

EASTLEIGH BOROUGH COUNCIL

**Town and Country Planning Act 1990 (As Amended by the
Planning and Compensation Act 1991) – Section 78**

LOCAL PLANNING AUTHORITY'S STATEMENT OF CASE

**Planning appeal against refusal of full planning.
Application for the construction of 6.no. dwellings,
including landscaping, parking and associated works
following demolition and site preparation.**

Cockpit Farm Barn, Knowle Lane, Horton Heath

Appeal by: Alderbury Homes Limited

**Planning Inspectorate Reference:
APP/W1715/W/23/3328986**

Eastleigh Borough Council Reference: F/23/94713

March 2024

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1.0 Introduction

- 1.1 This Statement sets out the Local Planning Authority's case in relation to the reasons for refusal of planning application ref. F/23/94713, for the construction of 6 dwellings at Cockpit Farm Barn, Knowle Lane, Horton Heath.
- 1.2 This statement focusses on the matters pertaining to the Council's reasons for refusal as set out below and in order to provide further details and justification in relation to these. Where necessary and relevant to the reasons for refusal, matters raised within the Appellants statement of case are also responded to within this statement.

2.0 Description of Appeal Application

- 2.1 The appeal application was received by the Council on 15th February 2023 and registered as valid on the 17th February 2023. It was given a reference number of F/23/94713. The proposed development was described as follows:

Construction of 6 no. dwellings, including landscaping, parking and associated works following demolition and site preparation.

- 2.2 The application was determined at the Bishopstoke, Fair Oak and Horton Heath (BIFOHH) Local Area Committee on 12th July 2023. The decision was to refuse planning permission and the decision notice was issued on 18th July 2023. There were 3 reasons for refusal, worded as follows:
1. The proposed development by virtue of its increased height, scale and appearance would result in a greater visual and physical impact and have an urbanising effect on this area of countryside and the Horton Heath and Fair Oak settlement gap, together with the visual amenity of Knowle Lane to the detriment of the areas prevailing character and contrary to the provisions of policies DM1, DM26, S5 and S6 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
 2. Insufficient information has been provided to demonstrate that the pedestrian and vehicle movements generated from the development would not add to existing highway safety concerns, contrary to Local Plan Policy DM1 and DM13 of the Eastleigh Borough Local Plan (2016-2036) and the National Planning Policy Framework.
 3. The application fails to provide the required mitigation to offset the impacts of the development on the European protected sites from nutrient loading. The application is therefore contrary to the requirements of Policy DM11 of the Eastleigh Borough Local Plan (2016-2036), The National Planning Policy Framework and the provision of The Conservation of Habitats and Species Regulations 2017.

- 2.3 A copy of the Council's Decision Notice was sent to the Planning Inspectorate with the Council's Appeal Questionnaire.
- 2.4 In relation to Reason for Refusal 2, upon further consideration of the highway matters relating to the proposal, taking account of the planning history and comments of the Local Highway Authority (Hampshire County Council), the Local Planning Authority no longer intends to uphold this reason for refusal.
- 2.5 This Statement of Case therefore focuses only on Reasons for Refusal 1 and 3.

3.0 Site and Surroundings

- 3.1 The appeal site is located on the west side of Knowle Lane, Fair Oak, close to the junction with Durley Road. The site is occupied by a long, single storey building which was formally used as a poultry shed but is currently vacant. The existing building measures approximately 1.9m to eaves and 3.4m to ridge height and is approximately 117m in length. The building is set back from the Knowle Lane frontage by approximately 12m and there is a mix of hard surfacing and grassed areas in front of the building. To the rear of the building, the land comprises an open field with some trees, and there are trees along the boundaries of the site, including a row of trees along the front boundary with Knowle Lane.
- 3.2 There are three existing vehicle access points to the building, all from Knowle Lane. The first is just to the south of the building, which is a relatively informal gated access. The second is the largest access point, located roughly opposite the central section of the building and is hard surfaced and gated. The third access point is another less formal gated access opposite the north side of the building.
- 3.3 The site lies within the countryside and within the settlement gap between Fair Oak and Horton Heath, as defined under Policies S5 and S6 of the Eastleigh Borough Local Plan (2016-2036). There is a public footpath that runs alongside the northern boundary of the site, linking Knowle Lane with Botley Road to the west (Route number 085/3/1).
- 3.4 The surrounding area to the north and east is predominantly rural in character, comprising scattered built form along Knowle Lane, interspersed and surrounded by fields and open countryside. This rural character continues until further north along Knowle Lane where there is more dense built development at Deer Park Farm Industrial Estate and new housing developments near to the junction with Mortimers Lane.
- 3.5 To the west, between the appeal site and Botley Road, there is a mix of open fields and scattered buildings, including a public house, agricultural buildings and housing. The appeal site can be seen in views between buildings from Botley Road.

- 3.6 To the south and south-west of the appeal site is housing which comprises the northern end of the settlement of Horton Heath.

4.0 Relevant Planning History

- 4.1 The appeal site has a fairly extensive recent planning history, with a number of applications for Prior Approval received and determined between 2022 and 2023, along with a previous application for 6 dwellings refused in July 2023 and an application for 9 dwellings refused in October 2022. A summary of the planning history is set out below and a diagram is provided in Appendix 1, which illustrates the uses that have been permitted within the existing building. It is relevant to note for this appeal that all of the previously approved development relating to this site is for the conversion of the existing building rather than new build development.

- 4.2 Summary of planning history:

- PN/23/96355 – Application for Prior Approval under Class R of the General Permitted Development Order, for conversion of part of existing building to light industrial use (Class E(g)(iii)) – approved 22 December 2023
- PN/23/95763 – PN under Class R for change of use of part of existing building to use Class E (g)(iii) for industrial processes – refused 31 August 2023
- PD/23/95961 – Use of existing agricultural building to E(g)(iii) use under permitted development - planning application not required, 11 September 2023
- F/23/94713 – construction of 6 dwellings, including landscaping, parking and associated works following demolition and site preparation – refused 18 July 2023
- PN/22/92315 – Prior notification under Class Q for change of use from agricultural buildings to 5 dwellinghouses and for building operations reasonably necessary for the conversion – approval granted 25 March 2022
- PN/22/92314 – Prior notification under Class R for change of use of part of agricultural building to office use (Class E(g)(1)) - approval granted 23 March 2022
- F/22/93315 – Construction of 9 dwellings, landscaping, parking and associated works – withdrawn 28 October 2022
- PN/21/92091 – Prior approval for change of use of agricultural building to a flexible use within storage or commercial/business/services (Class E) – withdrawn 7 January 2022

- Z/30431/000/00 – Erection of poultry house and silo – permitted 26 August 1988

5.0 Development Plan Policy

5.1 Town and Country Planning Act 1990

Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 set out that this Appeal must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 Planning and Compulsory Purchase Act 2004

Section 38(6) of the Planning and Compulsory Purchase Act states as follows: *“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”*.

5.3 Development Plan

The Development Plan comprises the Eastleigh Borough Local Plan (2016-2036) and the Hampshire Minerals and Waste Plan (HMW, 2013). The HMW is not relevant to this appeal. The relevant policies of the Local Plan to the determination of this appeal comprise:

- S5 (New development in the countryside)
- S6 (Protection of settlement gaps)
- DM1 (General criteria for new development)
- DM11 (Nature conservation)
- DM26 (Residential extensions and replacement dwellings in the countryside)

5.4 Copies of these policies were provided to the Planning Inspectorate as part of the Councils Appeal Questionnaire.

5.5 Supplementary Planning Documents (SPDs)

The following SPDs are of relevance to the planning merits of the appeal proposals:

- Residential parking standards (January 2009)
- Quality Places (November 2011)

6.0 National Planning Policy

6.1 The National Planning Policy Framework (NPPF) 2023 sets the Government’s planning policies for England and how it expects them to be applied. The NPPF is a significant material consideration for the purposes of making planning decisions. However, it is just one of the material planning considerations which must be taken into account, and it does not negate or undermine the primacy of the Development Plan laid out in statute, nor any other material planning considerations. Indeed, Paragraph 2 of the NPPF states:

“Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.”

6.2 Sustainable Development

Paragraph 7 notes that *“The purpose of the planning system is to contribute to the achievement of sustainable development”*. Paragraph 8 explains that this entails three overarching objectives: an economic objective; a social objective; and an environmental objective.

6.3 Paragraph 9 notes that:

“These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

6.4 Paragraphs 10 and 11 note that at the heart of the NPPF is the *“presumption in favour of sustainable development”*, stating that:

“For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

6.5 Paragraph 12 reiterates the point made in Paragraph 2 that the presumption does not change the statutory status of the development plan as the starting point for decision making, stating that where a planning application conflicts with an up to date development plan, permission should not usually be granted. Paragraph 12 further states that Local Planning Authorities should only take decisions departing from the development plan if material considerations indicate that the plan should not be followed.

6.6 Housing

Paragraph 60 of the NPPF requires that to support the Government’s objective of significantly boosting the supply of homes, it is important that sufficient amount and variety of land can come forward where it is needed.

6.7 In relation to housing land supply, the update to the NPPF in December 2023 changed the requirements for Local Planning Authorities in relation to five year housing land supply, whereby this is no longer a requirement if an adopted plan is less than five years old and that the adopted plan identified at least a five year supply of sites (paragraph 76). The Eastleigh Borough Local Plan is less than 5 years old and did identify a 5 year housing land supply at the time of examination, therefore in accordance with paragraph 76, the Council would no longer need to demonstrate a five year housing land supply. However, it is acknowledged that under the transitional arrangements referred to in footnote 79 of the NPPF, the update does not apply as a material consideration for applications made before December 2023. As the appeal scheme was submitted in February 2023, for the purposes of this appeal, there remains a requirement for the Local Planning Authority to demonstrate a five year supply of housing.

6.8 Eastleigh Borough Council's latest five year housing land supply update was published in July 2022, demonstrating 5.1 years worth of supply. Given the relatively small number of dwellings proposed, and having regard to the recent changes to the NPPF set out above, it is concluded that only limited weight can be given to the contribution of the appeal proposal to the Council's housing land supply.

6.9 Making effective use of land

Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, but also highlights the importance of safeguarding and improving the environment. Emphasis is placed on the utilisation of brownfield land within settlements (paragraph 124c).

6.10 Protecting the environment

Section 12 of the NPPF sets out the objectives for achieving well designed and beautiful places and states in paragraph 135(c) that planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding environment and landscape setting.

Paragraph 180 highlights that the planning decisions should contribute to and enhance the natural and local environment.

6.11 Habitats and Biodiversity

Paragraph 187 of the NPPF states:

"The following should be given the same protection as habitats sites:

a) potential Special Protection Areas and possible Special Areas of Conservation;

b) listed or proposed Ramsar sites; and

c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites."

- 6.12 It is the Council's position that the Policies contained within the Eastleigh Borough Local Plan (2016-2036) are pertinent to the decision making of the appeal and are considered to be consistent with the NPPF and therefore should be given full weight.

7.0 Reasons for Refusal

- 7.1 This section addresses the reasons for refusal, including conflict with the Local Plan Policies and the NPPF.

7.2 Reason 1

- 7.3 This reason for refusal relates to the impact of the development on the character and appearance of the site and surroundings, including its urbanising effect on the settlement gap between Fair Oak and Horton Heath.
- 7.4 The proposal would involve the construction of 6 new build residential dwellings following demolition of the existing poultry building. Policy S5 of the Local Plan sets out the type of development that would be supported in the countryside, with the overall aim of protecting its intrinsic character and landscape. In relation to residential development, the policy allows for residential extensions and replacement dwellings (cross referring to Policy DM26), limited residential conversions and rural workers dwellings. The policy does not support new build private residential development in the countryside, therefore the appeal proposal is in direct conflict with Policy S5.
- 7.5 The appellants case rests to a great extent on the fact that approval has previously been given for residential and other uses on the site through the Prior Approval process (refer to Section 4 of this Statement), which they consider to represent a 'fallback' position and demonstrate the acceptability of the principle of residential development. However, the LPA would emphasise that all of the previous approvals (housing, office and industrial schemes) have related to the reuse of the existing building, rather than the construction of new buildings as per the appeal scheme. There is also no guarantee that these approved schemes would ever be implemented, noting that they are subject to a 3 year implementation period and that the schemes for 5 dwellings as well as the offices were approved almost 2 years ago (March 2022). In any case, these previous approvals are not considered to justify the principle of a new build residential scheme that would have a significantly greater impact on the visual appearance and character of the site and surroundings, as explained within this Statement.
- 7.6 Policy S6 of the Local Plan relates specifically to development within settlement gaps. The policy seeks to ensure that development would not undermine the physical extent and/or visual separation of settlements, nor have an urbanising effect detrimental to the character of the countryside or the separate identity of adjoining settlements. The proposed development lies within the defined settlement gap between Fair Oak and Horton Heath. In preparation of the Local Plan, a Settlement Gap Study (SSG) was

undertaken (Deacon Design, October 2020, extract in Appendix 2), which provides an analysis of the characteristics of the settlement gaps. The appeal site lies within area H4 as set out in the SSG, which is described on page 117 as : *“Forming the main area of the Gap between Botley Road and Knowle Lane this area sits on lower ground and comprises a range of typical settlement edge land uses including semi-rural dwellings, farmsteads, smallholdings and the Lapstone Public House. Despite its low setting, the mature vegetation and boundary treatments combined with the dwellings being positioned close to the road offers limited views between the two settlements”*. On page 113 of the SGS, it is noted that when travelling east / north-east along Knowle Lane from Botley Road, the Durley Road junction provides a sense of leaving Horton Heath, where *“... the line of development and settlement stops abruptly, changing to rural lanes and limited indivial properties beyond.”* The appeal site lies just beyond the Durley Road junction and therefore falls within an area of the gap that plays a significant role in defining the changing character between urban and rural development and maintaining the separation of settlements.

- 7.7 The character of the area surrounding the appeal site is also described in the Eastleigh Landscape Character Assessment (2011), an extract of which is included at Appendix 3. The application site lies within Landscape Character Area 8 – Knowle Hill Farmland and Woodland. In paragraph 4.119, in describing the characteristics of the area, it is noted that: *‘Along the western and southern edges, the settlements of Fair Oak and Horton Heath are prominent creating a strongly defined boundary. There is quite a rapid transition through parkland fragments like The Cock Pit Farm to a truly rural landscape southeast of this area, on the edge of the Borough and beyond.’* (Note that ‘The Cock Pit Farm’ referred to in this paragraph is a site to the south-east of the appeal site and not the appeal site itself). It is further noted, under the description of ‘Landscape Character Sensitivity’ in paragraph 4.126, that: *‘ The landscape is predominantly rural, bounded by the urban edge of Fair Oak and Horton Heath. It has a varied landform and vegetation structure, and is attractive without being of particular distinctiveness. It has amenity value with much land being publicly accessible from Knowle Lane and the nearest residential areas. It has local wildlife value’*. In paragraph 4.128, one of the key issues highlighted for the area is development pressure on Knowle Lane. All of these points further highlight the rural character of the area surrounding the appeal site, and its distinction from the nearby settlement edge.
- 7.8 The appellant argues that the existing building detracts from the visual appearance of the site and local area due to its age and appearance, and that the proposed development would enhance the appearance of the site. The appellant highlights support for the proposal given by the Council’s Urban Design Officer. However, it is important to note that the Urban Design Officer’s remit is to assess the merits of the scheme in relation to design principles rather than to assess the wider impact of the development on the countryside and settlement gap. Indeed, in the Urban Design Officer’s comments dated 10 March 2023 (as provided with the appeal questionnaire), they specifically state in the second paragraph in Section 1

that: *“The following comments are made on the assumption that issues relating to the development within the countryside and settlement gap can be overcome”*. The LPA considers that the appellant has overemphasised the visual impact of the existing building, which the LPA contends is of a design that is characteristic of a rural area and has a low key visual impact.

- 7.9 The LPA acknowledges that the existing poultry building is of a significant size in terms of its length but it is of a low height being single storey along its length with a height of up to 3.4m to ridge (1.9m to eaves). It has the appearance typical of an agricultural structure and is suited to its rural location. Despite its length, the low height and the presence of trees along the eastern boundary means it is not visually prominent within the Knowle Lane streetscene. The northern end of the building is also set below the road level, which further reduces its visual prominence. Whilst the building is old and currently vacant, the fact that a number of Prior Approval applications have been submitted and approved for its conversion suggest that it is of a suitable condition for re-use. The 5 dwelling residential scheme approved through Prior Approval application ref. PN/22/92315 was for the conversion of the northern part of the existing building, retaining its existing position and height. A central section of the building was also proposed to be demolished, thereby reducing its overall mass. The approved office scheme (application ref. PN/22/92314), and the subsequent industrial schemes were also for conversion, relating to part of the southern end of the building, therefore also maintaining the existing built form with no increase in height or footprint.
- 7.10 In comparison to the Prior Approval schemes, the dwellings proposed in the appeal scheme, whilst maintaining a linear form, would be set further back into the site and would be substantially taller, measuring 3.1m to eaves and 8.3m to ridge height, an almost 5m height increase from the existing building. Due to this increased height, the development would have a much greater visual prominence particularly when viewed from Knowle Lane and the immediate surroundings including the public footpath to the north, particularly during winter months when vegetation is more sparse. Regarding the views from the footpath, it is considered that this impact was underplayed in the Landscape and Visual Statement (LVS) submitted with the application. On page 10 of the LVS, it is stated that *‘Upon passing the existing watercourse bridge, users may experience views of the site, which are filtered by existing trees and then subsequently screened by metal panel fencing.’* Whilst it is acknowledged that there is metal fencing that hinders some of the views from the section of footpath immediately north of the poultry building, this fencing only extends partially along the northern boundary and when travelling west to east along the footpath towards Knowle Lane, there are clear views of the site as shown in the photographs in Appendix 4 (taken 5th March 2024).
- 7.11 The proposed new dwellings would also have a much larger extent of residential curtilage compared to the conversion scheme previously approved. The previous residential conversion scheme only related to a section of the north side of the building and the associated residential

gardens were indicated to be around 6m in depth extending to the west. The appeal scheme would result in 6 new dwellings extending north to south along much of the length of the existing poultry building. The proposed dwellings on the southern side of the site (Plots 1 and 2) are shown to have substantial rear gardens of around 23m in depth extending to the west into what is currently open field. Whilst Plots 3 to 6 would have smaller gardens of around 11m in depth, the combined extent of residential curtilage for all 6 dwellings would be significantly greater than in the previous conversion scheme. If the appeal scheme were to be approved and implemented, the Local Planning Authority would have little control over how the private gardens were managed and used and there would be the potential for accommodating a variety of residential paraphernalia such as garden furniture, garden features/ structures and children's play equipment, all of which would add to the urbanising impact of the development within the settlement gap. The provision of parking and a more formal hard surfaced access drive to the front of the dwellings would also create a more formal, urban frontage to the development, further detracting from the rural character of the site. Although there are currently three access points to the site, they have the appearance of rural farm accesses and are not visually prominent.

- 7.12 The above matters were raised in an appeal decision relating to a site known as 'The Mazels' on the opposite side of Knowle Lane, directly opposite the appeal site (appeal ref. APP/W1715/W/17/3173253, Appendix 5). This appeal related to two residential schemes, one for 12 dwellings and one for 4 dwellings. This site lies within the countryside but outside of the settlement gap. In assessing the impact of the developments on the character and appearance of the area (paragraph 28), the Inspector noted that the urbanising effect of the proposed houses would be exacerbated by the proposed formal entrance and the associated residential paraphernalia: *"The urbanising effect of the proposals would also arise from the proposed vehicle access point for each development which I consider would be larger and of a more formal appearance than most of the other access points along this stretch of Knowle Lane, these generally being of a more informal appearance. The vehicle access point for both appeals would also draw the eye of passers-by into the site. Furthermore, the change to the character of the site would be exacerbated by the associated residential paraphernalia and parked cars that would be likely to occur within the site from both residential developments."*
- 7.13 The appellant comments that the proposed development would have no adverse impacts on wider landscape character, demonstrated through the LVS submitted with the application, and that the LPA has overstated the impacts of the development. The LVS concluded that the development would contribute to local character by replacing a large, poor quality building with a small scale residential development sympathetic to the local context and that additional landscaping would mitigate views of the site. The LPA strongly disagrees with this conclusion. As highlighted within this Appeal Statement, the development with its associated curtilage would cover a

greater area of the site than the existing building and would be substantially taller, resulting in a significantly greater visual impact and urbanising effect.

7.14 The LPA acknowledges that the appeal scheme may not result in a significant impact on the wider landscape, but this does not mitigate the impacts on shorter distance views and the immediate surroundings of the site as identified in this Statement. The existing building already lies within a landscaped setting and the fact that further landscaping would be required to screen views of the proposed new development further demonstrates that it would have a greater visual impact. Similar points were raised by the Inspector for 'The Mazels' appeals. In paragraph 29 the Inspector notes that the site had an important role to play in contributing to the contrast between the built up area of Horton Heath and the predominantly undeveloped characteristics of the countryside beyond the urban edge, and that whilst the site had a limited zone of visual impact and additional landscaping could be provided, these points would not mitigate the urbanising impacts: *'... I acknowledge the limited zone of visual impact and that neither scheme would impact significantly upon longer distance views within the surrounding landscape and would not be detrimental to the wider landscape character. However, whilst existing boundary screening would be largely retained and there would be opportunity of further landscaping to be provided, I do not consider this would successfully mitigate against the urbanising impacts of the proposed developments that would significantly compromise the role of the site in contributing to the distinction between the rural character of the countryside and the adjacent built up area.'* In paragraph 31, the Inspector went on to consider other development beyond the urban edge and makes specific reference to the appeal site, commenting that: *'... in the case of the poultry farm opposite, this is an appropriate and typical use within a countryside location possessing different characteristics to residential development.'*

7.15 In summary, the LPA considers that the appellant has overplayed the poor visual condition and visual harm of the existing building, and placed inappropriate emphasis on the Prior Approval schemes as a fallback position. The LPA considers the existing building to be of a scale and appearance that is entirely suited to and in keeping with its rural setting, with limited visual impact on its surroundings. The previous Prior Approvals demonstrate that the existing building has the potential for conversion / re-use, and should therefore not be seen as a fallback position to justify the proposal for a new build residential development that is contrary to policy and, for the reasons set out in this Statement, would be significantly harmful to the character and appearance of the countryside and settlement gap.

7.16 **Reason 2**

7.17 The second reason for refusal of the appeal scheme related to highway and pedestrian safety concerns. As set out in paragraph 2.4 of this Statement, the Local Planning Authority no longer seeks to uphold this reason for refusal.

7.18 Reason 3

- 7.19 This reason for refusal related to lack of mitigation to offset the impact of the development on European protected sites in relation to nutrient output. The relevant protected areas include the Solent and Southampton Water Special Protection Area (SPA) and Ramsar site, Solent Maritime Special Area of Conservation (SAC) and River Itchen SAC.
- 7.20 There is existing evidence of high levels of nutrient input into the protected sites and that these nutrients are causing eutrophication. Natural England has advised that the resulting effects arising from this eutrophication cause dense green mats of algae, which are impacting on protected habitats and bird species and that wastewater from housing development has been identified as contributing to these nutrient inputs. Mitigation is therefore required to offset the impacts of nutrients from new residential development, in order to ensure that it would not have a significant effect on the integrity of the European protected sites.
- 7.21 The appellant has set out their intention to mitigate the nutrient impact using the Eastleigh Borough Council nutrient mitigation strategies (for nitrates and phosphates). This would be acceptable in principle to the LPA and could be secured by condition should the appeal be allowed, which would overcome this reason for refusal. However, it is acknowledged that the Inspectorate is now the competent determining body in this matter.
- 7.22 In paragraph 4.27 of the Appellants Statement, they note that a Nutrient Neutrality Budget Calculation has been carried out following the latest Natural England Methodology. The LPA would like to draw the Inspectors attention to a recent update to the Natural England calculators published on 28th February 2024: Tools and resources for calculating nutrient neutrality - GOV.UK (www.gov.uk). The appellant will therefore need to supply an updated Nutrient budget calculation in accordance with the most recently published calculator.
- 7.23 The LPA is aware that, following submission of a Habitats Regulations Assessment Appropriate Assessment to Natural England at application stage, they responded with an objection due to concerns about the Council's Phosphate Mitigation Scheme (Natural England response dated 21 July 2023). However, as competent authority, Eastleigh Borough Council considers its Phosphate Mitigation scheme to be sound and robust. Further details regarding the Council's Mitigation Schemes can be viewed via the following link: Nutrient Neutrality (eastleigh.gov.uk).
- ### 7.24 Suggested Conditions
- 7.25 A list of suggested conditions is set out in Appendix 6, in the event that the Inspector decides to allow the appeal. This list of conditions mostly follows the list of suggested conditions set out in the Committee Report, but with some updates including the addition of a condition to restrict permitted development rights for extensions, roof alterations and outbuildings (refer to

suggested Condition no. 21). Given the sensitive countryside location of the development and the potential for increased built form to further impact upon the settlement gap, this condition is considered reasonable and justified and would allow the Local Planning Authority to fully assess the potential impacts of any future householder development proposals.

- 7.26 The LPA has noted a discrepancy between the site layout plan submitted with the application (ref. SL01 Rev. A) and the site layout shown on the submitted street elevations plan (ref. SE.01), the latter of which appears to show a greater extent of proposed residential garden land. It is requested that the Inspector seeks clarification on this point and requests a revised street elevations plan from the appellant. At this stage the LPA has removed reference of the street elevations plan from the suggested plan numbers condition (Appendix 6, Condition 2).
- 7.27 The appellant appears to have referenced an older version of the proposed Landscape Strategy Plan in their list of plans and documents (L01 Rev. C). An updated Landscape Strategy Plan was provided to the LPA during the application process, referenced L01 Rev. F, and this was the plan used in the determination of the application.

8.0 Conclusions

- 8.1 For the reasons set out within this Statement, the development would result in an adverse urbanising effect on the countryside and settlement gap, detrimental to the character and visual amenity of the area. There is, therefore, clear conflict between the proposed development, Local Plan Policies and the contents of the NPPF. As a result, the proposals do not accord with the Development Plan and therefore planning permission should be refused unless material considerations indicate otherwise.
- 8.2 The Local Planning Authority consider that there are no such material considerations in this case that would outweigh the harm identified and would therefore respectfully request that the Inspector dismisses this appeal.
- 8.3 Should the Inspector, however, be minded to allow the appeal, the Local Planning Authority would request that the conditions attached in Appendix 6 be included as part of any approval.