

DELEGATED OFFICER REPORT

Application Ref: X/25/99319

Site Address: DERRY DACY, PEEWIT HILL, BURSLEDON, SOUTHAMPTON, SO31 8BL

Case Officer: Dorothy Hei-Tung-Hoh

Description: Removal of Condition 10 (permitted development rights) of Planning Approval H/24/98601 for side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels.

Particular Site Constraints?	Yes ☒	No ☐
• Outside the Urban Edge • Within the Settlement Gap		

Planning History?	Yes ☒	No ☐
• F/22/93432 - Erection of replacement dwelling - Refuse Planning Permission For - 06/09/2022 • F/23/94651 - Erection of replacement dwelling. - Refuse Planning Permission For - 30/03/2023 • H/24/97366 - Side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels (Part Retrospective) (Amended Description) - Refuse Planning Permission For - 28/06/2024 • H/24/97912 - Side and rear extensions and raising of roof to provide first floor accommodation, first floor side facing balcony and temporary changes to existing ground levels (Part Retrospective) (Amended Plans) - Refuse Planning Permission For - 21/11/2024 • H/24/98601 - Side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels (Part Retrospective) - Permit - 10/04/2025 • X/25/99320 - Removal of Condition 9 (removal of temporary access within 12 months) of Planning Approval H/24/98601 for side and rear extensions and raising of roof to provide first floor accommodation along with temporary changes to existing ground levels. - Under Consideration		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	No comments received.		
Parish Council:	No formal comments were received from the Parish Council. However, the LAC Councillors raised objections to the removal of both conditions, stating that they were imposed for clear and justified reasons by the Local Area Committee. They also requested that the Council's Enforcement Team review the structure describe as a garage, expressing concern that it may not function as intended.		

Site Visit:	Yes ☒	No ☐
Details: 17 th January 2025.		

Policy:

**National Planning Policy Framework
Planning Practice Guidance**

Development Plan:

The Eastleigh Borough Local Plan 2016-2036 The most relevant policies are Strategic policies S1, S2, S5 and S6; and Development Management policies DM1, DM2, DM11, DM14 and DM26.

Supplementary Planning Documents:

Quality Places

Assessment:

Background and Site context

Planning permission was granted in April 2025 under H/24/98601 for side and rear extensions, the raising of the roof to provide first-floor accommodation, and associated temporary ground level changes. Condition 10 was imposed to remove permitted development (PD) rights under Classes A, B, C, D, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). This restriction was applied in the interests of visual amenity and to allow the Local Planning Authority to retain control over the scale, massing, and form of any future additions on this sensitive site.

The application site comprises a substantial residential plot located at the end of Peewit Hill and is situated outside the urban edge and a settlement gap.

The property has a complex and ongoing history of planning and enforcement. Multiple earlier applications for redevelopment of the site, including schemes involving replacement dwellings and extensive first-floor accommodation, were refused on the basis of excessive bulk and scale, which were found to result in an unacceptably urbanising impact on this area of countryside. The approved scheme under H/24/98601 was considered to represent the maximum acceptable level of development when balanced against the need to preserve the area's rural character and maintain visual separation between settlements.

Proposal

The application seeks the removal of Condition 10 of planning permission H/24/98601 in order to reinstate permitted development rights for extensions, roof alterations, and outbuildings. Condition 10 states:

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no additional extensions, outbuildings, dormer windows, or alterations to the roof of the dwelling hereby approved shall be carried out without the prior written consent of the Local Planning Authority.

Reason: To protect the amenities of the locality and to maintain a good quality environment.

Assessment

Due to the site's sensitive location and planning history, the reasons for retaining the condition are as follows:

- The site is located outside the urban edge and within a settlement gap, where Local Plan Policies S5 and S6 seek to prevent urban encroachment and protect the openness and character of these areas. Uncontrolled development under PD rights could undermine these policy aims and introduce further visual clutter and built form, contrary to the site's rural setting.
- The Local Planning Authority previously refused several proposals at this site due to concerns over bulk, height, and cumulative massing, which were found to be harmful to the rural character of the area. The approved scheme under H/24/98601 was considered an acceptable compromise, following revisions that reduced the roof height and overall scale. Removal of Condition 10 would remove the planning authority's ability to manage future changes that could replicate the bulk and form of these earlier refused proposals.
- The size of the plot allows for significant development under permitted development rights. Given the scale already implemented, including substantial ground floor extensions and a large outbuilding, any further development risks cumulatively eroding the character and appearance of the site and that of the locality. In this context, retaining Condition 10 provides a necessary safeguard against future development that could exceed what has already been deemed acceptable.
- The site already accommodates a large footprint of built form. Additional extensions, outbuildings or roof alterations, if carried out under PD, could result in overdevelopment and a disproportionate built form, further impacting visual amenity and countryside character, particularly when viewed from public vantage points.

The applicant contends that the limitations set out under Classes A to E of the GPDO are sufficient to prevent harm, and that Condition 10 fails the necessity and reasonableness tests. However, this position does not fully acknowledge the specific sensitivities of the site, the scale of development already undertaken, and the planning history.

While it is accepted that Class AA no longer applies due to the addition of a second storey, PD rights under Classes A to C and E could still permit additional extensions and outbuildings. If these rights were exercised without control, they could reintroduce elements of previously refused schemes and result in further negative impact upon the countryside.

The Local Planning Authority considers that Condition 10 of planning permission H/24/98601 remains necessary, reasonable, and justified. Its removal would allow further development to occur under permitted development rights without assessment through a formal planning application, thereby undermining the Council's ability to protect the visual amenity, rural character, and the openness of the countryside and settlement gap.

Its retention ensures that any future proposals can be properly assessed in light of the site's unique sensitivities, policy context, and planning history.

Should the applicant wish to pursue additional development on site, this can still be achieved through the submission of a full planning application, allowing the Local Planning Authority to assess the merits of the proposal against local and national planning policy.

Climate Change:

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.

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.

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:

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

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

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:

Reason of refusal

The removal of Condition 10, which removes permitted development rights for additional extensions, outbuildings, dormer windows, and roof alterations, would allow further development to take place on a site that is located outside the urban edge and within a settlement gap. Given the scale of built form already present, the site's sensitive location, and its planning history, the removal of this condition would result in the potential for cumulative and uncontrolled additions that would be harmful to the rural character, appearance, and openness of the area. As such, this is contrary to Policies S5, S6, 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).

Recommendation:

PERMIT ☐

REFUSE ☒