

Appeal Decision

Site visit made on 24 September 2024

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2024

Appeal Ref: APP/W1715/W/23/3335998

Willow Bee, Allington Lane, West End, Eastleigh SO30 3HP

- 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 D Bowers against the decision of Eastleigh Borough Council.
 - The application Ref is F/23/95507.
 - The development proposed is described as "regularise replacement entrance, hardstanding and frontage fence".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs has been made by Mr D Bowers against Eastleigh Borough Council. This is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the header is taken from the application form. The Council's decision notice and the appeal form give a different description of "replacement entrance gate, hardstanding and frontage fence (Retrospective)". As it has been used by both main parties, I have based my assessment on this amended description.
4. On my visit I saw that the entrance gate, the stone hardstanding in front of the gate as well as the 1.8m high close boarded fence as shown on the drawings have all been erected or provided. Therefore, the development has commenced.
5. The application form states that the site was previously in agricultural use, whereas the appellant's grounds of appeal document state it is used for a combination of "informal purposes – horticulture, the keeping of horses and family recreation". There is also mention of a container being on the site that is used for storage of family assets. On my visit I could also see the top of a mobile home unit and what appeared to be a touring caravan over the gates and fence.
6. It is important to note that neither the application form nor any document before me indicates that planning permission is sought for the material

change of use of the site. Therefore, my assessment is restricted simply to the erection of the gates with piers and fence as well as the hardstanding as shown on the plans.

7. Since the appeal was lodged a revised version of the National Planning Policy Framework (the Framework) has been issued. More recently, the government has initiated a consultation exercise on revisions to the Framework and planning system. There is no requirement to seek the appellant's or the Council's views on the revisions and proposed changes as they do not affect the provisions of the Framework relevant to this appeal.

Main Issues

8. The main issues are (i) whether the development is acceptable having regard to its countryside location and strategic policy S5 of the Eastleigh Borough Local Plan 2022 (LP), and (ii) its effect on the character and appearance of the area.

Reasons

Strategic policy S5.

9. The appeal site lies directly off a stretch of Allington Lane where roadside trees and hedges are dominant features. While there are nearby properties including commercial premises, these tend to be sporadic and amongst or alongside vegetation and open fields. There is no recognisable or identified settlement and so it is fair to treat the site as falling within the countryside.
10. Part 1 of LP strategic policy S5 says that planning permission will be granted for new development in the countryside provided it is related to a defined list of uses and developments. These include where a proposal is related to the provision of employment through agricultural development. While the submissions indicate the site is partly used for horticulture there is no reference to this use generating employment. Indeed, it would seem the site is being used for the enjoyment of the appellant's family rather than for any business purpose.
11. No claim is made by the appellant that the development relates to any of the other uses as set out in part 1 of LP strategic policy S5. Instead, criticism is raised that the policy does not allow for the erection of means of enclosure in the countryside even if associated with an enhancement to an access. However, on my reading, such features would indeed be acceptable if related to any of the uses identified under part 1 of LP strategic policy S5 and in accordance with the criteria set out under part 2 of the policy.
12. In any event, in assessing the appeal I must consider the policy as written and adopted. As the gate, fencing and hardstanding is not related to any of the uses or developments set out under part 1 of the policy, I conclude the scheme is unacceptable when having regard to its countryside location and LP strategic policy SD5.

Character and appearance.

13. As it passes the site, Allington Lane possesses a rural feel due to the lack of roadside pavements and lighting, the mature trees and hedges and the sight

of fields through gaps in the vegetation. This sense of the countryside is particularly noticeable when travelling past the appeal site due to the overhanging trees on both sides of the highway. The appellant suggests the area is best described as developed countryside, particularly in light of the visual effects of the local residential and commercial premises. However, even when taking these into account, the trees, hedges and open fields are still the most visually dominant aspects of the locality.

14. Plans and photographs indicate that, prior to the appeal development being carried out, the site benefitted from a pair of chain link gates next to the road and with a line of hedges, bushes and trees along the frontage. There is no indication that any fencing existed along the roadside boundary. As such, the site frontage previously had a largely natural appearance that would have contributed to the rural feel of the area.
15. In contrast with the original low-key gates, the new entrance stands out when travelling along the road. Moreover, the solid gates, brick piers and the splayed hardstanding area give the access a more formal appearance. The new entrance looks out of place and it detracts from the vegetated, natural feel of the rest of the site and its immediate surroundings.
16. The fence is shown as being behind new planting and I saw that part of the fence away from the gates already has some trees and bushes in front. This vegetation would partially screen the fence and it could be stained or painted so as to make it less obvious. Even so, it is unlikely to be completely concealed due to its proximity to the road. When seen alongside the new entrance, the fencing reinforces the distinct change in the appearance to the site frontage so as to undermine the rural nature of this stretch of the lane.
17. It is most likely that the visual effects of the development would only be readily appreciated by drivers passing the site as there is no pavement for pedestrians. Even so, vehicles appear to travel at fairly low speed due to the nature of the road. As such, the entrance is obvious to drivers as they approach and pass in either direction, notwithstanding any screening effects of nearby vegetation.
18. I note the other accesses to premises along the road, including the formal gates with brick piers and walls to Little Acres Caravan Park. While these are viewed on the approach to Willow Bee, they are not seen with the development subject to this appeal. Instead, the new entrance appears as an isolated feature due to its separation from the other accesses and the intervening roadside vegetation. Consequently, the other accesses do not address nor justify the harmful visual effects of the development.
19. For the above reasons, I conclude the development has an unacceptable effect on the character and appearance of the area. In these respects, it would not accord with LP strategic policy S5. Amongst other things, this seeks to ensure development in the countryside avoids adverse impacts on the intrinsic rural characteristics of the landscape.

Other Matters and Planning Balance

20. I have found the development would be contrary to LP strategic policy S5 for the reasons as set out under the main issues. It is contrary to the LP when

considered as a whole. It follows to consider whether any benefits of the development outweigh the harm so as to justify granting planning permission contrary to the LP.

21. There is no objection from the Council on the issues of drainage and biodiversity. However, it is unclear from the evidence whether works associated with these matters would lead to enhancements in terms of addressing flood risk or ecology benefits. As such, these factors do not meaningfully affect my overall assessment.
22. It is unclear to me how the development allows the site to be used more efficiently, apart from allowing more parking. Therefore, I attach little weight to this as a positive factor in support of the appeal.
23. The development is laid out so that a driver can pull off the road in order to open the gates. This is an improvement to the original access, which was a simple verge crossing that required drivers to park on the highway if the gates needed to be opened. Also, the splayed access subject of this appeal also allows reasonable sight of on-coming traffic from both directions, whereas visibility from the original access would have been curtailed due to the lack of splays. In these respects, the development addresses a risk to highway safety.
24. However, the weight I attach to these benefits is tempered as it seems likely that the use of the site as described in the appellant's grounds of appeal document would attract only a modest level of trips. Moreover, I see no reason why the same benefits could not be achieved through an alternative scheme that more closely reflects the rural character of the site and its surroundings. Overall, I find the benefits of the development are of insufficient weight to justify the identified harm and the conflict with the LP.

Conclusion

25. For the reasons given above, I conclude the appeal should be dismissed.

Jonathan Edwards

INSPECTOR