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Dear Sir/Madam

Planning Appeal APP/W1715/W/24/3343675 in relation to Old Oak Farm, Winchester Road, Eastleigh, Hampshire SO50 7HD

Appeal against refusal of planning permission for the Removal of two mobile homes and accompanying buildings and replacement with two new self-build dwellings, creation of new paddock area, improvements to access sight lines, and new landscaping of site frontage.

In respect of the LPA's appeal statement, I would like to make the following further comments on behalf of my client.

In Paragraph 5.6 of the LPA appeal statement, the LPA explain Policy DM26 and state that, generally, mobile homes are low key moveable structures, which is the opposite of permanent dwellings, which create a permanent feature in the landscape, and that such features would have a demonstrable adverse impact.

In response, mobile homes can also be permanent features in the landscape. It cannot be assumed that they are a temporary feature. They can be replaced without the need planning permission and this is the appellant's intention should his appeal fail. Furthermore, there is an intrinsic, but unsupported, assumption by the LPA that a dwelling constructed to last longer than a mobile home would cause a demonstrable adverse impact upon the countryside. The LPA fail to acknowledge that there are numerous dwellings adjacent to the site that are located within the countryside in this area, and therefore form part of the local character of the countryside. The LPA do not seek to suggest that this existing development within the countryside has an adverse impact upon the character of the area and, indeed, has a record of allowing permissions for housing in this area.

At no point in their statement does the LPA explain, measure, or attribute weight to whatever it considers the demonstrable adverse impacts of this proposal to be. To simply state that there will be harm is insufficient. The LPA does not, for instance, seek to make any argument that this area of countryside has any value that might lift it out of the ordinary. This is perhaps understandable, as in comparison to the existing situation, two bespoke self-built dwellings designed through a detailed landscape-led process, which include significant material benefits in terms of what would usually be imagined as 'the intrinsic character of the countryside,' can only improve the appearance of the site and have a positive impact on the character and appearance of the countryside in this particular location.

The appellant accepts the LPA's proposed condition to restrict permitted development within the curtilage of each plot and this would provide assurance in terms of the finite size of each dwelling and the provision of outbuildings in this area of countryside. Having regard to the removal of the existing structures and paraphernalia the proposal can only enhance the local environment.

In Paragraph 7.9, the LPA seek to suggest that Policy DM26, point 1, which allows replacements of permanent dwellings, is not applicable to the proposal. However that fact that the lawful residential use takes place within a mobile home does not mean that it is not a permanent dwelling, especially as far as the occupant is concerned. There are many examples of park homes in the UK that consist of static caravans that are also permanent homes. The Certificate of Lawfulness allowed a permanent residential use of the site. It did not state that the use or that the mobile homes were temporary in nature.

In paragraph 7.10, the LPA appears to suggest that a negative pre-application response should have deterred the appellant from making a planning application. However it was clear that no weight was given to any of the significantly beneficial material considerations, contrary to what the LPA suggest, and the appellants intention was to further evidence these benefits in the full planning application. The fact that little weight was, again, given to any of the material considerations during the planning application process and then, as expected, in the appeal process, was the reason for the costs application, which is perfectly reasonable.

In paragraph 7.11, the LPA discuss the tilted balance, suggesting it is not engaged. In this case, where it is clear that there is a SCB housing shortfall against demand, with no adopted policy sufficient to ensure that demand is met, appeal cases have demonstrated consistently and repeatedly that the tilted balance is engaged. In addition, in relation to market housing, the requirement for a locally calculated housing figure was never intended as a finite limit to housing permissions.

In paragraph 7.12, the LPA again discuss the 'harm' arising from the general replacement of mobile homes, but do not attempt to explain the harm caused on this particular site, with all the particular circumstances involved.

Paragraph 7.15 appears to suggest that the fall-back position is not pertinent to this appeal. The appellant is clear that the mobile homes would be replaced in their existing positions if this appeal fails. This position is pertinent to the appeal because such actions would not be accompanied by all the benefits of the appeal proposal and would extend the disbenefits of the existing situation indefinitely (impact on trees, untreated nutrient effluent, unsafe access point, despoiled landscape etc).

Paragraph 7.17 suggests that the detailed and significant landscape strategy that accompanied the application was included only to 'screen' the development and limit its visual impact. This demonstrates a clear lack of understanding and appreciation of the landscaping proposals. The submission made clear that the landscape improvements were intrinsic to the proposal - restoring the area currently used as residential to paddock; replacing non-native species with native species; moving structures out of the root protection areas of the adjacent mature trees; improving the appearance of the site frontage; improving the existing visibility splays; and including a 20 metre wide strip of woodland planting. The Inspector will see that the proposals would already be very 'well-screened' even if no landscaping strategy were proposed. The intention of the expensive LVA and landscaping strategy work was to ensure that the proposals were landscape-led, rather than to

provide a 'screen' to 'hide' the proposals. To suggest that such a well-crafted and substantial landscaping strategy is not a benefit of the proposals is nonsensical. This is akin to suggesting that affordable housing required as part of an affordable housing policy is not a benefit of the scheme or, indeed, that SCB housing required pursuant the SCB regulations is not a benefit of a scheme. The LPA's landscape officer had, quite clearly, not understood the current nature of the site nor the landscape-led nature of the proposals, when they concluded that they did not consider that the proposals would lead to a significant and beneficial landscape improvement. The Inspector is respectfully requested to consider the landscape strategy in detail to enable a full appreciation of the thoroughness with which the appellant approached this issue.

Paragraph 7.24 of the LPA statement appears to suggest that the replacement of a septic tank, from which unregulated effluent/nutrients flow freely into groundwater with a sewage treatment plant that provides a substantial improvement in terms of the level of nutrients within effluent, thereby meeting nutrient neutrality requirements, is not a matter of significant weight goes against all Natural England advice on the matter. The importance of reducing the amount of nutrient reaching protected rivers and coastline is increasing in importance. Indeed, in appeal decisions, this matter is increasingly given substantial weight in the overall planning balance. The highly detrimental impact on water quality will continue if the appeal is dismissed.

Paragraph 7.25 of the LPA statement suggests that a Section 106 agreement was not offered to the LPA in relation to securing the benefits of the proposal. In response, in paragraph 8.73 of the planning, design and access statement that accompanied the original application, it is clear that a such a Section 106 was, indeed, offered to the LPA. This makes one wonder if the LPA ever read the planning, design and access statement. This may account for the refusal of the application, as this statement offered a detailed analysis of all the material considerations which would have given clear reasons to depart from the Development Plan policy DM26, and approve the application.

Paragraph 7.27 refers to a recent appeal decision allowing SCB development in the Green Belt. This appeal decision was included within the appeal statement appendices to supplement the 10 appeal decisions allowing SCB development in the countryside within the planning application submission. Again, this makes one wonder whether account was ever taken of these appeal decisions in the assessment of the original planning application. There is clear appeal precedent that not addressing SCB demand in accordance with the regulations both engages the tilted balance and should be given substantial weight in the overall planning balance. This further appeal decision was included as Green Belt policy is, arguably, the strictest national planning policy in terms of allowing development - stricter than 'countryside' policy. For SCB development to factor as a material consideration of substantial weight in this approval is very significant and relevant to the appeal assessment.

It is noted that the LPA consider Reason for Refusal 2 to now be addressed, and the appellant accepts the relevant conditions proposed.

In the conclusion, the LPA again reiterate that the proposals are contrary to policy. However, nowhere in their appeal statement have the LPA described, measured or explained the apparent harm to the countryside caused as a result of the proposals. The application was made understanding of the technical policy conflict in regard to mobile home replacement. Nevertheless, it was clear that, with a landscape-led proposal, the SCB development proposed on this site, in this particular area of the countryside, would positively improve its intrinsic character.

The material considerations to which appropriate weight should be attributed are listed on Page 20 of the appellant's appeal statement. It is considered that the combined positive weight of these considerations is sufficient to outweigh the technical planning policy conflict. In any case little weight should be attributed to the technical policy conflict as the tilted balance is engaged through the LPA's inability to demonstrate that it has met its SCB demand. Following NPPF guidance, there are no adverse effects that would significantly or demonstrably outweigh the benefits of this proposal.

Subject to the inspector ensuring that the proposed conditions fulfil the relevant tests for lawfulness, the appellant accepts all the planning conditions proposed by the LPA. The proposed Unilateral Undertaking will be with the Inspectorate shortly.

Yours faithfully



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