

Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

Wessex Planning Ltd
Meadowsweet Cottage
Morleys Lane
Ampfield
Romsey
SO51 9BJ
louisecutts@wessexplanning.com
Tel: 07940 033645

16 June 2025

Dear Sir/Madam

Appeal Reference APP/W1715/D/25/3366527

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

In response to the Local Planning Authority's costs rebuttal, I would request that the following comments are taken into account.

Paragraph 2.2

In Paragraph 2.2, the LPA appear to consider that only a lawful development certificate would have stopped them issuing a refusal. They also appear to suggest that the LPA was obliged to assess the application in accordance with the 'planning status established by the previous permission', rather than current situation and current planning policies. Rather than looking to comprehensively understand the reasons why condition 3 and 4 were attached to the 2004 approval for the building, these conditions were taken 'as read' with no account taken of the change in policy circumstances. This represents an abject failure to apply Section 38(6) of the Planning and Compulsory Purchase Act 2004 in terms of policy and 'other material considerations'.

In the case of Condition 3 which restricted the conversion of the building to living accommodation, the reason for the condition is quite explicit: *'in order to comply with countryside and agricultural dwelling policies'*. As stated in the appellant's costs application, at Paragraphs 3.6-3.9, the original dwelling started life as an agricultural dwelling, subject to a whole size limitation of 120 square metres by an historic policy. Therefore the LPA, at that time, rightly limited the potential extension of the dwelling to over 120 square metres through a conversion of the garage to living accommodation. However, the tie was lifted in 2017 and the current adopted local plan contains no similar size restriction policy for a normal, market dwelling. The 'planning status' had therefore irreversibly and determinatively changed since 2004. The failure to take into account this changed 'planning status' established as a result of the adoption of a new Local Plan was utterly unreasonable.

The LPA suggest that it was entitled to '*rely on the formal planning history in its decision-making*'. However, if it had actually carried out a more comprehensive consideration of the formal planning history, as was expected, a refusal would never have reasonably been issued.

Paragraph 2.3

In paragraph 2.3, the LPA considers it reasonable to rely solely on a legal route to establish lawful use rather than the use its professional planning reasoning to establish that Condition 3 no longer served any reasonable planning purpose. Neither would the LPA wait a few more days for the appellant's professional advisors to provide proof (not that it was required) to the LPA that the building did, in fact, have an established ancillary residential usage. Neither approach is '*standard planning procedure*' consistent with Section 38(6) of the Planning and Compulsory Purchase Act. The approach was therefore unreasonable.

Paragraph 2.4

The LPA appear to suggest that formal, verifiable evidence was required to establish the lawful ancillary usage of the building. This, again, misses the point. If such proof were required, it would have been submitted at the time of the application, as the usage was easily verifiable. The LPA neglected to consider the reasoning behind the 2004 permission, Condition 3, and the fact that it no longer served a useful planning purpose. On this basis, the officer report was neither full nor fair. Rather, it was fatally flawed.

Paragraph 2.5

The appellant remains willing for a condition to tie the use of the building to the main dwelling. The inspector will see for themselves that the building is clearly not tantamount to a new dwelling in the countryside and, as such, is not '*fundamentally unacceptable development*'. The need for the scale of extension has been clearly made.

Paragraph 2.6

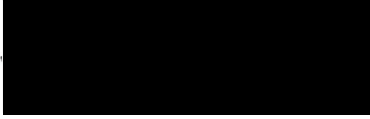
The appellant's architect was met on site by the case officer and verbally informed that there was 'no problem' with the proposal. It was only upon apparent reflection that the proposal suddenly became unacceptable to the planning officer. Indeed the discussions with regard to reducing the scale of the extension demonstrate that that LPA had no objection to the '*fundamental principle*' of the extension. It is clearly evident that the scale of the building, even with its proposed extension, would remain wholly subservient to the host dwelling. This section of the LPA's costs rebuttal is muddled in its understanding of events, confused in its argument and therefore undermines its overall case.

In the same paragraph, the LPA state that its suggested amendments would not overcome the apparent '*fundamental conflict*'. Again, this is muddled. The appellant is at a loss to understand why amendments were even suggested if the proposal was considered '*fundamentally unacceptable*'.

The LPA also suggest that refusing to extend the time to consider a proposal where there is no clear benefit is not unreasonable behaviour. However, it was obvious that there would be clear benefit (to the applicant at least) especially as the LPA were forewarned that there was evidence available of the buildings use for the last 10 years if the LPA considered this to be appropriate. The rush to a decision in light of this clear offer was, again, utterly unreasonable.

The Inspector is respectfully requested to consider the above in the consideration as to whether a full or partial costs award should be awarded.

Yours faithfully



Louise Cutts BA(Hons) DipTP MRTPI
Director
Wessex Planning Ltd

