

DELEGATED OFFICER REPORT

Application Ref: V/26/101391
Site Address: THE BUNGALOW, TANHOUSE LANE, HEDGE END, SOUTHEMPTON, SO30 2SZ
Case Officer: Gregg Chapman
Description: Application for Permission in Principle. Erection of 1no. self-build dwelling.

Particular Site Constraints?	Yes ☒	No ☐
• Countryside • Nutrient Neutrality Catchment • HRA Screening - Solent and Southampton Water Special Protection Area (SPA) and Ramsar, the Solent Maritime Special Area of Conservation (SAC) • Solent Mitigation and Disturbance Zone • New Forest Recreation Mitigation and Disturbance Zone • Great Crested Newts – Green Zone • Adjacent to Manor Farm/Upper Hamble Country Park Historic Park and Garden • Public Right of Way - Botley 14 Bridleway • Adjacent to High Pressure Oil Pipeline		

Planning History?	Yes ☒	No ☐
ENF/2025/445 — (i) Without planning permission, the creation of an earth bund along the northern boundary; (ii) Without planning permission, the erection of 1.8 metre high fencing measuring approximately 90 metres in length along the southern boundary adjacent to Tanhouse Lane; (iii) Without planning permission, the erection of 1.8 metre high fencing along the western, northern and eastern boundaries; (iv) Without planning permission, the installation of wooden posts on the grass verge along the southern boundary; (v) Without planning permission, the installation of kerbing; (vi) Without planning permission, the importation and deposit of hardcore and other materials to level the Land and create a hardstanding. Stop Notice and Enforcement Notice Issued 17th April 2026. Current Appeal [Appeal Reference 6010104] Z/39322/000/00 - OUTLINE: CONSTRUCTION OF SINGLE STOREY DWELLING. Refuse Outline Permission, September 2002 for the reasons; 1. The proposed development would be contrary to policy C1 of the Hampshire County Structure Plan Review, policy 1.CO of the Eastleigh Borough Local Plan and policy 1.CO of the Eastleigh Borough Local Plan Review 2001 to 2011 First Deposit in that it would result in development in the countryside outside the urban edge for which there is no overriding justification. 2. The access track to the proposed development is of an unsuitable standard to accommodate the increase in traffic movements that would be generated by the dwelling and associated construction vehicles. In addition part of the access track is a public bridleway and conflict between vehicles accessing the proposed site would lead to conflict with other users of the bridleway, therefore the proposal is contrary to policies 25.BE and 65.T of the Eastleigh Borough Local Plan and policy 33.BE of the Eastleigh Borough Local Plan Review 2001–2011 First Deposit. 3. The proposal does not include contributions towards the provision of off-site open space works, social or recreational facilities or off-site transportation works, the need for which will increase as a direct result of the development proposed. The proposals are therefore contrary to Policies 165.IN, 148.OS and 65.T of the Eastleigh Borough Local Plan, policies 139.OS and 188.IN of Eastleigh Borough Local Plan Review 2001–2011 First Deposit and PPG13: Transport.		

Z/25187/003/00 - Erection of bungalow – Refused, March 1985, for the reasons;

1. The development would be contrary to the Coast and Country Conservation Policy, which does not normally permit the erection of new dwellings in the countryside on sites where there is no existing dwelling, unless such a siting is essential for agriculture or similar purposes.

Z/25187/002/00 – Erection of detached house – Refused, January 1985, for the reasons;

1. The development would be contrary to the Coast and Country Conservation Policy, which does not normally permit the erection of new dwellings in the countryside on sites where there is no existing dwelling, unless such a siting is essential for agriculture or similar purposes.
2. The design proposed is unsatisfactory and the information supplied inadequate, and the building could be harmful to the appearance of the locality.

Z/25187/001/00 - Re-erection of dwelling – Refused, April 1984, for the reasons;

1. The development would be contrary to the Coast and Country Conservation Policy, which does not normally permit the erection of new dwellings in the countryside on sites where there is no existing dwelling, unless such a siting is essential for agriculture or similar purposes.
2. The design proposed is unsatisfactory and the information supplied inadequate, and the building could be harmful to the appearance of the locality

Z/25187/000/00 - Rebuilding of detached bungalow – Refused, April 1981 for the reasons;

1. The development would be contrary to the Coast and Country Conservation Policy, which does not normally permit the erection of new dwellings in the countryside on sites where there is no existing dwelling, unless such a siting is essential for agriculture or similar purposes.

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☒
Representations:	1 letter – Objection • This proposed development would be contrary to the Adopted Local Plan 2016 - 2036 policy S5 and DM1. • The application site is within close proximity of Strategic High Pressure fuel pipelines. Both Esso Petroleum and Southern Gas Networks should be consulted. There is no mention of connection to utilities, Gas, Water, Electricity or Wastewater. • This area of land is ecologically sensitive with annual siting of migratory Honey Buzzards, also Bechstein Bats. • No ecology report is presented for comments by Natural England or the Environment Agency. • The application gives no details of the proposed self build structure nor materials proposed.		
Parish Council:	Objection - The application is insufficient and contains no construction or design details. There is no information regarding utility connection and waste management should be detailed in particular. The site is not in the local plan.		
Ramblers Association	Comments with regard to history, extent and make up of the Bridleway.		

Trees	Comments - • The site has been recently cleared and boundary fencing erected. There appears to be three significant trees left on site, with the rest of the vegetation (possibly regen scrub/woodland as per Street View images) cleared. The retained trees all show evidence of once being codominant with other vegetation. • Pre-emptive felling of trees is discussed in our Trees and Development SPD and is not encouraged. We are disappointed that the applicant has taken this action. If the application moves on the TDC, we would look for replacements. • However, at this stage – Permission in Principle – we cannot object on location, land use or amount of development.
Landscape	Objection The site lies within designated Countryside, and the proposal conflicts with Policy S5 and would harm rural character, with no clear justification for an exception. Due to its elevated, isolated location and open surroundings, any development would have a significant urbanising and visual impact, making the site unsuitable.
Ecology	Comments This site is in an amber impact risk zone for great crested newts. There are two nearby ponds to the south of Tanhouse Lane. There are records of bats, notable invertebrates and badgers near this site. The following information is required before Ecology can agree to granting permission in principle. <u>Protected species</u> To determine whether there is suitable habitat for protected species on-site, close-up photographs of all aspects of the site must be provided. In the Planning Statement by Pro Vision (May 2026), Section 2 Site Context states that there is no ground vegetation other than a small area of amenity grassland along the frontage and that there are several mature trees within the application site. In the aerial photos of the site available on Google Earth and Google Maps it appears to be wooded. <u>Biodiversity net gain</u> The Environment Act 2021 requires public authorities to conserve and enhance biodiversity, including mandating a net gain in biodiversity through the planning system. The application description refers to a self-build dwelling which would be exempt from providing 10% biodiversity net gain. However, it will need to provide some measurable biodiversity net gain and no net loss in accord with Local Plan policy DM 11 and NPPF (December 2024) paragraphs 187d and 192 b. The site is listed as approximately 0.16 ha, so a small sites metric can be used to provide information on the baseline habitat. The Environment Act also prohibits site clearance to reduce the baseline habitat value. If habitat is cleared before an application is submitted, the baseline habitat value of the site will be taken to be its biodiversity value immediately before the carrying on of the activities, as per Schedule 14 of the Environment Act 2021, Pt 1, Para 6a-b with a cut-off date of 30th January 2020. Where there is evidence of

	deliberate neglect or damage to any of the habitats and species, their deteriorated condition will not be taken into consideration, and the ecological potential of the site will be used to decide the acceptability of any development proposals. In the absence of suitable habitat surveys, aerial photos will be used to determine the baseline. <u>Surface water drainage</u> Infiltration test results are required to determine whether soakaways would be successful on this site.
HCC Highways	Objection – The site is accessed from Tanhouse Lane, which forms Botley Bridleway 14. Based on the submitted information, it does not appear that vehicle access rights exist for the application site, nor that vehicle trip-generating activity has taken place on the site for a significant period of time. Any vehicle movements associated with the proposed dwelling would therefore be treated as new vehicle activity. This would create potential conflict with existing bridleway users. Given the site's position towards the eastern end of Tanhouse Lane, the length of bridleway over which such conflict could occur would be relatively substantial. It has not been demonstrated how the bridleway would accommodate two-way movements where development-related vehicles meet pedestrians, horse riders, or other vehicles with access rights. To overcome the objection, the applicant would need to provide details of regular passing spaces along the route for assessment, together with confirmation that existing vehicle access rights exist for the site. If this information is provided, the Highway Authority would reassess the application.
Environmental Health	No objection
Fisher German (agents for Esso Petroleum)	No response received
Southern Gas Network	Comments – Generic Advice regarding work near to a pipe, and details of the location of infrastructure provided.
Southern Electric	While the proposed development does not appear to affect our equipment, we do have an 11kV High Voltage overhead line, and Low Voltage underground cables and overhead lines in the vicinity. Therefore, cable tracing should be undertaken for safety and in line with appropriate guidance. No changes should be made to the application to negatively affect this company's assets.

Site Visit:	Yes ☒	No ☐
Details: 21/05/2026		

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, S2, S3, S5, S9 and S11; and Development Management policies DM1, DM2, DM11, DM13, and DM14.

Supplementary Planning Documents:

Quality Places; Trees and Development; Biodiversity.

Assessment:

The key issues for consideration are;

i.	Background
ii.	Location A) Principle of Development B) Character and Appearance of the Area C) Highways D) Ecology and Biodiversity E) Flood Risk and Drainage F) Accessibility G) Trees
iii.	Land Use H) Contamination/Pollution I) Amenity of Existing and Proposed Residents
iv.	Amount of Development J) Minimum 1 and Maximum 1 Dwelling
v.	Other Material Considerations/Other Matters K) Climate Change L) Equalities Implications M) High Pressure Oil Pipeline
vi	Planning Balance and Conclusion

i) Background

On 1 June 2018 a new route for obtaining planning permission via an application became available for most small, housing-led developments: an application for Permission in Principle (PIP) followed by an application for Technical Details Consent (TDC).

A PIP application cannot be a development that is major, household, habitats or Schedule 1 EIA development.

The scope of any PIP, and therefore consideration of it, is limited to location, land use and amount of development; conditions cannot be imposed.

ii) Location

Principle of Development

Policy S5 of the Eastleigh Borough Local Plan 2016–2036 (EBLP) restricts development within the countryside to a limited range of circumstances. The proposal does not fall within any of the forms of development supported by Policy S5 and therefore conflicts with the development plan.

The Council cannot currently demonstrate a deliverable five-year supply of housing sites. As a consequence, the policies most important for determining the application are deemed out-of-date, and paragraph 11(d) of the National Planning Policy Framework (NPPF) is

engaged and the presumption in favour of sustainable development applies. In these circumstances, planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusal, or unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (the “tilted balance”).

Policy S5 of the EBLP also seeks to protect the character and appearance of the countryside by directing development to appropriate locations. This objective is consistent with the NPPF which seeks to avoid the development of isolated homes in the countryside other than in exceptional circumstances. The NPPF identifies a limited range of circumstances where such development may be justified, including where it is essential for a rural worker, represents the optimal viable use of a heritage asset, involves the re-use of a redundant or disused building, or is of exceptional quality and innovative design. The proposal is not for any of these circumstances.

Whether the proposal constitutes an isolated home in the countryside is a matter of planning judgement. The site is physically detached from the built-up area. It does not form part of a continuous built frontage or a recognisable cluster of dwellings and is separated from the nearest meaningful concentration of houses by open land, mature boundary planting and smallholdings. The approach along the verdant rural track that is Tanhouse Lane reinforces this separation. It is the only access and is a narrow, unadopted track rather than a formal adopted road with pavements.

Visually and experientially the site is read as part of the countryside including from the adjoining public right of way. Mature trees, hedgerow and dense shrub screening limit views of smallholdings, and some wider views, and maintain a verdant, rural character. Even allowing for seasonal leaf loss, the pattern of open land and planting preserves a notable visual separation to the settlement. These objective physical and visual factors combine to create a strong perception of separation.

The proposal does not satisfy any of the exceptions set out within paragraph 84 of the NPPF relating to isolated homes in the countryside. Consequently, the proposal would introduce a new dwelling into a countryside location where residential development is not supported in principle by either local or national planning policy. The provision of a single dwelling would make only a very limited contribution towards housing supply and this benefit is insufficient to outweigh the conflict with policy S5 of the EBLP, the objectives of paragraph 84 of the NPPF, and the harm arising from the encroachment of residential development into the countryside.

B) Character and Appearance

Policy DM1 of the EBLP requires development to respect and respond positively to the character, appearance and local distinctiveness of the area. Policy S5 also seeks to protect the intrinsic rural character and landscape quality of the countryside. These objectives are consistent with paragraph 187 of the National Planning Policy Framework (NPPF), which requires development to be sympathetic to local character and to recognise the intrinsic character and beauty of the countryside.

The site lies within a rural area characterised by dispersed dwellings, agricultural land, woodland and dense scrub, paddocks and open countryside. The prevailing character is one of openness, all be it with some views reduced by boundary vegetation and areas of woodland/scrub, with built form appearing sporadic and set within a predominantly natural landscape framework. A key feature of this rural context is Tanhouse Lane itself. The lane is narrow and rural in character, with an informal appearance that reflects its function as a lightly trafficked country track rather than a formalised urban street. It is bound in places by hedgerows, trees and vegetation, and lacks the engineered features associated with residential estate roads such as pavements, street lighting or continuous built frontage. As a result, the lane contributes positively to the verdant character and perception of

countryside and reinforces the sense that development in this area is dispersed and closely integrated with the rural landscape.

Whilst the site has been subject to recent works including clearance of vegetation, erection of boundary fencing and the formation of hardstanding, these works are unauthorised and are currently the subject of enforcement action and an associated enforcement appeal. As such, they carry limited weight in the planning assessment and do not represent an established or lawful change in the baseline character of the site.

The introduction of a dwelling, together with the associated domestic paraphernalia, residential activity, domestic curtilage, boundary treatments and parking areas, would result in a permanent and intensified urbanising influence. This would consolidate and exacerbate the erosion of rural character, resulting in a more formalised and domesticated use of land within an otherwise rural landscape.

The site is experienced as part of the wider countryside setting, with a clear visual and functional separation from the nearest built form. The introduction of residential development would therefore extend built form into an area that currently reads as rural and undeveloped in character, resulting in encroachment that would be harmful to the established character and appearance of the area.

Visibility from public vantage points, including the adjacent public right of way, reinforces the perception of the site as part of the countryside, where openness, vegetation structure/areas of scrub/woodland, and low-density development predominate.

The proposal for a dwelling at the site would fail to preserve or enhance the character and appearance of the area and would result in harmful encroachment into the countryside. The proposal is therefore contrary to Policies DM1 and S5 of the EBLP and the NPPF.

C) Highways Matters

Policy DM13 of the EBLP requires development to provide safe and suitable access for all users and to include measures which minimise its impact on the existing highway network. The policy seeks to ensure that development does not give rise to unacceptable highway safety impacts or conflict between highway users. These objectives are consistent with the NPPF, which requires safe and suitable access to be achieved for all users and confirms that development should only be prevented or refused on highway grounds where there would be an unacceptable impact on highway safety, or where the residual cumulative impacts on the road network would be severe.

Vehicular access to the site would be taken from Tanhouse Lane, which also forms Botley Bridleway 14. The route is narrow, rural in character, and has limited opportunities for vehicles to pass. It is used by non-motorised users, including pedestrians and equestrians, and may also be used by other vehicles where private access rights exist. The site is positioned towards the eastern end of Tanhouse Lane, such that development-related vehicles would need to travel along a relatively substantial length of the bridleway in order to reach the site.

The Highway Authority has reviewed the submitted information and has raised an objection. The Highway Authority advises that, based on the information provided, it does not appear that any vehicle access rights exist for the application site, nor that vehicle trip-generating activities have taken place on the site for a significant period of time. As such, any vehicle movements associated with the proposed dwelling would be treated as new vehicle activity on the bridleway.

The Highway Authority considers that the proposed development would create potential conflict between development-related vehicles and existing bridleway users. Given the site's position towards the eastern end of Tanhouse Lane, the extent of this conflict would be relatively substantial. Insufficient information has been provided to demonstrate how the bridleway would accommodate two-way movements, including circumstances where a

development-related vehicle meets pedestrians, horse riders, or other vehicles with access rights.

The Highway Authority has advised that, in order to overcome this issue, details of regular passing spaces along the route would need to be supplied for assessment, together with confirmation that existing vehicle access rights exist for the site. No such information has been provided as part of the application.

Whilst the application is for Permission in Principle and the consideration of matters is limited to location, land use and amount of development, the ability of the site to be safely and suitably accessed is fundamental to whether the location is acceptable for the proposed residential use. As conditions cannot be imposed on a grant of Permission in Principle, and in the absence of sufficient information to demonstrate that safe and suitable vehicular access can be achieved, the Council cannot be satisfied that the proposal would avoid unacceptable conflict with existing users of the bridleway.

It is therefore considered that the proposed development has failed to demonstrate that the site can be safely and suitably accessed, or that the development would not result in unacceptable highway safety and public right of way conflict. The proposal is therefore contrary to Policy DM13 of the EBLP and the highway safety objectives of the NPPF.

D) Ecology and Biodiversity

- Protected Species

Policy DM11 requires development proposals to protect, conserve and enhance international, national and local nature conservation designations, together with networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas, Priority Biodiversity Links, watercourses, wetland complexes, woodland, trees and hedgerows that contribute to biodiversity and local character. The policy also requires development to facilitate adaptation to climate change where possible and to secure a net gain in biodiversity.

The site falls within an amber impact risk zone for great crested newts and there are two ponds located to the south of Tanhouse Lane, and there is woodland to the north, east and west. Records also indicate the presence of bats, notable invertebrates and badgers in the vicinity of the site. The presence of protected species and their habitats can, in some circumstances, be a material consideration affecting the principle of development.

However, the site, which was previously vegetated, has been cleared with the exception of three retained mature trees. As a result, the ecological value of the site and the likelihood of supporting protected species have been substantially reduced. National Planning Practice Guidance advises that protected species survey information may be provided at a later stage where the authority is satisfied that the development is capable of proceeding in principle. In this case, the remaining ecological interest is principally associated with the retained trees, which could be subject to appropriate surveys at the Technical Details Consent (TDC) stage.

In respect of Biodiversity Net Gain (BNG), the proposal is for a self-build dwelling and is therefore exempt from the statutory requirement to deliver a minimum 10% BNG under Schedule 7A of the Town and Country Planning Act 1990. Nevertheless, policy DM11 of the EBLP and the NPPF continue to require development to achieve measurable biodiversity enhancements and avoid any net loss of biodiversity.

The Environment Act 2021 also contains anti-avoidance provisions which prevent habitat clearance from being used to reduce a site's biodiversity baseline. Although the site was cleared prior to submission of the application, the baseline habitat value must be assessed in accordance with Schedule 14, Part 1, Paragraph 6 of the Environment Act 2021, using the biodiversity value of the land immediately before the carrying out of the clearance activities, subject to the statutory cut-off date of 30 January 2020. Accordingly,

this baseline would form the basis for any biodiversity assessment and enhancement strategy that would be required at the TDC stage had permission been recommended. Depending on the outcome of that assessment, habitat creation and/or off-site biodiversity enhancements may be necessary to demonstrate compliance with local and national policy requirements.

- Habitats Development

The site lies within the catchment of the River Hamble, which drains into the Solent and is hydrologically connected to a number of internationally designated nature conservation sites. The habitats sites identified by Natural England as relevant to this proposal are the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, the Solent Maritime Special Area of Conservation (SAC), and the Solent and Isle of Wight Lagoons SAC (collectively referred to as the “Solent sites”) and also within the Solent and New Forest recreation mitigation zones.

The proposed residential development would result in an increase in population and, consequently, an increase in wastewater generation and surface water runoff. The Solent sites are already affected by excessive nutrient inputs, particularly nitrogen and phosphorus, which contribute to eutrophication and deterioration of water quality. Additional nutrient loading arising from the development, either alone or in combination with other plans and projects, has the potential to adversely affect the integrity of these designated sites and their qualifying habitats and species. Such impacts would conflict with the conservation objectives of the designated sites, which seek to maintain or restore their ecological integrity.

National Planning Practice Guidance confirms that Permission in Principle must not be granted for development that constitutes “habitats development” unless the competent authority has undertaken the necessary assessment under the Conservation of Habitats and Species Regulations 2017 and is satisfied that the proposal would not adversely affect the integrity of the protected site. The PPG further confirms that conditions cannot be attached to a grant of Permission in Principle and that any required mitigation must therefore be secured with sufficient certainty at the PiP stage.

The submitted Planning Statement refers to a Unilateral Undertaking (UU) that has been submitted with the PiP, intended to demonstrate the applicant’s commitment to securing mitigation for recreational impacts on designated sites and achieving nutrient neutrality at the Technical Details Consent stage. Reference is also made to Appeal Decision APP/C1625/W/23/3329704, where a UU was accepted as a mechanism for securing mitigation.

However, the circumstances of that appeal differ materially from the current proposal. In that case, the UU identified a specific mitigation project and a defined financial contribution to address impacts on Rodborough Common SAC. By contrast, the UU submitted in support of the current application refers only to the future provision of “a package of mitigation” for nutrient impacts. No specific mitigation scheme has been identified, nor has any contribution amount or calculation methodology been provided. Furthermore, the submitted nutrient budget calculator appears to assume that the existing land use is “Urban Land”, rather than undeveloped land. This assumption reduces the calculated mitigation requirement and has not been adequately justified.

Whilst the UU includes a commitment to contribute towards the Solent Recreation Mitigation Strategy and the Council’s New Forest Mitigation Strategy, no contribution amount, calculation methodology, or definitive financial commitment has been provided. As such, there is insufficient certainty that the necessary mitigation would be secured by the UU.

In the absence of detailed and secured mitigation measures, the Council is unable to conclude, beyond reasonable scientific doubt, that the proposal would not result in an adverse effect on the integrity of the Solent and Southampton Water SPA and Ramsar

site, the Solent Maritime SAC, and the Solent and Isle of Wight Lagoons SAC, either alone or in combination with other plans and projects.

Given the recommendation for refusal, discussions have not been pursued with the applicant regarding amendments to the UU and an Appropriate Assessment has not been undertaken.

Accordingly, the proposal constitutes habitats development for the purposes of the Habitats Regulations. Permission in Principle cannot therefore be granted, as the proposal fails to comply with Article 5B(1) of the Town and Country Planning (Permission in Principle) Order 2017 and is contrary to Policy DM11 of the EBLP.

E) Flood Risk and Drainage

The site is not itself in an area of increased flood risk, although areas near to it are. Site drainage would therefore be of importance. Policies DM3 and DM6 of the EBLP stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included. Should the development have been considered acceptable in other regards, details so as to demonstrate compliance with policies DM3 and DM6 could have been considered at the TDC stage, and is not considered to provide an overriding reason so as to justify refusal.

F) Accessibility

Policy DM13 of the EBLP seeks to ensure that development is, or can be, well integrated with sustainable transport modes, including walking, cycling and public transport, and that reliance on the private car is minimised. These objectives are consistent with paragraphs 109, 110 and 117 of the NPPF, which promote opportunities to promote sustainable transport modes, reduce the need to travel by private car, and ensure that development is located in accessible and sustainable locations.

The site is accessed via Tanhouse Lane, a rural bridleway which is unlit and has a strongly rural, informal character. In the absence of lighting, footway provision and passive surveillance, the route is considered unlikely to be used for regular utilitarian journeys, particularly during hours of darkness or periods of poor visibility. Its function is therefore primarily recreational rather than as a practical and attractive pedestrian or cycle route to services.

The nearest settlement edge, providing access to local services and facilities, including opportunities for employment, education, retail and public transport interchange, lies approximately 180 metres from the site. In terms of accessibility to day-to-day services and facilities, the site is located approximately 600m from a bus stop and 2 km from a train station (as the crow flies) limiting realistic access to wider strategic transport networks by sustainable modes.

Whilst cycling may be a theoretical option, the combination of distance, rural lane conditions, and lack of dedicated cycle infrastructure reduces its practicality for most daily journeys.

As a result, it is considered that the proposed development would be heavily reliant on the private car for the majority of trips, including those related to employment, education, retail and other essential services.

This level of car dependency is not consistent with the objectives of policy DM13 of the EBLP, which seeks to promote sustainable travel patterns, nor with the sustainability objectives of the NPPF which require development to be located where the need to travel is minimised and the use of sustainable transport modes is prioritised.

On this basis, the site is not considered to represent a sustainable or accessible location for residential development. The proposal would therefore result in an unacceptable

reliance on private vehicles and would be contrary to policy DM13 of the EBLP and paragraphs 109, 110 and 117 of the NPPF.

G) Trees

Policy DM1 of the EBLP seeks to ensure that proposals do not involve harm to trees. The Council Quality Places SPD states that, *“Large trees may cast significant shade. This can make smaller private gardens or living rooms unacceptably dark which in turn will lead to significant pressure to reduce or remove the trees;”* and as a consequence, that garden sizes would need to increase where excessive shading renders significant areas of the garden unusable due to trees.

There are three mature trees retained within the site. The site is of sufficient size so as to allow for the retention of trees together with the provision of one dwelling. The Tree Officer has reviewed the submission and has not objected. A future TDC application could, therefore, comply with policy DM1 of the EBLP.

It is noted that a number of trees were removed prior to the PIP application. These were not subject to a Tree Preservation Order.

iii) Land Use

H) Contamination/Pollution

Policy DM8 of the EBLP states that development susceptible to pollution (including air or water, noise or vibration, light intrusion or land contamination) will not be permitted where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects. Or where it would inhibit existing economic or other activities giving rise to acceptable polluting effects.

Waste has been imported to the site, without planning permission, to form a layer of hardstanding, and it is therefore contaminated. The removal of this waste is subject of the Enforcement Notice and Appeal. The Environmental Health Officer has advised that the site is capable of being remediated, subject to a suitable scheme of removal. It is considered that such matters could be addressed at the Technical Details Stage, if permission were otherwise recommended.

I) Amenity

Policy DM1 of the EBLP requires that all new development should avoid having an unacceptable impact on the residential amenities of both new and existing residents, and should, where possible, enhance them.

While the proposal is not supported in principle due to other overriding constraints, it is noted that from a land use perspective that the site is of a sufficient size and spaced from its neighbours to accommodate one dwelling without significant amenity impacts. Subject to an appropriate layout, scale, and window positioning at the Technical Details Consent stage, there would be scope to design a scheme that avoids overlooking, overbearing relationships, or loss of light to neighbouring properties and provides a suitable living environment for future occupants. Accordingly, the proposed residential use would not raise in-principle concerns regarding amenity.

iv) Amount of Development

J) Minimum of one and a maximum of one dwelling

In purely numerical terms, the provision of one dwelling could be physically accommodated within a site of this size, subject to matters of layout, scale, appearance, access, drainage, replacement planting, and ecology being addressed at the Technical

Details Consent stage. The proposed amount of development would not, in itself, amount to an overdevelopment of the site.

However, the acceptability of the amount of development cannot be divorced from the site's countryside location, its visual and physical separation from the built-up area, its rural character, and the constraints identified elsewhere in this report. Even a single dwelling would introduce permanent residential built form, domestic activity, parking, lighting, boundary treatments and associated paraphernalia into a site that reads as part of the countryside. The limited scale of the proposal does not overcome the harm arising from the location and land use of the development.

Accordingly, whilst the proposed amount of development is limited to one dwelling and could physically fit within the site, the site is not an acceptable location for that amount of residential development. The proposal is therefore unacceptable when the amount of development is considered together with the location and land use of the site.

v) Other Matters

K) 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; (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.

L) 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.

M) High Pressure Oil Pipeline

The site is adjacent to the line of a high pressure oil pipeline. The agents acting on behalf of the oil company were consulted but have not responded.

The proposed residential use need not result in any dwelling being sited within 3 metres of the pipeline. Only the far western part of the site falls within the relevant consultation buffer, and there is sufficient space within the wider site for a dwelling to be positioned well away from the pipeline.

It is also material that this application seeks Permission in Principle only, and not Technical Details Consent. Any approval of Permission in Principle would not itself grant detailed permission for a dwelling, nor would it fix the precise siting, layout or design of the development. Those matters would fall to be considered at the subsequent Technical Details Consent stage, at which point the dwelling could be sited so as to avoid any conflict with the pipeline or its easement. This issue therefore does not justify refusal of Permission in Principle.

vi) Planning Balance and Conclusion

The Council cannot currently demonstrate a five-year housing land supply and paragraph 11(d) of the NPPF is therefore engaged. The proposal would provide one self-build dwelling, which would make a small contribution to housing supply and self-build provision. There would also be limited economic benefits during construction and from future occupiers supporting local services. These matters attract limited positive weight.

However, the proposal would result in the introduction of an unjustified new dwelling within the countryside, outside the defined urban edge, contrary to Policy S5 of the Eastleigh Borough Local Plan. The site is physically and visually detached from the built-up area and the development would cause harm to the rural character and appearance of the area through the introduction of residential built form, domestic activity and associated paraphernalia. The site is also poorly located in accessibility terms and future occupiers would be likely to rely heavily on the private car for day-to-day journeys.

In addition, the proposal fails to secure the necessary mitigation for nutrient impacts and recreational pressure on the Solent and New Forest designated sites. In the absence of secured mitigation, the Council cannot conclude beyond reasonable scientific doubt that the proposal would not adversely affect the integrity of protected habitat sites. This provides a clear reason for refusal under paragraph 11(d)(i) of the NPPF and means that Permission in Principle cannot be granted.

In any event, the limited benefits arising from one additional self-build dwelling are significantly and demonstrably outweighed by the identified harms, including the conflict with Policy S5, harm to the rural character and appearance of the area, poor accessibility, and the absence of secured habitat mitigation. The proposal does not represent sustainable development and is contrary to the development plan when read as a whole. Permission in Principle should therefore be refused.

Conclusion:

Recommendation:

PERMIT ☐

REFUSE ☒

Comments ...