
APPLICATION NO.	21/02607/FULLS
APPLICATION TYPE	FULL APPLICATION - SOUTH
REGISTERED	23.09.2021
APPLICANT	Mr Mark Weeks
SITE	14 Fairview Close, Romsey, SO51 7LS, ROMSEY TOWN
PROPOSAL	Change of use of amenity land to residential garden - (Retrospective)
AMENDMENTS	None
CASE OFFICER	Kate Levey

Background paper (Local Government Act 1972 Section 100D)

[Click here to view application](#)

1.0 INTRODUCTION

- 1.1 The application was previously presented to members on 11th January 2022 and was deferred for the following reason:

To enable an opportunity for Hampshire County Council as the Highway Authority to review and determine the necessary Highway Extinguishment application.

- 1.2 The Officer report presented to members previously at the meeting of 11th January 2022 is attached at appendix A. The update paper for the meeting is attached at appendix B.
- 1.3 Since the SAPC meeting on 11th January 2022, Hampshire Legal Services have served a s143 notice on the residents requiring them to remove the encroachment. The fence which previously enclosed a section of the footpath has been taken down and the rear garden at the application site now has an open aspect to the rear.

2.0 Considerations

The extinguishment of the rights of way is a matter between the land owner and HCC. The granting of planning permission will not over ride private property rights and protections which are afforded by other legislation.

- 2.1 The SAPC resolution has been met and this leaves the LPA in a position to determine the application, on planning merits. The Officer view of the proposal is the same as that previously set out in the SAPC report appendices A and B, and the recommendation is set out below.

3.0 CONCLUSION

- 3.1 The proposal is in accordance with the relevant policies of the TVBRLP (2016) and is therefore acceptable.

4.0 RECOMMENDATION

PERMISSION subject to:

1. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan: location plan / block plan.

Reason: For the avoidance of doubt and in the interests of proper planning.

Notes to applicant:

1. In reaching this decision Test Valley Borough Council (TVBC) has had regard to the National Planning Policy Framework and takes a positive and proactive approach to development proposals focused on solutions. TVBC work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.
 2. The applicant is advised to formally apply to Hampshire County Council to extinguish the Highways Rights on the land subject of this application.
-