

DELEGATED OFFICER REPORT

Application Ref: F/24/97053

Site Address: Hatts Copse Farm, Brook Lane, Botley, Southampton, SO30 2ER

Case Officer: David Huckfield

Description: Construction of detached 2-bedroom bungalow and conversion of existing bungalow to storage/garage to be used for purposes incidental to the use of Hatts Copse Farm as a dwellinghouse.

Particular Site Constraints?	Yes ☒	No ☐
Outside the Urban Edge Within Designated Countryside Within Designated Settlement Gap		

Relevant Planning History?	Yes ☒	No ☐
- LDC/23/95878 – Use as a single dwellinghouse – Certificate Issued (20/12/2023) - X/23/95865 - Variation of condition 8 to allow occupation of the same person/ people for up to 6 months within any one calendar year of planning permission F/22/93780 for new building containing Class C1 accommodation – Refused (18/10/2023) - F/22/93781 - Demolition of the existing main house with 4- Bedrooms and rebuild with a 5-Bedroom Main House – Permit (31/08/2023) - F/22/93780 - Demolition of existing annex and erection of new building for Class C1 accommodation with associated parking – Permitted 08/08/2023 - PN/22/93479 Prior Notification application under Class Q for the change of use from Agricultural Buildings to 2no. Dwellinghouses (Use Class C3) – Dismissed at Appeal (13/03/2023) - F/11/69156 Use of stables and paddock for full livery for 6no. Horses (amended description – Permit (16/09/2011) - V/08/64296 - Variation to section 106 agreement dated 11/04/1994 relating to planning permission 26442/11 to allow the buildings identified in the agreement to be used solely as accommodation ancillary to the main dwelling house and, as such, to be occupied only by family of the owner of the dwelling house – Permit (2009) - X/08/63160 - Relief of condition 3 of planning permission 26442/6 to remove agricultural occupancy tie – Allowed on Appeal (2008) - Z/26442/014/00 – Construction of new agricultural shed following demolition of existing sheds and re-roofing of existing garage to include increase in ridge height – Permit (2003) - Z/26442/011/00 - Renewal of permission 26442/9 dated 28/02/92 for conversion of detached garage and outhouse to separate dwellings for occupation by elderly parents (retention of development already carried out) – Permit (1994) - Z/26442/009/00 - Conversion of detached garage and outhouse to separate dwellings for occupation by elderly parents (retention of development already carried out) – Temporarily Approve (1992)		

- Z/26442/008/00 – Construction of single storey side extension – Permit (1990)
- Z/26442/007/00 – Outline: Erection of dormitory for occupation by seasonal workers – Refused (1986)
- Z/26442/006/00 – Erection of detached agricultural worker's house with garage, farm office and rest room – Temporarily Approve (1985)
- Z/26442/005/00 – Erection of agricultural workers dwelling and garage – Grant Outline Permission (1984)
- Z/26442/004/00 – Erection of detached dwelling and garage for occupation by agricultural worker – Refused (1984)
- Z/26442/003/00 – Replacement of temporary caravan unit with new 4 bedroomed dwelling house and garage as agricultural dwelling – Refused (1983)
- Z/26442/002/00 – Temporary siting of residential caravan – Permit (1983)
- Z/26442/001/00 – Erection of an agricultural dwelling with garage – Refused (1983)
- Z/26442/000/00 – Detached agricultural dwelling with garage – Refused (1983)

Site Visit:		Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations Received:			
One letter of representation has been received objecting to the proposals on the following grounds: <i>The site is in a Strategic Gap so should not be allowed planning permission. Several attempts at developing additional dwellings on the site have been made. All have been refused.</i>			
Consultation Responses (Summarised):			
Botley Parish Council	No comments received.		
Tree Officer	To the immediate south of the site, there is woodland, subject to a Woodland Tree Preservation Order. Although no arboricultural information has been submitted, it is obviously that there will be no direct impact from the proposed development on the Root Protection Areas (RPAs) of the trees. However, during construction, there may be an elevated risk of RPA impact from construction access and activities. In order to mitigate that risk, we would request a simple Tree Protection Plan, which must be adhered to. Therefore, we raise no arboricultural objection, subject to the following condition: <i>No excavation, demolition or development related works shall take place on site until a scaled and referenced tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), is submitted and approved by the LPA. The approved tree protection plan must be adhered to in full, and may only be modified subject to written agreement from the LPA. Reason: to retain and protect the existing trees which form an important part of the amenity of the locality.</i>		

Ecology	There are records of bats, badgers, and hedgehogs in this area so precautionary working methods will be required. The property is in a red impact risk zone for great crested newts. Nesting birds, reptiles and common toads were mentioned in the ecological reports for previous applications on the wider property. Aerial photos of this site available on Google Maps and Grid Reference Finder show a small red building next to the existing annexe. This building is shown on the maps and surrounded by what appears to be gravel or an unpaved road surface but is not described in the planning statement. I need to review current photos of this site including all the property within the domestic curtilage red line boundary and the areas adjacent to this site to determine whether any additional surveys are needed. Gould Copse SINC is adjacent to this site. It is designated for ancient semi-natural woodland and other woodland where there is a significant element of ancient semi-natural woodland surviving. A surface water drainage plan is required. Biodiversity enhancements will be required in accord with Local Plan policy DM 11 and NPPF paragraph 180. A bat brick and a swift brick may be appropriate for this building. The proposed elevations show suitable gable ends on both the north and south side elevations. Built-in or integral nest boxes/bricks are preferable to externally mounted boxes as they do not require maintenance and cannot fall off.
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Policy:

Legislative Background:

Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan:

The Development Plan comprises of the policies of the adopted Eastleigh Borough Local Plan 2016-2036. The following policies are of relevance to the application: S1 (Delivering sustainable development), S5 (New development in the countryside), S6 (Protection of settlement gaps), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM26 (Residential extensions and replacement dwellings in the countryside), DM30 (Internal space standards for new residential development).

Other material considerations:

Supplementary Planning Documents (SPDs):

The following SPDs and Background Papers are of relevance to the proposals:

- Quality Places (adopted 2011)
- Residential Parking Standards (adopted 2009)
- Trees and Development (adopted April 2022)

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2023 and, as set out within paragraph 224, the policies

contained within it are material considerations which should be taken into account in dealing with applications from the day of its publication. The Planning Practice Guidance provides additional guidance in support of the policies within the Framework and is also a material consideration in the determination of the application.

Assessment:

Layout, design and impact on the character of the countryside and settlement gap:

The application site lies outside of the urban edge and falls within an area which is designated as countryside and settlement gap within the Council's adopted Local Plan. The gap, in this location, serves to separate the settlements of Botley to the north-east and Hedge End to the west.

Policy S6 of the Local Plan seeks to prevent development which would undermine the physical extent and/or visual separation of settlements or have an urbanising effect on the countryside, with Policy S5 seeking to prevent inappropriate development within the countryside in order to maintain its rural character and limit urbanisation, whilst facilitating and controlling development for which a countryside location is genuinely and justifiably required. The provisions of this policy allow for replacement buildings subject to the criteria of the relevant Development Management policies being adhered to.

In this regard, Policy DM26 allows for the replacement of a permanent dwelling in the countryside providing that (a.) it would not be disproportionate in size to the existing dwelling, neighbouring properties or in relation to its plot, or involve any extension to its curtilage; and, (b) in the case of a replacement dwelling, the proposal includes the replacement of the dwelling within the curtilage, and on the same footprint as the existing building, unless environmental and/or access benefits arise from an alternative location within the curtilage; and, (c) no additional dwellings are created. In addition, Policy DM1 requires, *inter alia*, that development takes full and proper account of the context of the site and does not have an unacceptable impact on the character of the countryside.

The western side of this section of Brook Lane consists of ribbon development of predominantly detached houses set on relatively long plots, beyond which are principally areas of green fields and woodland. Hatts Copse Farm is positioned to the rear of these dwellings and thereby the physical built form on the site already encroaches further to the west than is otherwise the case along this part of the Lane. The site currently encompasses a large-detached dwelling which overlooks a courtyard and driveway area, within which are a range of single storey structures that includes the building denoted as the 'existing annex' on the proposed site layout plan, the conversion of which forms part of the current application.

This building has a lawful C3 use (as established under planning permission LDC/23/95878) and therefore constitutes a permanent dwelling in policy terms. Contrary to the requirements of Policy DM26, however, the new bungalow proposed would not directly replace this dwelling with it not being sited on the same footprint and creating its own separate curtilage outside of that of the existing. Whilst the current building, which is itself a relatively sizeable structure, is proposed to return to being an outbuilding that would be ancillary to the main dwelling at Hatts Copse Farm, it would nonetheless also still be retained in situ.

The effect of this would be the introduction of a notable amount of additional built form to the site, increasing the existing cluster of buildings that are already present and expanding this further southwards. This, in combination with the parking and amenity areas that would necessarily need to accompany a new dwelling, would lead to the further and adverse urbanisation of the site and this area of designated countryside, to the detriment of its prevailing character. The proposals would also serve to increase the extent of physical development within this part of the settlement gap, contrary to the aims of Policy S6 of the Local Plan which are referenced above.

It is also a material consideration that the current building on the site benefits from planning permission for its demolition and replacement with a larger building for Class C1 use. This permission (F/22/93780) was granted in August 2023 and therefore remains extant. In the absence of a mechanism being proposed and secured to prevent the implementation of this consent, these works could potentially still be carried out. In such a case, this would both add to the cumulative urbanisation of the site and result in the building now proposed being tantamount to an additional dwelling in the countryside rather than a replacement as is suggested within the submission, something for which no overriding justification has been provided for and which, in itself, would be contrary to the provisions of the development plan.

For the reasons as set out above, the proposals are considered to be contrary to Policies S5, S6, DM1 and DM26 of the Eastleigh Borough Local Plan 2016-2036 and Paragraphs 135 and 180 of the National Planning Policy Framework, which collectively require that development takes full and proper account of the context of the site, and that it respects the character of the countryside and avoids both its undue urbanisation as well as the undermining of its function of protecting the separate identity of settlements.

Residential amenity:

With regards to the development itself, the proposed property will provide for an adequate residential environment for its future occupiers to live comfortably. The level of floorspace proposed meets the requirement for a single-storey, two-bedroom dwelling as stipulated in the Nationally Described Space Standards and all rooms will be well relatively well served by light and outlook. Whilst the site layout plan is not the clearest in this respect, there is ample space to the southern side of the property within what is shown as being its proposed curtilage to accommodate an appropriate level of private amenity space in accordance with the provisions of the Council's Quality Places SPD.

Turning to the impact on neighbouring properties, there are no concerns in respect of the dwellings along Brook Lane to the east as a result of the single storey nature of the development, the separation distances involved and the screening that would be afforded by the combination of the existing buildings and structures on site and the boundary vegetation. Similarly, the proposals would not unduly impact on the amenity of the occupiers of the main dwelling at Hatts Copse Farm, again with there being a reasonable degree of separation afforded between the two and a substantive degree of screening provided by the existing annex building.

Any potential impacts arising from construction works (for example, dust, noise and the potential for disturbance etc.) could be suitably controlled by conditions restricting working hours and requiring the submission of a construction management plan for approval by the Local Planning Authority.

Taking account of the above factors, there is considered to be no undue conflict with the provisions of Policy DM1 of the Local Plan, the guidance contained within the Council's Quality Places SPD, and Paragraph 135 of the NPPF, in respect of the matter of residential amenity.

Highway matters:

The development would utilise the existing access from Brook Lane and the connecting private driveway which presently serves as the entrance to Hatts Copse Farm. Given that the scheme provides only for a single dwelling which is likely to generate limited vehicle movements, the proposed shared access arrangement is considered to be acceptable with both adequate visibility afforded and sufficient space available on site for vehicles to be able to turn such that they could enter and egress the site in a forward gear. Whilst no comprehensive parking plan has been provided and the integral garage shown on the proposed floor plan is deficient in length such that it could not be counted as a parking space, there is adequate room available on the site frontage for the requisite two parking

spaces to be provided for the two-bedroom property proposed (in accordance with the Council's Residential Parking Standards SPD).

Taking account of the above factors, there is considered to be no conflict with the requirements of Policies DM13 and DM14 of the Local Plan, the Council's Residential Parking Standards SPD, or the provisions of Part 9 of the NPPF.

Ecology:

Policy DM11 of the Local Plan states that the Council will determine planning applications to protect, conserve and enhance all international, national and local nature conservation designations and networks of natural habitats and features, and facilitate their adaptation to climate change wherever possible. It also seeks a net gain for biodiversity on development sites and sets out that development will not be permitted where it is likely to have a direct or indirect adverse effect on protected or priority species unless there are no alternative solutions, the adverse effects are unavoidable, measures are taken to mitigate or, as a last resort, compensate for the adverse effects, there is overall biodiversity net gain, and the benefits of the development clearly outweigh the adverse effects. These requirements are consistent with Paragraphs 180 and 186 of the NPPF.

The Council's Ecologist has highlighted that there are features present on site that have the potential to be affected by the development, that the site lies in close proximity to Gould Copse SINC, and that there are records of protected species in the area. The development is, in line with local and national planning policy, also required to provide ecological enhancements and achieve a biodiversity net gain. The Ecologist has advised that further information is therefore required in order to establish the extent of any survey work that may need to be carried and the likely impacts of the proposals.

Natural England's Standing Advice for protected species stipulates that a developer should submit enough information to enable the Local Planning Authority (LPA) to fully consider the effect on protected species and their habitats and that surveys can be requested where there is suitable habitat on site. In this case, no ecological supporting details have been provided and it is therefore considered that there is insufficient information such as the LPA to fully consider the ecological effects of the proposals. As this is deemed to not be a matter than could be conditioned in the event that permission was to be granted, this will therefore form an additional reason for the refusal of planning permission with the proposals being in conflict with the requirements of Policy DM11 of the Local Plan and Paragraphs 180 and 186 of the NPPF.

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 by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (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 emerging 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 emerging plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Saved, Policies S1, DM2 and DM3 of the Adopted Local Plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. In this particular instance and had the application been recommended for approval, it is considered that the applicable sustainability requirements, which relate to energy and water usage, could have been adequately covered by condition. When considering the impact of climate change, therefore, the proposed development would be expected to be resilient to its potential effects.

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.

Recommendation:	PERMIT ☐	REFUSE ☒
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