

OFFICER REPORT FOR COMMITTEE

DATE: 13/11/2019

**P/19/0791/CU
MR C PHILLIPS**

**WARSASH WARD
AGENT: S W ARCHITECT**

**CHANGE OF USE OF OPEN AMENITY/PADDOCK LAND TO PRIVATE
RESIDENTIAL GARDEN**

CHARTER HOUSE, 6 CAWTES REACH, WARSASH

Report By

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1.0 Introduction

- 1.1 The application is reported to the Planning Committee due to the number of third party letters received and the issues raised are contrary to the Officer recommendation

2.0 Site Description

- 2.1 The application site is located within the designated countryside between the settlements of Warsash and Sarisbury Green. The site is to the north side of Brook Avenue within a small, gated development of just six houses. The application site is a parcel of land, broadly square in shape, currently laid to lawn as part of the residential curtilage of number 6 Cawtes Reach, also known as Charter House.
- 2.2 The site is enclosed by a 1.8m high closed board fence which is bound by mature woodland to the north and west. This woodland is part of the Holly Hill Woodland Park Site of Importance for Nature Conservation (SINC). The southern edge of the site is enclosed by an established laurel hedge running east to west. The application site represents the northern part of a parcel of land retained as part of the Cawtes Reach planning permission alongside the western edge of the main driveway which is subject to a legal agreement. The Section 106 agreement restricts the use of this land to the west of the estate to be used solely as paddock or open amenity land.
- 2.3 The Officer report from permission P/08/1310/FP (see 5.1 below) indicates that the land to the west of the site access to Cawtes Reach, including the current application site, was secured as grassland / paddock as a result of its inclusion in the ecological mitigation offered by the applicant at that time.
- 2.4 Up until earlier this year the application site has been used as paddock land for the keeping of horses by the previous owners of Charter House.

3.0 Description of Proposal

- 3.1 The application seeks full planning permission for the retention of and continued use of the application site as domestic garden associated with the property of 6 Cawtes Reach. The use has required the removal of a picket fence to the east of the site which previously separated the site from the original residential garden of Charter House. A closed board fence has also been erected along the northern and western boundary of the site, in place of a former post and rail fence.

4.0 Policies

- 4.1 The following policies apply to this application:

National Planning Policy Framework
Planning Practice Guidance

Adopted Fareham Borough Core Strategy

CS14: Development Outside Settlements

Adopted Development Sites and Policies

DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries.
DSP13: Nature Conservation.

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/08/0101/OA Demolition of existing buildings and erection of six detached houses (Outline application)
APPROVE 29/04/2008

P/08/1310/FP Demolition of Existing Buildings and Erection of Six Detached Houses
APPROVE 19/03/2009

6.0 Representations

- 6.1 Seventeen third party letters of objection have been received to this application, from eleven separate addresses (1, 2, 3, 4 & 5 Cawtes Reach, The Priory, Rosemary Cottage, 15, 17 & 19 Brook Avenue and 111c Brook Lane). The main reasons for their objections are set out below:

- Change of character and change to visual amenity
- Potential for permitted development on the land

- Land covered by a legal agreement restricting its use
- Application details incorrect
- Importance of trees adjacent Holly Hill
- Not in accordance with original planting plan
- Replacement of open wire fence with close boarded fencing
- Natural England's response to Egmont Nurseries application
- A 15m buffer should be included next to the Nature Reserve
- Gates and high walls denying access to the open amenity land
- Sets a precedent for remaining paddock land

7.0 Consultations

INTERNAL

Ecology

- 7.1 No objection subject to condition.

Tree Officer

- 7.2 No objection

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:

- a) Principle of the development
- b) Ecology
- c) Deed of variation
- d) Other matters

a) Principle of the Development

- 8.2 Policy CS14 of the Local Plan Part 1: Core Strategy requires built development within the countryside to be strictly controlled when it would adversely affect the landscape character, appearance and function of the area.
- 8.3 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies has regard to policy CS14 but also allows a change of use of land into residential garden land where:
- it is in keeping with the character, scale and appearance of the surrounding area;
 - it will not detract from the existing landscape; and

- it respects views into and out of the site.

- 8.4 In this instance, Cawtes Reach is a small development of only six houses. Each house is of generous size and these houses sit within generous plots against the backdrop of the woodland. This gives the development an almost sylvan character. The proposed garden extension to number 6 would not result in a domestic garden that would be disproportionately large given the nature of the properties in Cawtes Reach. As such the proposal is considered to accord with the first test in policy DSP6 in that it is not out of character scale or appearance.
- 8.5 Cawtes Reach is a small cul-de-sac development with a private drive and gated entranceway such that the development and the application site are not publicly accessible. Views into the site from the public realm are restricted by the private nature of the Cawtes Reach development and the views that are afforded into Cawtes Reach from Brook Avenue are that of a small housing development with the woodland back cloth. The existing east to west laurel hedge along the southern boundary of the application site screens the use of the land and the mature woodland to the north and west screens the site from these directions also. As such the proposal does not detract from the rural landscape and the scheme does not, therefore, conflict with the second and third criteria of policy DSP6.
- 8.6 Furthermore, to limit new built development in the countryside it is recommended that Permitted Development Rights for domestic gardens and curtilage related development will be removed by planning condition and this will protect any views of the woodland from further afield from being affected by domestic paraphernalia on the application site.
- 8.7 The Council does not consider that by approving this change of use a precedent will be set. As Members will be aware, each application is to be determined on its own merits and in accordance with the provisions of the development plan. In this case Charter House is the only property within Cawtes Reach which borders any of the paddock/ open amenity land in question and any further development on this land or other parts of the paddock would require express planning permission from this Authority.

b) Ecology and the Environment

- 8.8 A number of third party comments have raised concerns relating to the loss of this paddock land as ecological mitigation for the Cawtes Reach development as well as the reduction in access opportunities through the site for wildlife from the surrounding woodland. Many of the comments make reference to

the close boarded fencing that has been added along the northern and western boundaries in place of open fencing.

- 8.9 The paddock land from the permission P/08/1310/FP, of which the application site is a part, was secured as paddock and grassland in accordance with the applicant's ecological mitigation statement. The ecological statement indicated that this was one part of the ecological strategy to ensure adequate grassland was provided to link the site to the mature woodland area beyond.
- 8.10 The Council's Ecologist has stated that the site itself now, however, is of low ecological value. Notwithstanding this, it is still laid to lawn such that whilst domestic in character, it is still an area of connective grassland. The fencing has been erected along the northern and western edges of the site which, whilst adjacent to the woodland, doesn't necessarily restrict the movement of species from the woodland into Cawtes Reach given the nature of the other boundaries remaining open or of soft landscaping.
- 8.11 The woodland to the north is designated as a Site of Importance for Nature Conservation, a Local Nature Reserve and a Historic Park and Garden. Policy DSP13 seeks to ensure that development will ensure that sites of nature conservation are protected and where appropriate enhanced. Given the adjacent woodland designation, the Council's Ecologist suggested that a condition is attached to any planning permission requiring a two metre landscaped buffer, with native shrubs along the northern boundary of the site in order to protect the designated woodland to the north.
- 8.12 Whilst this recommendation is noted, the circumstances on site are such that for the remainder of the paddock / grassland (outside of the site) no such buffer planting exists. Furthermore, within the original garden of number 6 Cawtes Reach, which also abuts the woodland edge, there is no such buffer planting and nor was it required at the time the development was undertaken.
- 8.13 Given that there is now no physical distinction between the original and current garden areas for number 6 and the fact that there was no such buffer planting considered necessary for its use as paddock or amenity land; the provision of planting just around the area of land within the application site seems unreasonable and unnecessary. This is especially the case given that the application site is enclosed by a 1.8m high fence which will provide a physical barrier to the woodland from the application site. The landscape impact of this fence is already considered above.
- 8.14 A number of objectors made reference to comments from Natural England on a currently undetermined application for new housing at Egmont Nurseries not far from the application site. They refer to Natural England comments

regarding the need for a buffer between Holly Hill Woodland and proposed new residential curtilages which is necessary to mitigate the impact of a new residential use on the woodland. These comments however, relate to a different development site and application type. This current application seeks to use an area of land as garden adjacent to an existing established residential use. This existing use already shares a boundary with Holly Hill Woodland and has historically been used as a paddock and for the reasons above the proposed buffer is not considered necessary or reasonable.

- 8.15 Notwithstanding these conclusions the applicant has indicated that they intend to plant a landscaped buffer in any case.
- 8.16 Due to the low ecological value of the site it is considered that the site of nature conservation will be protected and that there will not be any adverse impacts to ecology in the area as a result of the change of use of the land. The proposal is considered to comply with policy DSP13.

c) Deed of variation

- 8.17 A deed of variation is required to the legal agreement pursuant to the planning permission P/08/1031/FP to allow for the continued use of the land as garden and for the retention of the boundary fencing. This is provided for within the recommendation.

d) Other matters

- 8.18 Some of the objectors commented stating that the Council had only formally consulted with immediate neighbours. The Council has a duty to consult with adjoining neighbours and/or put up a site notice. In this instance the Council wrote directly to neighbours closest to and adjoining the application site and also put a site notice up at the entrance to Cawtes Reach. It is considered that the extent of publicity was appropriate and in accordance with the Council's published Community Notification Scheme.
- 8.19 Third party comments also are critical of how the application form has been completed. Whilst there may be discrepancies on how it has been filled in, the above assessment has taken all the material planning considerations into account and enabled an informed judgement to be made and the recommendation reflects this.

Conclusion

- 8.20 It is considered that whilst within the defined countryside the development plan provides for the extension of residential curtilages (through DSP6)

outside of the settlement boundaries subject to the impact being acceptable. The above report has considered the impacts of the development on the countryside and the implications for the adjacent Holly Hill Woodland SIN. It is considered that there is no identifiable and demonstrable harm from the proposal when considered against the development plan policies and as such the proposal is recommended for permission.

9.0 Recommendation

9.1 Subject to the prior completion of a deed of variation to the legal agreement to allow for the use of the application site as domestic garden and for the retention of the fencing, GRANT PLANNING PERMISSION, subject to the following Conditions:

1. Notwithstanding the provisions of Class E Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development shall take place within the land hereby approved as residential garden land as edged red on the location plan Drawing Number 2011/100 Rev B dated July 2019 unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

10.0 Background Papers

[P/08/0101/OA, P/08/1310/FP]

FAREHAM

BOROUGH COUNCIL



Charter House, 6 Cawtes Reach

Scale 1:1,250



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