

Application Number: H/24/98637
Case Officer: Charlie Vallis
Received Date: Monday 16 December 2024
Site Address: BARN COURT, HIGH STREET, BURSLEDON,
SOUTHAMPTON, SO31 8DL
Applicant: Mr B Wright
Proposal: Conversion of existing detached garden store to an
annexe ancillary to the host dwelling.

Recommendation: PERMIT subject to conditions

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans: PG.7081-22-02 Rev G & PG.7081-22-01 Rev J.

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The annexe hereby permitted shall only be used in conjunction with the existing dwelling or by a relative of the occupiers of the existing dwelling and shall not be sold off, occupied or used as an independent unit of accommodation, or as a holiday let.

Reason: The property is not suitable for sub-division into two separate dwellings.

3. Biodiversity enhancements shall be installed on site prior to first use of the development hereby approved in the form of a bat box and a bird box and shall thereafter be retained. The Bat Conservation Trust recommends installing a bat brick/box at least 4 m above the ground, away from artificial light sources, sheltered from strong winds and exposed to the sun for part of the day, facing south, south-east or south-west.

Reason: To ensure a biodiversity enhancement in accordance with policy DM11 of the Eastleigh Local Plan (2016-2036)

Note to Applicant: The following precautionary working methods to protect local wildlife shall be followed during construction works:

- The grass in this area should be mowed short and checked for the presence of any newts or other small animals before the start of works.
- Any piles of vegetation or rubble should be cleared by hand making sure that no animals are present before digging.
- All building materials to be stored on hard standing or on pallets, as far as possible from hedgerows, scrub or potential habitat.
- Any excavations must be covered at night or be fitted with a small animal escape ramp.

- No fires can be lit on site.
- Waste must be stored in a skip and not be allowed to accumulate in piles which could be used by wildlife.
- Any animals found on site should not be handled but be allowed to move away to a place of safety on their own.

Note to Applicant: Any vegetation to be removed to facilitate the development must be removed outside of bird nesting season (which is between the beginning of March and the end of August) or if this is not possible then only after being checked for nesting birds by a suitably qualified ecologist up to 24 hours before the start of works. If any active nests are found, work must stop, and a 5 m buffer must be erected around the nest to protect it from disturbance until after the birds have fledged and left the nest

Note to Applicant: When in use, windows on the southern and western elevation of the proposed annexe should be covered at night to reduce light spill from interior lighting into surrounding trees.

Note to Applicant: In accordance with paragraph 39 of the National Planning Policy Framework (December 2024), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

1. This application has been referred to Committee by Cllr Tonia Craig, Cllr Steve Holes, and Cllr Jane O'Sullivan.

Site characteristics and character of the locality:

2. The application site is situated towards the centre of the High Street, which forms part of the historic core of Old Bursledon and is the most densely developed part of the conservation area. The surroundings are characterised by a mix of historic buildings and boundary walls, with a mature backcloth of trees and planting providing a green setting that enhances the built form.
3. Located on the southern side and sitting parallel with the High Street, Barn Court sits within a hexagonal courtyard of buildings, with a row of seven high chimney stacks. Thought originally to have been a farmstead, this courtyard of buildings is dominated by Barn Court as the building with the most presence in the group, with all the other buildings slightly lower forming the flanking arms of the hexagonal court, previously with a pond in the middle and including on the north-east corner the listed building of Lattice Cottage, which is understood to formerly have been Hacketts Farmhouse.

Description of application:

4. This application seeks the approval of the conversion of a single storey detached outbuilding to a detached annexe. The outbuilding is located on the eastern side of Barn Court's rear garden. Originally approved in September 2022 as a garden store under application number H/22/93123, the outbuilding measures approximately 6.3m (l) x 6.3m (d) x 3.9m (h), constructed of timber frame, with oak cladding, slate roof, hardwood windows and double doors on the north elevation in the style of a double garage.
5. Externally the outbuilding was built in accordance with the approved plans, however the use differs from what was previously approved. Internally, the building features a small open plan kitchen with living and sleeping space and a shower room. This would solely be for use as an additional residential space for the family and is intended to be occupied as an annexe by the applicant's grandchild.
6. The application documents can be viewed [here](#).

Relevant planning history:

- C/39089/001/00 – First floor side, single storey rear and single storey front extensions; insertion of two rear gabled balconies and garage door; demolition of existing shed and steps, alterations to access with new boundary wall, pillars and gates; and construction of summer house on raised plinth in rear garden – Refuse – 19/08/2003
- C/39089/002/00 – Construction of single storey front extension, first floor side extension and 2no. galleried windows to rear – Permit – 05/01/2004
- C/39089/003/00 – Erection of replacement boundary wall and gated access – Refuse – 09/02/2003
- C/04/51963 – Erection of replacement boundary wall with vehicular and pedestrian gates (two alternative schemes) – Refuse – 21/12/2004
- H/22/93123 – Construction of a garden store to provide additional storage – Permit – 02/09/2022

Representations received:

7. Three letters of objection and a letter of comment was received, raising the following points:
 - Potential impact of a residential use on the residential amenity of neighbouring properties and associated additional light pollution and noise and impact to privacy.
 - Significant, well-established trees and approximately 18m of hedgerow removed and replaced with timber fencing, causing harm to the Conservation Area and restricting wildlife movement and biodiversity.
 - Dispute regarding side access to the application site through the rear garden of Lattice Court, exacerbated by the applicant widening this access.

- Questions raised over the need for an annexe and concerns that the annexe is intended to be used as rental accommodation or a holiday let, rather than the proposed ancillary use.
- Negative impact on the setting of a Grade II listed building (Lattice Cottage)
- Works carried out contrary to ecological recommendations.
- Impact of groundworks and raised ground level on protected trees.
- Impact of proposal on the shared foul drainage system with a history of blockages.
- Proposal contrary to the character of the area, where houses are generally built in a ribbon along either side of the road with no properties to the rear.
- Construction of additional outbuildings without planning permission.

Consultation responses:

8. **Parish Council:** No comments were received

9. **Built Heritage Consultant:** No Objection

The Proposal – The idea is to erect an annexe of some 6.3m, x 6.3m having the appearance of a double garage as previously permitted, at the extreme east of the rear garden which is just south of the outbuilding in the rear garden of The Long Cottage. The design utilises quality materials entirely in keeping with the barn ethos and should not seriously hinder any southerly view from The Long Cottage. The nature and quality of the structure will not cause harm to the setting of the nearest heritage asset, namely Lattice Cottage.

Conclusion – From a conservation and architectural perspective this proposal is low profile and in keeping, so No Objection but from a planning perspective I would think it should be easily returned to a garage/storage function and only be usable in the proposed form for a family member.

10. **Ecology:** Objection

This site is in a red impact risk zone for great crested newts with records on an adjacent property. There are also records of bats, nesting swifts, hedgehogs and water shrews very close to the site. A secondary support area for Solent waders and Brent goose (E10) is located to the southeast, across the railway line. The use of this building for residential accommodation will add lighting, noise and visual disturbance during construction and more noise and disturbance at night than the previously permitted garden store.

The Proposed Plans and Elevations drawing by Applecore (rev H, Nov 2024) shows the proposed building within the root protection zone of at least three trees. I object to the building in this location due to the potential impact on the trees and bats and birds that may be using the trees. Residents could also want the trees to be pruned to allow more light into the building as there are two windows proposed on the southern elevation. Light spill from the windows would affect light sensitive animals such as bats that might be using the trees for foraging or roosting.

Ecology advice from the previous application H/22/93123 included the following:

“This application was flagged up as being within 50 m of a record of great crested newts (GCN). I have looked at aerial photos of the site and it does not seem likely that GCN would be using the property in their terrestrial phase, (however) there is a possibility that they could be in the area. Please could you add the following advisory to the decision letter:

This application has been flagged up as being within 50 m of a record of great crested newts. There is more suitable habitat closer to the pond so it is not likely that they will be found on this property, however the following precautions should be taken during construction. The grass in this area should be kept mowed short and should be checked for the presence of any newts or other small animals before the start of works. Any piles of vegetation or rubble should be cleared by hand making sure that no animals are present before digging. If any newts or other amphibians are found, they should not be handled but be allowed to move away from the area on their own.”

If this application is permitted:

- Windows must be covered at night to avoid light spill into the surrounding area.
- A precautionary working method statement can be conditioned, to include the information above along with additional precautions to protect and avoid disturbance to hedgehogs, water shrews and indirect effects on Solent waders and Brent geese during the construction phase.
- The following information must be included: Brent geese and Solent wading birds are migratory and most likely to be using the neighbouring site between October and March, so construction must only take place when birds are not there, ie. between April and September.
- All building materials to be stored on hard standing or on pallets, as far as possible from hedgerows, scrub or potential habitat. Any excavations must be covered at night or be fitted with a small animal escape ramp. No fires can be lit on site. Waste must be stored in a skip and not be allowed to accumulate in piles which could be used by wildlife. Any animals found on site should not be handled but be allowed to move away to a place of safety on their own.
- Any vegetation to be removed to facilitate the development must be removed outside of bird nesting season (which is usually between the beginning of March and the end of August) or if this is not possible then only after being checked for nesting birds by a suitably qualified ecologist up to 24 hours before the start of works. If any active nests are found, work must stop, and a 5 m buffer must be erected around the nest to protect it from disturbance until after the birds have fledged and left the nest.

Surface water drainage: Two water butts are shown in the Proposed Plans and Elevations drawing by Applecore (rev H, Nov 2024). There would be times when capacity is exceeded. Further information is required on provision for excess surface water drainage. In the previous application it was agreed to use a 1600L rainwater harvesting system to prevent onsite and off-site surface water flooding. A surface water drainage statement/plan will be required and can be conditioned.

Biodiversity enhancements: Biodiversity enhancements will be required in accord with Local Plan policy DM 11 and NPPF (December 2024) paragraphs 187d and 192 b. A bat box and a bird box may be appropriate for this building. Planting for pollinators is strongly encouraged.

11. **Tree Officer:** No Objection

For the application H/22/93123 (construction of a garden store) we advised the following:

“The location of the proposed garden store appears to be nestled within some trees. These trees will most probably be significant enough to be protected under Conservation Area legislation.

We note that the store is due to be constructed using piles [as stated in the planning statement], which would help mitigate any root damage, but we may also need a bit of further information pre-commencement demonstrating that the construction process will not significantly harm the trees. Therefore, we raise no arboricultural objection, subject to the following condition:

No excavation, demolition or development related works shall take place on site until an arboricultural method statement and a scaled and referenced tree protection plan, as per British Standard 5837:2012 (Trees in Relation to Design, Demolition and Construction – Recommendations), are submitted and approved by the LPA. The approved arboricultural documents must be adhered to in full, and may only be modified subject to written agreement from the LPA.

Reason: to retain and protect the existing trees which form an important part of the amenity of the locality.”

The above condition was accepted by the case officer and became Condition 4 of the decision, which was issued on 2nd September 2022.

Subsequently, it appears that an arboricultural survey was carried out in October of 2022. However, no mention of the detail on the piles was included, and the report does not appear to have been submitted as part of a Discharge of Condition application. We now have what appears to be a retrospective application (the application form states that work has commenced) and an enforcement case regarding this structure.

Given the application description: "Conversion of existing detached garden store to an annexe ancillary to the host dwelling", we would not object to this proposal. Regarding the construction of the foundations, that was covered off in the previous application and, whilst the relevant pre-commencement condition has not been discharged, it does appear that they followed the advice and used screw piles.

12. Old Bursledon Action Group: Objection

Permission was given for the erection of a 'detached garden store' (H/22/93123) in September 2022. We feel quite sure that if this first application had been for 'an annexe ancillary to the host dwelling' it would have been roundly refused.

The following excerpts from EBC Conservation Planning Policies make it clear that additional residential dwellings should not be permitted in the Old Bursledon Conservation and Special Policy Area.

Policy 6.4.38 ...the construction of even a single new dwelling would be harmful to the character and appearance of the area.

Policy 6.4.39 ... further development will seriously erode the valued character of the area. The Borough Council therefore proposes the introduction of a stricter policy to control the size of extensions.

Policy BU7. Residential extensions and replacement dwellings in the Old Bursledon Special Policy Area as defined on the policies map will be permitted provided they:

- ii. have regard to the impact of the development on the space between buildings and the openness of the area, ensuring that the character of the undeveloped landscape between buildings is conserved and enhanced.*
- iv. are subservient to and in proportion to the existing building in form, scale and design.*
- v. do not contribute to the cumulative urbanisation of the area.*
- vi. are not detrimental to the character of the area as viewed from the River Hamble.*

Policy context designations applicable to the site:

- Within the Countryside
- Within Old Bursledon Special Policy Area
- Within Old Bursledon Conservation Area
- Adjacent to a Listed Building (Lattice Cottage)
- Article 4 direction removing Householder Permitted Development rights under Class E.

Development Plan Local Plan Policies:

Eastleigh Borough Local Plan 2016-2036

The most relevant policies are:

Strategic policies:

- S1 (Delivering sustainable development);
- S2 (Approach to new development);
- S5 (New development in the countryside);
- S8 (Historic Environment).

Development Management policies:

- DM1 (General criteria for new development);

- DM11 (Nature Conservation);
- DM12 (Heritage Assets);
- DM14 (Car Parking);
- DM26 (Residential extensions and replacement dwellings in the countryside).

Bursledon, Hamble-le-Rice and Hound:

- BU7 (Residential extensions and replacement dwellings, Old Bursledon Special Policy Area).

Supplementary Planning Documents:

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Trees and Development (April 2022);
- Old Bursledon Conservation Area Appraisal and Management Proposals (February 2012).

National Planning Policy Framework:

13. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

National Planning Practice Guidance:

14. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of proposal: Development Plan and / or Legislative Background

15. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. Plan comprises the Policies of the Eastleigh Borough Local Plan Review 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
16. The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of

preserving or enhancing the character or appearance of that area”.

Policy and Principle:

17. The general criteria for new development outlined in policy DM1 of the Eastleigh Borough Local Plan (2016-2036) stipulates that all new development should respect the character and appearance of the countryside, take full and proper account of the context of the site including the character, appearance and land uses of the locality or neighbourhood, and be compatible in terms of mass, scale, layout density, design, and siting.
18. The site is located within the countryside, where the principle of development is not accepted unless in accordance with the policies of the Local Plan (in this case Eastleigh Borough Local Plan (2016-2036)). Policy S5 and DM26 makes provision for residential extensions within the countryside, providing that they are compliant with the general development criteria and transport policies of the Local Plan and subject to compliance with certain criteria, for example, providing that no additional dwellings are created.
19. Policy BU7 relates to residential extensions and replacement dwellings in Old Bursledon Special Policy Area, outlining that this set of development will be permitted provided it does not increase the volume of the original dwelling (as existing when the conservation area was first designated in 1982) by more than 25%; it has regard to the impact of the development on the space between buildings and openness of the area; is subservient to and in proportion to the existing building in form, scale and design; does not contribute to cumulative urbanisation of the area; and are not otherwise detrimental to the character of the area as viewed from the River Hamble.
20. Although not explicitly related to outbuildings, the guidance set out in policies BU7 and DM26 can still be used for the assessment of this proposal as their general principles would still be relevant. In addition, the 25% limitation to volume cannot be applied to outbuildings and as such is not relevant to the determination of this application.

Use as an annexe:

21. In relation to the visual impact of the proposal, the outbuilding has existing approval under H/22/93123 and the structure was built in accordance with these plans. Under the previous approval it was deemed that the building was low profile and modest, with its design and use of materials considered to be sympathetic and in keeping with the character and appearance of the host dwelling and its locality. The proposal is considered to accord with both policies DM26 and DM1 (Local Plan 2016-2036) in that it would represent a proportionate addition to the host dwelling and takes account of the locality through appropriate materials, design and scale.
22. In relation to its use as an annexe, although no internal link with the main dwelling is proposed, this is not deemed unacceptable in this case, in line with Eastleigh Borough Council's supplementary planning advice note 'Annexes for

Dependent Relatives' (Nov 2005), in that it involves the conversion of a suitable existing outbuilding which is subordinate in scale to the host dwelling.

23. An external link between the host dwelling and the outbuilding exists through a garden path. Amenity space would be shared as well as access through the main dwelling, which is likely to enable a strong link between the proposed annexe and the main dwelling. Residents of the annexe would be reliant on the host dwelling for key day-to-day activities such as socialising, main meals and laundry as only a small kitchenette, shower room, seating area and bed is to be provided in the annexe. A condition restricting the use to being an annexe used by a family member or a use ancillary to the main dwelling, will also ensure that the link between the annexe and main dwelling are maintained. Moreover, to alleviate further concern raised, this condition will include a restriction to holiday-let use.
24. As per the Nationally Described Space Standards, the internal floor space of the proposed annexe would not be large enough to constitute an independent residential unit and as such is unlikely to be successfully converted. However, as stated above, a condition will be imposed restricting the use of the proposed annexe to being ancillary to the host dwelling, to ensure that the annexe is not used as an independent dwelling.
25. Concerns from neighbours have been noted regarding the construction of additional outbuildings in the grounds of the host dwelling. Separate planning permission would be required for these buildings, given that there is an Article 4 direction restricting householder permitted development rights for the construction of outbuildings. These buildings do not form part of this application.
26. It is considered that the annexe is acceptable in terms of its size and proposed occupation, in accordance with the Council's guidance, and would not be considered capable of becoming a separate residential unit due to its size, scale and relationship with the host dwelling.

Impact on the Conservation Area and Special Policy Area:

27. In accordance with policies DM12 and BU7, the development does not detract from the significance of the setting of the Conservation Area and Special Policy Area and is subservient in scale and design to the main dwelling.
28. In accordance with policy S5 and DM26, the proposal does not create a separate dwellinghouse and is not disproportionate in size to the host dwelling.
29. As stated within the Old Bursledon Conservation Area Appraisal and Management Proposals SPD, management proposal 4.152 states "Planning proposals that would close the gaps between these properties or affect the setting of individual properties will not be supported by the local planning authority". This outbuilding would not create an urbanising impact and respects space between existing dwellings. This is a key point also raised in policy BU7

that requires development to not contribute towards the cumulative urbanisation of the area and ensures openness between buildings is conserved.

30. Nonetheless, this application seeks the conversion of the outbuilding only and as such is not considered to create any harm to the Conservation Area or Special Policy Area's setting.

Impact on residential amenity:

31. The development is considered to accord with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of the neighbouring properties in terms of loss of privacy; whilst impacts on outlook are unlikely given that the external dimensions of the existing outbuilding would not be altered.
32. No side facing windows are proposed, helping to avoid overlooking to adjacent neighbours and allowing a sufficient degree of privacy to be achieved for the occupiers of The Long Cottage.
33. The annexe is set within the garden away from other residential properties. Its proposed ancillary domestic use would not be considered to cause unacceptable disturbance within a residential setting.

Access, parking and transport matters:

34. Policy DM14 of the Eastleigh Borough Local Plan (2016-2036) requires residential development to provide adequate off-highway parking. Following the guidance outlined in the Council's Residential Parking Standards SPD, the area to the front of Barn Court would provide the required 3no. parking spaces for a 4+ bed dwelling.
35. Although an existing pedestrian access to the rear of Lattice Cottage has been widened by the applicant, this would be a civil matter between the two parties and any side access is understood to not be agreed.

Trees and ecology:

36. The Tree Officer has raised no concerns in relation to this application, given that the proposal does not propose any additional external works.
37. The council's Ecology Officer has raised concerns regarding the impact of light spill on light sensitive animals such as bats which may be using the neighbouring trees. However, it is not considered reasonable to condition that windows must be covered at night because this would fail the necessary 6 tests that a condition must pass in order to be placed on a decision notice (necessary; relevant to planning; relevant to the development to be permitted; enforceable; precise; and reasonable in all other respects). In addition, the proposed windows are modest in size and would not create a disproportionate amount of light to enter the surrounding garden. However it is recommended an informative note is attached to the permission requesting that windows

should be covered at night, when in use, to help mitigate disturbance to local wildlife.

38. Following ecological advice, a bat and bird box will also be conditioned on site to ensure a biodiversity enhancement, in accordance with policy DM11. In addition, the applicant will be reminded of precautionary working methods to ensure harm is not caused to species that may be using the site during construction, however it is recognised that most of this work is complete.
39. The ecology team also advised that a surface water drainage statement/plan would be required. However, as outlined in DM6, this would not be applicable to householder developments and therefore has not been requested as part of this application.

Impact on a Listed Building:

40. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:
- a. "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority ... shall have regard to the desirability of reserving the building or its setting or any features of special architectural or historic interest which it possesses".
41. There are listed buildings in the vicinity, the setting of which must be protected. However, the nature and quality of the structure will not cause harm to the setting of the nearest heritage asset (Lattice Cottage), as confirmed by the Built Heritage Consultant.

Sustainability measures and Climate Change:

42. 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.
43. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. The NPPF, development plan and adopted local plan policy 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 need to support the economy is part

of the Strategic Environmental Assessment for the adopted local plan, as is an assessment of climate impacts.

44. The NPPF, Policies S1, DM2 and DM3 of the Local Plan and 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 use. When considering the impact of climate change, the proposed development is expected to be resilient to the potential effects of climate change.

Equalities implications:

45. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- a. A public authority must, in the exercise of its functions, have due regard to the need to:
 - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

46. 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.

Conclusion:

47. In conclusion, the proposed development represents a suitable ancillary residential use of an existing outbuilding, well-suited to its surroundings and respectful of its position within a Conservation Area and Special Policy Area. The recommendation is therefore to permit, subject to conditions.

