

**Appeal by Mr W G Atkinson**

against

**Enforcement Notice re land to the rear of nos. 5 and 6 Hillside,  
Kitnocks Hill, Curdridge, Hampshire SO32 2HJ.**

**GROUNDS OF APPEAL**

presented by

**Robert Tutton BSc (Hons), MRTPI.**

**Mr Robert Tutton**

**Qualifications:**

Bachelor of Science (Honours) Degree in Town and Country Planning awarded by the University of Aston in Birmingham.  
Member of the Royal Town Planning Institute since 1976.

**Experience.**

Has worked in the town and country planning field for fifty-five years, of which nine were spent with Portsmouth City Council (1965-74) and fifteen with Fareham Borough Council (1974-89) in several senior positions, including Chief Forward Planning Officer and Chief Development Control Officer. Has been a Town Planning Consultant in private practice since July 1989 and a Director of Robert Tutton Town Planning Consultants Ltd since January 2008.

Is familiar with the provisions of adopted planning policies for the Curdridge area and has visited the appeal site and its environs on several occasions since first being instructed by Mr Atkinson in July 2019.

**TOWN AND COUNTRY PLANNING ACT 1990**  
**Section 174**

**GROUNDS OF APPEAL** by **Mr W G Atkinson** against the Enforcement Notice issued by **Winchester City Council** on 3<sup>rd</sup> March 2020 in respect of the alleged material change of use (from agriculture to residential amenity land) of land to the rear of nos.5 and 6 Hillside, Kitnocks Hill, Curdridge, Southampton in Hampshire SO32 2HU.

**Winchester City Council's reference: 18/00235/COU**

**Grounds of Appeal against the Enforcement Notice.**

**1.0 THE APPEAL SITE**

**1.1** Nos.5 and 6 stand on the northwest side of Hillside, to the north of Kitnocks Hill (A334) in the southeast quadrant of Winchester City Council's administrative area. Hillside is a cul-de-sac, so one can only approach the appeal site from the southwest; the land-form, dwellings and vegetation combine to screen the site from public view. Hillside, Kitnocks Hill and Lockhams Road (to the northwest) are characterised by frontage residential development which blocks impressions of land to the rear (**Appendix 1**) and no footpaths or bridleways cross the land, to afford public vantages. It is evident that the appeal site lies within a *semi-rural* area that is contained by frontage development and does not display the customary characteristics of *open* countryside.

**2.0 EVENTS leading to service of the Enforcement Notice**

**2.1** In November 2018, Winchester City Council's Enforcement Officer Gill Cooper wrote to William and Jacqueline Atkinson at 5 Hillside, stating that "*It has been brought to our attention that the land to the rear of your garden may be being used for another purpose without an application having been submitted for a change of use or planning permission having been granted for this purpose.*"

**2.2** In December 2018, Winchester City Council's Planning Enforcement Officer Kate Longley's letter to Mr Atkinson regarding an 'Alleged change of use of field to extend residential curtilage at 5 Hillside' stated that "*The outbuilding which appears to be used for additional residential amenity space is shown on a satellite image in 2013 and as such would now be outside of the enforcement timeframe for 4 years...Following our discussion, it would seem the area has been used as garden in excess of 10 years...If this is the case, then it will also be outside of the enforcement time frames...As you have advised, the area has been used in excess of 10 years, I would suggest you submit a Lawful Development Certificate...I also wanted to confirm that, whilst the use may well be garden, this does not afford permitted development rights under class E, as it is not within the residential curtilage.*"

**2.3** In June 2019, Winchester City Council's Enforcement Officer Gill Cooper again wrote to Mr Atkinson at 5 Hillside re 'Alleged change of use of field to extend residential curtilage' – "*The Planning Enforcement team has recently received information that suggests that the land has not been in use in this way for 10 or more years, therefore I would strongly urge you to submit your legal argument for a Lawful Development Certificate as soon as possible...Following on from the evidence we have received, it appears that the residential use does not benefit from 10 years or more use and therefore is not immune from enforcement action. It is therefore down to you to rectify this breach of planning control by taking one of the following options...Remove residential items...Submit a retrospective application to regularise the change (of) use of the land...Submit an application for a Lawful Development Certificate, with evidence that shows that the land has been in use in this fashion for 10 or more years.*"

**2.4** On 5<sup>th</sup> August 2019, Robert Tutton submitted application 19/01696/LDC to Winchester City Council on behalf of Grant Atkinson for a Certificate of Lawful Use or Development in respect of the southeast end of 'Land to the rear of 5 Hillside, Kitnocks Hill, Curdridge'. Robert Tutton's letter of that date (**Appendix 2**) was presented in support of the application and attention is drawn to these extracts:

“Robert Tutton invited Grant Atkinson to compile a short list of witnesses to the commencement and subsequent continuation of residential garden use of the ‘red land’; each witness drafted his/her own Declaration and completed it before a Solicitor of their choice. Their completed Declarations are reproduced as attachments to this application but a summary of their consistent, robust and reliable evidence is presented here.”

“David John Allen has declared that the ‘red land’ originally formed part of a one-acre plot (0.4047 hectare) that was purchased by his great-grandfather in 1922; a semi-detached pair of houses (‘Holmcott’ and ‘Riceen’) were erected on the Lockhams Road frontage; ‘Holmcott’ (now ‘Hazel Mount’) became the home of Mr Allen’s grandparents and ‘Riceen’ (now ‘Fieldfare’) the home of his own parents, where he was raised; and, as two generations of the same family lived side-by-side, the land behind their houses (including the ‘red land’) unusually formed part of the domestic garden of *both* houses. Mr Allen has recalled that the ‘red land’ was used over the years for the growing of fruit and vegetables, the keeping of a horse and other domestic activities; he has confirmed that the red land was used by the residents of no.6 Hillside for general garden use and relaxation and keeping a horse until 2010, when they vacated and the ‘red land’ was sold to Mr and Mrs Atkinson.”

“Grant Atkinson has declared that he and his wife Jacqueline have lived at 5 Hillside since 1999, so they witnessed the ‘red land’ being used by ‘the occupiers’ of 6 Hillside (Sandy and Nick Penwill) as an extension to their garden, until they moved away in May 2010 – until then, the ‘red land’ comprised the southeast end of a larger area of garden that had been rented by Mr and Mrs Penwill from Mrs Allen. Grant Atkinson recalls that Mr and Mrs Penwill moved out of no.6 in May 2010, David Allen tidied the ‘red land’ and he and his wife took ownership of it in July 2010. Mr Atkinson’s declaration provides a detailed description of the character and use of the ‘red land’ over the last nine years – the erection of a garden room and greenhouse, the laying of a patio, the provision of a washing line, low level lighting and a fence to control his dogs – and asserts that *“We often have BBQs and small get togethers in our garden and are very considerate towards all our neighbours and have never had any complaints at all from anyone.”* Mr Atkinson has declared that he sees and accepts the ‘red land’ as part of his garden *“...as it has been used for this for so long...its history goes back to 1922.”*

“Grant Atkinson’s brother-in-law Andrew John Ball is a builder who was aware that Sandy and Nick Penwill were using the ‘red land’ as part of the residential garden of 6 Hillside before it was acquired by Mr and Mrs Atkinson in 2010 – he has declared that he carried out several building projects for his sister at 5 Hillside (eg a wooden garden structure in 2009) and recalls that it was being actively used by the Penwill’s as an extension of their residential garden before it changed hands in 2010. To Mr Ball’s ‘certain knowledge’, *“...the ‘red land’ formed part of (and was used as) the residential garden of no.6 Hillside for several years prior to its acquisition by Mr and Mrs Atkinson in 2010.”*

“Sam James Stubbington has declared that he carried out electrical work at 5 Hillside in 2010/2011, to repair wiring in the old stable block and store on the ‘red land’ and fit new indoor and outdoor lighting for a patio/seating area and new garden room. The area of land on which he undertook the work was already familiar to Mr Stubbington, who had *“...always assumed it to be a residential garden plot before Mr and Mrs Atkinson took it over and this continued to be the case under their new ownership.”* Mr Stubbington has revisited the ‘red land’ garden area several times in his professional capacity over the years and would find it *“...hard to remember a time when this wasn’t the case.”*

“Jackalyn Ann Dennis has declared that she has been a friend of Mr and Mrs Atkinson for over 40 years and they have regularly met at each other’s houses over the last 15 years. Duncan Knight, too, has been a friend to the Atkinsons for over 35 years and has declared that *“In all that time, most of my memories are of being sat at the top of the garden, at the bottom of the field, enjoying a few drinks, some food and great company...It’s not easy to remember back to a time when that area was not part of their garden, although I now understand that it was approximately*

10 years ago.” Dr Christopher Mark Jones recalls that he and his wife have been friends with Grant and Jackie Atkinson for about 20 years and “...have often dined at their house and shared their generosity for suppers and outdoor meals on many occasions, both in their original and then in the extended garden.” Richard Horwill Carne, too, has stated that he and his wife “...have visited the Atkinsons on many occasions on a social basis, particularly over the last 9 years and have sat in their garden area at the bottom of their garden, enjoying BBQ and other social events that they have organised.”

“It is submitted that the Declarations of these eight witnesses comprises robust and reliable evidence that the ‘red land’ at the rear of 5 Hillside has been in use as residential garden since at least 1922 - first as the shared garden of ‘Holmcott’ and ‘Riceen’, then as the extended garden of 6 Hillside and finally as the extended garden of 5 Hillside since 2010 - and that, as over a decade has passed and an Enforcement Notice has not been served, said use should be recognised as lawful.”

**2.5** Notwithstanding the Declarations of those witnesses, the ‘Service Lead, Legal (Interim)’ of Winchester City Council refused to grant the certificate on 15<sup>th</sup> October 2019 – these extracts from ‘The grounds for the Council’s decision’ (**Appendix 3**) are seen to bear on the consideration of this appeal:

“The Council is not satisfied that, on a balance of probabilities, the lawful use of the Land is residential garden...The applicant took transfer of the Land in July 2010 and, according to his statutory declaration, he immediately set out improving and enhancing the overall aspect of this small section of the ground...This is not definitive in any material respect as exact details of such improvements and enhancements are not specified on any given date...These improvements ie addition of a garden room to the stable block, a greenhouse, a patio, a washing line and vegetable patch etc. do not appear to be evident in the photograph and statements contained in the statutory declarations provided by Steve and Georgia Wallin of No.6 Hillside...It seems improbable that the Land was in fact used to the degree required by law to be regarded as a residential garden associated with No.5 Hillside on or before 6 August 2009 ie 10 years prior to the date of the application...Therefore, while the Land has undoubtedly undergone improvement in more recent years, to make it more enjoyable as a residential garden for leisure activities associated with the use of the residential dwelling at No.5 Hillside, on a balance of probabilities it has not been used as a residential garden for more than 10 years prior to 6 August 2019...Therefore the unlawful change of use from agriculture to residential garden has not yet become immune from enforcement action under section 171B(3) of the 1990 Act and the certificate of lawfulness is therefore refused.”

**2.6** Planning application 19/02468/FUL was submitted to Winchester City Council via the Planning Portal on 6<sup>th</sup> November 2019 and it was validated two days later. Section 5 of the 1APP form described the proposal as the ‘Use of land as residential garden’. It should be noted that the land the subject of the planning application comprised less than half of that which has been made the subject of the Enforcement Notice. The submitted Location Plan showed the body of the application site to be broadly rectangular in shape and off-set, so as to lie partly to the rear of no.6 Hillside. Nigel Trowell’s drawing no.0879-19 of the ‘Proposed Landscaping Plan’ (**Appendix 4**) showed how the site would be planted with trees, shrubs and plants to positively enhance its contribution to the landscape and ecology of the locality.

**2.7** Robert Tutton’s letter dated 6<sup>th</sup> November 2019 (**Appendix 5**) was presented in support of the application and attention is drawn to these extracts:

“No.5 stands on the northwest side of Hillside, to the north of Kitnocks Hill (A334) in the southeast quadrant of Winchester City Council’s administrative area...It is evident that it lies within an area that is dominated by residential development and does not display the customary characteristics of open countryside.”

"The Policies Maps of the 'Winchester District Local Plan Part 2 – Development Management and Site Allocations' (LPP2) show the location and extent of *special* areas such as the 'South Downs National Park', 'Protected Open Areas' and 'Settlement Gaps' but this site falls within *none* of them. As it lies outside a 'Settlement Boundary' and no relevant findings of the Winchester District Landscape Character Assessment bear directly on it, this proposal falls to be considered under the general provisions of Core Strategy 'Countryside' Policy MTRA4 (which seeks to ensure that development in the rural area does not cause harm to its character and landscape) and Policy DM23 of LPP2, which similarly seeks to ensure that development does not have an unacceptable effect on rural character by means of visual intrusion. Notably, neither policy directly addresses the issue of a change of use to residential garden."

"With regard to development proposals in 'The Countryside', paragraph 7.30 of the Joint Core Strategy states that '*Development will be limited to that which has an essential need to be located in the countryside, this may include development which is necessary for agricultural, horticultural or forestry purposes and certain types of open recreational uses which require a countryside location*' (emphasis added). It is surely the case that a private garden for the enjoyment of the residents of an existing house in the countryside is precisely the 'type of open recreational use' that Officers and Members of Winchester City Council had in mind when they adopted Core Strategy Policy MTRA4 in 2017:- '*In the countryside...the Local Planning Authority will only permit the following types of development...development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry*' (emphasis has again been added). Policy MTRA4 cites three *examples* of development types that would customarily be acceptable for a countryside location, so it does not purport to provide a decision basis for every conceivable kind of 'Countryside' proposal that may come before Winchester City Council over the plan period of eighteen years (2013-2031) and it would be unreasonable and unrealistic to contend otherwise; the absence of a specific reference to another class of development (ie residential garden) should not lead to automatic rejection of such use, as a matter of policy. On the contrary, it is submitted that a fuller list of acceptable developments would include '*recreation*' and '*leisure*', which are precisely the kinds of 'quiet enjoyment' activity that one would normally associate with the garden use of land behind a house in the countryside."

"Indeed, it was Winchester City Council's own recognition that residential garden use is acceptable within 'countryside' that paved the way for the grant of such consents at The Barn, Curbridge in 2014 (14/00707/FUL) and Church Road, Newtown in 2015 (15/01173/FUL)."

"When Inspector Holt allowed Mr and Mrs Snook's appeal in August 2001 and granted permission 01/00592/FUL for garden use of 0.6 hectare of land beside 'Rowndale' in North Boarhunt...he opined that '*...bearing in mind the current appearance of the site, a garden use and the introduction of appropriate planting and landscaping would be likely to secure an enhancement in the character and appearance of the area*.'" Inspector Stone came to a similar view at Oak Farm on Winchester Road, Wickham in September 2018 (17/01203/FUL) – "*Policy MTRA4 of the JCS seeks to ensure development in the rural area does not cause harm to the character and landscape of the area or neighbouring uses...Policy DM23 of the Local Plan Part 2: Development Management and Site Allocations (DMSA) similarly seeks to ensure development would not have an unacceptable effect on rural character by means of visual intrusion...Neither policy directly addresses the issue of change of use to residential amenity land and, given the context of my conclusions regarding the effect on the character of the area, I am satisfied that the proposal would not conflict with these policies.*"

“Our client has followed the clear leads given by Winchester City Council and appeal Inspectors and brought forward this proposal, to put the land beside his home to recreation/leisure use and enhance its appearance with a comprehensive landscaping scheme.”

**2.8** The Officers’ Report was published on 11<sup>th</sup> February 2020 and recommended that permission should be **granted**, subject to the imposition of four conditions (**Appendix 6**); these extracts from the report which led to that recommendation are considered particularly noteworthy:

“The surrounding area is predominantly rural in character, resulting in large part from the distance between the properties in Hillside and those along Lockhams Road and the extent of open space between them. Old maps and plans of the area indicate that the majority of this land, including the application site, was included in the extensive gardens of the Lockhams Road properties.”

“WCC Landscape (verbal comments) – the proposed landscaping is a responsible and appropriate scheme of planting in this area.”

“The site is located in the countryside, outside any settlement boundary and there are no specific policies relating to the change of use of land to residential curtilage. Policy MTRA4 of the Winchester Local Plan Part 1 - Joint Core Strategy (LPP1) states that the Local Planning Authority will seek to limit development to that which has an essential need to be located within the countryside. Applications for such proposals must therefore be assessed on their individual merits and potential adverse impacts to the overall character and appearance of the countryside location in accordance with policy DM23 of LPP2...Policy CP16 supports development which maintains, protects and enhances biodiversity across the area. The proposal will, through its landscaping and planting of species designed to improve the habitat on the site and will serve to enhance the biodiversity of the land, which is currently of little ecological value.”

“The majority of the site, with the exception of the smaller section that was the subject of the LDC, is a featureless grassed area, which it is apparent has been maintained and mowed. The proposed landscaping of the site will, through the introduction of planting beds and a pond feature, result in a more domestic appearance to the land than is currently the case. However, these are natural features which, in the main, do not require planning consent and it is not proposed to introduce large areas of hardstanding or buildings.”

“The site forms part of an area that separates the two rows of houses along Lockhams Road to the northwest and Hillside to the southeast and appears to have formerly been part of the gardens of properties along Lockhams Road. The rear parts of these plots are generally less domestic in appearance, being generally left to grass but the subdivisions between the gardens are still visible and there is no evidence that they have been used for agricultural purposes. Therefore, whilst the land contributes to the open and undeveloped aspect of the area, the proposal to use it as part of the garden of no.5 will not have a material impact on the appearance of the site or adjacent land. Furthermore, there are no footpaths or other vantage points in the vicinity of the site and the proposal will not therefore be visible in or detrimental to the character and appearance of the area as a whole...It is acknowledged that authorised gardens benefit from a range of permitted development rights, including the erection of buildings and enclosures which could have a more significant impact on the appearance of the site. Whilst no such structures are currently proposed, it is considered that a condition restricting permitted development rights, in order to enable the LPA to assess the impact of any future proposals, would be appropriate in this case.”

**2.9** Although the application had not proven controversial (only two objection letters were received), the Member for Whiteley and Shedfield (Councillor Bentote) had formally requested that it be determined by the Planning Committee, so Robert Tutton considered it prudent to present a deputation at the meeting, in favour of the proposal; these extracts from his submission (**Appendix 7**) bear on the consideration of this appeal:

“This site falls outside a ‘Settlement Boundary’ but it does not lie within the South Downs National Park, a protected Open Area or a Settlement Gap, so Policies DM23 and MTRA4 of the local plan would customarily apply. Policy DM23 seeks to ensure that development does not have an unacceptable effect on rural character by visual intrusion. Policy MTRA4 gives three *examples* of development which have an operational need for a countryside location (agriculture, horticulture, forestry) but the list is not exhaustive and it would be unreasonable to reject a ‘garden’ proposal simply because the policy is silent on the matter. Indeed, your Council has itself granted permission for residential garden use within ‘countryside’ at Curbridge in 2014 and Newtown in 2015. Furthermore, appeal Inspectors at Rowdale in North Boarhunt in 2001 and Oak Farm, Wickham in 2018 recognised that garden use is likely to secure **enhancement** of the countryside by the introduction of new trees and shrubs. In the latter case, Inspector Stone found that neither Policy DM23 nor MTRA4 “...*directly addresses the issue of change of use to residential amenity land*” and satisfied himself that such use would not conflict with those policies. On 6<sup>th</sup> December, we submitted a landscaping scheme prepared by Nigel Trowell (a former Parks and Recreation Officer with your Council) and it is our contention that the use of this land as residential garden (and the introduction of a planting scheme described as ‘...*responsible and appropriate*’ by your Officers) would **enhance** the local landscape, in the manner intended by Local Plan Policy DM23...Chairman, your Officers are satisfied that clear leads have been given by your Council and appeal Inspectors regarding residential garden use in the countryside, so Members are invited to accept their recommendation and grant permission.”

**2.10** No questions were put to Robert Tutton by Members of the Planning Committee to challenge the assertions of his deputation and his notes of the subsequent debate record that, although he had drawn particular attention (in his letter of 6<sup>th</sup> November 2019 as well as his verbal deputation) to the findings of appeal Inspectors Holt and Stone and more recent decisions by the City Council itself (Curbridge in 2014, Newtown in 2015), none of those cases received explicit mention in the debate that led to the decision; in short, Members put aside material considerations that should have led them to accept the Officers’ favourable recommendation.

**2.11** The decision notice issued on 19<sup>th</sup> February 2020 (**Appendix 8**) purported that permission had been withheld for this reason:

“The proposed development is contrary to policy MTRA4 of Winchester District Local Plan Part 1 and policy DM23 of Winchester District Local Plan Part 2, in that it would result in the domestication of the land through the introduction of residential features, to the detriment of the landscape character and appearance of the surrounding area.”

**2.12** Notes on the decision notice recorded that, in reaching their decision, Members of the Planning Committee took account of three policies of the ‘Local Plan Part 1 – Joint Core Strategy’ (MTRA4, CP13 and CP16) and six policies of the ‘Local Plan Part 2 – Development Management and Site Allocations’ (DM1, DM15, DM16, DM19, DM20 and DM23). As breaches of just two of those policies were alleged in the decision notice, it may be surely assumed that seven policies of the development plan were accepted as being satisfied, namely Policy CP13 re ‘High Quality Design’, Policy CP16 re ‘Biodiversity’, Policy DM1 re ‘Location of New Development’, Policy DM15 re ‘Local Distinctiveness’, Policy DM16 re ‘Site Design Criteria’, Policy DM19 re ‘Development and Pollution’ and Policy DM20 re ‘Development and Noise’. There were no issues between the parties on those seven matters, so they are not given attention here.

**2.13** The Town and Country Planning (Development Management Procedure) Order calls for a refusal reason to be clear and precise so, as the decision notice had alleged that residential garden use of this land



would result in 'domestication' that would undermine the intentions of Policies MTRA4 and DM23, Robert Tutton invited clarification of the charge via email to the planning case officer on 21<sup>st</sup> February:– "As the dictionary definition of 'domestication' is '...the process of bringing animals and plants under human control in order to provide food, power or company', we would welcome your assistance by an explanation as to why that process would contravene the intentions of Policies MTRA4 and DM23, in order that our client may consider his position." Three days later, the case officer conceded that "The wording of the reason for refusal was not formally agreed during the committee and was delegated back to officers for completion...It is considered that the term 'domestication', whilst it may not fully accord with the dictionary definition, is a recognised term to describe the changes that would result to the character and appearance of the land through its use as a garden...The use of this term does therefore reflect the concerns that were expressed by the Members in reaching their decision to refuse the application...The reason for refusal was agreed with the Chair of the Planning Committee prior to being issued." It is now evident that, even though it does not accord with the dictionary definition, 'domestication' is a term favoured by Officers that did not directly derive from comments made by Members during their debate – the minutes of the meeting (**Appendix 9**) have since confirmed that a 'domestication' charge was not laid. The case officer's reply on 24<sup>th</sup> February was not that which was expected or hoped for from a local planning authority that purports to '...take a positive and proactive approach to development proposals' in accordance with paragraphs 186 and 187 of the NPPF, so Mr Atkinson found himself obliged to prosecute an appeal; his challenge to the Planning Committee's decision was submitted via the Appeals Casework Portal on 27<sup>th</sup> February and, although the reference APP/L1765/W/20/3247907 has been attributed to it, a 'start' letter is yet to be received.

### 3.0 PREVIOUS RELEVANT DECISIONS

3.1 Applications for 'residential garden' use of land the subject of countryside policies are relatively rare and appeals on the subject even rarer but several decisions in Winchester district over the last 37 years are strong indicators of the approach that should be taken to 'residential garden' use at Hillside.

3.2 In June 1983, Inspector Clark allowed the appeal by Mr and Mrs Cahalin against Winchester City Council's decision regarding development at Pine Lodge in Ludwells Lane, Waltham Chase, which included a '...change of use from field to garden'. Paragraph 2 of Inspector Clark's decision letter (**Appendix 10**) recorded that, for him, '...the main issues for consideration in this case are whether or not the proposal would lead to unacceptable hazards to road users and whether or not there would be a change in the appearance of the site, unsuitable for the rural area in which it lies'. Inspector Clark recognised the benefits that would accrue from residential garden use of the land:

"On the question of the landscaping, including the driveway, whilst the change from a small grass field to cut grass and trees changes the visual impact of the scene, I do not consider, in the way that it is done, that it carries any offence, indeed it may well enhance the beauty of the area, although I appreciate that this is a subjective point of view."

3.3 In August 2001, Inspector Holt allowed Mr and Mrs Snook's appeal and granted planning permission 01/00592/FUL for garden use of land beside 'Rowndale', which was open to clear view on the Southwick Road frontage in North Boarhunt; these extracts from his decision letter (**Appendix 11**) are noteworthy:

"The primary purpose of Policies C1 and C2 of the structure plan and Proposal C1 of the local plan is to protect the character and appearance of the countryside. This is an important objective which accords with national guidance and deserves full support. The policies indicate that only a limited range of development will normally be accepted in the countryside and no mention is made of the change of use of land to private gardens among the acceptable categories...However, providing a proposal did not harm the character or appearance of the countryside or did not have other undesirable consequences, I do not consider that it would be contrary to the objectives of the general countryside policies of the development plan...In my opinion, bearing in mind the current appearance of the site, a garden use and the introduction of appropriate planting and landscaping would be likely to secure an enhancement in the character and appearance of the area."

**3.4** In November 2006, Inspector Mair allowed the appeal by Mr and Mrs Chase for garden use of meadow land behind their home at 'Tinnisbourne' in Exton (**Appendix 12**). The 'Tinnisbourne' case is particularly noteworthy because the appeal site lay within the Exton Conservation Area and the East Hampshire Area of Outstanding Natural Beauty (AONB), which has since been subsumed within the South Downs National Park. Inspector Mair held that garden use of the land *accorded* with the national call for countryside to be protected for all; no part of the Winchester District Local Plan Review had called for countryside to be kept unchanged; and (unlike land within a Green Belt), there was *no policy presumption against* such a change. Notably, Inspector Muir awarded costs against Winchester City Council because its Officers had behaved unreasonably by failing to give attention to previous '*agriculture-to-garden*' consents within its district.

**3.5** In June 2014, Winchester City Council granted planning permission 14/00707/FUL for the '*Change of use of agricultural land to residential garden*' of 0.67 hectare of land at The Barn, Harmsworth Farm, Curbridge (**Appendix 13**). The decision notice recorded that four policies of the Winchester District Local Plan Review had been taken into account, together with two policies of the 'Winchester Local Plan Part 1 – Joint Core Strategy', that included Policy MTRA4. These extracts from the Officers' 'Delegated Decision' report are relevant to this appeal:

"The site is located in the countryside outside of a defined settlement boundary...However the site is enclosed by existing tree belts/vegetation and adjoining land that is fenced off...To the south there are several residential properties including the applicant's property...The side boundary (western) and rear boundary (northern) are both heavily treed and enclose the site from the public realm...The existing trees and standard size fence panelling prevent views into the site from the footpath."

"The site is very well enclosed (by mature trees and fence panelling) and there are no public views of the property from outside the site...In addition there are not long views of the site from elevated positions or from a highway or public footpath...Therefore the site is not prominent within the landscape and the proposed change of use will not harm or change the character of the wider countryside...The character of the area is semi-rural in nature rather than purely rural...As mentioned above, the field is not located within a large expanse of open countryside where there are long views of the site."

"As part of the details prepared by the agent representing the application, the agent has made the LPA aware of various appeal decisions in the district where an Appeal Inspector has granted change of use of agricultural land to residential, upon sites that were not prominent within the landscape and where public views of the site were either very limited or non-existent...It is considered that, due to the secluded location of the application site (as mentioned above, it is not prominent or viewable from public realm) these appeal decisions are relevant to this application and are material planning considerations."

**3.6** Planning permission 15/01173/FUL was granted by Winchester City Council in September 2015 for residential garden use of agricultural land to the east of Church Road, Newtown (**Appendix 14**). The decision notice recorded that three policies of the 'Winchester District Local Plan Review' (DP3, DP4 and H3) and five policies of the 'Winchester Local Plan Part 1 – Joint Core Strategy' (DS1, MTRA4, CP16, CP17 and CP20) were taken into account in reaching that decision. These extracts from the Officers' report to the Planning Committee in September 2015 are germane to the consideration of this appeal:

"The site comprises of 1.212 acres of undeveloped agricultural land to the rear of the residential properties located on the eastern side of Church Road...Owing to the position of the site, to the rear of these residential properties and the relative distance from Ingoldfield Lane, the site is highly enclosed and, owing to these factors and the substantial levels of vegetation surrounding the site, it is well screened and primarily only visible from the properties which enclose it."

“The Winchester District Development Framework does not currently include any specific planning policies which relate to the conversion of agricultural land to residential use...Policy MTRA4 of the Winchester Local Plan Part 1 – Joint Core Strategy would be applicable as the site is situated within the countryside....However the policy makes no specific reference to the change of use of agricultural land to residential use...As such, each application for such proposals must be considered on an individual basis, as with all planning applications, and the potential for the countryside character of a site to be fundamentally altered must be assessed.”

“Given that there are no prominent views of the site from public viewpoints and provided that any development on the land is restricted and controlled through planning conditions, then it is not considered that the character of the area or its amenity value would be fundamentally altered or harmed...As set out in previous appeal decisions relating to such matters, including reference APP/L1765/A/06/2007126 relating to the change of use of a meadow to garden in Exton, it is not considered that the intrinsic quality of the countryside would be altered as a result of this change of use.”

**3.7** It can be seen that Officers of Winchester City Council accepted in September 2015 that “*Policy MTRA4 of the Winchester Local Plan Part 1–Joint Core Strategy...makes no specific reference to the change of use of agricultural land to residential use*” and Members endorsed that position. It is particularly noteworthy that the Officers’ approach had been strongly influenced by Inspector Mair’s decision at Tinnisbourne in Exton (3.4 above) and neither Officers nor Members of the Planning Committee considered that the change of 0.49 hectare of agricultural land to residential garden would result in its ‘*domestication*’.

**3.8** Attention is drawn to planning application 17/01203/FUL that was made to Winchester City Council by Robert Tutton for Mr Ian Gray for the ‘*Use of land as residential garden*’ in respect of a rectangle of land 0.21 hectare in area at Oak Farm, Wickham (to the east of Curdridge). The decision notice issued in July 2017 is particularly noteworthy (**Appendix 15**), as it not only alleged breaches of Policies MTRA4 and DM23 but contended that residential garden use (of a similar area of land as this appeal subject) would lead to ‘*domestication*’ of the countryside (precisely the charge that is levelled in this case):-

“The proposed development is contrary to Winchester District Local Plan Part 1 – Joint Core Strategy Policy MTRA4 and Winchester District Local Plan Part 2 Policy DM23, in that there is no overriding justification for the use of the area of land as garden, which is considered to be disproportionate and unrelated to the size and position of the residential unit it is to serve. The domestication of the use through the introduction of residential paraphernalia would detract from the countryside character of the area.”

**3.9** Inspector Stone allowed the subsequent appeal in September 2018 and these extracts from his decision letter are seen to bear on the consideration of Mr Atkinson’s appeal:

“The main issue in this appeal is the effect of the proposed change of use on the character and appearance of the surrounding area...The site is not readily visible from public locations and would be contained within an existing myriad of uses and activities and would not be viewed or perceived as isolated or an incursion into the countryside...Policy MTRA4 of the JCS seeks to ensure development in the rural area does not cause harm to the character and landscape of the area or neighbouring uses. Policy DM23 of the Local Plan Part 2: Development Management and Site Allocations (DMSA) similarly seeks to ensure development would not have an unacceptable effect on rural character by means of visual intrusion. Neither policy directly addresses the issue of change of use to residential amenity land and, given the context of my conclusions regarding the effect on the character of the area, I am satisfied that the proposal would not conflict with these policies...For the reasons given above, I conclude that the proposed development would not result in material harm to the character and appearance of the surrounding area. Consequently, the proposal would not conflict with policy MTRA4 in the JCS or DM23 in the DMSA, which seek to protect the rural character of the countryside, amongst other matters.”

**3.10** Consistency of decision-making is surely a basic tenet of good public administration, so the approach that was taken by Members of the Planning Committee in September 2015 should have influenced their consideration of Grant Atkinson's application in February 2020, as his land does not lie within an area which is liable to *any* special landscape, agricultural or ecological designations; it is well screened from Kitnocks Hill and Lockhams Road by frontage residential development; and there are no prominent views of the appeal site from public vantages. Had Members of the Planning Committee accorded due weight to the appeal decisions by Inspector Clark in 1983, Inspector Holt in 2001, Inspector Mair in 2006 and Inspector Stone in 2018 and recalled the basis of their own 'Newtown' decision in 2015, they should surely have come to the view that permission should have been granted for residential garden use of 0.13 hectare of land to the rear of 5 Hillside at Kitnocks Hill in Curdridge. Members of Winchester Planning Committee misdirected themselves by their mistaken belief that residential garden use of the land to the rear of 5 Hillside would contravene the intentions of JCS Policy MTRA4 and DMSA Policy DM23.

#### **4.0 THE ENFORCEMENT NOTICE**

**4.1** The Enforcement Notice issued by Winchester City Council on 3<sup>rd</sup> March 2020 (**Appendix 16**) alleged "*Without planning permission, the material change of the use of the land from agriculture to residential amenity land*". The "Reasons for issuing this Notice" were stated as being:- "*The Council considers it expedient to issue this notice because the breach of planning control has taken place within the last 10 years...The 'Winchester District Local Plan Part 1 (2013) policy MTRA4 'Development in the Countryside' supports development 'which has an operational need for a countryside location, such as for agriculture, horticulture or forestry' so long as it does not 'cause harm to the character and landscape of the area or neighbouring uses'...The Winchester District Local Plan Part 2 (2017) policy DM23 'Rural Character' seeks to ensure that development proposals are only permitted where they do not 'have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets or by impacts on the tranquility of the environment'...Both Government planning policy and local planning policy seeks to ensure that new development is right for its context and that it contributes to and enhances the environment, recognising the intrinsic character and beauty of the countryside (ref.NPPF paragraph 170)...Furthermore on 19 February 2020, planning permission was refused under ref:19/02468/FUL for the 'Use of land as residential garden' for the following reason: "The proposed development is contrary to policy MTRA4 of Winchester District Local Plan Part 1 and policy DM23 of Winchester District Local Plan Part 2, in that it would result in the domestication of the land through the introduction of residential features, to the detriment of the landscape character and appearance...The use of the Land as residential amenity land has a materially detrimental effect on the landscape character and appearance of the surrounding area...It is considered that the residential use of the land is contrary to these policies...Planning conditions would not overcome these objections."* Section 5 of the Notice called for permanent cessation of the use of the Land as residential amenity land, including the domestic use of the shed/garden room; removal of all domestic items (including but not limited to) the washing line, the table, chairs, the picnic bench and the BBQ; the breaking-up of the patios and hardstanding and removal of the resultant materials from the Land; and the removal of lighting from the Land. Section 6 gave a period of three calendar months for compliance with Steps 1-4 and the Notice was due to take effect on 6<sup>th</sup> April 2020 unless an appeal was made against it beforehand.

#### **5.0 SUBSEQUENT CORRESPONDENCE**

**5.1** Via email at 0748 hours on 5<sup>th</sup> March 2020, Robert Tutton notified Enforcement Officer Gill Cooper that "*Grant Atkinson has invited us to advise him how best to respond to the Enforcement Notice (ref: 18/00236/COU) that was served by your Council on 3<sup>rd</sup> March...If a Planning Contravention Notice was served as a prerequisite, we would welcome the receipt of a copy, in order that we may appreciate the approach that was taken (by you and him), prior to our retention in July 2019.*" At 1600 hours that day, Gill Cooper replied "*We didn't consider a PCN necessary, as Mr & Mrs Atkinson were open and honest with us and allowed our officers to view and photograph the land...My predecessor Kate Longley sent the Atkinsons the attached Options letter in Dec 2018 with her findings and inviting them to apply for a LDC...No application was submitted but I understand this was due to another enforcement officer (Tony Ridley) visiting the property and informing the Atkinsons that he could not see a problem with the garden extension as it stood.*"

**5.2** Robert Tutton wrote to Gill Cooper at 1605 hours on 6<sup>th</sup> March:- *“We were not previously aware of Tony Ridley’s visit to 5 Hillside but we are most interested in your admission that he informed the Atkinsons that ‘...he could not see a problem with the garden extension as it stood’...As your Council’s representative was exercising his discretion (in the light of his findings at the site) that enforcement action was neither necessary or appropriate, whose judgement was it that brought about the service of the Enforcement Notice earlier this week?...To my certain knowledge, Members of the Planning Committee neither undertook a corporate site visit nor issued a formal instruction on 18<sup>th</sup> February for a Notice to be served.”*

**5.3** It is apparent that, in February 2019, Enforcement Officer Tony Ridley exercised his delegated discretionary authority and concluded that planning permission was either not required for the use of the ‘red land’ as residential garden or, notwithstanding, it was not expedient to initiate enforcement action.

## **6.0 THE APPEAL on GROUND A.**

**6.1** Section 38 of the Planning and Compulsory Purchase Act 2004 requires an application or appeal 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. The statutory development plan for Curdridge comprises the Winchester Local Plan Part 1 – Joint Core Strategy (2013) and the ‘Development Management and Site Allocations’ document, known as Local Plan Part 2 (LPP2).

**6.2** With reference to ‘The Countryside’, paragraph 7.30 of the Joint Core Strategy (**Appendix 17**) states that *‘Development will be limited to that which has an essential need to be located in the countryside...This may include development which is necessary for agricultural, horticultural or forestry purposes and certain types of open recreational uses which require a countryside location’* (emphasis added). The phrase ‘may include’ makes it clear that the short list of (three) nominated development types is not intended to be finite or exhaustive; indeed, the Core Strategy could not (and does not) pretend to provide a decision base for every conceivable kind of ‘Countryside’ proposal that may come before Winchester City Council during its plan period of eighteen years (2013-2031). The absence of a reference to ‘residential garden’ use in Policy MTRA4 does not bear against Mr Atkinson’s use of his land as residential garden, as a matter of policy.

**6.3** Pursuant to the principles established in its paragraph 7.30, Policy MTRA4 of the Core Strategy states that *‘In the countryside, defined as land outside the built-up areas of Winchester, Whiteley and Waterlooville and the settlements covered by MTRA2 and 3 above, the Local Planning Authority will only permit the following types of development:...development which has an operational need for a countryside location, such as for agriculture, horticulture or forestry’*. It is noteworthy that although *‘...certain types of open recreational uses’* receive specific reference in paragraph 7.30, the policy is **silent** on the subject of residential gardens. It is submitted that the absence of specific reference to ‘residential gardens’ in Policy MTRA4 should **not** (indeed does not) lead to an automatic rejection, in principle; on the contrary, it is submitted that a more comprehensive list of acceptable developments would include ‘recreation’ and ‘leisure’, which are precisely the kind of ‘quiet enjoyment’ activities in a residential garden that one would normally associate with the occupation of a house in the countryside. Paradoxically, it was Winchester City Council’s own recognition that residential garden use is acceptable within ‘countryside’ that facilitated the grants of permission 14/00707/FUL for such use at Harmsworth Farm in Curbridge in 2014 (see 2.5 above) and 15/01173/FUL in Church Road, Newtown the following year (see 2.6 above). It is particularly noteworthy that the latter decision was made by the full Planning Committee (of Members), who would naturally have been aware of the policy intention that they themselves had put in place. It is a matter of concern that, although Members of the Planning Committee had been explicitly reminded (in Robert Tutton’s deputation to the meeting on 18<sup>th</sup> February) that Policy MTRA4 had been seen not to generate a presumption against residential garden use at Church Road, Newtown in 2015, no mention of that case was made in their debate about 5 Hillside. One calls to mind the comments of Inspector Holt when he was faced with similar circumstances nineteen years ago: *“The policies indicate that only a limited range of development will normally be accepted in the countryside and no mention is made of the change of land to private gardens among the acceptable categories...However, providing a proposal did not harm the character or appearance of the countryside or did not have other undesirable consequences, I do not consider that it would be contrary to the objectives of the general countryside policies of the development plan.”*

**6.4** With regard to 'Landscape' matters, paragraphs 6.4.57 and 6.4.58 of the 'Development Management and Site Allocations' document (LPP2) state that *'Development in or adjoining rural areas need to take account of their location...The Winchester District Landscape Character Assessment sets out the key characteristics and strategies for the landscape character areas in the District...In the rural area, proposals may need to be subject to landscape sensitivity assessment, in terms of their impact on the rural character of the landscape and the key local qualities that provide the sense of place'* (**Appendix 18**). Pursuant to the principles established in those paragraphs, Policy DM23 re 'Rural Character' generates a presumption in favour of development proposals which *'...do not have an unacceptable effect on the rural character of the area, by means of visual intrusion, the introduction of incongruous features, the destruction of locally characteristic rural assets or by impacts on the tranquillity of the environment.'*

**6.5** On the subject of 'Local Distinctiveness', paragraphs 6.4.12 and 6.4.14 of LPP2 remind one that *"The Winchester District Landscape Character Assessment identifies key characteristics throughout the District...Important features and characteristics are identified in the various Conservation Area Character Appraisals, Village Design Statements (VDS), Neighbourhood Design Statements (NDS) and Local area Design statements (LADS) have been prepared for parts of the District...Developments should consider the characteristics identified in these and other documents dealing with local character and have particular regard to their planning guidelines...Important public views and skyline features may already have been identified in documents such as those referred to above."* Map 23 of the Winchester District Landscape Character Assessment (**Appendix 19**) showed the appeal site within the 'Durley Claylands' Landscape Character Area and confirmed that it is neither within or adjacent to a SINC or SSSI. The Curdridge Village Design Statement (**Appendix 20**) stated eighteen years ago that *"Hillside comprises a collection of a dozen or so older cottages which have been extended and modernised"* but set down no requirements of consequence for this appeal. It is submitted that, contrary to the charge set down in the Enforcement Notice, the use of this modest, discreet rectangle of land as residential garden would not detract from the character of this area of developed countryside; on the contrary, the comprehensive landscaping scheme prepared by Nigel Trowell as part of application 19/02468/FUL would secure a positive enhancement to the visual character and ecology of the locality and the intentions of LPP2 Policy DM23 would be achieved.

**6.5** Public impressions of the appeal site are foiled by residential development on the frontages of Lockhams Road, Kitnocks Hill and Hillside and no footpaths or bridleways cross the land to afford public vantages; it is submitted that, as neither continued nor future use of the land as residential garden would cause harm to the character or landscape of the area or neighbouring uses; and the requirements of Policies MTRA4 and DM23 would be satisfied. It is submitted that planning permission should be granted for residential garden use of the subject land and **this appeal should succeed on Ground A.**

## **7.0 THE APPEALS on GROUND C.**

**7.1** As his great grandfather had owned the 'red' (and adjoining) land since 1922, David John Allen held a unique knowledge and insight into its history and background, which was recorded in the Declaration that he completed in August 2019 (**Appendix 2**). He declared that a semi-detached pair of houses ('Holmcott' and 'Riceen') had been erected on the Lockhams Road frontage - 'Holmcott' (now 'Hazel Mount') became the home of Mr Allen's grandparents and 'Riceen' (now 'Fieldfare') the home of his own parents, where he was raised; two generations of the same family lived side-by-side and entered the rare arrangement to use the land behind their houses (including the 'red land') as domestic garden for *both* houses. Mr Allen recalled that the 'red land' was used for growing fruit and vegetables, the keeping of a horse and other domestic activities. It is evident that the red land came to be used by the residents of no.6 Hillside for general garden use and relaxation and keeping a horse until July 2010, when they sold it to Mr and Mrs Atkinson. It is submitted that, as the 'red land' was already residential garden when it was acquired by the Atkinsons, the continuation of said use does not constitute a material change that requires planning permission; there has not been a breach of planning control and **this appeal should succeed on Ground C.**

**7.2** It is apparent that, in February 2019, Enforcement Officer Tony Ridley exercised his delegated discretionary authority and advised Mr and Mrs Atkinson that planning permission was either not required for their use of the red land as residential garden or, notwithstanding, it was not expedient to initiate enforcement action (see 5.1-5,3 above). Either way, it is submitted that Tony Ridley exercised his

determinative authority and thereby prevented Winchester City Council from its subsequent service of an Enforcement Notice. It is submitted that Tony Ridley exercised his delegated authority on the City Council's behalf and determined that continuation of residential garden use did not constitute a material change requiring planning permission; for this reason, too, **it is submitted that this appeal should succeed on Ground C.**

## **8.0 THE APPEAL on GROUND D.**

**8.1** Mr Atkinson has completed a supplementary Declaration (**Appendix 21**) which records that a '*...modest stable block already stood in the southeast corner of the land*' when he bought the subject land in July 2010; that he '*...erected an extension at its southwest elevation in May 2011, for use as a log store and garden room*'; and that he laid a patio near the southwest boundary between May 2014 and June 2015. It is evident from his Declaration that the works required to build the stable block/shed (which came to be used for log storage) and garden room and lay the patio were undertaken more than four years prior to service of the Enforcement Notice on 3<sup>rd</sup> March 2020; the conjoined buildings and the patio are consequently immune from enforcement action and in any event, do not cause harm to the character or landscape of the area or neighbouring uses. In similar vein, Mr Atkinson has recorded that '*A block-paved hardstanding was already in place beside the old stable block in 2010*' and he '*...marginally extended it in April 2011*'; further, he has declared that '*Lights were already in place inside the old stables when the land was acquired*' a decade ago. As it was too late for Winchester City Council to take enforcement action against these works, **it is submitted that this appeal should succeed on Ground D.**

## **9.0 THE APPEAL on GROUND G.**

**9.1** A greenhouse stands on the 'red land', with a vegetable patch to its southwest. Should Mr Atkinson's appeal be dismissed and trigger the requirements of Section 6 of the Enforcement Notice, he would surely wish to harvest his crops before relinquishing his 'domestic' use of the land. The season in which his appeal comes to be determined should therefore influence the compliance timescale; it is therefore likely that three months would be inadequate and six months would be more reasonable; in that light, **it is submitted that this appeal should succeed on Ground G.**

## **10.0 CONCLUSION and SUBMISSION**

**10.1** The appeal site lies within a semi-rural area that is contained by frontage residential development that does not display the customary characteristics of *open* countryside. In 1983, appeal Inspector Clark recognised that a field-to-garden use change in Waltham Chase '*...may well enhance the beauty of the area*' and Inspector Holt came to a similar conclusion thirteen years later in Boarhunt. In 2006, Inspector Muir recorded her view that there was no policy objection to garden use of a meadow, even though that site lay within a Conservation Area and AONB; she awarded costs against Winchester City Council Officers because they had failed to accord weight to previous agriculture-garden consents in the district. In 2015, Members of the Winchester Planning Committee agreed with their Officers that MTRA4 did not justify a policy objection to agriculture-garden changes at Newtown. In 2017, the Officers contended that garden use of land at Wickham would cause '*domestication*' of the locality but the subsequent appeal was allowed by Inspector Stone the following year. Robert Tutton's letter in favour of Mr Atkinson's planning application 19/02468/FUL in November 2019 reminded the Officers of this background and he reiterated his call to Members for consistent decision-making in his deputation to the Planning Committee in February this year. Notwithstanding the Officers' favourable recommendation (that permission should be granted, subject to conditions), Members of the Planning Committee resolved that permission should be refused; as the minutes of the meeting have since confirmed, the '*domestication*' charge was not laid against the proposal in the debate but came to be contrived by Officers after the event and has since found its way into the Enforcement Notice. Contrary to the charge set down in the Enforcement Notice, it is submitted that use of the appeal site as residential garden would **accord** with the requirements of Policies MTRA4 and DM23, as it would not cause harm to the character of the local landscape, would not be visually intrusive, would not introduce incongruous features and would not lead to the destruction of rural assets or impact on the tranquillity of the local environment. Furthermore, planning conditions could be imposed to control '*domestication*' of the site.

**10.2** The Secretary of State for Housing, Communities and Local Government is respectfully requested to (i) allow this appeal on Ground C and quash the Enforcement Notice; or (ii) allow this appeal on Ground A, grant planning permission and quash the Enforcement Notice; or (iii) allow this appeal on Ground D and quash the Enforcement Notice; or (iv) allow this appeal on Ground G and increase the period for compliance to six months.

## **APPENDICES**

1. Photographs.
2. Declarations submitted in support of CLEUD application 19/01696/LDC.
3. Decision notice re. CLEUD application 19/01696/LDC.
4. Nigel Trowell's drawing no.0879-19 re. 'Proposed Landscaping Plan'.
5. Robert Tutton's letter 6<sup>th</sup> November 2019 re application 19/02468/FUL.
6. Officers' report to Planning Committee 18<sup>th</sup> February 2020 re 19/02468/FUL.
7. Robert Tutton's deputation to Planning Committee, 18<sup>th</sup> February 2020.
8. Decision notice issued 19<sup>th</sup> February 2020 re application 19/02468/FUL.
9. Minutes of Planning Committee, 18<sup>th</sup> February 2020 (extract).
10. Inspector Clark's decision, June 1983.
11. Inspector Holt's decision, August 2001.
12. Inspector Mair's decision, November 2006.
13. Permission 14/00707/FUL by Winchester City Council, June 2014.
14. Permission 15/01173/FUL by Winchester City Council, September 2015.
15. Officers' Assessment re 17/01203/FUL and Inspector Stone's decision, September 2018.
16. Enforcement Notice and associated letter, 3<sup>rd</sup> March 2020.
17. Winchester District Local Plan Part 1 – Joint Core Strategy (extract).
18. Development Management and Site Allocations, LPP2 (extract).
19. Winchester District Landscape Character Assessment, 2004 (extract).
20. Curdridge Village Design Statement, 2002(extract).
21. Supplementary Declaration by Mr Atkinson.