

DELEGATED OFFICER REPORT

Application Ref: F/20/88060

Site Address: Land Adjacent to Grange Road Netley, Southampton, SO31 8GD

Case Officer: Stuart Walburn

Description: Raising of stable roof to provide loft storage space (Part retrospective)

Particular Site Constraints?	Yes ☒	No ☐
The site is in The Countryside. The site is in Strategic Gap. <u>Site and surroundings</u> The existing stable block structure is the subject of this application. The 2006 planning permission (see site history, below) for the stable block was implemented and completed and comprised 5no. stables within a single storey structure under a low-pitched tile roof. It is noted to now feature increased ridge height and enlarged roof form with half hips, to accommodate a first-floor area with a box dormer on the western roof slope (see proposals, below) akin to that refused planning permission before it (see site history, below). The stable block is sited within an established equestrian paddock site with an existing modern haybarn located to the north of the stable block. Access and hardstanding from Grange Road are located to the south of the stable block. The site is located on the west side of Grange Road slightly north of its junction with Portsmouth Road. The area immediately surrounding the site is agricultural - equestrian grazing paddock land. Across from the site on Grange road to the east is an employment site The area in planning policy terms is generally classified as countryside i.e. not an area where the principle of development is usually acceptable except for certain reasons as set out in policy. That said, the stable and hay barn have been consented, so in policy terms the issues are broadly about the acceptability of development in the strategic gap and extension to non-residential buildings in the countryside. EBC enforcement visited the site on 21st May 2020 and noted that the stable block had been redesigned/was under construction however, the shell was still being completed and no internal work had started. The proposals The proposals are for the retrospective addition (retention) of a first floor area to the stable block with subsequent roof ridge height increase, increased roof mass/form with half hips, and the addition of a box dormer - to provide additional storage space in connection with the equestrian use of the site and the attached grazing land/paddock.		

Planning History?	Yes ☒	No ☐
F/6/56013 - Construction of single storey stable block and tack room – permit 13.4.06 F/5/54050 – Erection of single storey stable block and tack room – refuse 10.8.05. The reason for refusal was:		

(1) The proposed development, by virtue of its siting, massing, design and layout, will result in an unduly prominent and visually intrusive built form, which would be detrimental to and out of keeping with the character of the surrounding countryside and strategic gap setting. The proposals are therefore considered contrary to the guidance contained in Policies C1, C2, G2 and R3 of the Hampshire County Structure Plan 1996-2011(Review), Policies 1.CO, 2.CO and 137.R of the Eastleigh Borough Local Plan 1997, and Policies 1.CO, 2.CO and 176.OS of the Eastleigh Borough Council Local Plan Review (2001-2011) Second Deposit 2003.

Other relevant planning history includes the hay barn located to the north of the stables:

F/11/68710 – Construction of hay barn (amended scheme) – permit July 2011

- Condition 6 requires that only hay is stored in this building.

F/10/67814 – Construction of hay store – permit November 2010

F/10/66765 – Construction of hay store – refused April 2010

F/09/66174 – Construction of hay store – refused December 2009

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	None		
Parish Council:	Objection – overdevelopment with a caveat that the building was not to be used for residential purposes		

Site Visit:	Yes ☒	No ☐
Site visit undertaken 4.8.20		

Policy:

Development Plan:

Eastleigh Borough Local Plan Review (2001-2011) saved Policies 1.CO; 2.CO; 11.CO; 18.CO; 59.BE; 154.OS.

The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

The Eastleigh Borough Local Plan 2016-2036 was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated in late 2020/early 2021. Given the status of the Emerging Plan, it is considered that overall moderate weight can be attributed to it. The most relevant policies are Strategic policies S1, S7, S8 and Development Management policies DM1, DM18 and DM36.

Supplementary Planning Documents:

Quality Places; Character Area Appraisals.

Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states: -

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

Principle and design:

Firstly, for reasons of consistency in planning decision making, we draw attention to the 2005 planning refusal which was for a stable block with a ridge height and roof mass similar to that currently constructed (and unauthorised) on site. Negotiations were undertaken with the applicant and a revised (reduced) scheme submitted and approved in 2006 - which was implemented. In terms of the plan-led approach to making planning decisions as noted above, the local planning policy position as set out below was the same as it was in 2005 and 2006. The application site lies within the countryside and a strategic gap where the general principle of development is not considered acceptable and is controlled. The Borough contains many agricultural, commercial and recreational enterprises in the countryside. It is inevitable that these will have development needs, but these must be balanced against the overall strategy to limit the urbanising effect of development on the countryside, the closure of gaps, and the need for such activities to be in accessible locations.

Saved Policy 1.CO (Protection of the countryside) states that planning permission will not be granted for development outside the urban edge unless: it is necessary for agricultural, forestry or horticultural purposes and a countryside location is required; or, it is for an outdoor recreational use or is genuinely required as ancillary to such a use; or, it is essential for the provision of a public utility service or the extension of an existing education or health facility; or, it meets the criteria of the policies in the plan. The LPA do recognise the site is used for the grazing of horses and that stables permitted in 2006 have been erected. The stable block is existing, consented and completed development - as was considered acceptable in planning terms against the policy tests set out in saved Policy 1.CO at the time it was permitted. Therefore, the policy tests are met in regard to the stables.

It is noted that the applicant has signed a declaration confirming the land does not form part of an agricultural holding and so little weight could be given to an agricultural business case for justifying the stables for additional storage over and above that offered in the permitted stables and hay barn.

Saved Policy 2.CO (Strategic gaps) states that planning permission will not be granted for development which would physically or visually diminish a strategic gap. The additional ridge height, roof mass and box dormer is new development – and makes the stable block structure more prominent within the strategic gap and therefore the alterations and additions would be detrimental to the quality and openness of the strategic gap and would fail the policy tests of saved policy 2.CO.

Saved policy 154.CO (Equestrian recreation proposals) states that proposals for stables will only be permitted (ii) they do not have an adverse impact on the character of the locality, which they are considered to have when considered against the tests set out in saved policy 2.CO (mentioned above), and saved Policy 18.CO (discussed below).

Saved policy 11.CO (Extending non-residential buildings in the countryside) states that planning permission will be granted for proposals to extend non-residential buildings in the countryside if it can be demonstrated to the satisfaction of the borough council for all the following criteria can be Met: it would not have an acceptable physical or visual impact on the countryside, it would not generate significant additional traffic and , existing building is not the result of a temporary permission. The proposals are considered to fail the policy tests of saved policy 11.CO for the same reasons as set out above under saved policy 2.CO. The proposals increase the dominance of the building when viewed from the west, south and the north and partly from the east.

Saved Policy 18.CO (Landscape character) relates to landscape character and states that development which fails to respect or has an adverse impact on the intrinsic character of the landscape, will be refused. The supporting text, at paragraph 1.25, states that it is important that development proposals should reflect local landscape character by protecting, enhancing and restoring the key landscape characteristics...they should also take into account the broad landscape character areas identified in the County Council's document "The Hampshire Landscape: A Strategy for the Future (2000).

The site the stables are situated within is a paddock area which, due to its verdant, open nature and tree and established vegetation lined perimeter (to the east), is considered to make a positive contribution to this part of the countryside and, despite being situated adjacent to a light industrial/employment area contributes to the semi-rural characteristics of the area.

The development would have an irreversible and unacceptably urbanising impact upon the character of the site and the strategic gap as well as upon its immediate surroundings, through the introduction of increased built form.

The proposals would also serve to erode in part the undeveloped open land that has been maintained between the settlements and the countryside beyond. These factors would further undermine the semi-rural character of this section of the area and the site's surroundings.

Saved Policy 59.BE, on promoting good design, states that development proposals which are in accordance with other policies in the Local Plan will be permitted if they meet all the criteria listed. These criteria include the need to take full and proper account of the context of the site, the character and appearance of the locality or neighbourhood, and the need to ensure that development adjacent to or within the urban edge does not have an adverse impact on the setting of the settlement in the surrounding countryside. All these matters need to be considered when assessing the proposals for development in the countryside and at this stage it is considered that the proposals would fail under this saved policy.

The existing site is an open paddock used for grazing, which forms part of a wider set of paddocks which contribute to the generally open character of this part of the Borough.

The development has an urbanising effect and a consequent change in the appreciation of the immediate landscape and closure of the gap as noted above this would cause harm to the existing landscape character.

This part of the gap is generally lacking in development. Buildings are generally small low rise.

The site and its immediate surroundings are very flat and open, meaning that development of even a modest scale would be clearly visible and likely to result in an adverse impact to the visual amenity and character of this important part of the local gap.

The emerging draft policies of the Eastleigh Borough Local Plan 2016-2036 shows the proposed site within an area designated as Countryside and Draft Policy S8 "Protection of countryside gaps", seeks to protect the separate identity of settlements and preserve countryside gaps. The draft policy states that development which physically or visually diminishes the gap or has an urbanising effect detrimental to the openness of the gap, the character of the countryside or the separate identity of the adjoining settlements will not be permitted. Proposals for development within gaps will also be assessed against other relevant policies but will be resisted where this approach is not met.

Similarly, Draft Policy DM1 "General criteria for new development", recognises the need to protect the countryside by stating:

“All new development should... not have an unacceptable impact on, and where possible should enhance... the character and appearance of... the countryside.”

Draft Policy S8 “Countryside Gaps” seeks to maintain the separate identity of settlements and maintain separation, and to prevent development that visually diminishes gaps and to limit urbanisation.

Draft Policy DM36 “New and Enhanced Recreation and Open Space Facilities” states that the extension of private recreation facilities will only be permitted (ii, b) that cause urbanisation or detract from the rural character. Para 5.155 states that while equine uses may be acceptable in the countryside, they can have substantial visual impacts, e.g. from buildings and other infrastructure such as floodlighting. This policy and the other policies of this plan are designed to limit and mitigate these impacts.

It is recognised that the weight to be given to these draft policies is less than those which are adopted and saved, as outlined previously. However, these policies demonstrate the Borough Council’s continued resolve to protect the character of the area, to direct development to more appropriate parts of the borough, and to secure appropriate mitigation arising from the impacts of the development and the increased demand for facilities and recreation. Furthermore, they can likewise be shown to be aligned with the policies in the NPPF.

Material considerations – need and uses being carried out

As referenced above, the function of the Strategic Gap is to protect the identity of the settlements to retain relatively undeveloped countryside between each settlement. The site is not farmland as it does not form part of an agricultural holding but is countryside that is used for the grazing of horses. The grazing of horses is not an agricultural activity in planning terms. If the applicant did not graze horses on the land it would remain as countryside. The LPA believe it is reasonable to protect the character of this area through actively controlling the scale of development on this site. Saved policy 2.CO seeks to protect the important countryside that is allocated as a strategic gap and the supporting text to this policy (para 1.5) advises “Development that would otherwise be acceptable for agricultural or recreational purposes, might have to be directed outside of these gaps if the key objective of these gaps is to be safeguarded”. From the supporting text it is evident care must be taken to protect the land within a strategic gap from erosion as a result of the addition of buildings, and additional built form falls into this category. In fact, even buildings justified in association with an agricultural business are encouraged outside of the gaps. In this instance, the applicant’s desire to provide safe and dry storage for hay has been considered previously and a building permitted of a size that was considered not to cause demonstrable harm to the character of the area or the function of the Gap. The presence of large structures opposite the site is further reason to restrict the size and location of development on this site in the light of the policy requirements.

The applicant has not sought to justify the size of the extension based on the size of the site but has simply suggested it is “needed”. In the absence of a strong justification from the applicant and with the aforementioned policy constraints, a stable of the (unauthorised) size seems unreasonable in this location. It is accepted that this is a subjective decision, but it is one formed taking in to account all material considerations. As part of determining the retrospective application, and for the benefit of the file, the applicant was requested to submit information and reasoning/justification for the additional storage capacity at the stables over and above what was permitted in 2006. The applicant set out how the new (unauthorised) first floor of the stables would be used, as follows:

- 60-100 bales of hay
- Straw bales
- Tack
- Grass seed
- Fencing equipment

- Horse feed.

The applicant set out how the stables (ground floor) would be used, as follows:

- Loose box 1 – no change
- Stable 2 – becomes a loose box
- Stable 3 – becomes for fencing equipment: 100 posts; boxes of nails; boxes of staples; rolls of wire; rolls of barbed wire; electric fencing
- Stable 4 – becomes for horse feed
- Tack room – presume no change (tack being saddles; bridles; lunging tack; harnesses; rugs and first aid equipment).

The applicant was also requested to submit information for the use of the hay barn located to the north (which under Condition 6 of the hay barn planning permission restricts the building solely for the storage of hay). It is noted that the layout of the hay barn is either currently for, or would be for, the storage of the following:

- Bales of hay cut off field
- Tractor and trailer
- Fencing equipment
- Second trailer
- 2x horse traps
- Quad bike
- Tractor attachments – topper, whamper, forks, buckets, chain arrows.

Conclusion

With respect to the above information regarding the scale of unauthorised development and the current use of the stables and hay barn, concern is had with the proposals to extend the stable block which cannot be overcome with design alterations. The physical and visual impact of that proposed upon the strategic gap and the visual amenity and landscape character of the countryside in this location would be contrary to the requirements of adopted (saved) and emerging policy.

Climate Change:

National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the environment. The Climate Change and Environmental implications of this application and their proposed mitigations have been considered.

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:

Recommendation:

PERMIT ☐**REFUSE** ☒

Refused under saved policies 2.CO; 11.CO; 18.CO; 59.BE; 154.OS

Refused under draft policies S1, S7, S8, DM1, DM18, DM36

The proposed development by virtue of its siting, massing, height and design will result in an unduly prominent and visually intrusive built form, which would be detrimental to and out of keeping with the character of the surrounding landscape and strategic gap setting. The proposals are therefore considered contrary to saved Policies 2.CO; 11.CO; 18.CO; 59.BE and 154.OS of the Eastleigh Borough Local Plan Review (2001-2011), and Policies S1, S7, S8, DM1, DM18 and DM36 of the draft Eastleigh Borough Local Plan 2016-2036.