



Appeal Statement

Cricketwood, Tanhouse Lane, Botley, Southampton, SO30 2SZ

27 May 2025

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1 QUALIFICATIONS AND EXPERIENCE

QUALIFICATIONS AND EXPERIENCE

- 1.1 I hold a 2:1 Planning Studies Bachelor of Arts Honours degree and a Diploma in Urban Planning from Oxford Brookes University. I am a member of the Royal Town Planning Institute.
- 1.2 I have worked in Hampshire since 1996. From 1996 to 2014 I worked at Eastleigh Borough Council as a Senior Planning Officer and then as a Principal Planning Officer in the Major Applications Team.
- 1.3 I have practised as a planning consultant since September 2014. I established my Town Planning practice, Wessex Planning Ltd, in September 2016, specialising in small to medium scale residential development.
- 1.4 I was instructed to appeal against the refusal of planning permission H/25/98737 for Two storey extension to existing outbuilding following the demolition of the existing metal access stairs and balcony. New dormer. New Canopy. Alterations to fenestration at Cricketwood, Tanhouse Lane, Botley, Southampton, SO30 2SZ.

2 REFUSAL REASONS

- 2.1 Planning permission was refused by Eastleigh Borough Council on 4th April 2025 for a two storey extension to an existing annex following the demolition of the existing metal access stairs and balcony (planning application reference H/25/98737) at Cricketwood, Tanhouse Lane, Botley, Southampton, SO30 2SZ for the following reason;

The proposed alterations and extensions to the existing outbuilding, by reason of their mass, scale, and independent functionality, would transform the modest ancillary structure into a four-bedroom residential unit, amounting to a new dwelling in the countryside that is unacceptable in principle under Policy S5 of the Eastleigh Borough Local Plan (2016-2036). This increased scale would also fail to respect the host dwelling and rural character of the countryside, contrary to Policies DM1 and DM26 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2024).

3 REBUTTAL OF REASON 1

REBUTTAL OF REASON 1

The proposed alterations and extensions to the existing outbuilding, by reason of their mass, scale, and independent functionality, would transform the modest ancillary structure into a four-bedroom residential unit, amounting to a new dwelling in the countryside that is unacceptable in principle under Policy S5 of the Eastleigh Borough Local Plan (2016-2036). This increased scale would also fail to respect the host dwelling and rural character of the countryside, contrary to Policies DM1 and DM26 of the Eastleigh Borough Local Plan (2016-2036), Quality Places SPD (2011), and the contents of the National Planning Policy Framework (2024).

Background

- 3.1 This appeal goes to the heart of how the planning system should control development. It is the appellant's case that the planning system is there to facilitate appropriate development, only refusing proposals that create significant material planning harm.
- 3.2 It is the applicant's contention that this proposal creates no harm, whatsoever, to established planning principles or the character of the area.
- 3.3 Whilst the planning system is not required to take personal circumstances into account, equally, it is not a function of the planning system to control how a particular occupier of a property lives their lives, or for a decision-maker to bring their own set of values and norms in a decision-making assessment, however unconsciously.
- 3.4 In the UK, there are many social, cultural, religious and economic differences between people and these are an accepted element of a tolerant democratic society. It does not mean that one group should be 'favoured' over another. But it does mean that such differences should be taken account of in any decision made by a regulatory authority.
- 3.5 Not taking account of these differences can lead to direct or indirect discrimination under the Equalities Act 2010. This is a material consideration that the LPA did not take into account even though they were made aware of these factors.
- 3.6 In this instance, the applicant is a member of the Plymouth Brethren Christian Church, which has 54,000 members worldwide. Members are encouraged to entertain, on a weekly basis, up to 8 other Brethren families and strongly encouraged to receive and visit overseas members of their family and the wider community for up to 6 weeks at a time, several times a year. This is in order to solidify social and family connections and a strong community ethos.
- 3.7 Brethren families are often larger than the UK national average. Such families have several children which will often include one or two elderly members of the extended family.
- 3.8 PBCC members are encouraged to care for their elderly members within the family unit, rather than relying on state care. The impact upon the public finances and the 'critical' need for appropriate elder care are both material planning considerations confirmed within the National Planning Policy Framework and National Planning Practice Guidance (NPPG).
- 3.9 The religious, social and cultural requirements of the PBCC therefore result in the need for such families to occupy larger than normal homes with flexible living space to allow for the entertainment of large numbers of the community on a weekly basis, the full-time care of elderly relatives and the hosting of visiting families from overseas for long periods.
- 3.10 PBCC members are also full members of the wider community, as with the members of most other faith groups. Members are encouraged to set up and operate many of their own businesses which contribute significantly to the economic prosperity of the local

REBUTTAL OF REASON 1

area. As a group, they also support local homelessness charities and the operation of the national 'Rapid Relief' charity. This charity provides food and refreshments to the emergency services during major emergencies. The national ambulance and fire services acknowledge the support the group provide during such emergencies.

- 3.11 This background is considered an important material consideration in that the planning system recognises differences in how the population lives.
- 3.12 The existing outbuilding is currently used for **ancillary** residential purposes to allow overseas relatives to stay for extended periods. Originally, however, there was an old planning condition on the outbuilding to the effect that the building should only be used for **incidental** residential purposes (please refer to the original planning permission attached as Appendix 1).
- 3.13 The property was purchased with this ancillary residential accommodation in existence in 2012, albeit the ground floor of the outbuilding was, at that time, used for garaging (See Sales Particulars and Enforcement enquiries at Appendix 2). The ground floor was converted to extend the ancillary accommodation not long after purchase.
- 3.14 The extension to this outbuilding is now required to provide the applicant's mother with her own accommodation (along with a full time carer), whilst retaining the existing ancillary accommodation for overseas relatives, who visit often.
- 3.15 The opportunity also taken to use the roof space of the extension to enlarge the existing visiting relatives accommodation through a reconfiguration to enlarge the existing two bedrooms.
- 3.16 The remainder of this appeal statement will consider the character of the surroundings, the proposal itself, and the impact of the

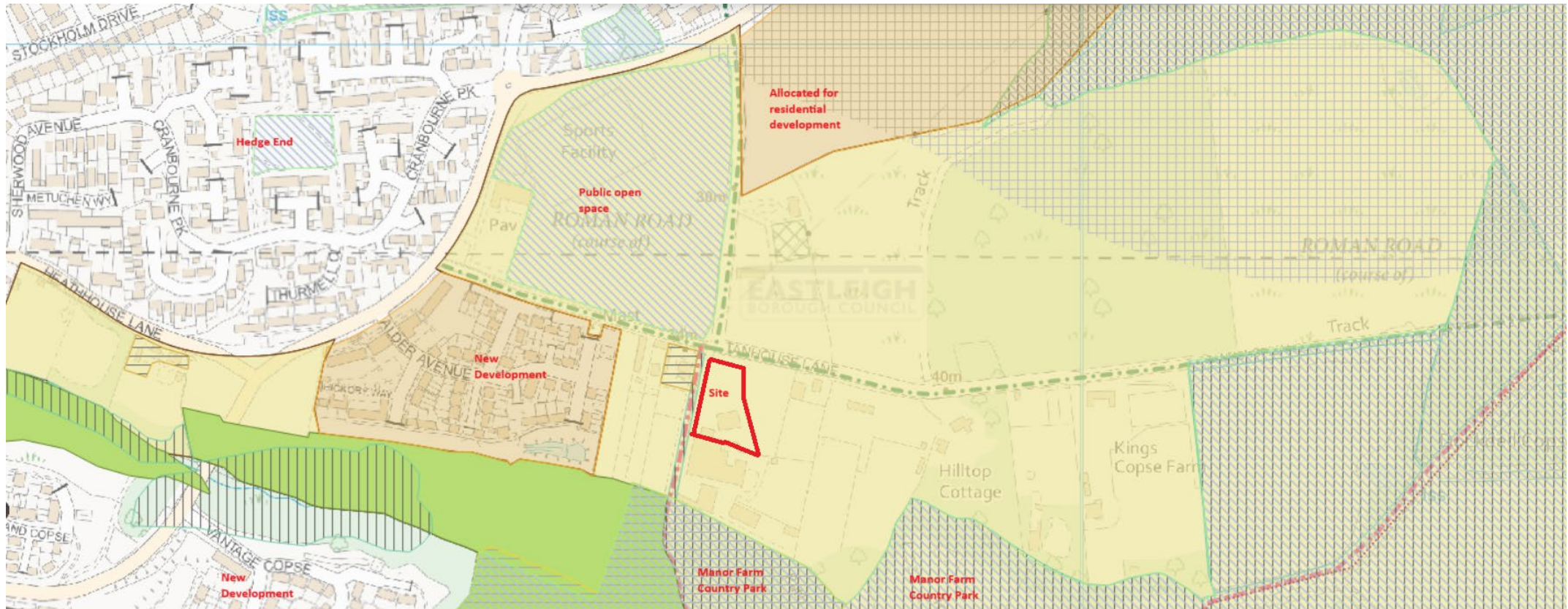
proposal upon that character, taking into account that the annexe has already been used as ancillary residential accommodation for over 10 years.

Character of the surroundings

- 3.17 The LPA have attributed a 'character' to this locality based solely on a policy designation. This is considered inappropriate as areas within a Local Plan 'countryside' designation can vary between whole villages, to scattered development of large dwellings, through to areas of no built development at all. This decision is often as much political as it is professional.
- 3.18 It is more appropriate to consider the character of the particular area in which the development site sits before deciding whether a development is unacceptable in principle, or unsympathetic to its character.
- 3.19 In terms of the principle, the proposal is for an extension to an existing annex. There is no policy within the adopted Local Plan that states such a development is unacceptable in principle.
- 3.20 Instead, the LPA have taken it upon themselves to suggest that the proposal is not an extension to an existing annex but is the development of a new residential unit within the countryside. In this, they are mistaken. The inference that the applicant is being dishonest in his aims is also considered unreasonable.
- 3.21 The character of the countryside in this location is considered to be peri-urban. From the west and from the north, new large scale development is encroaching into former countryside further towards the site. An excerpt from the policies map that accompanies the Local Plan is included below. This shows the development at Alder Close to the east, very recently completed, and an adopted housing allocation to the north – site 'BO3', allocated for 120 dwellings – yet to be developed.

REBUTTAL OF REASON 1

- 3.22 Between these two sites is the large recreation ground – the ‘Norman Rodaway’ area of public open space – a formally laid out area of public open space with playground, sports pavilion and 4 football pitches.
- 3.23 To the south of the site is the large timber manufacturing plant owned by the applicant.
- 3.24 Beyond this, to the south, an area of woodland is in public ownership and is known as the River Hamble Country Park (formerly known as Manor Farm Country Park).



REBUTTAL OF REASON 1

- 3.25 The access to the site is along Tanhouse Lane. Tanhouse Lane itself does provide a more leafy, rural characteristic although the lane is not devoid of built development. Along Tanhouse Lane, at varying intervals there are large residential dwellings in large plots and this is an intrinsic part of the character of this area.
- 3.26 Travelling along Tanhouse Lane from west to east, 'Kings Copse Farm' is a large dwelling on a large site to the east of 'Cricketwood'. This dwelling displays a high brick wall and solid wooden gates at its access point.
- 3.27 Further towards the site 'Hill Top Cottage', a large dwelling on a large site displaying a slightly more rural character with post and rail fencing, albeit its access point includes high gates between brick pillars.
- 3.28 There are two more dwellings located along Tanhouse Lane, one on a large site and another on a smaller site before one reaches 'Cricketwood'.
- 3.29 To the northern section of Tanhouse Lane is another large single-storey dwelling located on a large site.
- 3.30 Whilst an aerial photograph is included on this page to demonstrate the low-density development along the lane, it is important that the Inspector views these properties along the lane.



REBUTTAL OF REASON 1

- 3.31 'Cricketwood' itself is also a large property on a large site. It is viewed, clearly, at the junction of the two arms of Tanhouse Lane. In this view it is quite clear that the annex is visually subservient to the main house. Importantly, the dwelling is seen against a backdrop of the large buildings associated with the applicant's timber manufacturing business, behind the site.
- 3.32 The majority of the massing to Cricketwood is located to its rear. As a result, the dwelling appears proportionate to the massing of existing dwellings along the lane.
- 3.33 Indeed, the only difference in the view from Tanhouse Lane following the appeal development would be that the existing subservient outbuilding would be slightly widened in the position of an existing external staircase. With an attractive hipped gable at 1st floor level, this widening is visually minimised.
- 3.34 At this distance, any impact on the view would be negligible, and certainly not significant or harmful in any way, especially when viewed above the boundary hedge and against the backdrop of industrial buildings .
- 3.35 The view from the adjacent public footpath to the west is also completely screened by a thick hedge on the western boundary of the site. Due to the density of this hedge, this screening is effective in both summer and winter.



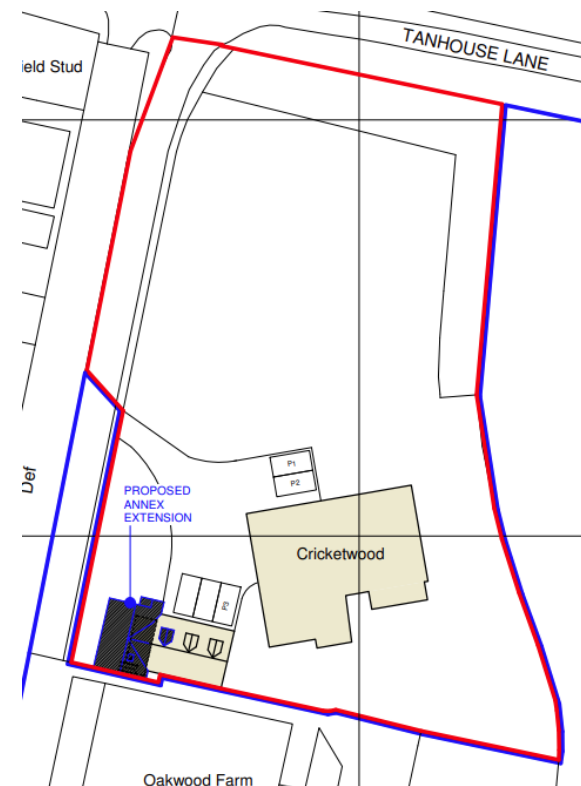
REBUTTAL OF REASON 1

The proposal

- 3.36 The annex extension looks to mimic the subservient massing and scale of the existing building by carrying across the low roofline, and providing a hipped gable above the ground floor. The existing barn-style would be maintained using matching brickwork, traditional oak and including timber cladding.
- 3.37 Whilst a single storey extension to this building could have been designed that would have been functionally acceptable, its visual qualities would never have been as attractive, in design quality terms, as an extension which respects the existing subservient roof line.
- 3.38 Rather than replicating the existing roof form exactly, which may have been more impactful, the hipped gable reduces the impact of widening the ancillary accommodation at 1st floor level - the level that is mostly seen from public vantage points.
- 3.39 As a result the design and massing of the resulting outbuilding would remain subservient, but also highly attractive.
- 3.40 The ground floor is wider than the 1st floor to comply with the disability requirements of the applicants mother. The nature of her disabilities require 24 hour care, with sleeping accommodation also available for the night carer.
- 3.41 Therefore, the extension to the existing ancillary accommodation is no more than is necessary, but with the opportunity taken to use the roof space to reconfigure the existing 1st floor accommodation.
- 3.42 The LPA's allegation that the ancillary accommodation allows newly independent functionality is contended. This is not a 'transformation' of an incidental outbuilding to a new dwelling in the countryside.
- 3.43 Since the purchase of the dwelling in 2012, this ancillary accommodation has always had independent functionality. Whilst

this has been extended within the building in the past to include the ground floor, and it is now proposed to extend this again, independent functionality is not the sole test as to whether an ancillary building is likely to become an independent dwelling in the future. One needs to look much more closely at the relationship between the main dwelling and its ancillary accommodation.

- 3.44 The site plan demonstrates the close proximity of the ancillary accommodation to the main dwelling.



- 3.45 It would be highly unusual for a completely separate new dwelling to be located at such proximity to the main dwelling in this location.

REBUTTAL OF REASON 1

- 3.46 Firstly, there is no separate driveway and any potential sharing of this driveway would create amenity issues for the applicant, as the parking and turning area would be located immediately outside his house. The LPA itself confirm this in their officer report.
- 3.47 Secondly, there is no potential private garden area for the 'new dwelling'. The ancillary accommodation is located immediately adjacent to the rear boundary, and the area to the front and side of the ancillary accommodation would be limited in its ability to function well as private amenity area, with the applicant's commercial vehicles using the access immediately adjacent. The LPA itself confirm this in their officer report.
- 3.48 Thirdly, the limited headroom in the bedrooms at 1st floor level would not be comfortable for permanent occupation (even with the opportunity being taken to enlarge this sleeping accommodation). The LPA itself confirm this in their officer report.
- 3.49 Fourthly, the existing dwelling is located immediately adjacent to the applicant's business, and there are operational and amenity reasons that would make an 'independent new dwelling' in this position unattractive.
- 3.50 Finally, the LPA accepted and continued to assess this proposal as a householder application. At no stage was the application invalidated on the basis that the proposal was considered to be made incorrectly.

Impact on Character

- 3.51 The impact on the character of the area is considered to be negligible. At the most, the impact is considered to be minimal.
- 3.52 The ancillary accommodation outbuilding will remain subservient in both form and function in comparison to the existing house.
- 3.53 The host dwelling has much higher rooflines than the proposed outbuilding, and this will continue to be the case. Additionally the

host dwelling has a much more traditional independent residential appearance than the outbuilding.

- 3.54 In pure visual terms, it would be difficult to evidence that visually, this proposal would change the appearance of the outbuilding to such an extent as to appear as a separate independent dwelling. It is simply located too close to the host dwelling. With its barn-like proportions and design it is visually wholly subservient to the more dominant appearance of the host dwelling.
- 3.55 It is important for the Inspector to consider the proposal's visual appearance from street level as Google Street View is taken at a point 2.4m above ground level from a camera atop a vehicle.
- 3.56 Against the background of the applicant's larger industrial buildings to the rear of the appeal site the ancillary outbuilding, even with its proposed extension, would continue to appear visually subservient to the host dwelling. Its barn-like design would remain, as would its subservient roofline.
- 3.57 In terms of the impact on the wider character of the area, the proposal does not change the low-density residential character of the area. It does not intensify built form in the area. It does not enlarge the dwelling and its outbuildings to a visually unacceptable extent. The large gaps between buildings in this area are retained and the resulting outbuilding will have no impact upon trees, hedges or open land in the area. Indeed, against the backdrop of the applicant's industrial building to the rear, the extension is likely to be visually imperceptible from any public vantage point.

Established Use

- 3.58 The dwelling began its life as an agricultural dwelling with an agricultural tie. The area, at that point, was much more rural without the thousands of dwellings that have now been granted planning permission that are moving ever eastwards towards this dwelling.

REBUTTAL OF REASON 1

- 3.59 When the original outbuilding was granted planning permission, the dwelling was still in agricultural use. At that time, there was an agricultural dwelling policy within the Local Plan that limited the size of such dwellings to 120 square metres (as exists in the current Local Plan at Policy DM27). The purpose of the condition, then, was to secure compliance with the agricultural dwelling policy to ensure that although the built form of the outbuilding was acceptable, the total residential floor area was controlled.
- 3.60 It was only in 2017 that the agricultural tie was removed. The dwelling was then extended, and there was no longer any purpose for the planning condition on the outbuilding.
- 3.61 The LPA, during the consideration of the appeal application, have questioned the existing use of the outbuilding suggesting that it should have been in purely incidental use due to the old planning condition, rather than ancillary use. They have since accepted that the building has been in ancillary residential use since at least 2012 through related enforcement investigations. The confirmation of the use is attached in Appendix 2.
- 3.62 Importantly, it appeared that the LPA considered the application on the basis that there was no existing ancillary accommodation within the outbuilding.
- 3.63 It is considered that this assumption led to an unfair assessment of the proposal. In the LPA's minds the use of the outbuilding was being proposed to go from purely incidental garaging use to having 4 bedrooms rather than an established use as 2 storey, 2-bedroom ancillary accommodation.
- 3.64 The LPA were repeatedly requested to discuss the proposal with the applicant so the existing ancillary use of the outbuilding could be accepted as the 'baseline' of the assessment. The LPA, however, declined a face- to-face meeting on the basis of a discussion with

managers that led to the belief that that the LPA considered that a separate relief of condition application was required prior to the consideration of the appeal application (please see correspondence at Appendix 3).

- 3.65 An offer was made to amend the application to include this within the description of the application if that made the LPA more comfortable in terms of 'moving its baseline', whilst making clear to the LPA that this was not strictly necessary, especially as the outbuilding had been used as ancillary accommodation for over 10 years. The LPA disagreed suggesting that this would represent an inappropriate departure from 'procedure'. The costs application considers this in more detail.

4 CONSULTEE / NEIGHBOUR RESPONSES

- 4.1 There were no objections, representations or consultation responses in relation to the proposal.

5 CONCLUSION

CONCLUSION

- 5.1 The LPA refused this application on the basis that they considered the proposal amounted to a new, independent, 4 bedroomed residential unit within the countryside, asserting that an original planning condition restricted the use of the building to incidental residential use only for 'countryside' reasons rather than 'agricultural dwelling size' reasons.
- 5.2 Their assessment did not extend any consideration to the fact that the outbuilding had already been used for ancillary accommodation for at least 10 years, and that there were other important considerations to take into account in relation to the proposal.
- 5.3 It is contended therefore that it is only the diminutive extension to this ancillary residential outbuilding that falls to be considered in relation to this appeal.
- 5.4 Ultimately, the proposal is for a small extension to an existing ancillary residential outbuilding. The visually dominant building on the site is the host dwelling, with which the ancillary residential outbuilding, even with the proposed extension, would never be able to compete either visually or in terms of its function.
- 5.5 The LPA itself confirm that the resulting outbuilding would have no independent garden area or parking area and that the existing outbuilding does not conform to national technical standards for permanent living accommodation.
- 5.6 The extension is proposed to house a vulnerable elderly, blind, relative in desperate and immediate need of permanent care. This accommodation has been designed to current technical and accessibility standards to allow comfortable living for both the relative and their permanent carer.
- 5.7 Only as an adjunctive opportunity does the proposal include the reconfiguration of the first floor existing ancillary accommodation. This adjunctive opportunity did not need to be taken, but would have represented a missed opportunity if the roof space has not been used to enlarge the existing guest accommodation. In design terms, too, a solely single-storey extension to this building would have been much less attractive.
- 5.8 In terms of the wider character of the area, the fact that the extension is to a subservient building that maintains its subservience, and is seen against the backdrop of much larger industrial buildings reduces any impact to negligible. The significant set-back of the property and the view from Tanhouse Lane assists in visually confirming the subservience of this ancillary outbuilding against the much larger host dwelling (even with the proposed extension).
- 5.9 The 'countryside' in this area is characterised by very low-density residential development that includes larger host dwellings with more subservient ancillary or incidental outbuilding set amongst open paddocks and larger fields which are gradually being encroached upon by large scale development. This character will not change as a result of this proposal.
- 5.10 On the basis that there is no Local Plan policy that disallows extensions to ancillary residential buildings in the countryside in principle; that the proposal is well designed; and that there will be negligible impact on the wider character of the area, the Inspector is therefore respectfully requested to urgently allow this appeal. The need for this additional accommodation is critical.

Horton Barns
8 Allington Manor Cottage
Allington Lane
Fair Oak
Eastleigh
SO50 7DE

My ref	F/04/50879
Your ref	
Date	26 July 2004
Please ask for	Dawn Errington
Direct dial	023 8068 8260
e-mail	dawn.errington@eastleigh.gov.uk

Town and Country Planning Act 1990
Town and Country Planning (General Development Procedure) Order 1995

Application No. F/04/50879

In pursuance of their powers under the above Act and in accordance with your application received on 21 April 2004, with subsequent amendments dated

None

the Council, as Local Planning Authority hereby PERMIT the following:

Description: Construction of detached garage with storage over
Site: Farm House Cricket Wood, Tanhouse Lane, Botley, Southampton,
SO302SZ

Subject to due compliance with the following conditions:

- (1) The development hereby permitted must be begun within a period of five years beginning with the date on which this permission is granted. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- (2) Samples of all external facing and roofing materials must be submitted to and approved in writing by the Local Planning Authority before development commences. The development must then accord with these approved details. Reason: To ensure that the external appearance of any building is satisfactory.
- (3) The garage/store hereby permitted shall not be converted to living accommodation without the prior written permission of the Local Planning Authority. Reason: In order to comply with countryside and agricultural dwelling policies.



(4) The building the subject of this permission must be used only for purposes incidental to the enjoyment of the dwelling house and shall not be used for any business, commercial or industrial purposes whatsoever. Reason: To protect the amenities of nearby residents.

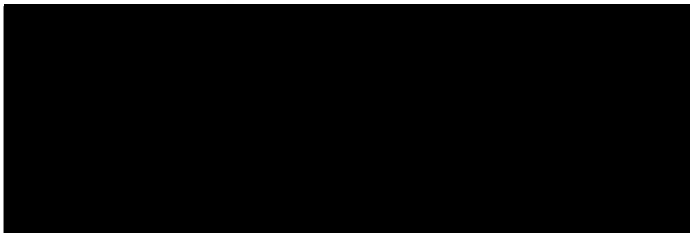
Note to Applicant: It is considered that, subject to compliance with the conditions and any obligations attached to this permission, the proposed development is acceptable because it will not materially harm the character of the area, the amenity of neighbours or highway safety, or and it is in accordance with the policies and proposals of the development plan, as listed below, and after due regard to all other relevant material considerations the local planning authority is of the opinion that permission should be granted.

The following development plan policies are relevant to this decision and the conditions attached to it:

Hampshire County Structure Plan 1996-2011: C1

Eastleigh Borough Local Plan 1997: 1.CO, 9.CO, 25.BE

Eastleigh Borough Local Plan Review 2001-2011 Second Deposit 1.CO, 9.CO, 60.BE



C D Peters
Head of Development Control

N.B. See Enclosed Notes (PER)



**PLANNING
APPLICATION**

FEE:

21/4/04

REG. DATE:

Dawn

**PLEASE READ THE ACCOMPANYING NOTES AND
COMPLETE THE FORM BY TYPING OR BLOCK LETTERS****A1 APPLICANT. Name & Address**

MR M BERROW & MRS S FOX (State Mr. Mrs., Miss etc.)

FARMHOUSE, CRICKETWOOD, TANHOUSE LANE, HEDGE
END, SOUTHAMPTON

Post Code: Tel. No.:

A2 AGENT. Name & Address

HORTON BARN, 8 ALLINGTON MANOR COTTAGE, ALLINGTON LANE

FAIR OAK, EASTLEIGH

Post Code: SO50 7DE

Tel. No.: 07831 395506 Contact Name: T. COSS

A3 APPLICATION SITE. Address & Location

TWO BAY OPEN GARAGE WITH ENCLOSED STORAGE ROOM AND FIRST

FLOOR GARDEN STORE

A4 PROPOSALS. Brief Description

FARMHOUSE, CRICKETWOOD, TANHOUSE LANE, HEDGE END

B1 TYPE OF APPLICATION

Is this a full application for alteration/addition to an existing single dwelling? YES / NO

If YES only answer questions coded ▲ If NO continue at B2

B2 Please tick appropriate box(es):—**A** Full Permission for New Works / Operations

Change of Use

**B** Outline Permission**C** Approval of Reserved Matters**D** Relief from Conditions of Previous Permission**PLEASE ANSWER
OTHER QUESTIONS
CODED AS SYMBOL**State number and date of previous
permission and condition number.
Please complete C1, C13 & D1.**E** Renewal of a Temporary PermissionState number of Temporary
permission and expiry date.
Please complete C1, C13 & D1.**B3 Has the development already started?**

YES / NO

C1 INTEREST IN LAND. Please tick appropriate box

Freehold Owner



Lessee



Prospective purchaser



Other (please specify):

Does the applicant own or control any adjoining land?

YES / NO

C2 SITE AREA ☒ X +

(1 hectare = 2.471 acres)

The area of the application site is hectares (2 decimal places)

C3 OUTLINE APPLICATION ☒ Please tick to show which matters, if any, are to be considered.

External appearance ☐ Siting ☐ Design ☐
Means of access ☐ Landscaping ☐

C4 RESERVED MATTERS ☒ Please tick **one or more boxes** to show which matters are included in this application.

Ref. No. of Outline Permission

External appearance ☐ Siting ☐ Design ☐
Means of access ☐ Landscaping ☐

C5 VEHICLE PARKING ☒ ☒ ☒
How many garages/parking spaces to be provided?
Lorries: — Cars: 1 GARAGE

C6 DEMOLITION ☒ ☒
Is any building or part of a building to be demolished? **YES** / NO

C7 USE OF LAND / BUILDINGS ☒

Please state **existing use**. If the property is vacant, state **last known use** and when it became vacant:

GARDEN

C8 DWELLING UNITS ☒ ☒ ☒ ☒

Please state number:
Existing on site: 1
Intended on completion: 1

C9 DRAINAGE ☒ ☒ ☒

How is it proposed to dispose of:
Surface Water: SAKAWAY
Foul sewage: N/A

C10 ACCESS TO HIGHWAY ☒ ☒ ☒

Is there to be a new access to a highway? Vehicles **YES** / NO Pedestrians **YES** / NO
Is an existing access to be altered? Vehicles **YES** / NO Pedestrians **YES** / NO

C11 TREES ☒ ☒ ☒ ☒

Is it proposed to fell any trees? **YES** / NO or remove hedgerows? **YES** / NO

C12 MATERIALS ☒ ☒ ☒

Please state materials to be used for:—
External Walls: SOFTWOOD WEATHERBOARD Colour: NATURAL
Roofing: MACHINE MADE CLAY TILES Colour: MATCH EXISTING

C13 PLANS & DOCUMENTS ENCLOSED ☒ ☒ ☒

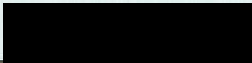
Plans / Drawings (including location plan) DRAWING, SITE PLAN, PLAN VIEW

Ownership Certificate: Certificate A: **YES** / **NO** Certificate B: **YES** / NO; Other:
Part II form (Commercial development): **YES** / NO
Part III form (Agricultural dwellings): **YES** / NO
Part IV form (Minerals extraction): **YES** / NO

D1 I APPLY FOR PERMISSION / APPROVAL IN ACCORDANCE WITH THE PARTICULARS ABOVE AND THE PLANS ENCLOSED

I enclose the fee of £ 110.00 cheque / ~~cash~~ / ~~Postal Order~~

Note: Data Protection Act 1984: Information supplied may be computerised and used for planning purposes.

Signed: 

Applicant / Agent. Date 17/4/04

From: [Myers, Ian](#)
To: [Louise Cutts](#)
Subject: RE: ENF/2025/151 - Cricketwood, Tanhouse Lane, Botley
Date: 21 May 2025 13:41:40
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)
[image174117.png](#)
[image543021.png](#)
[image726848.png](#)
[image057048.png](#)
[image802861.png](#)
[image318505.png](#)

Good afternoon Louise,

Thank you for sending that across. I can confirm that I am satisfied that the submitted document demonstrates that the garage has been used as residential accommodation since 2012 and as such for a period in excess of 10 years. It is therefore immune, and no further action will be taken. The case will now be closed.

Thank you for your co-operation with this matter, and please relay my thanks to your client for his support too.

Kind regards,
Ian

Ian Myers

Planning Enforcement Officer

Planning & Environment - Planning Enforcement
07471 889 558



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

From: Louise Cutts <LouiseCutts@wessexplanning.com>
Sent: 20 May 2025 15:03
To: Myers, Ian <ian.myers@eastleigh.gov.uk>
Subject: RE: ENF/2025/151 - Cricketwood, Tanhouse Lane, Botley
Importance: High

Hi Ian

Hope all is well.

The occupier has dug out the original particulars. He bought the house in 2012. You can see on the particulars that the annex 1st floor had already been converted to habitable accommodation at 1st floor level. The occupier then converted the ground floor to additional accommodation. Is this sufficient for your purposes?

Kind regards

Louise Cutts BA (Hons) Dip TP MRTPI
Director



Meadowsweet Cottage, Morleys Lane, Ampfield SO51 9BJ
Tel: 07940 033645
Email: louiseCutts@wessexplanning.com
Website: <http://www.wessexplanning.com/>

From: Louise Cutts
Sent: 15 May 2025 11:55
To: Myers, Ian <ian.myers@eastleigh.gov.uk>
Subject: RE: ENF/2025/151 - Cricketwood, Tanhouse Lane, Botley

Thank you for your e-mail Ian. It is much appreciated, and understood. I, too, work best in my own bubble!

I will provide the information once I am in receipt.

I must say, though, it did make me laugh a little when I read "the immediate area has not been developed in such a way as to have altered it from countryside", when you consider the amount of development that has taken place in the last few years in this location. New development now comes right up to Ali's boundary. It is becoming a little island caught between the urban area and woodland!



Kind regards

Louise Cutts BA (Hons) Dip TP MRTPI
Director



Meadowsweet Cottage, Morleys Lane, Ampfield SO51 9BJ

Tel: 07940 033645

Email: louisecutts@wessexplanning.com

Website: <http://www.wessexplanning.com/>

From: Myers, Ian <ian.myers@eastleigh.gov.uk>

Sent: 15 May 2025 10:12

To: Louise Cutts <Louisecutts@wessexplanning.com>

Subject: RE: ENF/2025/151 - Cricketwood, Tanhouse Lane, Botley

Hi Louise,

Thanks for coming back to me on this and for the clarification. I misunderstood from the numerous notes and communications on the planning application case (one of the pitfalls of office working, I was reading through all of the information yesterday during our office day and I was struggling to take it all in with all the conversations around me...I work so much better at home in my own little quiet bubble!), so it is helpful to understand the situation better. I would welcome any relevant evidence showing the use of the building for residential purposes as demonstrating immunity seems to me to be the simplest solution in this instance. I appreciate your comments about the need for an enforcement investigation here, but as you understand when we receive such a report we must look into it, however please be assured (and please do pass on those assurances to your client as well as I do not want to cause undue stress and upset) that there will be nothing heavy handed about this one! I had hoped that I might have managed to find a slight loophole within the extensive planning history in order to be able to close it down pretty much immediately when I found the approved variation/removal of condition

application from back in 2017 which removed the property's agricultural ties and wondered if I might be able to argue that as it was no longer considered agricultural this in turn negated Condition 3 from the 2004 garage construction consent given the wording of the reason being "In order to comply with countryside and agricultural dwelling policies", however after a lengthy discussion with Liz Harrison from Planning (as she was sitting opposite me in the office) it was determined that while the agricultural tie was removed, the countryside tie still remains as the immediate area has not been developed in such a way as to have altered it from countryside. So I couldn't go down that route unfortunately, and instead think demonstrating immunity is going to be the best bet as noted above.

Thanks again, and I look forward to receiving the information from your client in due course. Please do not hesitate to come back to me if you or your client have any further queries or concerns.

Ian

Ian Myers

Planning Enforcement Officer

Planning & Environment - Planning Enforcement
07471 889 558



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

From: Louise Cutts <LouiseCutts@wessexplanning.com>

Sent: 14 May 2025 13:29

To: Myers, Ian <ian.myers@eastleigh.gov.uk>

Subject: RE: ENF/2025/151 - Cricketwood, Tanhouse Lane, Botley

Hi Ian

Thank you for your e-mail.

The facts within your e-mail are not quite correct. My information is that the building has been used for putting up Ali's relatives when they come over from New Zealand and other parts of the globe, as they visit for quite long periods. Ali still needs this existing accommodation for that purpose, but the recent application was to extend the building to house his elderly mother.

I will ask Ali to supply some additional factual information re the usage and send it over to you as soon as I have it.

I'm not sure that this requires an enforcement investigation however, as the use of the current outbuilding is ancillary to the main residential use and therefore the change from incidental (garage) use to ancillary (residential) use would not have required planning permission as the original condition was unnecessary and unreasonable in my opinion.

But I will see what I can find out.....

Kind regards

Louise Cutts BA (Hons) Dip TP MRTPI

Director



Meadowsweet Cottage, Morleys Lane, Ampfield SO51 9BJ

Tel: 07940 033645

Email: louiseCutts@wessexplanning.com

Website: <http://www.wessexplanning.com/>

From: Myers, Ian <ian.myers@eastleigh.gov.uk>

Sent: 14 May 2025 13:04

To: Louise Cutts <LouiseCutts@wessexplanning.com>

Subject: ENF/2025/151 - Cricketwood, Tanhouse Lane, Botley

Good afternoon Louise,

I have been allocated the above Planning Enforcement investigation which was referred to our team following the recent

refusal of planning application ref. H/25/98737. It was reported that the garage which was constructed under planning application ref. F/04/50879 was being used as residential accommodation for your client's disabled mother, allegedly in contravention of Condition 3 of F/04/50879. Looking at the correspondence recorded on the case file for H/25/98737 you had requested that Planning communicated directly with you, and as such I am reaching out to you in the first instance to see if I can address the matter with you. If you do not wish to be involved any longer then please let me know and I can instead make contact with the applicant directly. First and foremost I would like to clarify that my investigation relates specifically to the residential use of the garage outbuilding rather than the refusal of H/25/98737. I did note during my review of the extensive planning history and the communications between you and the planners that you appeared to make a brief reference to the garage building having been used as a residential annex for 13 years, with your client potentially being able to provide evidence of. Are you able to confirm if this is the case; that the building in question has been used as residential accommodation for more than 10 years, and that your client can provide evidence of this? Because if so, upon receipt of any such evidence I would be able to determine that it is immune and close my case down.

Thanks,
Ian

Ian Myers

Planning Enforcement Officer

Planning & Environment - Planning Enforcement
07471 889 558



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

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Eastleigh Borough Council



CHARTERED SURVEYORS & LAND AGENTS

ON INSTRUCTION OF THE EXECUTORS AND PERSONAL REPRESENTATIVE

Approximate distances—Hedge End Centre 1.5 miles, M27 J8 1.3 miles, Southampton 6.5 miles, Bishops Waltham 6 miles, Winchester 16.5 miles, Portsmouth 16 miles. Railway Connection—Hedge End Station (2 miles) to London Waterloo from 1hr 30mins. Southampton International Airport 7 miles.

'CRICKETWOOD'

Tanhouse Lane, Botley, Southampton SO30 2SZ

An attractive 3 bedroom farmhouse (with Agricultural Occupancy Condition), triple garage with first floor storage, a range of buildings (6,000 ft²) and 2.91 acres pasture land.

4.25 ACRES IN ALL

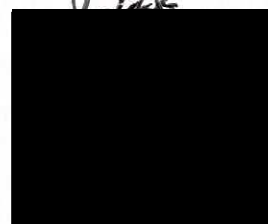


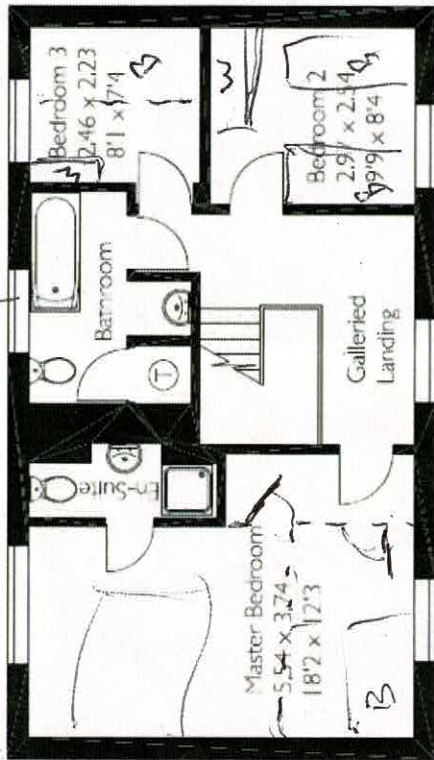
'Cricketwood' provides an opportunity for Agricultural, Equestrian, Commercial or Recreational use, subject to planning where required, in a convenient location overlooking the countryside.

OFFERS INVITED

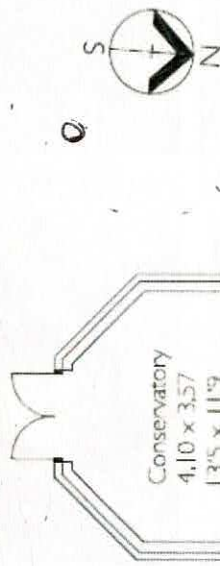
PRICE GUIDE: £575,000

FREEHOLD

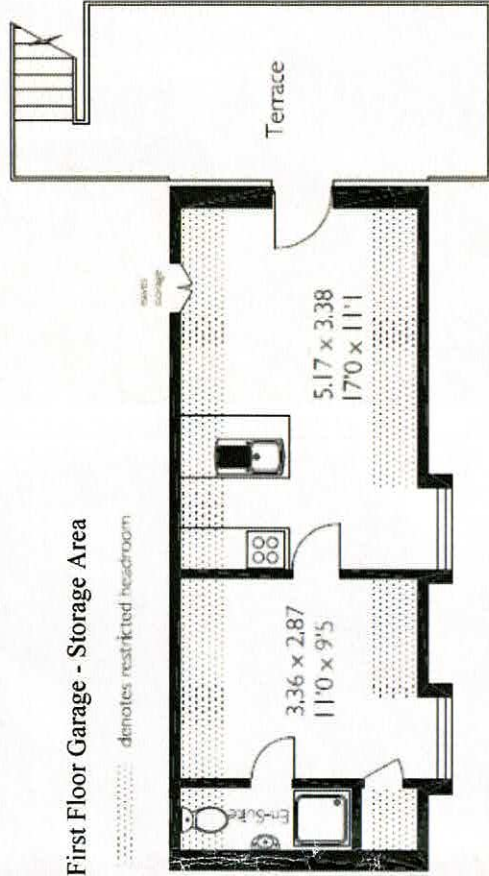




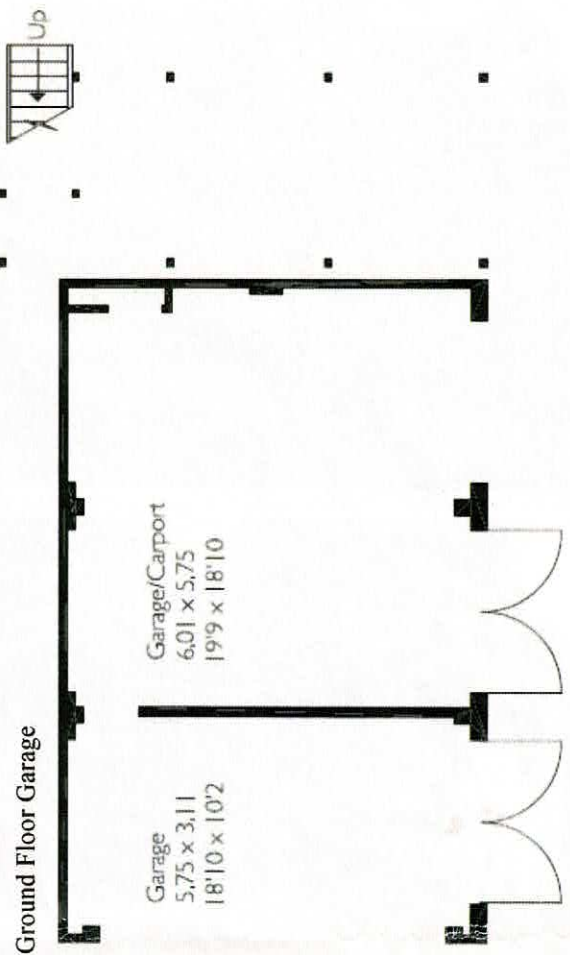
First Floor House



Ground Floor House



Property Layout
 Approx. Gross Internal Area
 House: 133sq.m. - 1431sq.ft.
 Garage/Flat: 84sq.m. - 906sq.ft.



GOODS VEHICLE OPERATORS LICENCE:

A previous occupier of part of the property held a Goods Vehicle Operators Licence for two lorries up until August 2011. Contact the Vehicle and Operator Services Agency (VOSA) for more information. Tel 0300 1239000 or see www.vosa.gov.uk. *1 Feb 2012*

LAND:

There is approximately 2.91 acres (1.18ha) of pasture land to the north and east of the Farmhouse and buildings. This field has access onto Tanhouse Lane. Fenced. 2 water troughs.

SERVICES:

Mains water and mains electricity. The main Farmhouse has Oil Fired central heating and hot water. The property has private drainage.

MANOR FARM COUNTRY PARK:

The property adjoins 'Manor Farm Country Park', comprising approximately 400 acres of Hampshire County Council land and woodland in the Hamble Valley with extensive bridleways and footpaths and recreation opportunities. See website www3.hants.gov.uk/countryside/manorfarm

A network of permissive bridleways are accessible immediately from the property along Tanhouse Lane. Horse riding and cycling permits are available from the Manor Farm Office on 01489 772813.

LAND REGISTRY:

The property is registered with the Land Registry freehold and Title Absolute as part of Title No. HP384755.

LOCAL AUTHORITY: Eastleigh Borough Council Civic Offices, Leigh Road, Eastleigh, SO50 9YN

Tel: 023 8068 8000. www.eastleigh.gov.uk

COUNCIL TAX:	'Cricketwood' Farmhouse	Band F.	Amount payable 2011/2012:	£ 2,117.81
	Mobile Home	Band A.	Amount payable 2011/2012:	£ 977.45

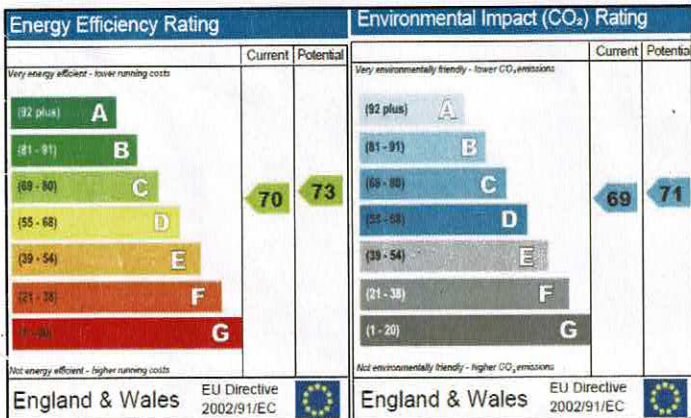
METHOD OF SALE:

The property is offered for sale freehold by Private Treaty. **Contract and deposit:** a 10% deposit will be payable upon exchange of Contracts to the Vendors Solicitors as Agents for the Vendors. The existing furniture, white goods, electrical and other items are not included in the sale but may be available by private negotiation.

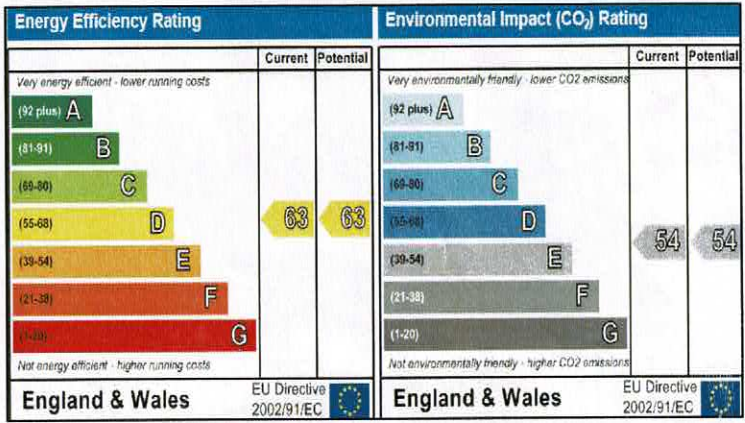
WAYLEAVES AND EASEMENTS:

Esso Cathodic Protection Cables cross part of the Property.

'Cricketwood' Farmhouse EPC



Triple Garage and Storage Area EPC



VIEWING:
Strictly by prior appointment and to be accompanied by the sole selling Agents Messrs Ian Judd & Partners LLP. Tel: 01489 896422. Ref:DP/JW

Contact	Dominic Plumpton	email: dominic@ianjuddandpartners.co.uk
	Jennifer Whitton	email: jennifer@ianjuddandpartners.co.uk

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From: [Hei-Tung-Hoh, Dorothy](#)
To: [Louise Cutts](#); [Osmond, Gary](#)
Cc: [John Essex \(J Design & Planning Ltd\)](#)
Subject: RE: Cricketwood, Tanhouse Lane
Date: 04 April 2025 14:53:13
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[image006.png](#)
[image007.png](#)
[image664275.png](#)
[image617272.png](#)
[image700830.png](#)
[image666865.png](#)
[image069104.png](#)
[image571966.png](#)

Hi Louise,

Thank you for your email and for outlining your client's concerns. I note your role in liaising on behalf of John and Ali, and I am happy to correspond with you directly.

Regarding your request for a face-to-face meeting, we have reviewed this option with our manager but concluded that it would not address the fundamental issues. The determination deadline for this application, already extended twice to accommodate further consideration, expires today. As such, we will be issuing a refusal notice this afternoon.

Kind regards,

Dorothy Hei-Tung-Hoh

Planning Officer

Planning & Environment - Planning/Development Management

023 8068 8314



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

From: Louise Cutts <Louisecutts@wessexplanning.com>

Sent: 31 March 2025 15:19

To: Osmond, Gary <Gary.Osmond@eastleigh.gov.uk>

Cc: John Essex (J Design & Planning Ltd) <john@jdesign.ltd>; Hei-Tung-Hoh, Dorothy <Dorothy.Hei-Tung-Hoh@eastleigh.gov.uk>

Subject: RE: Cricketwood, Tanhouse Lane

Hi Gary

Both John and Ali wanted me to liaise with you because they are concerned at the manner in which this planning application is being considered and would therefore like you to liaise with myself from now on. I am often asked to review the passage of planning applications,

and, usually let my clients know that all is progressing as it should. I only get involved when I can see that perhaps there are some issues that require some small level of intervention.

To be clear, a separate relief of condition application is 100% unnecessary in this case, and an insistence for such could be considered unreasonable.

Even if the use of the outbuilding had not been carried out for 13 years (which Ali can provide proof of), the consideration of an old (probably unlawful) condition is inherently intrinsic to the current application as a simple 'material consideration'. It certainly doesn't require a separate application.

Whilst the wording of these conditions are pretty standard, I had asked for sight of the condition in order to understand its reasoning, but I haven't been furnished with a copy as yet.. it is not available online.

However, to be frank, the existing ancillary residential use of this outbuilding building can be put to one side. Only the extension requires consideration in this case.

The bigger and most pressing issue here is that Ali's mother is in desperate need of a wheelchair-accessible annex. She is blind and increasingly susceptible to falls. Whilst she has carers, no level of institutional or visiting care equates to having an elderly relative live with a relative, in terms of the level of supervision needed. Ali has 3 sisters, none of which live locally to their mother. Ali considers it his personal and social responsibility, as the eldest son, to secure his mother's care. The alternative is that Ali's mother enters institutional care, which is a material planning consideration in terms of the costs to the public purse.

I have looked carefully at the plans and consider that a short 15-minute face-to-face meeting would be all that is required to discuss possible amendments to the current application plans. It benefits no-one to submit two new separate applications all for the want of one small 'extension of time', and one short face-to-face meeting.

If you are homeworking, a location that suits you is completely acceptable to myself. We might even each grab a quick cup of coffee too!

It doesn't make any sense for Ali to appeal a refusal when this could so easily be resolved, quite happily between ourselves.

In terms of availability, I have the following dates/times available:

Tuesday (tomorrow) – all day

Wednesday (early morning – before 10am)

Thursday (after 1pm)

Friday (all day)

Next week is completely free.

Kind regards

Louise Cutts BA (Hons) Dip TP MRTPI
Director



Meadowsweet Cottage, Morleys Lane, Ampfield SO51 9BJ

Tel: 07940 033645

Email: louisecutts@wessexplanning.com

Website: <http://www.wessexplanning.com/>

Sent: 31 March 2025 11:33

To: Louise Cutts <Louisecutts@wessexplanning.com>

Subject: RE: Cricketwood, Tanhouse Lane

Hi Louise,

Dorothy and I have already discussed options with John. I think the best option is to deal with the relief of condition and an acceptable design in terms of scale, etc as part of a new application. Adding in the relief of condition to the existing application would result in a significant materially different application, which is not really appropriate in terms of procedure.

Regards,

Gary Osmond

Principal Planning Officer

Planning & Environment - Planning/Development Management

023 8068 8490



Eastleigh Borough Council | Eastleigh House | Upper Market Street | Eastleigh | SO50 9YN

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Eastleigh Borough Council



From: Louise Cutts <LouiseCutts@wessexplanning.com>

Sent: 28 March 2025 18:30

[REDACTED]

Subject: FW: Cricketwood, Tanhouse Lane

Importance: High

Hi Gary

I wondered if you had any further thought on this?

I just wanted to say that, if you would find it helpful, the current application could be amended to include the relief of the original condition if that was required, but my client would have to further consider, very carefully, any reconfiguration of space.

It's a really urgent thing, moving Ali's mum in.

Would it be helpful to meet, I haven't seen you in a while in any case?

Kind regards

Louise Cutts BA (Hons) Dip TP MRTPI
Director



Meadowsweet Cottage, Morleys Lane, Ampfield SO51 9BJ

Tel: 07940 033645

Email: louiseCutts@wessexplanning.com

Website: <http://www.wessexplanning.com/>

From: Louise Cutts

Sent: 10 March 2025 17:08

[REDACTED]

Subject: Cricketwood, Tanhouse Lane

Importance: High

Hi Gary

I hope you are well.

Ali Potts has been in contact in quite a desperate state, and I'd like to be able to help. Ali's mother is elderly and has suddenly become quite vulnerable and needs to move in with them as soon as possible.

I have had a quick look at the plans and see that the garage building has been converted to ancillary residential accommodation, and that, save for a historical condition limiting such use, this would not require planning permission to convert to ancillary living accommodation. Whilst I cannot find this historical condition with such short notice (I would be pleased if you could send me a copy of this permission), this condition would definitely fail the six tests for a lawful planning condition, unless there was some very good reason, which I cannot perceive that there was at that time, and certainly won't be now. The appeal precedent on this is enormous.

The proposed extension looks to me to still be very subservient to the main dwelling and it is not unusual to see such large outbuildings attached to these types of dwellings in the countryside. As you will be aware there is definitely precedent in the area and so the proposal is not 'out of character with the area', which itself has changed out of all recognition over the last 10 years. I see that the majority of the mothers use will be downstairs, which makes sense, but that there is also space upstairs for a visitor to come and see her (as they do in her existing home.)

The personal circumstances of this case are also relevant, although I appreciate that this is not always the case. Development that involves the care of the elderly is a need that is described in PPG as 'critical'. This development is not limited to care homes etc but also involves annexes on private homes for care of the elderly.

Now, I understand that many of us do not benefit from large houses, but neither do many of us have a need for such. You will understand that Ali belongs to The Brethren who are required to entertain their community on a weekly basis and offer members of their extended family accommodation when they come to stay for extended periods (Ali has members of his family that live internationally). This is all within the normal residential function of a dwelling and any outbuildings within its curtilage.

However, when Ali's mother moves in permanently, Ali is still required, as part of his faith, to provide such accommodation to his extended family within this country and internationally and would not be able to do this if he uses the current accommodation within the outbuilding.

Therefore, I would have no hesitation to advise Ali to appeal should this application be refused. However, I think I can offer additional evidence in terms of Ali's mother's need to live with him, additional justification in terms of the need for this level of accommodation, and potentially a Unilateral Undertaking to secure the ancillary use of the outbuilding as ancillary residential use in perpetuity. That means that if the LPA were ever concerned that the dwelling were being used as a separate independent dwelling, it could take out a court injunction to stop the use.

I can provide this but will need some time to prepare the above, if you consider that this would allow a permission. Ali is very upset by this, and his mother needs to move in asap.

As you are aware, my mother also lives with me in an annexe that takes up more than a third of the floor area of my own house (lucky thing!), so this is not uncommon. But I do remember the stress and strain of moving her out of her own house and into a new 'joint' house adapted for her mobility issues as quickly as possible. Ali really does need all the help that the LPA can give here.

Let me know what you consider the LPA is able to do in this case, as soon as you are able.

Kind regards

Louise Cutts BA (Hons) Dip TP MRTPI

Director



Meadowsweet Cottage, Morleys Lane, Ampfield SO51 9BJ

Tel: [07940 033645](tel:07940033645)

Email: louisecutts@wessexplanning.com

Website: <http://www.wessexplanning.com/>