

LAND ADJ 16 ULLSWATER AVENUE, WEST END SO18 3QN

Change of use of the land from open space to residential and the construction
of a garden shed (retrospective)

PLANNING STATEMENT

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October 2025

1. Introduction

- 1.1 This Planning Statement has been prepared on behalf of Mr T Nicholson and is submitted in support of a planning application for the change of use of the land from open space to residential and the construction of a shed (retrospective) on land adjacent to no.16 Ullswater Avenue, West End.
- 1.2 This Statement demonstrates how the proposals have been designed to comply with the relevant national and local planning policies and to reflect the local patterns of development and neighbouring buildings in terms of layout and siting, height, scale, materials and landscaping.
- 1.3 The application comprises the following documents:
 - Completed application form
 - Plans and drawings
 - This Planning Statement

2. Site Context

2.1 Ullswater Avenue is a residential street that connects into Windermere Road to the south and Eden Road to the north. To the west of Ullswater Avenue is West End Copse which is a deciduous woodland SINC and protected by a TPO. No.16 Ullswater Avenue is one of six detached dwellings on the west side of the highway that back onto the copse. The application site is a plot of land adjacent to the north boundary of no.16 Ullswater Avenue. The plot of land was acquired by the applicant in May 2013 and has been used informally as residential garden space associated with no.16 Ullswater Avenue. The land is fully enclosed with no public access or right of way. The application site comprises approximately 2/3 lawn and 1/3 woodland on the rear section of the site, a 2m high perimeter fence, an established conifer hedge between the east boundary fence and the highway and a shed completed at the end of 2024 (which is the subject of this application). The shed is used for storing tools and making items for the woodland group, Friends of West End Copse, that the applicant is an active member of. The land below the protected trees has been left natural.



Aerial view of the application site (www.google.co.uk)

2.2 Aerial images of the application site indicate that the perimeter fence was started in 2014 with the hedgerow to the east boundary fronting the highway planted in 2015. The east boundary section of fence was raised to 2m high with work completed in March 2017. The 2m high perimeter fence encloses the parcel of land, with the section between the application site and no.16 left open so as to

incorporate the land within the useable garden space of no.16. Section 3 below sets out the planning history for the site.

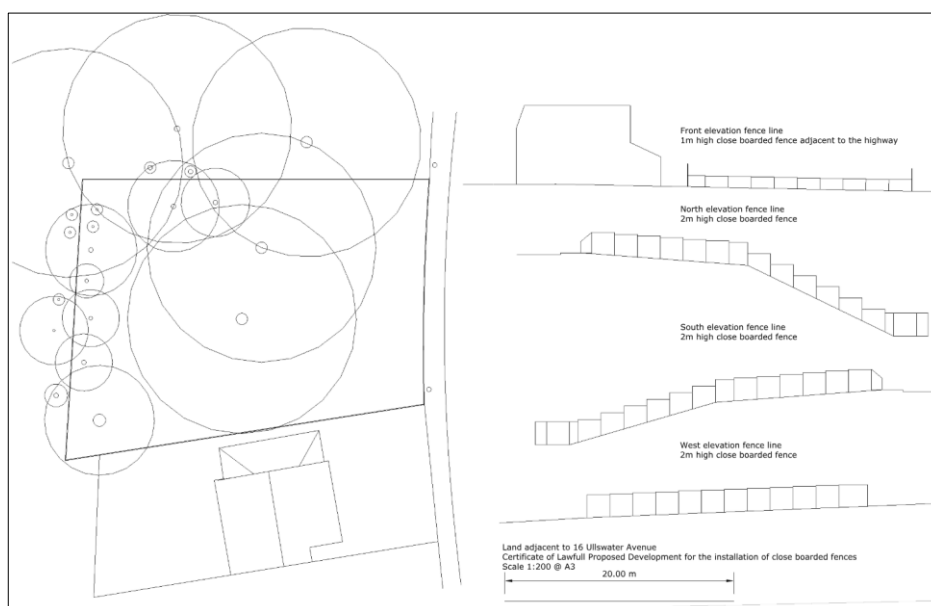


Google Earth aerial view of the application site dated 15 April 2014 (no fence or hedge), 22 April 2015 (hedge planted & fence construction started) and 17 Sept 2024 (position of shed visible).

- 2.3 The site is not in a conservation area or near any designated heritage assets. It is not at risk of flooding. The land is relatively level and laid to lawn at the front, about 1/3 of the rear section then drops down into TPO woodland.

3. Planning History

- 3.1 There is extensive planning history for the application site. In December 2013 a lawful development certificate was issued for the construction of a part 1m/part 2m close boarded fence to enclose the land (reference U/13/73345). This was implemented.



Elevation plan extract app U/13/73345

- 3.2 In April 2014 an application for the change of use of open space to domestic garden was refused (reference F/14/73981). The reason for refusal stated that a domestic garden would be harmful to the character and appearance of Ullswater Avenue and would have an adverse impact on protected trees and the Westend Copse SINC. It was considered that the conversion to garden would facilitate clearance of remaining natural vegetation and limit the ability of the woodland to regenerate within the site. It is notable that the parish council did not object to the proposal, and the tree team did not respond to the consultation request. An appeal was dismissed in August 2014 (reference APP/W1715/A/1/2219364) with the appeal Inspector concluding that the change of use would not be harmful to the protected trees and would not unacceptably detract from the nature conservation value of the SINC, however planting of exotic plant species, placing domestic items on the land and associated activities would materially detract from the character of the area and would unacceptably erode the woodland-edge character of the site.
- 3.3 An enforcement investigation (reference E/13/15161) into change of use of the land and possible encroachment was closed on 8/9/2014. The installation of 30 trees along the boundary was not enforceable and the fencing permitted under the 2013 CLOPD.
- 3.4 In July 2016 an application for the change of use from open amenity land to domestic curtilage was refused (reference F/16/78522). The Officer's report acknowledged that a boundary fence had been installed, enclosing the land, in line with the certificate of lawfulness issued in 2013. The reason for refusal maintained the reason for dismissing the previous appeal stating that a domestic garden would unacceptably erode the woodland edge character of the site and detract from the character and appearance of Ullswater Avenue. An appeal was dismissed in November 2016 (reference APP/W1715/W/16/3154377) with the Inspector concluding that the site, along with the dense belt of trees, makes an important contribution to the character of Ullswater Avenue and the undeveloped nature of the site would still be apparent from the street scene (even if enclosed by permitted lower fencing). Domestic paraphernalia and human activity would erode its natural undeveloped character. The Inspector noted at their site visit on 7 November that the site was fully enclosed by 2m high fence and conifers planted across the front boundary.
- 3.6 An enforcement investigation (reference E/16/16217) into the change of use of land from open space to domestic garden was closed on 21/12/2017. The reason states *"Following planning advice it has been concluded that as the hedge obscures the unauthorised fencing from the highway it would not be expedient to pursue the reduction of the fence as this would make no difference at all to the visual amenity. The use of the land remains the same however, and cannot be used for residential purposes."*

- 3.7 In 2018 an application for a lawful development certificate in relation to a 2m high fence to the east boundary, that was completed in March 2017, was refused by the Council (reference LDC/17/80861). The fence had not been in place for at least 4 years and was over 1m high and the eastern section is adjacent to the highway. A subsequent appeal (reference APP/W1715/X/17/3191340) was dismissed 27/11/2018.

4. The Proposed Development

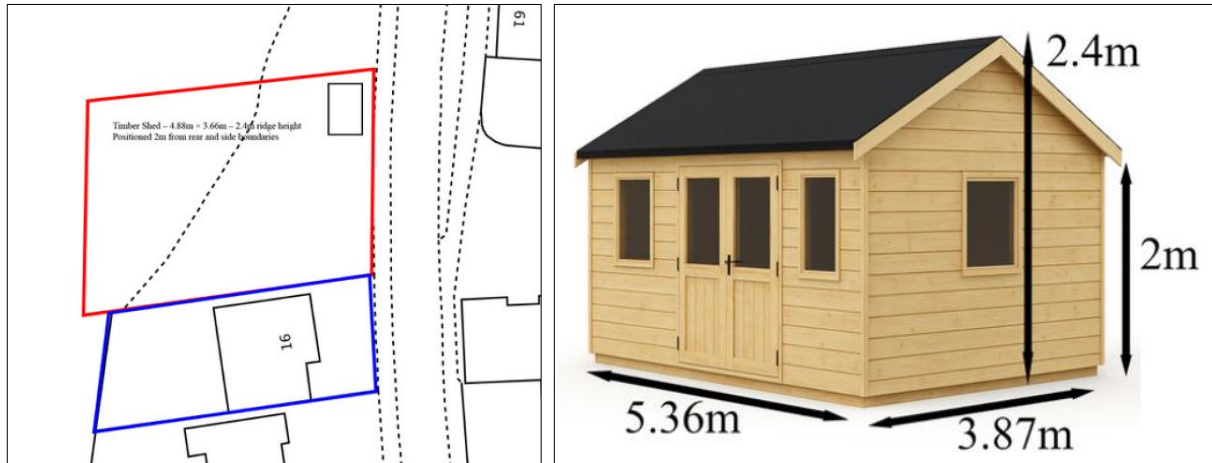
- 4.1 The proposed application seeks planning permission to change the use of the land from open space to residential garden. The plot of land has been fully enclosed and managed informally as a domestic garden for some time. The now fully grown conifer hedge between the highway and the boundary fence obscures any visibility of human activity within the site. Public views of the application site are of an established conifer hedge against the backdrop of the Westend Copse tree canopy. The plot of land has been in private ownership for 10+ years and there has been no public access to the site during that time.



Photos of the application site 30/9/25

- 4.2 The application also seeks retrospective permission for the construction of a garden shed on the land that was completed in 2025. The shed is sited in the northeast corner of the application site, away

from the protected trees. It is constructed of timber and has a footprint of 21sqm and a ridge height of 2.4m.



Block plan extract and shed specification extract

5. Relevant Planning Policies

National Planning Policy: The National Planning Policy Framework

- 5.1 The National Planning Policy Framework (NPPF) confirms that the purpose of the planning system is to contribute to the achievement of sustainable development. Sustainable development is defined as encompassing economic, social and environmental factors. The economic involves building a strong, responsive and competitive economy. The social role entails supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations and by creating a high-quality built environment. The environmental role requires protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change.
- 5.2 The NPPF confirms that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

- 5.3 Section 8 'Promoting healthy and safe communities' includes a section on 'open space and recreation'. Paragraph 104 states *"Existing open space, sports and recreational buildings and land, including playing fields and formal play spaces, should not be built on unless: a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location"*.
- 5.4 Paragraph 124 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.
- 5.5 Paragraph 131 of the NPPF confirms that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and helps make development acceptable to communities.
- 5.6 Paragraph 135 of the NPPF states that planning policies and decisions should ensure that developments will function well and add to the quality of an area in the short and long-term of its lifetime, developments are visually attractive as a result of good architecture, layout and landscaping, developments are sympathetic to local character and history whilst not preventing appropriate innovation, and development should establish a strong sense of place and optimise the potential of the site.
- 5.7 Paragraph 136 of the NPPF focuses on the importance of trees and their contribution to the character and quality of urban environments.
- 5.8 Planning Practice Guidance (PPG) provides further context on design principles via the National Design Guide (2021). It talks about well-designed places being achieved through making the right choices at all levels including; the layout, the form and scale of buildings, their appearance, landscape, materials and their detailing. Part two of the guide sets out the ten characteristics that work together in a well-designed place to create its physical character, to nurture and sustain a sense of community and to positively address environmental issues affecting climate.

Eastleigh Borough Local Plan 2016-2036

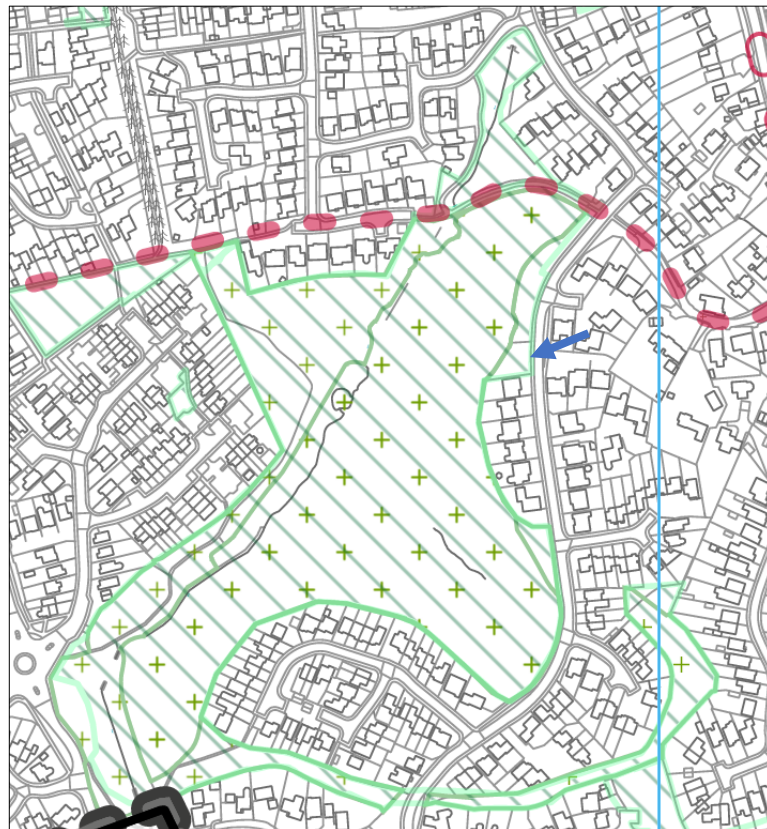
- 5.9 Policy S1 sets out the criteria for sustainable development in the Borough and confirms the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF.
- 5.10 Policy S2 confirms the urban edge as set out on the policies map defines the main built-up areas within which there is a presumption in favour of new development, subject to other policies of the plan.
- 5.11 Policy DM1 requires that all development should not have an unacceptable impact on residential amenities of new and existing residents, the character and appearance of urban areas, the countryside and coast, biodiversity and the significance of heritage assets. Development should make efficient use of the site, maximise opportunities to increase density and have regard to potential development opportunities on adjoining land. Development should take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible with adjoining uses and be well integrated with these in terms of mass, scale, materials, layout, density, design and siting, both in itself and in relation to adjoining buildings, spaces and views. Where adjoining development is poor in urban design terms, new development should contribute to improving the character of the area. Development should not involve the loss of or damage to trees, woodlands, priority habitats or other landscape features of value.
- 5.12 Policy DM11 seeks to protect, conserve and enhance all international, national and local conservation designations and networks of natural habitats and features.
- 5.13 Policy DM32 will only permit the loss of existing or allocated recreation and open space facilities in exceptional circumstances, which includes where an assessment identifies the space or land to be surplus to requirements.
- 5.14 West End Copse Management Plan 2017-2022 (May 2017) produced by West End Parish Council states the *“overall aim is to maintain the Copse as a community and biodiversity asset, and to maximise opportunities to protect and enhance the natural environment”*. The Parish Council website indicates that the management plan is in the process of being updated.

6. Design and Access Considerations

Use

- 6.1 The application site is designated as open space on the Local Plan policies map, with the rear woodland section falling within the West End Copse SINC designation. The proposal is to change the use of the

land to residential. The applicant is amenable to a condition removing permitted development rights so as to prevent any further built form on the land. Local Plan Policy DM32 and the NPPF paragraph 104(a) will allow land identified as open space to be developed if it is assessed as being surplus to requirements. The latest information published by the Council does not specifically identify the application site as being surplus to requirement but equally does not identify the application as being essential in terms of meeting the open space amenity needs of the local area or the Borough.



 Local Nature Conservation Designation - SINC and/or LNR (correct at December 2021) DM11

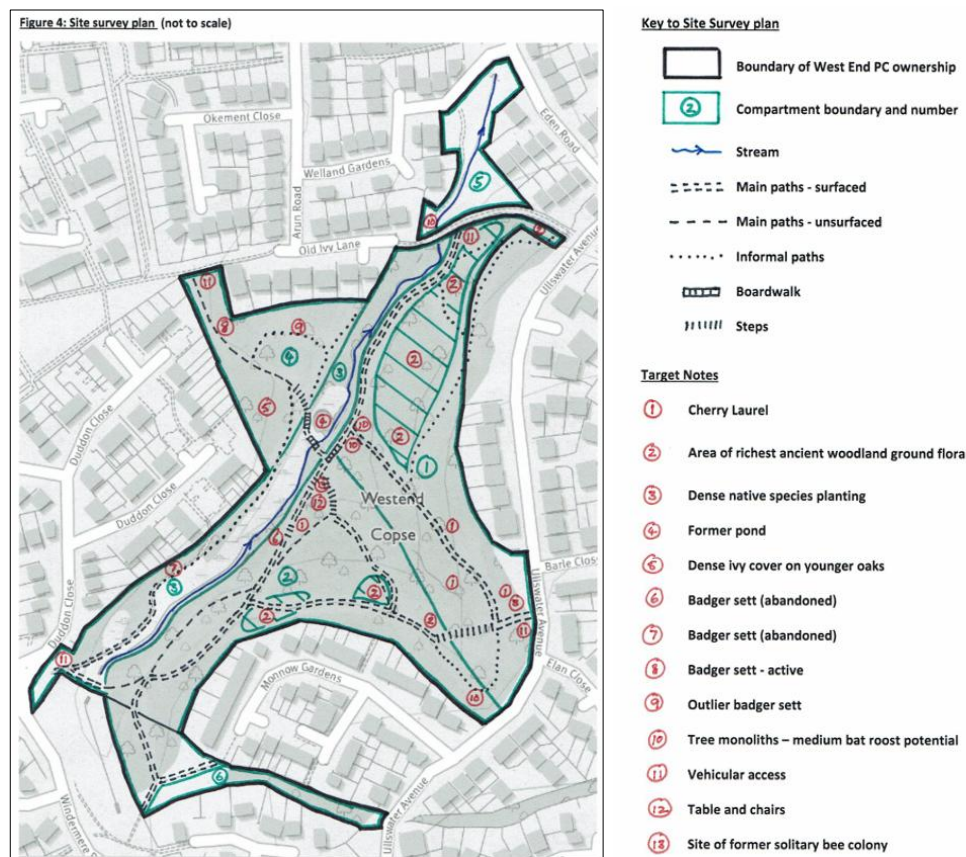
 Existing Recreation, Allotment and Open Space Facility DM32 & DM33

 Strategic Footpath/Cycleway/Bridleway S12

Local plan policies map and key extracts (www.eastleigh.gov.uk), application site marked by arrow

- 6.2 The application site forms a very small section of the designated open space area that is known as West End Copse. Prior to being enclosed as private land in 2015 the land at the front of the application site was open, but the denseness of trees at the rear of the plot prevented any public access to the woodland via the application site. To date there is still no public access to the woodland via the application site or in the immediate vicinity. The West End Copse Management Plan (2017) includes a map which sets out the access points and routes within the copse. The application site is not included within the Parish Council ownership boundary of the copse, and there is no specific reference to the

application site in the management plan, which indicates that the piece of land is not an integral part of the copse in terms of public access to the open space or the amount of green space provision. The management plan indicates that there are sufficient access routes through the copse and the aim is to stop/prevent any further informal access routes being made, therefore there is no indication that the application site is needed for access to the copse. Section 3.5 of the management plan also mentions an issue with fly tipping on the privately owned woodland strip adjacent to Ullswater that falls outside of the council's control. With the application site enclosed as private residential land, fly tipping in this specific area is prevented which is beneficial to the Council and the visual amenity of the area.



6.3 The Eastleigh Borough Open Space Needs Assessment 2017, produced as evidence for the adopted Local Plan, records West End Copse as a 'Green Route' (identification #32) rather than as amenity space. The application site is assumed to be included in this designation as it is not identified separately in the 'Appendix 2 list of all open space sites'. 'Incidental open space' was excluded from the study because *"this does not tend to be of appropriate size or location to provide significant benefit to the local population"*, private open space was also excluded. Green Routes are defined as *"Areas of informal open space normally linear in form which link areas of open space within and outside of urban areas and provide routes for both people and wildlife. These may include coastal routes, cycle paths, footpaths and bridleways, and trees and semi-natural vegetation, and are typically areas which have*

no definable secondary use and are therefore not multifunctional". Green Routes do not have any accessibility or quantity standards as the proximity and amount of this type of open space is not key considerations in determining whether provision is adequate. Hedge End/West End local area has the highest provision of Green Routes in the borough. Paragraph 3.11 does confirm that, for all other types of open space provision, Eastleigh Borough generally meets or exceeds national standards. The quality of West End Copse Green Route is identified as 'fair quality'. The recommendations for Green Routes within the needs assessment focuses on creating or upgrading green routes for a variety of users and to use green routes to promote non-vehicle access to a range of community facilities and better connectivity across the Borough.

- 6.4 The information in the open space needs assessment and the West End Copse management plan indicates that there is generally a sufficient amount of open space provision in the Borough. The application site falls outside of the management boundary and is not essential for providing access to the open space. Incidental open space does not provide a significant benefit to local populations and green routes are not assessed on the amount of provision, rather the quality. Therefore the change of use of 700sqm of open space to residential in this area will not be detrimental to the provision of open space in West End or the wider Borough and can therefore be considered surplus to requirements in accordance with policy DM32 and NPPF paragraph 104(a).
- 6.5 The application site has been used by the applicant as garden space for at least 10 years. There has been no public access to the application site for at least 10 years, and this further supports the argument that this designated area of 'open space' is surplus to requirements and a change of use to residential will not significantly impact the provision of open space in the area.

Amount and layout

- 6.6 The proposed layout of development on the site has been informed by the existing site configuration, existing trees and the need to preserve the character of the area. The plot of land is already enclosed along the perimeter and internally open so that the land merges with the existing garden of no.16. The addition of the application site as garden space will create a generous amount of external amenity space for the existing residents, with a garden boundary adjacent to the highway. No.6 Ullswater Avenue also has garden space adjacent to the highway. As an established residential area there are other examples of residential gardens with boundaries adjacent to the highway along Ullswater Avenue, and on larger residential plots off Ivy Lane. The proposal will therefore reflect existing land use and local patterns of development.

6.7 The garden shed is constructed of timber and has been finished to an appropriate standard. The shed is of a domestic scale with a ridge height of 2.4m, therefore only slightly higher than the 2m perimeter fence height. The garden shed is positioned in the northeast corner of the site, away from the protected trees to the rear. The size and design of the shed ensures the large majority of the site is retained as lawn or woodland. The appearance of the shed is appropriate with regards to its residential setting and the residential use of the buildings and land on the site and neighbouring the site. Photos in section 4 above show that the established conifer hedge to the east boundary of the site has grown tall enough and dense enough to obscure the 2m high fence as well as the new shed and any other domestic paraphernalia associated with a change of use to residential. As such the public views into the site and of the shed are extremely limited. The substantial separation distance to other residential properties ensures the proposal will not significantly impact neighbour amenity in accordance with policy DM1.

Appearance and landscaping

6.8 In terms of the impact on the character and appearance of the area, Policy DM1 requires the context of the area to be taken into account. As the application site has been enclosed and used as residential garden space for several years, the context of the site has evolved since the appeal decision in November 2016. The application site is surrounded by residential development to the south and east, and the woodland SINC to the north and west. The proposed residential use and siting of a garden shed is therefore compatible with adjoining uses and well-integrated with the scale and pattern of development in the area. The established conifer hedge with the backdrop of the woodland canopy creates a verdant frontage along Ullswater Avenue, obscuring views into and across the land. The application site is no longer seen or used as 'open space' in the sense of an accessible public open area, however the amount of mature vegetation ensures the site continues to make an important contribution to the natural woodland-edge character, preserving the verdant setting and landscape features in compliance with Policy DM1.

6.9 As the applicant owns the parcel of land it is their responsibility as the owner to carry out any reasonable management of the land, including mowing, weeding and maintenance. The woodland TPO and SINC designation does not prevent maintenance of the land under the tree canopy. The application site has been maintained by the applicant as domestic garden space, with the woodland section of site left natural, and additional biodiversity features included such as bee friendly plants, woodpiles and bird boxes. In terms of landscaping and biodiversity, minimal amount of landscaping and habitat has been impacted by the development. The appeal decision in 2014 confirmed that a change of use of the land to residential would not be harmful to the protected trees and would not unacceptably detract

from the nature conservation value of the SINC, and this still applies. As a retrospective application, the development is exempt from statutory biodiversity net gain, however the garden shed is located in an area that was previously mown lawn, therefore no habitats of significant value have been lost.

Access

- 6.10 In terms of access, the application site is owned by the applicant and has been fully enclosed, preventing any public access for at least 10 years. The only access is therefore via no.16 Ullswater Avenue, thus preserving highway and pedestrian safety.
- 6.11 In terms of access to open space, West End Copse is a substantial area of public open space with formal access points along Ullswater Avenue. The west side of Ullswater Avenue is predominantly trees and dense hedgerows, therefore the removal of such a small area of land from the open space designation has had minimal impact on how residents access and use West End Copse or how they experience the open space in views along Ullswater Avenue.

7. Conclusion

- 7.1 As explained earlier in this statement, it is clear that previous applications to change the use of the land to residential were refused and dismissed at appeal. However, some time has elapsed since the last appeal and in the intervening time period the boundary hedge has become more established to the extent that the entirety of the site is well screened from the public realm. This is evidenced by the proposed shed which is mostly screened from view from the street. It also serves to prevent views of domestic paraphernalia in the space. Furthermore, planning policy has evolved since the last appeal was determined. Therefore, in light of the time that has elapsed, the screening that now exists and that the land continues to perform no identifiable function as public open space it is considered that the change of use of the land can now be revisited and accepted in principle, as can the addition of a small shed to the space.
- 7.2 In accordance with the NPPF consideration needs to be given as to whether the proposal constitutes sustainable development. In this case the development is sustainable for the following reasons:
- From an economic perspective the proposal will continue to ensure the land is managed and maintained as residential garden space, the shed is of an appropriate design and will respond well to the verdant character of the area,
 - From a social perspective the proposal provides additional external amenity space for the existing residents, and

- From an environmental perspective the proposal uses natural resources, in this case land, efficiently to preserve the onsite protected trees and designated woodland SIN.

7.2 It is therefore considered that the planning justifications and design rationale identified in this Planning Statement demonstrate that the development is acceptable.