

DELEGATED OFFICER REPORT

Application Ref: F/25/98570

Site Address: Land adjacent to Springfield, Brook Lane, Botley, Southampton, SO30 2ER

Case Officer: David Huckfield

Description: Retrospective application for the construction of horse menage with associated perimeter fencing and earth bund

Particular Site Constraints?	Yes ☒	No ☐
Outside the Urban Edge Within Designated Countryside Within Designated Settlement Gap Public Right of Way (Bridleway – Botley 17) Southern Water Gravity Sewer Within Flood Zone 1		

Relevant Planning History?	Yes ☒	No ☐
Z/32496/002 – Change of use: from grazing land to log cutting and distribution – PERMIT (1993) Z/32496/003 – Amend condition 7 of planning permission 32496/2 to specify maximum noise level of saw used – PERMIT (1994)		

Site Visit:	Yes ☒	No ☐
Publicity:	Letters ☒	Site Notice ☐
Representations Received:		
None received		
Consultation Responses (Summarised):		
Botley Parish Council	No response received.	
Hampshire County Council Highways	In regard to application F/24/98570, having reviewed the information contained within the application pack, whilst there would likely be no objection in principle to the proposals from a highway perspective, additional information would be requested, along with conditions outlined below being applied. ACCESS: It is not clear from the plans or information supplied, where vehicle access to the menage will be from. The submitted Planning Statement outlines that there are existing stables to the north, but they are not shown on plans and as such it is not clear whether vehicles will park at the existing stables (as assumed is currently the case) and then walk the horses to the menage, or if a vehicle trip to the menage will be required. As such, it is requested that plans are updated to clearly show the positioning of the stables, and also and vehicle route to the menage if this is required. If a vehicle trip is required, and this utilises the	

	'Bridleway', then HCC Countryside Services should be consulted in order to get their opinion on what could be an intensification of use. PARKING: If vehicle access to the menage is required, then vehicle and trailer parking should be clearly shown on plans for assessment of appropriate space. CONDITIONS: Conditions are recommended to limit the menage to private use only and to require a construction method statement to be provided prior to the commencement of development.
Hampshire Countryside Service	No response received.
Ecology	The metric submitted shows net loss of biodiversity units and the email from Wessex Planning states that the applicant is proposing to meet BNG obligations from a third-party off-site provider. We have agreed that as a retrospective application this is not required to meet the 10% biodiversity net gain requirements of the Environment Act, however under local plan policies and the NPPF (December 2024) we must require no net loss and some measurable biodiversity net gain. NPPF Paragraph 187, section d requires no net loss: 187. Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs; and Paragraph 192 section b mentions securing measurable gains: 192. To protect and enhance biodiversity and geodiversity, plans should: b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity. The biodiversity enhancements shown in the Landscape Plan would be sufficient enhancement in this case.
Southern Water	<u>Existing Gravity Sewer stand-off distance</u> The 600 mm diameter gravity sewer requires a clearance of 3.5 metres on either side of the gravity sewer to protect it from construction works and to allow for future maintenance access. No development or tree planting should be carried out within 3.5 metres of the external edge of the public gravity sewer without consent from Southern Water. All existing infrastructure should be protected during the course of construction works. <u>Proposed soakaways</u> The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development. No new soakaways

	should be located within 5 metres of a public or adoptable gravity sewer, rising main or water main
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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. The following policies are of relevance to the application: S1 (Delivering sustainable development), S5 (New development in the countryside), S6 (Protection of settlement gaps), S12 (Strategic footpath, cycleway and bridleway links), DM1 (General criteria for new development), DM2 (Environmentally sustainable development), DM3 (Adaption to climate change), DM6 (Sustainable surface water management and watercourse management), DM11 (Nature conservation), DM13 (General development criteria – transport), DM14 (Parking), DM34 (New and enhanced recreation and open space facilities).

National Planning Policy and Guidance:

The latest iteration of the National Planning Policy Framework (the NPPF or Framework) was published in December 2024 and, as set out within paragraph 231, 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.

Assessment:

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. 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 development for which a countryside location is genuinely and justifiably required. The provisions of this policy allow for development that is related to outdoor recreational activities subject to a number of specified criteria, including compliance with the requirements of the applicable development management policies.

In this regard, Policy DM34 (New and enhanced recreation and open space facilities) is of most relevance. This policy allows for the provision of private recreation facilities within the countryside (as is proposed in this case) providing that, *inter alia*: (i) new buildings will be limited to those ancillary to and essential for the use of the land for outdoor sport and recreation; and that (ii) development should not involve structures, floodlighting or activities that cause urbanisation or detract from rural character. It also requires that such development accords with the general development criteria and the biodiversity policies of the Local Plan, and that facilities are readily accessible to those they are intended to serve by means of transport other than the private car, and accord with the transport and parking policies of the Local Plan.

The application seeks approval for the provision of a horse menage with associated perimeter fencing and an earth bund, the latter of which is the result of the topsoil scraping

which has occurred in preparing the surface of the menage. The facility is proposed to be utilised for private purposes by the applicant, who resides in the property 'Springfield' which lies to the immediate north of the site, along with his close family and friends, with the horses that will be ridden presently being stabled adjacent to the menage. The application is predominantly retrospective in nature, with the substantive proportion of the works having already been undertaken.

Strictly on the basis that the facility is for private use only (i.e. not as a commercial riding school, etc. which could generate a significant intensification of use), the principle of development is considered to be acceptable. The proposals do not include the provision of any buildings and the visual impacts of the menage are relatively limited with this being at ground level and having only a post and rail timber fence, of a type that is not uncommon within the countryside, surrounding it. There is also no external lighting proposed. Whilst the bund is more substantial in scale and is visible from the public footpath (Botley 18) which runs further to the south of the site, once planted up in accordance with the submitted landscaping scheme and also taking account of the backdrop of the adjacent tree line, it is not considered in this case to be intrusively so. The site is otherwise well contained with intervening vegetation and/or existing structures screening views from the north, west and east. Taking account of these factors, it is not considered that the proposals would lead to the undue urbanisation of the countryside or represent an unacceptable encroachment into the settlement gap.

The planting scheme, which has been amended during the course of the application process to take account of the presence of the gravity sewer which runs through the site and Southern Water's requisite clearance distances, will also allow for the achieving of a biodiversity net gain in accordance with local and national planning policy (the 10% statutory minimum is not applicable in this case as per the comments of the Council's Ecologist). In addition, the site lies within Flood Zone 1, with the menage incorporating suitable surface water drainage provisions to both prevent the development being placed at undue risk of flooding as well as to negate the risk of flooding being increased elsewhere.

It is not anticipated that the development will have any unacceptable amenity related impacts owing to it being for private usage only, the absence of external lighting, and given the separation afforded to the nearest residential properties. In terms of highway related considerations, whilst the site is within designated countryside, given the close proximity of the applicant's dwelling and the area where the horses are kept, the facility is considered to be readily accessible to those it is intended to serve (in accordance with the requirements of Policy DM34).

Whilst the comments of the Highway Authority are noted in respect of the plans provided, it was evident from the Case Officer's site visit that access into the land is only available via a private track linking to the bridleway to the north, which also serves the applicant's adjacent log cutting / saw mill business. This route is not considered unsuitable for the limited level of movements that are likely to occur from this private facility and there is also space where vehicles could park if necessary. Taking account of this range of factors, it is not considered that the development would create a highway safety risk or adversely impact on the public bridleway.

Finally, in terms of the highway authority's recommended condition for the pre-commencement submission of a Construction Method Statement, as noted above the development is primarily retrospective with the majority of works having already been undertaken. Accordingly, it is not deemed necessary for a Construction Management Plan to be provided in this case. The recommended condition concerning private usage will, however, be applied, along with conditions to require that the landscaping scheme be implemented in full during the next planting season, and to prevent the installation of any external lighting without the prior written consent of the Local Planning Authority.

With these conditional restrictions, the development is considered to comply with the requirements of the relevant local and national planning policies as set out above.

Other Material Considerations:

Climate Change

In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, 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 the adopted Local 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. The NPPF, Policies S1, DM2 and DM3 of the adopted Local Plan and the energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy usage. When considering the impact of climate change, the proposed development would be expected to be resilient to its potential effects.

Equalities Implications

Section 149 of the Equalities Act 2010 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 prohibited 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.

Recommendation:	PERMIT ☒	REFUSE ☐
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