

Representation Against Planning Appeal - APP/W1715/W/25/3365615

Original Application – H/24/98637

Barn Court, Bursledon

Submitted by: David Bailey, The Long Cottage

Further to our previous objections, comments and photographic evidence in respect to the application for change of use, we make the following final representation.

Executive Summary

We strongly oppose the appeal for change of use at Barn Court on the following grounds:

- The proposed residential annexe causes significant harm to neighbouring amenity through loss of privacy, light, and tranquillity.
- The application relies on inconsistent and misleading justifications, lacks transparency, and is part of a broader pattern of unauthorised development.
- The character and integrity of the Bursledon Conservation Area have already been compromised.
- Approval would set a dangerous precedent for retrospective intensification without due process.

1. Unacceptable Impact on Residential Amenity

- The appeal overlooks key effects on neighbouring amenity, particularly to our property, The Long Cottage.
- We experience *direct overlooking* from the proposed annexe's kitchen window into our primary living space, impacting privacy.
- There is a *material increase in noise and light*, inconsistent with its previously approved use as a garden store.
- The shift to daily residential use represents a *material intensification*, incompatible with a quiet, rear garden setting.
- Clause 3.11 of the appellant's statement fails to consider this change in use and resulting impacts, which are *clearly material planning concerns*.

2. Procedural and Planning Irregularities

- Clause 3.14 criticises the Committee's handling, but the *application itself lacked transparency* and omitted important site information.
- Evidence of *unauthorised development* includes:
 - Excavated areas and unapproved hardstanding.
 - Structures erected outside consent, in breach of planning control - The statement seeks to justify these as a log store and shed which it suggests are to replace a

decaying shed. Misleadingly, there is no mention of the substantial lean to extension to the existing building or a further attached store building.

- Tree protection and landscaping conditions ignored.
- Retrospective applications for some of these structures were only filed *after neighbour-led enforcement action*. Some have still not been addressed.
- Clause 3.13 suggests the building has been constructed in accordance with consent H/22/93123PL - FD . We request evidence that *Condition 4* (arboricultural compliance) was discharged before works began and that work was completed in accordance with the arboricultural method statement – photographic evidence previously submitted by us shows that it was not.

3. Weak and Contradictory Justification

- The appeal argues that the building is redundant for storage due to a change in personal circumstances.
- However, *new, unauthorised buildings have been constructed* to replace that function. These are subject to a separate planning application. The appellant is arguing each of these applications should be considered on their own merit, however they are materially and intrinsically connected.
- This undermines the claimed need for residential use and suggests an *intentional escalation of built form on-site*.

4. Unsubstantiated Use Case

- The use case has changed over time:
 - Initially described by the appellant as for a grandson/family member.
 - Later framed by the agent as accommodation for a carer.
- These justifications are *not supported by evidence*:
 - The grandson now lives and has established their own business with friends in Norfolk.
 - The appellant has existing alternative self-contained accommodation within the main dwelling (more appropriate for use by a carer) and immediate close family support in the adjoining attached property.
- This *inconsistency raises doubts* about the genuine need for another annexe.

5. Risk of Uncontrolled Use

- The appellant disputes the need for occupancy restrictions.
- If permitted without enforceable conditions, the building could be:
 - Used as a holiday let.
 - Rented to unrelated tenants.
 - Sold separately in the future.

- This is particularly concerning given the appellants *past disregard for conditions* and poor compliance history and does not consider future owners.

6. Harm to Conservation Area and Local Character

- The site lies within the Bursledon Conservation Area. Recent actions show:
 - Ground level alterations and vegetation removal.
 - Visual and ecological degradation due to unauthorised fencing and loss of hedgerow.
- The proposal contributes to the *urbanisation of a sensitive setting*, contrary to Local and National Planning Policies (including NPPF Sections 134 & 199).

7. Undermining the Planning System

- Approval would legitimise a *piecemeal and retrospective approach* to planning control.
- It would set a precedent for:
 - Misleading submissions.
 - Unauthorised development followed by retrospective applications and appeal.
 - Bypassing local accountability and community input.
- The Bursledon Conservation Area Appraisal seeks to *prevent exactly this kind of incremental harm*.

Conclusion

We supported the original garden store proposal in good faith, even though we had concerns even at that time. While we understand the change in the appellants circumstances and are profoundly sorry for his loss, what has followed is a pattern of manipulation, incremental development that started before his wife died with the construction of a substantial and unauthorised toilet block adjacent the garden store, and disregard for process as this would have prevented him from carrying out his intended plans.

We respectfully urge the Planning Inspector to:

- Dismiss the appeal,
- Uphold planning policy,
- And protect both the integrity of the local planning process and the character of the Bursledon Conservation Area.

Respectfully

David Bailey

The Long Cottage