

The Planning Inspectorate

COMMENTS ON CASE (Online Version)

Please note that comments about this case need to be made within the timetable. This can be found in the notification letter sent by the local planning authority or the start date letter. Comments submitted after the deadline may be considered invalid and returned to sender.

Appeal Reference: APP/L1765/C/18/3195411

DETAILS OF THE CASE

Appeal Reference APP/L1765/C/18/3195411

Appeal By MR M OAKLEY

Site Address
Land known as Texas
Texas Drive
OLIVERS BATTERY
SO22 4HT

SENDER DETAILS

Name MR GRAHAM ANDREWS

Address
22 Plovers Down
WINCHESTER
SO22 4HH

ABOUT YOUR COMMENTS

In what capacity do you wish to make representations on this case?

- Appellant
- Agent
- Interested Party / Person
- Land Owner
- Rule 6 (6)

What kind of representation are you making?

- Final Comments
- Proof of Evidence
- Statement
- Statement of Common Ground
- Interested Party/Person Correspondence
- Other

YOUR COMMENTS ON THE CASE

Appeal re Enforcement for Texas Drive Olivers Battery Winchester SO224HT
Ref APP/L1765/C/18/3195411 linked with Appeal (same ADDRESS) ref APP/L/1765/W/18/3197434-
re planning application Winchester 17/02190/FUL

Sir,

I live at the edge of Olivers Battery overlooking the field and the important gap which lies between Olivers Battery and Compton village. I with others has raised comments and objections to the various planning applications and appeals for development of this site and whilst we accepted the need to replace the small prefab building to modern standards rather similar to the replacement building next door to this site we were concerned that the size of the replacement was excessive.

Notwithstanding this we noted with disappointment the approval to the consented scheme but were frankly angered by the manner that the applicant ignored many of the principles and conditions and started to build a significantly different structure as well as altering the landscaping regrading the field etc.

1 The alleged breaches of planning control relate to 2 areas of unauthorised development and the failure to comply with planning conditions resulting from the grant of Planning .

a The unauthorised cut and fill and regrading of the field lying to the east of the building site.

b The unauthorised building in location terms of the residential building resulting in revelling the site, moving the building to a more prominent position and critically requiring the removal of an important landscaping feature

c Starting the development in breach of planning conditions requiring PRIOR to development commencing approval to various items such Materials, Demolition, Archaeological investigations and importantly Landscaping.

2. The inspector should have regard to the extensive planning history of this site, all previously submitted plans and letters of objection should be considered with particular regard to the question of landscaping and the preservation and improvement of the two large landscaping features which are shown on the consented scheme. Substantial care was taken to allow a building whose presence was mitigated by the existing and improved landscaped features

The current unauthorised building site has removed completely the south landscaping feature and has reduced the extent of the north feature.

These landscaping removals have significantly opened up the building area extending the impact of that building with open views across the valley and the Yew Tree Butterfly field. There will be in addition to the buildings impact be an artificial lighting etc impact from the building and also from the car/vehicles which will now park to the front. The replacement landscaping features are entirely inadequate.

The sketch artist impression schemes showing the proposed positioning of the building are entirely misleading and inaccurate. The Landscaping impact plan prepared by the applicants agent in 2012 shows the extent of established landscaping versus the the more casual overgrown nature of the site. - Now all cleared.

3. The history of the site is not as defined by the appellant in that the original building on site was a single storey prefab type building built just after the First World War - it lay within a small residential garden and in fact the new housing units extends outside that residential area. The new building therefore increasingly extends into open countryside and given the nature of the removal of established landscaping has a detrimental impact on the area.

4. The reason for the changes as advised result from the alterations in personal circumstances of the appellant's mother and indeed the degree of support (All from persons living away from the immediate area and therefore not affected by this application) for this application results from that concern. However Firstly a long term planning position should not be dictated by a short term condition however promoted. Secondly the size of the new building if built on the approved site would allow ample areas within the building to be designed to give the necessary support and Thirdly it is noted that as long ago as 2010 this medical reason was used when obtaining planning consents for conversions of a garage at Woodhams farm Kingsworthy - (an Equestrian centre owned and operated as a commercial business by the appellants)

The move of this building further into the site we suggest was driven by the need /desire to build a triple garage and store between the front hedge and the building - (indeed by Christmas 2016 the foundations of which were dug out and a structure built to ground level - later just covered over). This work as well as moving the building away from the front hedge line and into the field area removing an important Landscaping feature has created a meter plus cliff face has been established potentially damaging the foliage and landscaping to the front boundary.

5. In the appellants statement little mention is made of the damage caused to the adjacent field by the extensive cut and fill works. The original field gently sloped southwards into the valley. These works have changed the character of this Important Downland setting. None of this work was authorised and the reseeded has been piecemeal and not consistent with Chalk Downland. Those elements of landscaping, the establishment of a bund and a clear separation (and protection) of the bottom fence/hedge line simply did not happen.

The establishment of a levelled area within the field suggests a change of use which having regard to the Equestrian business operated by the appellant is likely to see this Chalk Downland to be used as such. Notwithstanding this the engineering works of regrading etc is clearly development as defined as an Engineering work of on/over/under land and that requires planning approval.

6. The commencement of building operations started in Nov 2016 very soon after the grant of planning BUT BEFORE the important details as required by condition of landscaping, demolition of outbuilding, archeology investigation, drainage details, materials were approved - indeed a number of those planning conditions have still not been approved. To imply by providing survey details of archeology investigations (made post development) that retrospective approvals of these elements have been obtained is simply not correct. Approval or compliance to many items still have not been obtained - such as materials for the roof, demolition of all outbuildings on site and importantly Landscaping. You should be reminded that the approval to these matters relate to the consented scheme not that which was built.

It should be note that at Christmas 2016 objections were made to the planning authority relating to unauthorised works - landscaping alterations to the field, the installation of an attached triple garage and store, the removal of important landscaping feature and the building located in the wrong and unauthorised location.

We are of the view that planning is a democratic process where rules should be accepted when planning is consented. Clearly the appellant has demonstrated little regard to conditions and the planning process. A lack of prudent planning control will give little incentive for developers to play by accepted rules. And frankly if this enforcement is not enforced and development as built not consented is built but relies on further conditions then simply they (the conditions) will not be adhered with.

In order to maintain a the proper and prudent planning control of principles of good planning with appropriate conditions we ask that the Enforcement Appeal be dismissed.

Graham Andrews
22 Plovers Down
Olivers Battery,
Winchester SO224HH