

Ref: 12084/PINS/L01
Date: 10th November 2023

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Dear Sirs

Moorlands Farm, Botley Road, West End, SO30 3HD
Appeal Against the Refusal of Planning Permission by Eastleigh Borough Council
LPA Planning Ref F/22/93835 for the *Demolition of all existing buildings and detailed planning approval for light industrial floorspace [Use Class E(g)(ii) & E(g)(iii)], warehouse floorspace [Use Class B8] and estate office (Use Class E(g)(i))*

An appeal has been submitted against the refusal of planning permission by Eastleigh Borough Council (EBC) on 2nd October 2023 for the redevelopment of the site known as Moorlands Farm, West End. We consider that the appeal can be dealt with by written representations.

The proposal is for the redevelopment of the former farmstead to comprise the demolition and removal of the existing house, outbuildings and hardstanding in order to provide x3 high quality light industrial units, a management office, small open storage yard, improved access from Botley Road, new on-site parking provision for vehicles and cyclists, together with on-site SUDS drainage and significant on-site biodiversity net gain benefits comprising +36% Habitat Units and +36% Hedgerow Units.

A detailed application was submitted at the request of EBC officers, to provide certainty on the form and arrangement of the site. The background to this is set out in the accompanying Statement of Case.

The proposals are accordingly accompanied by a full suite of detailed plans, a Design and Access Statement, Highways Statement with internal tracking plans, landscape concept proposals, Landscape and Visual Impact Assessment, Arboricultural Impact and Method Statement, Sustainable Drainage Strategy, Ecological Surveys with proposed Mitigation and Enhancement Plans, the BNG assessment, desk-top Archaeology report, and a BREEAM Pre-assessment report, which confirms that the proposals would very comfortably meet the BREEAM Excellent standard.

The application also included a Planning & Economic Statement that considered the proposals against existing policies, the history of the site, its setting and the benefits that the scheme would provide within the context also of a local employment market report and confirmed interest from local employment firms for the new accommodation that is

proposed.

A series of amendments were made through the progress of the application with EBC. These were informed by discussions with EBC and iterative reviews with a number of other officers including landscape, ecology, tree, urban design and highways officers.

Formal amendment packs were submitted as a result of these discussions, dated 12th December 2022 and 12th May 2023. Additional supporting information was subsequently provided in June and July 2023. Each set of updated proposals was subject to re-consultation and ultimately full agreement to support a recommendation for approval.

All matters have accordingly been agreed with statutory consultees and the Council's in-house specialist advisors.

The application was put forward with a recommendation to approve the development subject to conditions and a s106 legal agreement. The agreement is already in detailed draft and deals with financial contributions towards off-site highways improvements and public art provision. All of the substantive matters have already been agreed by the relevant parties (the appellant, EBC and Hampshire County Council), with only a small number of drafting matters still to be agreed. This will now be progressed and the final, signed copied will be sent to PINS with EBC's agreement.

The officer's list of proposed conditions, as set out in the Committee report, and the list of the final set of plans and documents that comprise the application for determination (dated 10th July 2023) were also agreed with EBC officers some way in advance of the committee meeting.

EBC's planning case officers' committee report provides a detailed summary of the background to the scheme and the consultation responses that were received during the progress of the application. The positive recommendation to approve was made within the context of the Eastleigh Local Plan, 2022, which had removed the site from its previous designation in a Strategic Gap, leaving its designation within the countryside in place.

The recommendation also took into account the existing developed status of the site within the countryside; its condition (that had been inherited in a very dilapidated state by the current owners - the appellants – who purchased it in 2020); the proposed uses, the arrangement and quality of the development in its location between the M27 and a modern employment estate where no amenity issues would be raised; and in consideration that no harm would result to the adjoining Moorgreen Meadows SSSI – an assessment that crucially had been agreed by both the Council's Ecologist and Natural England (who oversee the designation and maintenance of SSSIs and who the appellant has been in discussion with from very soon after they purchased the site).

In spite of the positive agreement that was reached with officers and their technical and environmental advisors, the application was refused by the Council's Hedge End, West End and Botley Local Area Committee at a meeting held on 25th September 2023. This was for three reasons:

1 The proposed construction of 4no. industrial units would result in ***an unacceptable urbanising impact which would be detrimentally harmful to the countryside***, thus the proposals would be contrary to Policies S5, DM1 and DM18 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the National Planning Policy Framework (2023).

2 The proposed development would result in an ***adverse impact upon the nearby Moorgreen Meadows SSSI*** (north and east) by reason of its close proximity and sensitivities of the flora associated with the SSSI (marsh orchid), thus the proposals would be contrary to Policies DM1 and DM11 of the Eastleigh Borough Local Plan (2016-2036), the Council's Biodiversity Supplementary Planning Document (2009), and the provisions of the National Planning Policy Framework (2023).

3. In the ***absence of a planning obligation*** to secure financial contributions towards sustainable transport and public art, the proposals are unacceptable, contrary to Policies S1, S11, DM1 and DM13 and DM38 of the Eastleigh Borough Local Plan (2016-2036), the Council's Public Art Strategy (2015-2019), and the provisions of the National Planning Policy Framework (2023).

This appeal is submitted against the refusal and with reference to the discussion of the Council's Local Area Committee that (1) included references to misinformation; (2) disregarded the full background of the site, the proposals and the expert advice provided to them and (3) was not informed by a site visit, which Councillors failed to carry out in spite of us asking when a visit would be made prior to their meeting.

The ***Statement of Case*** addresses the above matters and responds to the Council's reasons for refusal. The accompanying ***List of Appeal Documents*** provides the full list of plans and documents that comprise the appellant's case.

The appellant intends to submit a Claim for Costs against EBC on the grounds that its Local Area Committee acted unreasonably in reaching its decision to refuse the application. We understand the application for costs should be submitted before the final comments stage. We request that we be permitted to submit this with our last comments in response to the Council's Appeal Statement. This will enable us to take into account EBC's reconsideration of the appeal scheme against the background of the recommendation to grant permission and the breadth of agreement that has been received from all relevant statutory parties.

At present the claim for costs will refer to the Council's Committee having acted unreasonably through its:

- Failure to carry out a site visit in order to fully understand its condition, setting and the relationship of the proposed buildings to the existing arrangement of the site and to the SSSI. This would have provided the necessary appreciation also of the extent of the physical enclosure of the site, with very limited and restricted views into and out of the already built part of the site, which it is proposed to extend only very marginally. No regard was accordingly given to the detailed and extensive Landscape Visual Impact Assessment which has been agreed by the Council's Landscape, Urban Design and Strategic Planning Policy officers;
- Making public declarations that as the site is in a derelict condition, granting approval for its redevelopment would serve as an incentive to landowners to allow other sites to fall into disrepair. The insinuation of this being that the appellant has done this, which is categorically not the case. The site was sold to them in a very derelict condition and it has presented the appellant's with on-going security issues and costs, with a range of measures having to be put into place; including housing on-site security personnel. This background is set out very clearly in the application documents and in subsequent correspondence with the EBC officers;

- Making reference to there being no requirement for new employment floorspace in the Borough, on the grounds that the area benefits from high employment, such that it should be set aside as a material balancing consideration in favour of the scheme. This is without regard to: the Council's Local Plan that supports new employment provision including on unallocated sites and on sites in the designated countryside; the express support of the Council's Economic Development and Strategic Planning Policy officers for the proposals on new employment provision grounds; the local market information that has been provided; the expressed interest from local businesses that are struggling to find appropriate accommodation in the area and the major employment based proposals that form part of a current planning application for development at the nearby Ageas Bowl Cricket Ground, which EBC itself has an interest in and which if permitted will provide very different employment based accommodation for which we have demonstrated a local requirement for. .
- Making groundless assumptions that the site may be being rewilded whilst it is in its current condition, such that the new development, may 'push wildlife' out and further away from the site rather than make positive provision for wildlife and biodiversity enhancements within the site. This is again without having (1) undertaken a site visit, where it would be seen that the site presents risks of harm to some wildlife and (2) any regard to the ecological assessments that have been provided, the significant landscaping and biodiversity enhancements that are proposed or to the expert opinions of those advising the Council – namely their own ecologist and Natural England.
- Making reference to the reason why the SSSI was designated in order to protect marsh orchids, but with no reference again to Natural England's statutory expert advice and that of the Council's ecologist that the proposals would present no harm to the SSSI. No member of the Committee declared expert training in ecological and drainage matters in order to provide the grounds for overriding their statutory and inhouse advisors on this matter.
- Making reference to the location of the SUDS drainage pond being inappropriate for amphibians due to the lack of migration routes to and from it, with no regard to the design of the pond, the provision of linked migration channels or to the fact that nocturnal migrations would be when there will be no or very little human activity of the site.

We trust that the submission is in order for validation purposes and that it will be possible to confirm a start date and the deadline for the submission of the Claim for Costs very shortly.

Please do let me know if you do need anything further.

Yours sincerely



Marie Nagy

Director

Enc.