

EASTLEIGH BOROUGH COUNCIL

**Town and Country Planning Act 1990 (As Amended by the
Planning and Compensation Act 1991) – Section 78**

LOCAL PLANNING AUTHORITY'S STATEMENT OF CASE

Planning appeal for non-determination of planning application for the
conversion of existing detached garden store to an annexe ancillary to
the host dwelling.

**BARN COURT, HIGH STREET, BURSLEDON,
SOUTHAMPTON, SO31 8DL**

Appeal by: Mr B Wright

Planning Inspectorate Reference: APP/W1715/W/25/3365615

Eastleigh Borough Council Reference: H/24/98637

June 2025

1. Introduction

- 1.1. The Council's Statement of Case should be read in conjunction with the minutes from the Bursledon, Hamble and Hound Local Area Committee meeting on 19th June 2025 available as Appendix A.
- 1.2. This statement focusses on the matters pertaining to the LPA's likely decision on this application had an appeal for non-determination not been submitted, which are set out below to provide further details and justification.

2. Description of Appeal Application

- 2.1. The appeal application (H/24/98637) was submitted in December 2024 and considered at the Bursledon, Hamble and Hound Local Area Committee on 27th March 2025. At this committee meeting a number of issues and concerns were raised and the Committee resolved to defer the application for a decision at a later meeting, pending clarification on these issues (see Appendix B for the reasons for deferral). Following this deferral, the appellant submitted an appeal to the Planning Inspectorate on the grounds of non-determination in May 2025.
- 2.2. Following submission of the appeal, the application was taken to the Local Area Committee on 19th June 2025 for the Committee to provide an indication as to whether they would have been minded to approve or refuse the scheme had the appeal for non-determination not been submitted. At this meeting the Committee indicated that they would have refused the application for the reasons outlined in this statement.

3. Site and surroundings

- 3.1. The appeal site lies within the Old Bursledon Special Policy Area and within Zone 7 of the Old Bursledon Conservation Area, situated towards the centre of the High Street, which forms part of the historic core of Old Bursledon. The surroundings are characterised by a mix of historic buildings and boundary walls, with a mature backdrop of trees and planting providing a green setting that enhances the built form.
- 3.2. Barn Court is within a hexagonal courtyard of buildings, 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.
- 3.3. The subject of the appeal is the conversion of a single storey detached outbuilding to a detached annexe ancillary to the main dwelling. 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. Barn Court's rear garden is approximately 0.2 hectares, running along the length of the main dwellinghouse and extends behind the rear garden of 'The Long Cottage'. Its rear garden has distinct zones, with the eastern corner being fairly isolated from the host dwelling and separated by a line of planting.

4. Relevant planning history

4.1. H/22/93123: Construction of a garden store to provide additional storage Permitted (September 2022)

4.2. The outbuilding subject to this appeal was originally granted approval as a garden store, with the appellant's planning statement (Appendix C) outlining that the outbuilding would be used as "additional storage for garden essentials necessary for the residents of the dwelling". Floor plans for this application also show only an area labelled "garden store", with no indication as to the installation of a kitchen area or shower room. Had the LPA known about the introduction of such facilities for a residential use, concern would have been raised as this domestication starts to create an independent living unit as opposed to the approved garden store.

5. Policy context

5.1. Designations applicable to the site:

- Outside the Urban Edge
- 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.

5.2. The Development Plan comprises the Eastleigh Borough Local Plan (2016-2036). The relevant policies to the determination of the planning application and current appeal comprise policies:

- S1 (Delivering sustainable development);
- S2 (Approach to new development);
- S5 (New development in the countryside);
- S8 (Historic Environment);
- DM1 (General criteria for new development);
- DM11 (Nature Conservation);
- DM12 (Heritage Assets);
- DM14 (Car Parking);
- DM26 (Residential extensions & replacement dwellings in the countryside);
- BU7 (Residential extensions & replacement dwellings, Old Bursledon Special Policy Area).

6. LPA's likely resolution

- 6.1. Had the appeal for non-determination not been submitted, the Bursledon, Hamble and Hound Committee would have resolved to refuse this application for the reason outlined below. This section addresses the reason for refusal, including conflict with the Local Plan Policies and Adopted SPDs.
- 6.2. **Reason: Due to the level of self-contained internal accommodation and its separation distance from the main dwelling, there would not be a realistic functional relationship between the proposed annexe and the main dwelling, making the annexe tantamount to the creation of a new dwelling. This would result in an intensification of residential development and associated activity in the countryside and conservation area, which would be harmful to the character of the area and contrary to Policies S5 and BU7 of the Eastleigh Borough Local Plan (2016-2036).**
- 6.3. As outlined in the planning history, the outbuilding has extant approval for use as a garden store incidental to the main dwellinghouse. This building was converted for a residential use prior to consultation with the LPA. Since the submission of the appeal application, there has been a lack of clarity over the intended occupation and use of the building, with several reasons put forward during the application and subsequent Committee meetings. The proposed occupation remains non-specific, with paragraph 3.12 of the appellant's appeal statement outlining that it would be occupied by a "family member".
- 6.4. The outbuilding is significantly distanced from the host dwelling, connected only by a garden path and situated within an isolated area of garden, nestled amongst mature trees with a line of vegetation to its west acting as a boundary demarcation from the host dwelling. This illustrates a degree of separation from the host dwelling, which, when coupled with the extent of facilities, including a kitchenette, a separate shower room and an open plan living and sleeping area, create a unit tantamount to the creation of a new dwelling. Typically, an annexe relies on the main dwelling for primary facilities and maintains a clear dependency, but this proposal creates a fully self-contained home capable of independent living as it has all the facilities to enable independent living and would not have any realistic primary reliance on the main dwelling. Its positioning and configuration effectively result in the creation of a new residential dwelling, which conflicts with Policy S5 of the Eastleigh Borough Local Plan 2016-2036. Policy S5 permits new residential development in the countryside only in exceptional circumstances, such as when it is essential for agriculture, forestry, or other rural enterprises, none of which are demonstrated in this case.
- 6.5. The degree of separation between the host dwelling and proposed accommodation is further demonstrated by the access to the site. The primary access to the main dwellinghouse is through a central courtyard, however, pedestrian access to the east of Barn Court's rear garden has recently been

widened to create a vehicular access. This is understood to be part of an ongoing right of way dispute, however its presence further highlights a distinct separation between the proposed annexe and the main dwellinghouse, which could lend itself to future subdivision and would be harmful to the prevailing character of the area and therefore in conflict with Policy BU7.

- 6.6. The LPA consider that the use of this outbuilding as an independent unit of accommodation would contribute to an intensification of residential use which would be out of keeping with the prevailing character of the area and not compliant with the intentions behind the Old Bursledon Special Policy Area Policy BU7 (Eastleigh Borough Local Plan 2016-2036), paragraph 6.2.35 of which states that “the construction of even a single new dwelling would be harmful to the character and appearance of the area”. The Old Bursledon Special Policy Area highlights the importance of Old Bursledon’s loose-knit character with scattered housing served by narrow country lanes. The occupation of this outbuilding as residential accommodation would erode the scattered nature of housing impacting the distances between dwellings and disrupting the access arrangements characteristic of the Special Policy Area.

7. Conclusions

- 7.1. As set out within this statement, there is a clear conflict between the proposed development, Local Plan Policies and the adopted SPDs. As a result, it is clear that the proposals do not accord with the Development Plan for the purposes of Sections 70(2) and 79(4) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Planning Permission should therefore be refused unless material considerations indicate otherwise.
- 7.2. The Local Planning Authority consider that there are no such material considerations in this case and, accordingly, respectfully request that the Inspector dismisses this appeal.
- 7.3. Should the Inspector, however, be minded to grant permission, the Local Planning Authority would request that the conditions attached in Appendix D be included as part of any approval.

Appendices

Appendix A: Bursledon, Hamble and Hound Local Area Committee Minutes (Meeting 19th June 2025)

Appendix B: Bursledon, Hamble and Hound Local Area Committee Minutes (Meeting 27th March 2025)

Appendix C: H/22/93123 - AMENDED Planning Statement (dated 18th July 2022)

Appendix D: Suggested Conditions