



Appeal Decision

Site visit made on 20 August 2024

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2024

Appeal Ref: APP/W1715/W/24/3338678

The Old Fairground, Bursledon Road, SO19 0NL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Cole against the decision of Eastleigh Borough Council.
 - The application Ref is F/23/95867.
 - The development proposed is the construction of a 3 bedroom detached house with associated parking and landscaping to replace an existing 3 bedroom mobile home.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following an Inspectors Request I was provided with a copy of the operational planning permission for the appeal site and the adjoining 'blue' land. From this I note that consent was granted on 20 July 2017 for two permanent plots for travelling showpeople to include the storage of vehicles, up to 12 caravans, associated equipment and new access from Bursledon Road (ref F/17/79859). Condition 14 of that consent restricted the use of the development to travelling showpeople (2017 Permission).
3. I understand that the 2017 Permission included consent for one static mobile home in the north eastern corner of the site, which is the mobile home that is now the subject of this appeal. The accompanying Officers Report indicates that the permission sought to extend and regularise the long standing uses on part of the site and meet an identified need for plots for travelling showpeople.
4. A small part of the application site lies within the administrative area of Southampton City Council (SCC) and an identical cross border application has, therefore, been submitted to them (ref 23/01067/FUL). I understand that at the time of writing that application had not been determined.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area with particular regard to the appeal sites location within the countryside and a settlement gap.

Reasons

6. The parties agree that the appeal site does not fall within any designated built-up boundary and that it is, therefore, within the open countryside. It is also agreed that the appeal site falls within a designated settlement gap.

7. The Council have referred to policy S5 (New development in the Countryside) of the Eastleigh Borough Local Plan (2016-2036) (April 2022) (EBLP) which seeks to restrict new development unless it is related to one of the exceptions listed under part 1 of the policy. Criterion 'b' refers to the exception for accommodation for traveling showpeople and cross references to policy DM31 (Gypsies, Travellers and Travelling Showpeople). The latter confirms that the Council will seek to meet the need for plots for, amongst others, travelling showpeople and that any existing sites will be safeguarded for this purpose.
8. The Council do not allege any conflict with policy DM31 as the appeal site forms part of an existing established plot for travelling showpeople. The appeal proposal does not seek permission for a new plot or for additional travelling showpeople accommodation. Instead, it seeks permission for the replacement of a permitted mobile home with a permanent new dwelling. In terms of policy S5, therefore and notwithstanding criterion 'b' new development, as proposed, must still be assessed against the criteria listed in part 2 of the policy. These criteria include avoiding adverse impacts on the rural character and intrinsic character of the landscape, and securing long term beneficial management practices that will enhance the landscape and biodiversity of the countryside.
9. Policy S5 must be read in conjunction with policy S6 (Protection of Settlement gaps) which states that new development will only be permitted within settlement gaps where it would not undermine the physical extent and/or visual separation of settlements, and it would not have an urbanising effect that would be detrimental to the countryside or the separate identity of the adjoining settlements. The appeal site lies within the "*h. Bursledon, Netley and Southampton*" settlement gap.
10. Policy DM1 (General criteria for new development) is also relevant in that it sets out the criteria for assessing the acceptability of all new development, with criterion 'a' stating that development should not have an unacceptable impact on and where possible enhance, amongst others, the character and appearance of the countryside.
11. Turning firstly to policy S6, the appeal site is located to the south east of Botley Road and its junction with Bursledon Road and comprises a small part of the larger plot for travelling showpeople. The whole plot is included in the strategic gap as is the land to the south west, south east and north east. The northern boundary to the strategic gap is aligned with Botley Road beyond which is the built up urban area of Southampton. Botley Road forms, therefore, an important physical, well defined and distinct boundary between the urban edge and the strategic gap.
12. As I confirmed earlier, the proposal only relates to part of the plot, with the red line confined to the siting of the existing mobile home and the land around it required for the proposed dwelling. The remainder and large part of the plot is outlined in blue and I understand it includes a fenced off portion of the site that is occupied by another family member. Most of the land is hardstanding used to store caravans, mobile homes, fairground equipment and vehicles. The extent of the latter varies throughout the year as equipment is moved on and off site to fairs and events. Overall, the appeal site and wider plot has a low key transient appearance with small scale mobile buildings and caravans. It is the type of use that is commonly found in countryside locations and on the edge of urban areas.

13. The appeal site forms an important and integral part of the defined settlement gap. As the appeal site is located towards the north eastern corner of the wider plot, it is visually and physically divorced from the urban edge, to the north of Botley Road. As a consequence, the proposed new dwelling would occupy a central position within the strategic gap and comprise a much larger permanent built dwelling than the present mobile home. The resulting urbanisation of this part of the plot would undermine the long term integrity of the strategic gap. It would also lead to a further loss of identity between the gap and the defined urban area, which would in turn undermine the visual and physical separation of the existing settlements.
14. I accept that the poor condition and appearance of parts of the appeal site and wider plot have a negative impact on its designation within the settlement gap, but this does not take away from the status and the importance to the gap that surrounds the appeal site on all four sides. I understand that this designation was retained during the consideration and adoption of the EBLP in April 2022. The CSOC indicates that that adoption was supported by the 'Settlement Gap Study' (2020) which included the appeal site within 'Area 3', central to limiting the coalescence of Bursledon and Southampton. The CSOC also suggests that the condition of the plot may be due to the approved landscaping scheme, pursuant to the 2017 Permission, not being fully implemented.
15. The Appellant has referred to the existing dwelling located to the north east of the appeal site, on the opposite side of Bursledon Road. However, this property is also within the strategic gap. Even so, the fact there is existing development within the gap does not undermine the designation or provide any justification for further development that would, in my view, result in the harmful urbanisation of the area. In addition, clusters of buildings or as in this case an individual building, are not an uncommon feature in the countryside and are often the result of historic development or older less restrictive planning policies.
16. For the above reasons, the appeal proposal would be contrary to policy S6 of the EBLP.
17. Dealing with policies S5 and DM1, the new dwelling would have a far greater footprint, height, floor area, scale and mass compared to the existing mobile home. In addition, whilst a small part of the flat roofed mobile home is visible above the existing timber boundary fence to the access on Bursledon Road, the increased height, scale and mass of the new dwelling would be far more visible. The new dwelling would also be isolated and unrelated to any existing dwellings on the northern side of Botley Road. It would therefore be physically, visually and functionally separate from the defined built up edge of Southampton. For the same reasons, the proposal would be at odds with its surroundings and the low key small scale uses and mobile homes/caravans on the wider plot.
18. As a consequence, the proposal would have an unacceptable impact on and would not enhance the character and appearance of the countryside. It would have an urbanising effect that would be detrimental to the intrinsic character of the countryside. The scale, mass, height and proportions of the development would not respect its countryside location and it would represent an illogical encroachment of new development into the countryside and strategic gap.
19. The Appellant refers to bringing forward a landscaping scheme to screen or soften the appearance of the development. I note that a large amount of the

existing trees and vegetation on the Bursledon Road appear to be on highway land and thus outside the control of the Appellant. Whilst an area of enhanced landscaping is shown on the submitted plan, to the north of the proposed dwelling, there is not even an indicative landscaping scheme before me. Even so, a landscaping scheme would not, in my view, mitigate for the harm that results from the proposed development or address its impact on the intrinsic character of the countryside or its detrimental urbanising effect on the separate identity of the settlements that the strategic gap seeks to protect.

20. Given the above, I find that the appeal proposal would be contrary to policies S5 and DM1.
21. The Council have also referred to policy DM26 (Residential extensions and replacement dwellings in the countryside). Part 2 states that "*Permission will not be given for the replacement of mobile homes with permanent dwellings.*" There are no exceptions to the policy. The supporting text at paragraph 5.127 states that the purpose of this policy, amongst others, is to limit the urbanising impact of development on the rural character of the countryside.
22. The appeal proposal would be contrary to policy DM26.
23. The policies of the EBLP, referred to above, remain, in my view, consistent with those in the National Planning Policy Framework (December 2023) (NPPF) and must therefore be accorded full weight. As paragraph 47 of the NPPF states, planning law requires applications for planning permission to be determined in accordance with the development plan, unless material considerations indicate otherwise.
24. The Appellant refers to the potential for an enhanced landscaping scheme for the appeal site and wider plot as a benefit and thus a consideration to which weight should be accorded. I do not agree. The requirement for a landscaping scheme ensures that all proposals for new development secure a high quality layout and are properly integrated within their landscape setting. It is, in my view, a standard development control/policy requirement that all applications for new development should address and is not in that sense an additional benefit.
25. Even so, a landscaping scheme for the appeal site or for the wider plot would not mitigate for the significant harm that would arise from the appeal proposal. In relation to any deficiencies in the approved landscaping scheme for the 2017 Permission, the Council indicate that is a matter that can, if necessary, be pursued through enforcement action. In addition, I also note that the Council consider that landscaping should not be used to hide or negate the harm of unacceptable development, an argument that has some merit.
26. The Appellant's Agents email dated 24 August 2024 states that the Appellant (Mr Cole) suffers with a number of health issues and that his overall health is deteriorating. Also, that the existing mobile home has a stepped approach and the layout does not lend itself to being adaptable for Mr Cole's current or future needs. The proposed new dwelling would provide Mr Cole with one level living and an open plan layout which can be adapted for wheelchair use in the future to allow him to live independently for as long as possible. The Appellant's Agent submits that these personal circumstances amount to strong mitigating circumstances for permitting a new dwelling in this location.

27. I fully understand and have a great deal of sympathy with Mr Cole's personal circumstances. Whilst I attach moderate weight to Mr Cole's circumstances, this consideration is not, in my judgement, sufficient to outweigh the significant harm that I have identified and the appeal proposal's clear conflict with development plan policies that are consistent with those in the NPPF. As I have found above, these policies seek to prevent the coalescence of settlements and restrict unnecessary new development in the countryside. Permitting a new dwelling, as proposed, would result in significant harm to the intrinsic character and landscape of the countryside and the settlement gap, and there are no material considerations, in this case, that would be sufficient to outweigh that harm.
28. Even so, in terms of the statement that the mobile home does not lend itself to being adaptable to meet Mr Cole's needs, there is no substantive evidence before me to demonstrate why that is so. There is also no evidence of whether other options or less harmful alternatives have been considered to provide Mr Cole with the one level and open plan living that he requires compared to what is effectively a proposal for a large two storey three bed dwelling.
29. With regard to the cross border application being considered by SCC, I can, of course only consider the appeal that is before me and determine it, as is required, on its individual merits having regard to the prevailing development plan policies. Whilst SCC's consultation response (dated 17 November 2023) suggests that they might take a more positive approach, no formal decision has been issued at the time of writing and the response only represents Officers views, which may well change. In addition, SCC accept that their local plan dates from 2015 and does not contain a similar policy seeking to prevent mobile homes being replaced with permanent dwellings. They also refer to a deficiency of plots to meet the identified need for travellers and their inability to identify a 5 year supply of housing land as further factors affecting the planning balance. For these reasons, SCC's consultation response does not affect the findings I have reached above.
30. For the above reasons, I find that the appeal proposal would result in a visually intrusive and harmful addition and would have an unacceptable urbanising effect which would be detrimental to the intrinsic character and landscape of the countryside and the settlement gap, contrary to policies S5, S6, DM1 and DM26 of the EBLP and the corresponding policies of the NPPF.

Conclusion

31. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR