Planning Statement

Land to southwest of 'Keepers Cottage', Allington Lane, West End, Eastleigh, SO30 3HP

Proposed use of agricultural land as residential garden.



Prepared by Robert Tutton Town Planning Consultants Ltd on behalf of Dr & Mrs M.C. Aley

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Context

This irregular-shaped agricultural holding of 0.086 hectare lies on the northwest side of Allington Lane, to the southwest of 'Keepers Cottage', in the West End Parish of Eastleigh Borough Council's administrative area. Public views into the application site from Allington Lane are foiled by frontage planting and impressions from the northeast and southwest along the lane are blocked by substantial vegetation. Vehicular and pedestrian access to the site is afforded via gated driveways near the northeast and southwest corners of the holding and forecourt areas enable several vehicles to be parked at the front and side of 'Keepers Cottage'. A rectangular timber stable block stands to the west of the site entrance - planning permission) for its erection was granted by Eastleigh Borough Council in November 2011 (F/11/69409A). A gravel drive lies parallel to the southeast boundary and affords access to the applicant's home, 'Keepers Cottage' - planning permission for this arrangement was granted by Eastleigh Borough Council in September 2010 (F/10/67403). As the principle of said development and its detailed design evidently met the Borough Councils requirements, so those matters have provided useful models for this proposal.



The approach towards the application site along Allington Lane, from the northeast



The approach to the application site along Allington Lane, from the southwest

In his 'Written Ministerial Statement: Planning for Growth' of March 2011, Decentralisation Minister Greg Clark confirmed that the *'Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy'*. Paragraph14 of the NPPF reiterates that principle, by generating a presumption in favour of sustainable development and the approval, without delay, of proposals that accord with the development plan.

The Proposals Map of the Eastleigh Borough Local Plan Review 2006 (EBLPR) shows this site within '*Countryside*' where *'Proposed landscape improvements'* are intended; the site is not subject to any national designations and it is not within a Flood Zone. Policy 1.CO 'Protection of the Countryside' of the EBLPR generates a general presumption against the extension of private gardens *'into the countryside'* (emphasis added) *but* the policy is silent on the extension of gardens that are *already* within the countryside (ie as in this case) and provision is made for development



The entrance to the application site from Allington Lane

within the countryside for '*…outdoor recreational use'.* The view is held that the sympathetic use of agricultural land in the countryside for recreational residential purposes would accord with policy intentions.


The application site viewed from Allington Lane (southwest)

Policy 4.CO ('Agriculture, Forestry and *Farm Diversification') indicates that 'Development proposals which would cause the permanent loss of the best and most versatile agricultural land will not be permitted (Grades 1, 2 and 3a in the MAFF Agricultural Land Classification system) unless it can be demonstrated to the satisfaction of the Borough Council that there are no appropriate alternatives and there are over-riding sustainability benefits.'.* Policy 20.CO ('Landscape Improvements') of the EBLPR provides for the grant of planning permission for proposals which would not prejudice such improvements or are themselves detrimental to the quality of the landscape – it asserts that *'Developers willingness to contribute towards landscape improvements will be a material consideration in the assessment of planning applications.'.*


The application site viewed from the northeast

The frontage of this part of Allington Lane is characterised by large family dwellings in a wide variety of dwelling styles, formats and plot sizes and, notably, includes premises with large lawned frontages eg 'Oaklands House' and 'Greenacres', which lie opposite (see aerial photograph on cover page). The application site itself comprises a paddock of 0.086 hectare (868m²) at the Allington Lane frontage, to the northeast of the access drive to the applicant's home; since 1999 it has been used for grazing and is ungraded by MAFF.

Applications for residential garden use of land within an area the subject of countryside policies are relatively rare and appeals on the subject even rarer but three decisions in Winchester district (in Hampshire) and one within Chichester district over the last twelve years are strong indicators of the approach that should be taken in this case. In August 2001, Inspector Holt permitted residential garden use of 0.6 hectare of land beside 'Rowndale' on Southwick Road in North Boarhunt in the southeast quadrant of Winchester district (01/00592/FUL) because, in his view, such use would not be contrary to the general objectives of the countryside policies of the development plan. In similar vein, Inspector Mair allowed residential garden use of part of the meadow behind 'Tinnisbourne' in Exton in November 2006 (Exton is also in Winchester district) because such use then accorded with the call in PPS7 for countryside to be protected 'for all' and (unlike land within a Green Belt) there was no policy presumption against such use (05/02606/FUL); the case is particularly noteworthy because the site fell within the Exton Conservation Area, the East Hampshire Area of Outstanding Natural Beauty and the (then) proposed South Downs National Park. In Winchester district again, Inspector Belcher permitted residential garden use of *two* separate plots of land fronting Sciviers Lane in Lower Upham (07/01745/FUL) in April 2008 because he did not share Winchester City Council's concern that such use of agricultural land would result in an urbanising impact that would harm the character or appearance of the locality. Chichester District Council granted

planning permission (09/00886/COU) in May 2009 for residential garden use of agricultural land beside 'Holmes Cottage' in Chapel Lane, West Wittering – it, too, was outside the *'Settlement Policy Area' and* within an area the subject of 'Countryside' policies.



The application site viewed from the southeast

These decisions display a clear and common theme - there is no policy presumption against 'residential garden' use of land in the countryside and such use respects the character of its surroundings; indeed, lawned gardens contained by native hedge planting already form part of the character and appearance of this sector of Allington Lane and this proposal would reiterate and reinforce that character.

Amount, Layout, Scale & Appearance



The southwest element of the application site viewed from the northeast boundary

In light of the favourable presumption set down in Policies 1.CO ('Protection of the Countryside') and 20.CO ('Landscape Improvements') of the EBLPR, it is proposed that this area of land be formally incorporated within the applicants' residential curtilage to form a garden for domestic enjoyment.

Respect for the privacy of existing and future residents has been accorded priority in the formulation of this proposal, from concept stage. Since the application site is largely screened from Allington Lane, special landscaping measures are not deemed to be necessary; in light of the favourable presumption recorded in Policy 20.CO ('Landscape Improvements') of the EBLPR it is however proposed that a new native hedge be planted along the west boundary of the site, new native trees planted along the southeast boundary and existing boundary vegetation reinforced where necessary. The applicants (the occupants of 'Keepers Cottage') would undoubtedly prefer wish to plant the garden area to their own taste, thereby softening the appearance of the development yet further.

It is respectfully submitted that, the proposed the proposed change would accord with the mixed character of its surroundings and not result in detrimental impact on the rural character of the locality.

Access

The site would continue to be served by the existing arrangements. As the site enjoys unhindered access to Allington Lane, no difficulties are anticipated with emergency services reaching the garden area.

Crime & Anti-social behaviour

No special measures are considered necessary for the prevention of crime or anti-social behaviour.

Consultation

No consultations have been undertaken with Officers of the Borough Council or neighbours.

Trees & Ecology

No trees or protected species would be harmed as a result of this proposal.



The west element of the applicants existing rear garden area (to the north)

Site Waste Management & Working Practice

No excavations or construction works are required.

Planning Policy



The applicant's residence, 'Keepers Cottage, viewed from the proposed garden area (to the northeast)

Section 38 of the Planning and Compensation Act 2004 requires an application to be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise; an element of flexibility is provided which enables decisions to be made which may disagree with the development plan.

Paragraph 56 ('Requiring good design') records that *'Government attaches great importance to the design of the built environment'* and *'Good design is a key aspect of sustainable development'*. Paragraph 60 stipulates that local planning authorities *'…should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'* but encourage '…*local distinctiveness'.*

Policy 59.BE (''Promoting Good Design') of the EBLPR generates a presumption in favour of development proposals that satisfy six (of ten) requirements are satisfied - criteria iii, vi, viii and ix do not apply in this case.

It is submitted that those requirements would be *satisfied* by this proposal, as garden use of this land would not detract from the existing street-scene; would accord with the rural character of this part of Allington Lane; the use and landscaping proposed would be sympathetic to local character; would not detract from the established amenities of adjoining residents; a high standard of landscape design and appropriate planting would be achieved; the prospect of criminal activity and anti-social behaviour has been taken into account; it

would not result in the loss of the *'..best and most versatile agricultural land';* and would comprise an extension to a garden that is *already* located within the countryside.

Conclusion

The proposed use of this land as residential domestic garden would respect the character and appearance of this part of West End and provide an acceptable form of development that accords with the development plan; no other material considerations suggest otherwise.

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19 September 2013