

DELEGATED OFFICER REPORT

Application Ref: X/25/99320

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

Case Officer: Dorothy Hei-Tung-Hoh

Description: 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.

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/25/99319 - 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. - 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. It was emphasised that the landscaping requirement and the removal of the secondary access were necessary to preserve the character of the area and to prevent the risk of future subdivision or intensification of development.		

Hampshire Countryside Service:	General information, no comments specific to application.
HCC Highways:	HCC Highways raised no objection in principle to the removal of Condition 9 from a highway's perspective. It was noted that the access sits at the end of Peewit Hill and is unlikely to result in significant traffic impacts. The retention of the access could potentially assist in vehicle turning at the cul-de-sac. However, it was highlighted that the creation of the access may have involved works adjacent to the public highway. As such, appropriate licences should have been secured prior to construction. These now require retrospective application, and if the access is to be retained long-term, the applicant will need to enter into a Section 184 or Section 278 agreement with the Highway Authority, depending on the nature of works.

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

Policy: National Planning Policy Framework Planning Practice Guidance Development Plan: The <u>Eastleigh Borough Local Plan 2016-2036</u> 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
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Assessment: <u>Background and Site context</u> Planning permission was granted in April 2025 under reference 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 9 was imposed to secure the removal of a temporary construction access formed at the end of Peewit Hill and to require the land to be reinstated in accordance with an approved landscaping plan. The application site comprises a substantial residential plot located at the end of Peewit Hill and is situated outside the urban edge and within a settlement gap. The temporary access was formed to serve site activity associated with construction works. <u>Proposal</u> The application seeks the removal of Condition 9 of planning permission H/24/98601 in order to allow the temporary access to remain on a long-term basis. Condition 9 states: <i>Within 12 months of this planning approval, the temporary site access which has been constructed at the end of Peewit Hill shall be removed and land restored to its original</i>

condition, including replacement boundary planting in accordance with a reinstatement and landscape plan which has first been submitted to and approved in writing by the Local Planning Authority. All works shall be undertaken in accordance with the approved plan. Replacement landscaping shall be maintained for a minimum period of ten years. Any trees, shrubs, or plants that die, are removed, or become seriously damaged or diseased within this period shall be replaced in the next planting season with specimens of equivalent size, species, and maturity. No further tree or vegetation removal shall occur without prior written approval from the Local Planning Authority.

Reason: In the interests of the visual amenity of the locality.

Assessment

Due to the site's sensitive location and the need to secure the restoration of the landscape and minimise urbanising effects, the reasons for retaining the condition are as follows:

- The access does not appear on the approved plans under H/24/98601, and its retention would represent a change to the approved layout.
- The access is not functionally necessary to serve the approved dwelling. An established primary access already exists in front of the dwelling, which is sufficient for ongoing domestic use. The second access was not justified or required as part of the residential development. In this context, the condition is considered necessary to prevent future subdivision and urbanisation of the plot.
- Condition 9 also serves a landscape function by requiring reinstatement, including boundary planting and habitat restoration, which would mitigate the short-term disruption caused during construction and help return the site to its original rural character.
- It is acknowledged that the formation of an access onto an unclassified road may benefit from permitted development (PD) rights under Schedule 2, Part 2, Class B of the General Permitted Development Order (2015). However, this provision only applies where the access is required in connection with development permitted by the GPDO. In this case, the access was introduced in connection with development which was subsequently the subject of a full planning application, and its long-term retention was explicitly restricted through Condition 9. As such, the fallback position of permitted development does not override or invalidate a condition lawfully imposed on the granted permission. The applicant has chosen to implement planning permission H/24/98601 and must do so in accordance with its conditions. Additionally, the wording of the condition is clear, time-bound, and relates to a specific, identifiable access point that officers and the planning committee considered necessary to remove.

In conclusion, the Local Planning Authority considers that Condition 9 of planning permission H/24/98601 remains necessary, relevant, and justified. The continued presence of what is an overly engineered site access would result in an urbanising impact, visual harm, and loss of landscape character in a designated countryside and settlement gap location.

The access served a temporary construction function only and is not necessary to support the approved residential development, which is already served by an existing lawful access. Allowing the additional access to remain would represent an unjustified and unnecessary form of development.

While the access may have initially been introduced under permitted development rights, the subsequent grant of planning permission and imposition of Condition 9 lawfully restricted its retention. The fallback position of permitted development is not sufficient justification to remove the condition, nor does it override the requirement to comply with the approved scheme.

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 Environment 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 9, which requires the removal of the temporary construction access and reinstatement of the land in accordance with the approved landscaping plan, would result in the permanent retention of an additional access point on a site located outside the urban edge and a settlement gap. The access is not necessary to serve the approved development, and its retention would contribute to the urbanisation and potential subdivision of the site, undermining the rural character and landscape integrity 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 ☒

