

DELEGATED OFFICER REPORT

Application Ref: F/24/97059

Site Address: WOODHAYES, NETLEY HILL ESTATE, HEDGE END, SOUTHAMPTON, SO19 6AN

Case Officer: David Huckfield

Description: Retention of 2no. timber outbuildings, 1no. treehouse, 1no. plastic outbuilding, 4no. containers, and area of hardstanding / access drive, temporary retention of 10no. containers for period of up to 6 months, and proposed siting of 2no. plastic outbuildings.

Relevant Site Constraints	Yes ☒	No ☐
• Within Designated Countryside • Within Designated Settlement Gap • Subject to a Tree Preservation Order (TPO 2-H)		

Relevant Planning History?		Yes ☒	No ☐
Ref. No	Description	Decision	
H/22/92801	Extend and alteration of existing garage and convert to a habitable space and workshop, also replacing existing flat roof with pitched tile roof	PERMIT – 2022	
LDC/22/92444	Lawful Development Certificate for a proposed use or development: Extend existing garage and convert into habitable space and workshop, also replacing existing flat roof with a pitched tiled roof.	CERTIFICATE NOT ISSUED - 2022	
X/21/89689	Variation to the wording of conditions 5 (arboricultural method statement/tree protection plan) and 6 (public sewers) of planning permission H/20/89169 for demolition of existing conservatory and side lean to garage. Construction of two and single storey rear extension with roof terrace, single storey rear extensions, loft conversion to provide second floor living accommodation with 2no. front dormers, front porch, alterations to fenestration and double attached garage.	PERMIT – 2021	
H/20/89169	Demolition of existing conservatory and side lean to garage. Construction of two and single storey rear extension with roof terrace, single storey rear extensions, loft conversion to provide second floor living accommodation with 2no. front dormers, front porch, alterations to fenestration and double attached garage	PERMIT – 2021	
T/20/87918	1 no. Yew (T1) - Prune to clear utility wire by 1 metre. 1 no. Holly (T2) - Reduce lateral growth over Pine Lee boundary by 1.5 metres 1 no. Copper Beech (T3) - Crown reduce by up to 2 metres. 1 no. Beech (T4) - Crown reduce by up to 2 metres 1 no. Scots Pine (T5) (Dead) - Fell .	CONSENT TO TREE WORKS - 2020	
T/15/77414	Fell 1no. Lawson Cypress (T1)	WITHDRAWN - 2015	
T/14/75021	Fell Ellwoodii tree (T1), Laurel (G2), Copper Beech (T5), crown reduction of Golden Lawson (T3), Prune Cherry tree (T4) by 1.5m	CONSENTED - 2014	

T/13/71883	20% crown thin and 3-4m limb reduction to overhanging branches to 1no. Copper Beech to side	PART CONSENT / PART REFUSE - 2013
Z/14616/000	Construction of conservatory at rear (existing sun lounge to be demolished)	PERMIT - 1993

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations (Summarised)	7 letters of objection have been received in relation to the application with the following matters being raised: • Highway related impacts associated with inadequate access including for larger vehicles, additional traffic, impacts on the private road within the estate, as well as insufficient parking and turning. • Concerns regarding the purpose of the development and that this is commercial / industrial in nature. • Impacts on trees. • Impact on the openness of Netley Hill Estate and the character of the approach to Netley Hill House. • Impacts on wildlife and the nearby SINC. • Visual impacts of the development. • The proposed containers, buildings and hardstanding are unsightly in a residential area and go beyond what can reasonably be deemed an appropriate size for domestic related storage. • The development is contrary to Local Plan policy and is inappropriate in the countryside and settlement gap. • Impact on outlook from Netley Hill House. • Noise impacts for residents.		
Consultation Responses (Summarised)			
Hedge End Town Council:	No objection		
Tree Officer	Given the extent of the work and the proximity to the mature trees (including several that are subject to a Tree Preservation Order) we will require arboricultural information before we can determine the impact and, thus, whether we are able to support the retention of the structures. We would like to have a retrospective Arboricultural Impact Assessment, detailing the impact to the significant trees, and an Arboricultural Method Statement, detailing any remedial work that is required (i.e. if damage has occurred).		

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 with the following policies being of relevance to the application: S1 (Delivering Sustainable Development), S5 (Development within the countryside), S6 (Protection of Settlement Gaps), DM1 (General criteria for new development), DM8 (Pollution), DM11 (Nature conservation), DM13 (General development criteria – transport),

DM14 (Parking), DM26 (Residential extensions and replacement dwellings in the countryside).

Supplementary Planning Documents:

- Quality Places
- Residential Parking Standards
- Trees and Development

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.

Site Visit	Yes ☒	No ☐
A site visit was undertaken by the Case Officer on 26 July 2024 to review the proposals in context.		

Assessment:

Summary of proposals:

The proposals are part retrospective in nature, with an extensive area of hardstanding having been constructed within the northern part of the site, around which are situated a number of shipping containers, along with a single pitched roof storage building (denotated as building 'C1' on the submitted site layout plan). Two further buildings of timber construction (buildings 'A' and 'B') have also been erected in closer proximity to the main dwellinghouse with these including a tree house style structure, along with an outbuilding which is stated to be utilised as an office and store. In addition, two further pitched roof plastic outbuildings, of a similar style to building C1, are proposed to be provided to the eastern side of the driveway (buildings C2 and C3).

The information provided at the outset of the application states that the purpose of the buildings and containers is proposed to be mainly for domestic use, with the contents being left over building materials, garden tools, outdoor sportswear, kitchenware and appliances, and glasses and collections, which were moved from the applicant's previous property, as well as other domestic items being stored from the main house which is/has been under renovation. 3-4 of the containers, however, are stated to contain cartons and bags from a dissolved company due to a lack of a suitable storage/warehousing elsewhere.

The application as submitted seeks the temporary retention of 10 of the 14 shipping containers which are shown on the existing site layout plan and which it is understood had initially been situated on the land. On the date of the Case Officer's site visit, only 7 of the containers remained in situ with more having been understood to be shortly due for removal. Nonetheless, in addition to the temporary permission, the proposals still seek the permanent retention of 4 of the containers, as well as consent for the hardstanding and remaining buildings as shown on the proposed site plan and as referenced above.

Assessment of proposals:

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 Hedge End to the north-east, Bursledon to the south and Southampton 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 particular specified types of development for which a countryside location is genuinely and justifiably required.

In the latter regard, Policy S5 does allow for residential extensions to existing properties within the countryside, which can be taken to include domestic outbuildings, subject to a number of criteria being adhered to. In this case, however, and whilst noting that the submission has been made as a householder application for works or extension to a dwelling, the nature and extent of certain aspects of the development for which permission is sought is considered to go beyond what is reasonably deemed to be appropriate within a residential setting and, in respect of the non-domestic storage elements which are referred to above, beyond what would be considered ancillary to the residential use of the property.

In particular, the combination of the extensive area of tarmac hardstanding which has been laid and the form and appearance of the shipping containers as well as the large, pitched roof plastic storage buildings which are both existing and proposed, serve to give the northern part of the site a somewhat industrial appearance rather than something that would be expected to be seen within a domestic setting. This, as a result, appears out of character with both the dwelling and site itself, as well as its immediate surroundings, with Netley Hill Estate being otherwise residential in nature and having a pleasant semi-rural character owing to the narrow routes that dissect it, the spacing afforded between buildings, and the extensive and sylvan tree coverage that exists around them.

Whilst acknowledging that the site does have a degree of containment owing to its boundary treatments, nonetheless the development is still visibly apparent from its surroundings, and it is considered that it has an unduly urbanising physical and visual impact within what is an area of countryside and settlement gap. In these respects, the development is considered to be contrary to policies S5 and S6 of the Local Plan as set out above, as well as being in conflict with Policy DM1 which, *inter alia*, requires that development takes full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood. These respective policy requirements are considered to be consistent with the provisions of Paragraphs 135 and 180 of the NPPF.

There is less of a degree of concern raised in respect of buildings 'A' and 'B' which comprise of a tree house style structure which is proposed to be used by the applicant's family, along with an outbuilding which the applicant has advised would be for a home office and for domestic storage. Whilst the latter is somewhat more apparent owing to its positioning close to the front of the dwelling and the nature of its timber staining which somewhat heightens its visual prominence, neither structure is necessarily out of keeping or disproportionate with the character of the dwelling and both could be seen as being reasonably domestic in nature. The use could also be controlled by condition and, indeed, an alternative staining which would help the structures blend more so in with their surroundings could also be secured by a similar means if necessary.

In terms of other material considerations, the Council's Tree Officer has raised concerns regarding a lack of information having been provided in respect of the arboricultural impacts of the development with a number of elements of the works having been or being proposed to be undertaken within close proximity to trees, including those which are subject to a preservation order. This has the potential to impact upon their integrity and health, both in the shorter and longer term and as such, it is considered reasonable to require arboricultural justification for the development. As no information has been provided in this regard, this will form an additional reason for refusal of planning permission with the proposals being contrary to Policy DM1 of the Local Plan, Paragraphs

136 and 180 of the NPPF, and the provisions of the Council's Trees and Development SPD, which collectively recognise the environmental benefits of trees and require that development does not result in undue damage to them.

In respect of amenity, whilst the concerns of neighbouring residents are acknowledged and it is appreciated that elements of the development would be visible from certain neighbouring properties, this would not be deemed to result in an unacceptable loss of amenity in planning terms or the proposals being in conflict with the provisions of Policies DM1 and DM8 of the Local Plan in this regard. The largely single storey nature of the proposed buildings and structures and the separation afforded to neighbouring properties, would ensure that outlook, light and privacy would not be unduly compromised, nor would the development be overbearing. In addition, and whilst noting that parts of the proposals are considered to be visibility inappropriate in a domestic setting, it is not considered that the level of activity associated with them would result in unacceptable degrees of noise or disturbance such that this would be form a reason for refusal in its own right.

In addition to amenity, concerns have also been raised by third parties in relation to the highway implications of the development, notably in respect of access, parking and turning. Whilst the access into Netley Hill Estate is noted to be constrained to a degree, there is reasonable visibility at its entrance and, due to the extensive nature of the hardstanding that has been laid on site in conjunction with the property's existing driveway area, there is ample parking and turning space available for vehicles such that they could access and egress the site in a forward gear. The level of vehicle movements that would be anticipated to be associated with the development would also be relatively modest and overall, therefore, it is not considered that the application would be in conflict with Policies DM13 or DM14 of the Local Plan or have a severe impact on the local road network, which is the threshold set by Paragraph 115 of the NPPF.

Finally, in terms of ecology, the application was submitted prior to the introduction of the mandatory Biodiversity Net Gain requirements coming into force and as such, they would not be applicable in this case. The site does lie in the proximity of the Netley Hill Heath Site of Importance for Nature Conservation (SINC) which is situated to the north and is designated for its heathland. The boundary of the SINC is, however, a reasonable distance from the boundary of the application site, with this distance (approx. 45m) being in excess of the development free buffer zones that would generally be sought to SINC's that are designated for this purpose (which are around 20m). It is not, therefore, considered that the potential impacts upon this ecological designation would be such as to be unacceptable in this case.

Equalities Act:

Section 149 of the Equalities Act 2021 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 prohibit 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.

Climate Change:

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other this, 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 and development plan 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 Local Plan policy. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change and is expected to limit impacts on climate emissions as a result of the development or its use.

Recommendation:

PERMIT ☐

REFUSE ☒