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Dear Sir/Madam

Planning Appeal APP/W1715/W/23/3329709

Planning appeal against refusal of full planning. Application for the conversion of first floor of existing detached garage to C1 AirBnB.

Moorgreen Farmhouse, Moorgreen Farm, Burnetts Lane, West End, Southampton, SO30 2HH

In response to the LPA's appeal statement, I make the following points on behalf of my client.

Paragraph 38 of the NPPF states that Local Planning Authorities should approach decisions on proposed development in a positive and creative way. The LPA's appeal statement demonstrates that the LPA's planning committee did not take this approach when it refused the application, preferring instead to apply the 'letter' of the relevant policy to the proposal, in an overly 'plan-centric', rather than 'plan-led' manner.

Whilst the planning application did not strictly accord with Policy S5 (and therefore Policy DM19, as referred to within Policy S5), the plan does not contain a policy that deals with the exact circumstances of this proposal.

In Paragraph 7.5, the LPA suggest that the insertion of a small en-suite and kitchenette into the room above the garage would have 'raised concern' that the ancillary residential use of the building was starting to create a more independent living unit. However there is nothing to suggest that an office with a small en-suite and kitchenette is not ancillary to the main dwelling, even if the room was to be used as a bedroom, rather than an office. This room would have simply become a residential annex to the main dwelling, which does not require planning permission in any case.

If the concern was that the proposal would become an independent dwelling (and there does not appear to be any clear articulation of such), this is unlikely. The shared garden and access arrangement does not lend itself to independent use. Additionally, the proposed conditions for the holiday let use would ensure that the use remained as a holiday let, rather than an independent dwelling.

In Paragraph 7.7, the LPA, rather pedantically, seek to remind the Inspector as to the purpose of the appeal, criticising the appellants inclusion of useful, open and honest, background to the application i.e. how the appellants immediate and long-term intentions for this space reflected natural and ongoing changes in personal circumstances.

In Paragraph 7.11, the LPA consider Policy DM19 to be irrelevant. This policy was addressed only because reference to policy DM19 is inserted into strategic policy S5. The LPA may have missed paragraph 3.11 of the appellant's statement, which confirms that Policy DM19 does not apply to the development in question.

In Paragraph 7.14, the LPA restate that Policy S5 in the relevant policy, and suggest that the appellant has failed to address the reason for refusal in not providing any evidence of the room's use as an office/store for a reasonable amount of time before being proposed as a holiday-let. In response, this is due to the fact that the room has never been used as an office/store, as originally intended. The room has not been used for anything at all, to date! Therefore, contrary to the LPA claim, the first reason for refusal has been clearly addressed.

In conclusion, the LPA's defence of its decision demonstrates an unreasonably inflexible and 'plan-centric' rather than 'plan-led' approach to this development and has not taken into account any of the material considerations that might indicate a more sensible approach, including what would happen in the event of an appeal dismissal.

The practical outcome of a dismissal is that the appellant would use this room as an ancillary officer/store for, say, 6 -12 months, and then submit a new application for the change of use of this first floor to a holiday let. The application would then, all of a sudden, meet the requirements Policy S5 (for the holiday let use to be the second, rather than the first use of the building). This would represent an unreasonable level of bureaucracy, but would be exactly what would happen if the appeal were to be dismissed.

In relation to the LPA's statement's reference to the second reason for refusal, the appellant's letter to the Planning inspectorate of 15th December relates. Mitigation has already been provided for the recreational pressure upon the New Forest and Solent SPAs through a recognised mitigation strategy. In relation to water quality, the appellant agrees to the LPA's proposed planning condition, but has also suggested a further condition in the letter of 15th December, which the Inspector is invited to consider. The replacement of an old and inefficient sewage treatment plant with a modern, efficient one creates headroom for nutrient neutrality, and is a recognised strategy for allowing development to go ahead. Both strategies are regularly accepted by appeal inspectors.

I hope that the above comments are useful to the appeal Inspector.

Yours faithfully


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Director
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