

DELEGATED OFFICER REPORT

Application Ref: F/25/100265

Site Address: 16 ULLSWATER AVENUE, WEST END, SOUTHAMPTON, SO18 3QU

Case Officer: Gregg Chapman

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

Particular Site Constraints?	Yes ☒	No ☐
Within Urban Edge TPO73 Partly within West End Copse SINC Designated Public Open Space (Amenity Land)		

Planning History?	Yes ☒	No ☐
O/05/53985 - Outline: Construction of detached dwelling with vehicular access from Ullswater Avenue - Refused 28/07/05 O/07/59181 - Outline: Construction of detached dwelling with access from Ullswater Avenue - Refused 19/06/07, Appeal dismissed 06/05/08 F/13/72660 - Change of use of land to domestic garden with new access onto Ullswater Avenue, including erection of 1.8m boundary fence – Withdrawn U/13/73345 - CLEUD application - Application for Certificate of Lawfulness for a proposed use: Construction of fence to enclose land (part 1 metre / part 2 metre high close boarded fence. CLEUD issued 28/11/13 F/14/73981 - Change of use of open space to domestic garden - Refused 15/04/14, Appeal dismissed 13/08/14. F/16/78552 - Change of use from open amenity land to domestic curtilage - Refused 05/07/16, Appeal dismissed 30/11/16. LDC/17/80861 - CLEUD application - 2 metre high boundary fence - Refused 05/09/17, Appeal dismissed, 27/11/2018.		

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	1 x Letter – Support - We have no objection to this on any grounds. As per the documentation, the land is not visible from the road due to the hedge that has been planted, and has no impact on us. While the shed has been in place for a while, we have no been affected by it, and see no reason why permission can't be granted.		
Parish Council:	No response received		
Landscape	No objection		
Ecology	No objection		
Trees	No objection		

Site Visit:	Yes ☒	No ☐
07/11/2025		

Policy:
National Planning Policy Framework Planning Practice Guidance

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1 and S2; and Development Management policies DM1, DM2, DM11 and DM32.

Supplementary Planning Documents:

Quality Places; Character Area Appraisals.

Assessment:Principle of Development

While Policy DM32 of the Eastleigh Borough Local Plan (EBLP) applies to all forms of recreation and open space, including amenity open space in private ownership, its purpose is to safeguard land that contributes to public recreation, visual amenity, biodiversity and the wider quality of the urban environment. In this case, the land, which is identified in the Local Plan as Open Space is entirely enclosed, inaccessible, and makes no meaningful contribution to public open space provision or public visual amenity; its value in this respect would not change were it to be incorporated into the garden. As set out below, the proposed replacement planting and biodiversity work would, however, deliver enhancements to the setting of the adjacent open space and to the wider public realm, ensuring that the proposal does not conflict with the intent of DM32 of the EBLP to protect the quality and function of publicly valued open spaces.

Policy DM11 of the EBLP sets out that development will not be permitted if it is likely (either individually or in combination with other developments) to have a direct or indirect adverse effect on a Site Importance for Nature Conservation (SINC). The majority of the application site is not within the West End Copse SINC. The part of the site that is within the SINC (to the west) is formed of a bank, which is proposed to be planted. The upper part is to be used as garden (and is laid to lawn) with the retrospective workshop/shed building being located within it. As is set out below, no impact to trees is identified (there is no objection from the Tree Officer) and ecological enhancements are proposed (there is no objection from the Ecology Officer). Accordingly, the proposal accords with Policy DM11 of the EBLP, as no direct or indirect adverse effects on the West End Copse SINC are anticipated and ecological enhancements are secured.

Character and Appearance

Policy DM1 of the EBLP requires development to take account of the character, appearance and context of a site and its surroundings, including seeking to ensure that development respects natural features, important landscape qualities, and established patterns of development, and avoids harmful visual intrusion.

The application site forms part of an area historically perceived as part of a natural woodland edge to Ullswater Avenue. In the previous (2016) appeal relating to this land, the Inspector described the site as *“notwithstanding the fencing, an undeveloped area of land containing some mature and attractive trees.”* and stated that it *“makes an important contribution to the character of Ullswater Avenue effectively providing a natural woodland edge to the estate.”* The Inspector emphasised that, *“although it has been found to be lawful to enclose this area of land... the undeveloped nature of the appeal site would still be apparent from the street scene.”* A further concern was that domestic use and associated paraphernalia could erode this natural appearance, with the Inspector noting that *“general human activity in this area would also erode its natural, undeveloped character.”*

In the context of this application, however, the character and visibility of the site would be materially enhanced through the proposed landscaping works to the frontage. The existing Leylandii hedge, which now dominates the frontage, is proposed to be removed and replaced with a mixed native hedgerow, alongside additional native planting on the bank within the site. This revised landscape scheme would reinstate the naturalistic qualities

that the Inspector considered important, and when viewed from the public realm would restore the perception of the land as part of a broader wooded edge rather than a domesticated plot. It is recognised that there would be an immediate stark short term impact as the existing hedge is removed and the fence is revealed, however, in the medium to long term, the benefits would be significant.

It is nevertheless recognised that the use of the land as domestic garden will introduce an element of domestication, as expressed by the Inspector. This will result in some degree of change to the internal character of the site through a differing pattern of use. However, such effects would be mainly contained within the plot and screened by the existing fence and the proposed native hedgerow as it matures. When balanced against the significant improvement to the public frontage (in the medium to long term), replacing the Leylandii with a more natural and appropriate woodland-edge boundary, the effects of domestication are considered to attract more limited weight. The enhancement to the street scene and the restoration of a characteristic woodland edge, supported by the restriction of further outbuildings through the withdrawal of permitted development rights, outweigh the acknowledged harm. On this basis, the proposal is judged to comply with Policy DM1 of the EBLP in overall character and appearance terms.

- Trees

The Council's Tree Officer has reviewed the proposals and raises no objection. Although the trees on site are protected by a TPO, the shed is a modest structure positioned at the edge of the Root Protection Area, and its construction is not considered to have resulted in harmful arboricultural impacts. The change of use similarly presents no tree-related concerns given the proposed domestic context of the land.

Ecology

The proposal has been assessed against EBLP Policy DM11 which seeks to protect designated sites, avoid harm to biodiversity and secure appropriate enhancements. As set out above, the site adjoins West End Copse SINC, an area of ancient and semi-natural woodland and there are records of bats and badgers in the wider locality. The site also lies within an amber impact risk zone for great crested newts.

Eastleigh Borough Council's ecological guidance seeks to resist development within 20 metres of ancient woodland or SINC boundaries; however, the existing dwelling already encroaches within this distance and the retrospective shed is located in the north-eastern corner of the plot, away from the woodland edge.

The Council's Ecologist notes that there are no ecological reasons to refuse the application, acknowledging the limited ecological effect of the shed and as (at the time of response) no changes were proposed to the vegetative cover. Although the application is retrospective and therefore not subject to the mandatory 10% biodiversity net gain requirement, biodiversity enhancements are still required under Policy DM11 and national policy. Since the Ecologist's consultation response was received, the applicant has revised the proposals to include additional enhancements, including the replacement of Leylandii with native species planting, further native planting within the site, and the installation of bat and bird boxes. These measures supplement those recommended by the Ecologist and are considered to be a moderate benefit of the scheme.

Taking account of the limited scale of development, the existing residential context, and the proposed biodiversity enhancements, the scheme is considered to accord with EBLP Policy DM11 and relevant NPPF guidance, and there are no ecological grounds for refusal.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality (b) work with partners to

aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.

The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy do not set this as a specific target, but it is a material consideration to be considered alongside all other material considerations. In any case addressing climate change is a core part of the NPPF and local plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

Equalities Implications:

Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:

- A public authority must, in the exercise of its functions, have due regard to the need to:
 - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications

Conclusion and Planning Balance

The proposal seeks retrospective permission for the incorporation of a small area of designated open space into domestic curtilage together with the retention of a modest shed/workshop building. Historically, the site has been subject to past refusals and dismissed appeals, principally on the grounds of the land's contribution to the character of Ullswater Avenue as part of a natural woodland edge.

The proposal includes a comprehensive and secured (through condition) landscape enhancement scheme including the removal of the non-native *Leylandii* and its replacement with a mixed native hedge and additional woodland-edge planting.

These measures would reintroduce a more appropriate boundary treatment that reinstates the woodland edge character which formed the basis of earlier refusals. While there will be a short-term visual impact as the hedge is replaced, the medium- to long-term benefits to the street scene are significant. The shed, whilst domestic in character, is modest in scale, visually contained, and does not give rise to harmful arboricultural or ecological impacts.

The change of use will introduce a degree of domestication to the land; however, this impact will be largely contained within the boundary fencing and is outweighed (in terms of the planning balance) by the enhancement to public realm character and the biodiversity improvements secured. There are no objections from specialist consultees on landscape, trees or ecology, or from third parties and the proposal satisfies the requirements of Policies DM1, DM11 and DM32 of the Eastleigh Borough Local Plan 2016–2036.

Conclusion:

Recommendation:	PERMIT ☒	REFUSE ☐
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Comments ...
