

GROUND S OF APPEAL FOR THE ERECTION OF A DETACHED BUNGALOW ON LAND AT CROFT FARM, WINCHESTER ROAD, BOTLEY

1. Introduction/planning history

1.1 This document has been prepared in respect of the site known as Croft Farm, Winchester Road, Botley. The site is located on the B3354 Winchester Road between the villages of Botley and Horton Heath. It covers an area of some 0.5ha and development on the site has consisted of a recently demolished barn and extensive hardstanding. The remainder of the land is mostly overgrown vegetation with a slurry pit.

1.2 The site falls within a stretch of residential properties along the north-eastern side of the highway. It is relatively flat with only slight changes in gradient. Also near to the land are equestrian uses and a structure used for the storage of building materials.

1.3 Application O/15/76894 was dismissed at appeal for two dwellings on the land. PN/18/84177 granted prior approval under Class Q of Part 3 Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for development comprising a change of use of the building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwellinghouses) and for building operations reasonably necessary to convert the building to a use within Class C3 of the Schedule to the Use Classes Order.

1.4 Pre-application advice was issued under reference Q/19/85418. A further appeal was dismissed under F/19/86814 for the erection of a replacement detached bungalow.

1.5 F/21/90176 granted permission for a bungalow, F/22/92720 the construction of an outbuilding and X/22/92989 for alterations to the bungalow to form additional living accommodation. **See appendices 2-4 for further details.**

2. The proposal

2.1 It is proposed to erect a new dwelling within the southeastern half of the site with associated parking, gardens and landscaping.

3. Planning policy update

3.1 The original National Planning Policy Framework was published by Central Government in March 2012 and was an important material consideration in the determination and assessment of all planning applications. In December 2023 the Government published its revised National Planning Policy Framework (NPPF), which sets out the Government's planning policies for England and how these should be applied.

3.2 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three aspects that comprise this goal:

- an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

3.3 Achieving sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to): moving from a net loss of biodiversity to achieving net gains for nature; improving the conditions in which people work; widening the choice of high quality homes; securing high quality design; supporting the transition to a low carbon future; contributing to conserving and enhancing the natural environment and reducing pollution; and improving the health, social and cultural well-being for all.

3.4 The Government's planning policies on design are set out in section 12 of the Framework. The initial paragraph of the section states that *"the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."*

3.5 Paragraph 127 advocates that planning policies and decisions should ensure that developments:

"a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change."

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

3.6 For the purposes of the Development Plan, the current and adopted planning policies are contained in the Eastleigh Borough Local Plan.

4. Analysis of the proposals and the Council's reasons for refusal

Background

4.1 The land has an extensive planning history and work has been undertaken to clear the northwest half of the site in preparation for the erection of the bungalow approved under X/22/92989.

4.2 As a result of the clearance, the owner has been in discussion with the neighbours to either side, who have expressed a preference for the southeast half to also be developed. Supporting letters are submitted as part of this application at **appendix 1**. The opinions given helpfully set the scene and indicate that there would be no demonstrable harm as a result of the proposal.

Countryside policy

4.3 S5 and S6 of the Local Plan are meant to restrict development in the countryside principally in order to maintain its rural character and to limit urbanisation. From Figure 2 of the Local Plan, it would appear that the application site is on the edge of the settlement gap set out in policy S6. This states that development within a gap will be permitted provided that:

- a. it would not undermine the physical extent and/or visual separation of settlements;
and
- b. it would not have an urbanising effect detrimental to:
 - i. The character of the countryside; or
 - ii. The separate identity of the adjoining settlements.

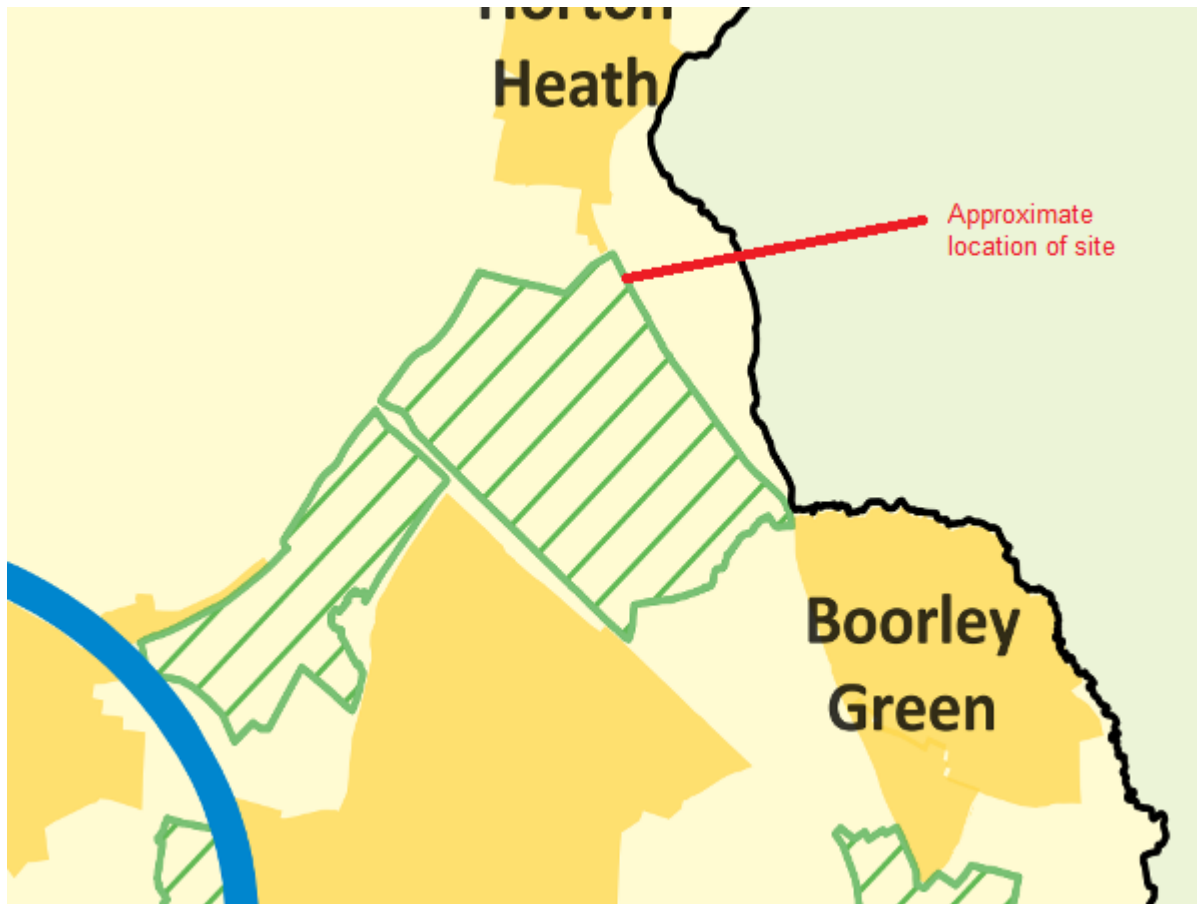


Figure 2 of the Local Plan, page 42

4.4 Filling the opening between the 2022 bungalow and West View would not undermine the physical extent and/or visual separation of settlements, so criterion a) is met. With regards to b), it is noted that only one of the criteria needs to be addressed in order to comply due to the use of the word 'or'. The scheme would not have an urbanising effect detrimental to the separate identity of the adjoining settlements, so the development complies.

4.5 Even if b) i. were of relevance, the proposed bungalow would appear as a harmonious completion of built form along this side of Winchester Road, as set out by the local residents in their representations. There would be no adverse harm to the character of the countryside as a result.

4.6 Even if the site lies outside the settlement gap, the overall aim of countryside policy in the District is to restrict development principally in order to maintain its rural character and to limit urbanisation. It is submitted that the proposals would not cause any detrimental impacts in these respects; infilling an unnatural and incongruous space in a linear row of built form facing a highway would continue to maintain

character and urbanisation would not extend out into open landscapes, thus protecting intrinsic appearance and beauty. In effect, notwithstanding any policy interpretation, crucially no demonstrable harm would arise. The scheme would therefore be compliant with the overall objectives of countryside policy in Eastleigh and the NPPF.

4.7 The Council has not addressed these arguments in the delegated report. Instead, a somewhat simplistic, one-size-fits-all approach has been adopted, with no reference to policy S6 – attached as part of the appeal particulars – which is a material consideration.

4.8 In policy terms, the scheme meets the criteria of policy S6 as set out above. Within the bullet point section at the top of page 3 of the delegated report, the Council states that the new dwelling would have:

“an urbanising impact and represent an undesirable intrusion into an area of countryside for which there is no material considerations or overriding planning justification to allow the proposal.”

There would be no urbanising impact or undesirable intrusion as outlined at paragraphs 4.4-4.6. An absence of any demonstrable harm would constitute the material considerations and overriding planning justification to allow the proposal.

SPA

4.9 If the Inspector finds in favour of the appellant on point 1, please advise and then monetary contributions can be arranged via a legal agreement to ensure mitigation to offset the impact upon the New Forest National Park, Solent Complex and River Itchen.

Ecology

4.12 Biodiversity surveys and enhancements have been comprehensively detailed for the adjoining land and conditions have been discharged to this effect – see appendix 5. The same conditions could be imposed for this

appeal; given the proximity of the two sites clearly there would be no material differences in habitat. Great Crested Newts have been considered and it has been concluded that no impacts are anticipated (page 16 of ecology survey). The need for an updated survey is contested as it would be unnecessary and excessive given the numerous previous reports in this respect that found no evidence of newts.

Biodiversity Net Gain

4.13 As detailed in the response from the Council's ecology officer (page 2 of delegated report):

“The site area is 0.2 ha so this application does qualify for the self-build exemption for providing 10% biodiversity net gain but some biodiversity enhancements are still required in accord with Local Plan policy DM 11 and NPPF paragraph 180.

A bat brick and a swift brick or bird nest box may be appropriate for this building. ”

Reason for refusal 4 can be addressed through the imposition of an appropriate condition to this effect and meet policy DM11.

Conclusion

4.14 Overall the proposal would support of the National Planning Policy Framework's aim to promote and support economic growth in rural areas and the development would not cause any actual harm to the quality of the countryside. It is respectfully requested that the appeal is allowed.