are no areas at high risk of surface water flooding within the application site. Officers are satisfied that the development would not result in any increased flood risk.

Contamination

N/A

Sustainable Transport

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The applicant has advised that each of the three current residents has their own car through the Mobility Car scheme, with carers using them to drive residents to appointments / day centres etc. As such, up to four car parking spaces may be required for residents.

With regard to staff, the applicant has advised that care support is provided around the clock, with most of the residents requiring 2:1 support during the day, with fewer staff required to be onsite during the night. The maximum number of support staff required during the day is 8 (with additional visits from the Area Manager), with 5 staff on duty during the night. Staff work on 12-hour shifts, with changeover usually occurring at 8am, and 8pm.

The modes used by staff for travelling to work include car; car share; public transport or taxi. The applicant has advised that typically, the maximum number of members of staff accessing the site by car for the day shift is 3, with 2 members of staff accessing the site by car for the night shift. The 8 spaces within the site would provide sufficient capacity for both day and night shift, although it is noted that manoeuvring of vehicles may be required at changeover periods. It is noted also that the application site is located within a sustainable location within Bishops Waltham which benefits from public transport links to Winchester, Fareham, Southampton along with nearby villages

Due to the scale of the development and that use is being made of an existing access, HCC Highways has referred Officers to its standing advice, which is in essence to recommend that a suitably worded condition is provided to ensure, where appropriate, that vehicles can enter and leave the site in a forward gear.

In addition, it is noted that no secure or covered cycle parking is provided for members of staff or for visitors, however this can be secured by condition should the development be approved.

WLDP policy T2 (Parking for New Developments) requires applicants to provide justification for the level of car parking provided on site which should take account of the local circumstances, including layout of development, mix of dwellings, the character of the local area and the proximity of public transport.

Officers consider that, subject to conditions to secure cycle parking and to ensure that vehicles can enter and leave the site in forward gear, that the development will comply with WDLDP policies T1 and T2

Natural Environment and Biodiversity Net Gain

The application site is located within the defined Settlement Boundary of Bishop's Waltham and is not located within any internationally, nationally or locally designated sites of nature conservation value. The closest site of nature conservation value is Albany Farm SINC (Site of Importance for Nature Conservation) which is located 200m to the south-east.

No changes are proposed to the structure of the building, which is of mid to late 20th century construction without hanging tiles. In addition, no trees are proposed to be

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removed. Officers are therefore satisfied that no adverse impact to onsite or local biodiversity would result.

No indication of biodiversity enhancements is proposed which is contrary to WDLP policies NE1 and NE5, however, a condition to secure biodiversity enhancements could be attached to a permission, should the development be approved.

Regarding Biodiversity Net Gain (BNG) this is an application under S73A of the Town and Country Planning Act 1990 i.e. it is a retrospective application for development that has already taken place. As such, the development is exempt from the requirements of Schedule 7A 'Biodiversity Gain in England' of the Town and Country Planning Act 1990 (as amended).

Appropriate Assessment.

The application site is located within the catchment of the Solent and Southampton Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC). Portsmouth Harbour SPA and Ramsar Site. Chichester and Langstone Harbours SPA and SAC, which are collectively known as the Solent SPAs.

Development within the district will increase the human population at the coast, and thus increase the level of eutrophication, resulting in loss of feeding grounds and disturbance of bird species. The impacts of eutrophication (both at the site-scale and in combination with other development in the Solent area) are analogous to impacts from direct habitat loss as eutrophication can cause important habitat and feeding grounds to be unavailable for use (the habitat is functionally lost, either permanently or for a defined period). Birds can be displaced by eutrophication and use valuable resources in finding suitable areas in which to rest and feed undisturbed. Ultimately, the impacts of eutrophication can be such that they affect the status and distribution of key bird species and therefore act against the stated conservation objectives of the European sites.

The application will have a likely significant effect in the absence of avoidance and mitigation measures on European and Internationally protected sites as a positive contribution of 0.61 Kg/N/year would be made. It is noted that this calculation was undertaken on the basis of a water usage figure of 110 litres/ person/day which is higher than the figure of 100 litres/person /day specified within WDLP policy CN4, however it is acknowledged that this application was prepared and submitted a considerable time before the adoption of the current local plan, with the reduction in policy compliant water usage.

The Authority has concluded that the adverse effects arising from the proposal are wholly consistent with, and inclusive of the effects detailed in the Winchester City Council Position Statement on nitrogen neutral development and the guidance on nitrogen from Natural England.

The Authority's Appropriate Assessment is that the application, coupled with a mitigation package secured by way of a Grampian condition, complies with this strategy and would result in nitrogen neutral development. It can therefore be concluded that there will be no adverse effect on the integrity of the designated sites identified above in this regard. The applicant has provided evidence to demonstrate that sufficient nitrate credits are available to purchase from Eastleigh Borough Council.

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

Minerals and Waste

The application site falls within a Minerals Consultation Area (MCA) for Superficial Sand and Gravel which requires Local Planning Authorities to consult with HCC as the Minerals Planning Authority (MPA) on development within the MCA that could affect or be affected by mineral working. Given that the application site is located within an existing building, within an established residential area and within the defined settlement boundary of Bishop's Waltham, Officers consider that the proposed development would not affect or be affected by mineral working, and hence consultation with the MPA has not been undertaken.

Human Rights Act

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance

Comments

The First Protocol of the Human Rights Act 1998 incorporates three specific additional rights from the European Convention on Human Rights (ECHR) into UK law.

Article 1: Protection of Property

Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties

Public representations have raised concerns that the use of the site, and the noise generated by one or more of the residents, breaches the rights of neighbours, as provided by Article 1, to the peaceful enjoyment of their possessions such as their house and gardens. Officers have given great consideration to the matter of noise and disturbance and the potential for breach of this article. As previously discussed, noise generated by individuals is not a land-use /material consideration

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that can be addressed through the planning application process and instead is addressed through statutory nuisance powers under the 1990 Environmental Protection Act.

Equality and Diversity

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

Paragraphs 11 of the NPPF deals with the “presumption in favour of sustainable development” and sets out that:

where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- (i) the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.*

The development provides supported living accommodation for people with learning disabilities in a sustainable location within an existing settlement, in proximity to facilities and services, enabling integration into the local community. Within Winchester District there is an identified need for places for supported living for adults with learning disabilities and autism. This represents a substantial benefit of the development.

At present, neighbours to the south-east of the site are experiencing harm to residential amenity due to overlooking from a first-floor living/kitchen window. This can be addressed by a condition to require that particular window be obscurely glazed. Views from other upstairs windows would either not result in direct overlooking, or would be from bedroom windows, as would occur from a private dwelling. Other harm to amenity, due to staff smoking, can be addressed by a condition to secure a dedicated staff smoking area away from boundaries with immediate neighbours. These would both represent neutral benefits as they address the harms currently resulting from this unregulated use of the site.

It is acknowledged that noise experienced by neighbours that arises from the actions/communications of particular individuals is affecting the amenity of neighbours.

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Officers have given this matter lengthy consideration and have concluded that whilst there is no reason to disagree with neighbours that the disturbances have resulted in impacts to their quality of life, this is not a land-use matter, and hence, not a factor that may be taken into account by Officers within the context of this planning application. The proposed acoustic barrier would be expected to reduce the levels of noise experienced within the gardens and ground-floor living areas of neighbouring dwellings, along with the general noise due to the function of the site providing supported living.

The benefits provided by nutrient mitigation through the purchase of credits, addresses only the impact of the development itself and is hence, neutral. The biodiversity enhancements to be secured by condition would represent a minor benefit of the scheme.

In conclusion, it is considered that the proposal accords with national planning policies and the Development Plan policies and does not raise any material matters that weigh sufficiently against the granting of planning permission.

Recommendation

Approve subject to the following condition(s):

Conditions

01 The development hereby approved must be constructed in accordance with the following documents and drawings:

- o S-NM-417.05F Floor Plans (Nov 2025)
- o 240024-01 Site Location Plan (16/12/24)
- o S-NM-417.03 Rev B Site Plan (Nov 2025)
- o 240024-02 Block Plan (16/12/24)

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

02 Within three months of the date of this permission, the following shall be submitted to, and approved in writing by, the Local Planning Authority:

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

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Reason: To accord with the Conservation of Habitats and Species Regulations 2017

03 Notwithstanding the approved plans, within three months of the date of this permission, full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- Vegetation/planting to be retained
- All boundary treatment;
- Hard surfacing materials;
- Means of enclosure, including any retaining structures;

Soft landscaping works shall include:

- Planting plans (for new trees and any other planting);
- Written specifications (including cultivation and other operations associated with plant and tree establishment);
- Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
- Pleached trees along the boundary shall have a trunk height of 1.8m;
- Implementation programme.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

04 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out in accordance with the programme agreed with the Local Planning Authority (as per condition 3). If within a period of five years after planting any tree or plant is removed, dies or becomes, in the opinion of the Local Planning Authority, seriously damaged, defective or diseased another tree or plant of the same species and size as that originally approved shall be planted at the same place, within the next planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

05 Within three months of the date of this permission, full details of all existing exterior lighting including positioning on the building, level of luminance, and details of any motion sensors or timers shall be submitted to and agreed in writing by the Local Planning Authority. No additional external lighting shall be erected.

Reason: In the interest of residential amenity of neighbours.

06 Within three months of the date of this permission, a Biodiversity Enhancement Plan shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Biodiversity Enhancement Plan shall be implemented as approved and retained thereafter.

Reason: In the interest of biodiversity

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07 Notwithstanding the approved plans, within three months of the date of this permission, a Parking Plan shall be submitted to, and approved in writing by, the Local Planning Authority. This shall demonstrate that that vehicles parked on site are able to enter and leave in forward gear. The Parking Area shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.

Reason: To ensure that vehicles parked on the site are able to enter and leave in forward gear

08 Within three months of the date of this permission, the following details shall be submitted to and approved in writing by, the Local Planning Authority:

- secure and covered area for cycle parking
- dedicated outside staff smoking area. This shall be located other than alongside the south-western and south-eastern site boundaries.

Reason: In the interests of sustainable transport and residential amenity of neighbours.

09 The first floor window in the south-eastern elevation, that serves the living/kitchen area of apartment 3, shall be glazed with obscure glass or provided with a secondary covering which achieves an obscuration level at least equivalent to Pilkington Obscure Glass Privacy Level 4 and the glazing /secondary covering shall thereafter be retained in this condition at all times.

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

10 Within three months of the date of this permission, full technical details of the acoustic fence shall be submitted to, and approved by, the Local Planning Authority. The acoustic fence shall have a sound reduction capacity of no less than 28dB at a height of 2.2m and shall be erected within two months of the date that the Local Planning Authority approve the technical details of the barrier. The acoustic barrier shall be erected in accordance with the approved plans S-NM-417.04 Rev A and S-NM-417.03 Rev B and the Vine Acoustics Technical Note (Ref: 0087, dated 10/02/2026) and retained thereafter.

Reason: In the interest of residential amenity of neighbouring properties.

Informatives:

In accordance with paragraph 39 of the National Planning Policy Framework (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 :

work with applicants/agents in a positive and proactive manner by;

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

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Appendix 1

Environmental Health Comments in Full

18/08/2025

Thank you for your consultation. Environmental Health are aware of the history of the site and have received a number of complaints regarding noise and antisocial behaviour from the site dating back to 2022. We currently have a case open regarding noise from residents at the site.

The noise reported to us and captured on recordings from neighbouring impacted residential properties include screaming, shouting, noise from nonverbal residents and music. These noises can be intermittent and can occur at any point during the day and night. While our investigations to date have not been able to progress a case using our statutory nuisance powers, we do believe that neighbouring residents are still being adversely impacted, in respect to amenity by the Bishops Farm site.

I would not be able to support this application due to the impact on the amenity of the neighbouring residents.

08/12/2025

Thank you for your consultation. I note the legal agreement [*opinion*] submitted by the applicant and I have nothing further to add to my original response.

I note that the applicant has submitted plans for an acoustic fence along one boundary with Albany Court and the closest properties on Poppy Close as a form of noise mitigation. Without an acoustic assessment to support the installation of the fence, I would not be confident in stating that the fence will provide any reduction in noise from the site.

15/12/2025

As you know, we recently met with the applicant and their Planning Agent. It was useful to understand how the site works and the complex needs of the residents and we have much empathy for their position. However, we were not able to collectively find a solution to adequately mitigate the noise impacts and we continue to be of the opinion that, if approved, there will be significant adverse impacts on the amenity of the surrounding neighbouring properties.

20/02/2026

Thank you for your consultation. I have reviewed the technical note from Vine Acoustics and I have no adverse comments over what has been produced. If you are minded to grant permission for this development, it is recommended that you include a condition that any acoustic fencing must meet the attenuation levels as detailed in the Technical note.