

DELEGATED OFFICER REPORT

Application Ref: V/25/99685
Site Address: LINCOLNS FARM, BOYATT LANE, EASTLEIGH, SO50 4LJ
Case Officer: Gregg Chapman
Description: Permission in Principle for the Erection of a minimum of 1 no. bungalow and a maximum of 2 no. bunaglows.

Particular Site Constraints?	Yes ☒	No ☐
Outside (but adjacent to) Urban Edge Outside (but adjacent to) Local Gap Outside (but adjacent to) Pitmore Copse/Pitmore Gulley Copse SINC and Ancient Woodland Great Crested Newt Red Zone		

Planning History?	Yes ☒	No ☐
Z/31511/001/00 - Outline: Residential development - Refused 15/3/1994 and dismissed at appeal (APP/W1715/A/94/237022 and APP/W1715/A/94/236214) O/15/77009 - Outline permission for the erection of two, three bedroom dwellings with associated carports and access. The matters for consideration were access, layout, and scale. Refused, 25 November 2015. Appeal Dismissed, 10 October 2016.		
1. The proposal represents an inappropriate and unjustified form of development beyond the built up area which will cause an urbanising impact on the designated countryside, will physically and visually diminish the Local Gap between Boyatt Wood, Otterbourne Hill, and Allbrook and will irreversibly alter the intrinsic character of the landscape. As such the proposal is contrary to saved policies 3.CO, 18.CO, and 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) and emerging policies S9 and DM1 of the Submitted Eastleigh Borough Local Plan (2011-2029). 2. The proposed development due to its nature, siting, design, massing, scale and materials would represent an undesirable intrusion into an area of countryside and would have a significant urbanising impact, visually and physically, on the character and appearance of the immediate locality, diminishing the open character of the land contrary to saved policy 59.BE of the Eastleigh Borough Local Plan Review [2001-2011], and Policy DM1 of the Submitted Eastleigh Borough Local Plan 2011-2029 (July 2014). 3. The application site and its surroundings is considered to have the potential to be suitable habitat for protected species. Insufficient evidence has been provided to demonstrate that the proposed development will not have any adverse impact upon protected species or local biodiversity. As such the application is considered to be contrary to saved Policy 25.NC of the Eastleigh Borough Local Plan Review (2011-2011), Policy DM9 of the Submitted Eastleigh Borough Local Plan 2011-2029 and paragraph 118 of the National Planning Policy Framework. 4. Insufficient evidence has been provided to demonstrate that the proposed development will not have any adverse impact on the River Itchen SAC or the SINC network . As such the application is considered to be contrary to saved Policy 25.NC of the Eastleigh Borough Local Plan Review (2011-2011), Policy DM9 of the Submitted Eastleigh Borough Local Plan 2011-2029 and paragraph 118 of the National Planning Policy Framework. 5. The proposal fails to make contributions towards the provision of essential off-site open space works, community infrastructure or sustainable transport, the need for which will increase as a direct result of the development proposed. The proposals are therefore contrary to Saved Policies 101.T, 147.OS & 191.IN of Eastleigh Borough Local Plan Review [2001-2011], emerging policies DM23, DM32, DM35, and DM37 of		

the Submitted Eastleigh Borough Local Plan [2011-2029], and Planning Obligations: Supplementary Planning Guidance [adopted July 2008].

The subsequent appeal was dismissed. The council withdrew from reason for refusal 5 (contributions) due to changes in Planning Practice Guidance. The Inspector in dismissing the appeal upheld the harm identified in reasons for refusal 1 and 2 related to the character and appearance of the area, but did not find harm to biodiversity or to the River Itchen SAC (reasons 3 and 4).

Publicity:	Letters ☒	Site Notice ☒	Newspaper ☐
Representations:	9 Letters – Objection • Land provides important biodiversity and ecological value, acting as a buffer between ancient woodland (Pitmore Copse) and built development, supporting species such as grass snakes, slow worms, owls, bats, stag beetles, deer, hedgehogs, and foxes. • Development would harm the ecosystem, remove undisturbed grassland, and adversely affect the mineral-rich soils vital for biodiversity adjacent to ancient woodland. • Proposed build area appears too constrained to accommodate dwellings, access, drainage, and turning space without encroaching on root protection areas of ancient woodland and mature oaks. • Site lies within a designated Local Gap separating Allbrook from Boyatt Wood; development would cause visual and physical erosion of this gap and harm local landscape character. • Previous refusals and dismissed appeals found development here would cause harm to character, appearance, and the Local Gap; those reasons remain relevant. • Boyatt Lane is a narrow, part-single-track, no-through road with no footpaths, heavily used by pedestrians, cyclists, horse riders, and children; additional traffic would increase safety risks. • No turning head is available to accommodate fire appliances as required by Building Regulations; provision on-site would require loss of mature trees and change to rural character. • Lane already suffers from congestion and on-road parking pressures due to limited parking for Maypole Villas; new dwellings would worsen these issues and hinder emergency and refuse vehicle access. • Drainage and sewer systems are already inadequate, frequently overwhelmed, and prone to flooding; development would increase surface water runoff and exacerbate existing problems. • High likelihood that site's mixed clay and sand geology with high water table would make infiltration unviable; connecting to mains sewer would be technically difficult, costly, and potentially require pumping. • Potential impact on nutrient levels and hydrology within the River Itchen SAC chalk stream catchment. • Loss of well-used recreational route and rural views enjoyed by the community for walking, cycling, and horse riding. • Risk to mature high-quality oak trees (T4, T5, T7) and other trees within/adjacent to the site from construction and domestic garden pressures.		

	• Encroachment on wildlife corridors and risk to protected species including bats, reptiles, and amphibians; no clear mitigation proposed. • Removal of trees to facilitate development would reduce air quality benefits and harm visual amenity. • Construction traffic would cause safety hazards and disturbance to residents, particularly children playing in the lane. • Proposal would introduce a built form inconsistent with the modest, fine-grain pattern of surrounding development, resulting in visual intrusion and loss of open character. • No demonstrable public benefit to outweigh identified environmental, amenity, and infrastructure harms.
Parish Council:	No response received.
Ecology	Objection, in principle due to the site's immediate proximity to ancient woodland (Pitmore Copse/Pitmore Gully Copse SINC, linked to Lincolns Copse SINC) and associated habitats for protected species including great crested newts, reptiles, bats, dormice, badgers, hedgehogs and nesting birds. No Ecological Impact Assessment, protected species surveys or Biodiversity Net Gain documents have been submitted. The proposed layout fails to provide an adequate development-free buffer, with domestic gardens abutting the woodland edge, contrary to government standing advice and Local Plan Policy DM11, which requires buffers of at least 20 m to protect irreplaceable habitats from root damage, recreational pressure and light pollution.
Trees	The site is located in a semi-rural area and contains a number of significant trees. The arboricultural information provided establishes what is present, but does not assess the impact of any proposal. Whilst we have no objection in principle to the use of the area of land uninfluenced by the rooting zones of the trees, we are not confident that two dwellings can be achieved without unacceptable impact – the indicative layout relies on the rooting zones to be utilised as private amenity space and the dominance of the trees to the rear would be a concern. We feel that there is a better layout for a single dwelling further away from the A category trees to the rear of the site.
HCC Highways	No in principle objection.

Site Visit:	Yes ☒	No ☐
Details: 12/08/2025		

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, S3, S5, S9 and S11; and Development Management policies DM1, DM2, DM11, DM13, and DM14. Supplementary Planning Documents: Quality Places; Residential Parking Standards.

Assessment:
The key issues for consideration are;

i.	Background
ii.	Location A) Principle of Development B) Character and Appearance of the Area C) Highways D) Ecology and Biodiversity E) Trees F) Flood Risk and Drainage G) Accessibility
iii.	Land Use H) Contamination/Pollution I) Amenity of Existing and Proposed Residents
iv.	Amount of Development J) Minimum 1 Maximum 2 Dwellings
v.	Other Material Considerations/Other Matters K) Climate Change L) Equalities Implications
vi	Planning Balance and Conclusion

i) Background

On 1 June 2018 a new route for obtaining planning permission via an application became available for most small, housing-led developments: an application for Permission in Principle (PIP) followed by an application for Technical Details Consent (TDC).

A PIP application cannot be a development that is major, household, habitats or Schedule 1 EIA development.

The scope of any PIP, and therefore consideration of it, is limited to location, land use and amount of development; conditions cannot be imposed.

ii) Location

A) Principle of Development

Policy S5 of the Eastleigh Borough Local Plan 2016-2036 (EBLP) identifies that a limited range of development is supported in the countryside. The proposed scheme would not meet these criteria.

Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) is a material consideration in planning decisions

The Council cannot currently demonstrate a five year supply of housing. In such a scenario the NPPF defines that the policies that relate to the supply of housing are out of date. The NPPF also advises that permission should be granted unless policies in the NPPF that protect assets of particular importance (including habitats sites as discussed below) provide a strong reason for refusal, or the adverse impacts of the development would significantly and demonstrably outweigh the benefits ('tilted balance').

The weight to be attributed to policies that restrict the supply of housing (including policy S5) is therefore reduced. The NPPF does not prescribe how much weight should be given to "out of date" policies. This is a matter of planning judgement based upon the

extent to which the policies are consistent with the NPPF, the extent of the shortfall in supply of sites and the action the Council are taking to address it.

Policy S5 is locational, defining the locations where development is in principle allowed for by the EBLP. As above, the proposal conflicts with policy S5. As a matter of fact, the site is located adjacent to the urban edge, and would not, therefore, result in isolated homes within the countryside, which the NPPF seeks to resist.

The NPPF also requires planning decisions to recognise the intrinsic character and beauty of the countryside and for developments to be sympathetic to local character. Policy S5 as well as being locational is also concerned with the impact of proposals on the character of the area.

There is, therefore, consistency between the NPPF and policy S5 in respect of the importance of the character and appearance of the area and countryside.

B) Character and Appearance

Policies S1, S5, and DM1 of the Eastleigh Borough Local Plan 2016–2036 seek to avoid harm to the character and appearance urban and rural areas by requiring development to respect local identity, protect landscape features and views, safeguard the intrinsic character of the countryside, and ensure design is sensitive to its context and surroundings.

The impact of proposed development at the site upon the character and appearance of the area resulted in two reasons for refusal for the 2015 application, which the Inspector subsequently upheld.

In the previous version of Local Plan the application site was in the Boyatt Wood – Otterbourne Hill and Allbrook Local Gap. It is not now. Nevertheless, the assessment of the Inspector at that time remains relevant in respect of the impact that the introduction of built form at the site would have upon the character and appearance of the area/countryside. There has not been significant change to the character of the area in this time.

“The appeal site abuts the plot associated with No 1 Boyatt Crescent and faces a similarly untended field across Boyatt Lane, and, at an angle, a pair of semi-detached properties. Bounded in the main by mature trees and banks of vegetation, to the west and north the site is surrounded by a densely wooded area which I understand is at least in part ancient woodland. By virtue of falling beyond the currently limits of the built form of dwellings comprising Otterbourne Hill, being an undeveloped parcel of land bounded by trees and vegetation, and by connecting with surrounding woodland, in my view the appeal site is clearly in character part of the countryside.”

“...the dwellings would introduce a built form into what is essentially a natural area at present, extend the settlement of Otterbourne Hill towards the A335 and thereby result in a visual and physical reduction of the Local Gap to the detriment of the current landscape character here”

“...the settlements of Chandler’s Ford, Allbrook, Otterbourne Hill and Otterbourne fall within close proximity to one another and that the distinctiveness of each results to a greater or lesser degree from the presence of undeveloped land separating them”
“This is particularly the case in respect of the undeveloped land between the properties comprising Otterbourne Hill and those of Allbrook: such land in my view contributes to the semi-rural character of these settlements, and mitigates the extent to which arterial traffic routes are apparent and visually connect separate settlements by virtue of their form and presence.”

The site is undeveloped land adjacent to the Urban Edge that separates Otterbourne Hill from Allbrook. This land continues to provide a visual and physical buffer between

settlements and contributes meaningfully to the semi-rural character of the area. Development on the site would erode this separation, diminish the area's rural qualities, and result in a harmful intrusion into the countryside. The proposal would be contrary to Policies S1, S5, and DM1 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the NPPF.

It is important to note that detailed considerations of the access, layout and appearance are matters that would be considered at the Technical Details Consent (TDC) stage and as such the details in these respects given by the applicant in the submitted drawings are indicative only. The applicant confirms that these matters would be subject to Technical Details Consent. However, wherever provided along the frontage, a significant element of bank of trees and vegetation marking the boundary between the appeal site and Boyatt Lane would need to be removed to allow for vehicular access. In the dismissed appeal from 2015, the Inspector had found that,

“In itself this access would erode the natural appearance of the appeal site, and would also enable clear views of the dwellings and the apron of associated hardsurfacing to the detriment of its present character.”

In addition, with regard to the then proposed siting of two dwellings the Inspector stated that;

“I appreciate that the dwellings have been located to the rear of the appeal site in order to reduce their visual prominence. However this would be out of keeping with the prevailing arrangement of nearby properties within their plots by virtue of gardens falling to the front and side rather than to the rear. Furthermore, when viewed in conjunction with one another and their associated car ports, in my view the proposal would introduce a stark built form out of keeping with the massing and fine grain pattern of those nearby.”

In response the applicant advises that changes would include;

- a. a reduced scale/extent of development than the previous appeal scheme with bungalows to a reduced footprint/floorspace;
- b. bringing the developable envelope of the site closer towards Boyatt Lane to address the findings of the Inspector (ibid), who opined that the previous location of the houses at the rear of the site was not in-keeping with the prevailing character and appearance of the area;
- c. Increased area retained for mitigation land to the south-west (i.e. a smaller development site / reduced net development area); and

However, the footprint of the dwellings (notwithstanding the previously shown car port) increases from 128 sqm to 196 sqm (as scaled from the submitted plans), although it is acknowledged that bungalow (and thus lower) development is now proposed. The buildings have been (indicatively) shown to only move back by only approximately 80cm (from 8.9 metres to 9.7 metres), and the indicated increased area retained for mitigation land to the south west, through the suggested smaller development site, is instead replaced by the red edge site extending further back (approximately 14 metres) towards the trees now to the rear of the site (with canopies overhanging rear gardens as discussed below presenting concerns for their longevity and future pressure to fell). The developed area (including gardens) would actually increase from 0.091 ha previously shown to 0.105 ha (as scaled from the submitted plan). These changes do not address the previous conclusions of the Council or the Inspector.

The proposal would be contrary to Policies S1, S5, and DM1 of the Eastleigh Borough Local Plan (2016-2036), and the provisions of the NPPF.

C) Highways Matters

Policy DM13 of the Eastleigh Borough Local Plan (2016-2036) requires that development is or could be well served by public transport, cycling and walking and it includes

measures which minimise its impact on the existing highway network. Policy DM14 of requires that an appropriate level of car parking be provided in accordance with the Council's adopted standards. The policy provisions are consistent with the requirements of the NPPF and in particular those of paragraphs 107 and 108.

Vehicular access is proposed from Boyatt Lane at a point where the carriageway is narrower than the remainder of the highway. Access to the dwellings would be via a shared private driveway directly from this section of the lane. The modest increase in vehicle movements associated with up to two additional dwellings is not considered to result in a severe impact on the local highway network. This conclusion is consistent with the Council's assessment of the 2015 application and was not a matter raised as a concern by the Planning Inspector at that time. Detailed matters relating to the design of the access, quantum and layout of vehicle and cycle parking and turning, refuse storage and collection and construction practices could have been satisfactorily addressed through the technical details consent stage or secured by condition (at that stage), had the proposal been acceptable in all other respects.

The indicated amended route of the pedestrian path to the rear of the gardens between the gardens and trees is not considered to be of notable benefit, or harm of the scheme, and weighs neutrally in the planning balance. The route would be more tortuous, running between the gardens and trees, would not be lit, and would be likely be muddy (and not maintained) with associated turns within the confines of the site, instead of such a turn occurring on the highway where the path currently emerges. The highway is not highly trafficked, and leads to a footpath/dead end for vehicular traffic, where use by walkers and cyclists is more prevalent. The length between the permissive path and the public right of way is not considered to be of significant danger, particularly given the presence of a path on the opposite side of the road at this point.

The proposed development demonstrates general compliance with the transport-related provisions of Policies DM13 and DM14 of the EBLP or the NPPF and is not considered to raise any overriding highway safety or access concerns that would justify refusal on these grounds alone.

D) Ecology and Biodiversity

- Protected Species

Policy DM11 requires planning applications, to protect, conserve and enhance all international, national and local nature conservation designations; and networks of natural habitats and features, including the Local Ecological Network, Priority Biodiversity Areas and Priority Biodiversity Links, watercourses, wetland complexes, woodland trees, and trees and hedgerows important to biodiversity and local character; and facilitate their adaptation to climate change wherever possible; and seek a net gain of biodiversity on all development sites.

Protected species and their habitats can be an overriding reason that can effect the principle of a development. The site is adjacent to Ancient Woodland, and a Site of Importance for Nature Conservation, has several trees on site/adjacent to the site, is set to grass, and there is a SINC, and other connected habitats in the near vicinity.

Ecological Survey work was undertaken in 2015. No surveys have been submitted with the current application. The Chartered Institute of Ecology and Environmental Management sets out that surveys are likely to be valid for up to one year, and likely to be invalid beyond three years, with site specific details reflecting the period in between. Survey work here is now 10 years old.

Given the location and characteristics of the site, it is likely provide habitat opportunity to protected species including newts, bats, dormouse, and reptiles.

In the absence of relevant surveys, and thus the absence of evidence of harm to protected species and/or their habitats, the principle of development cannot be established, and the proposal is contrary to policy DM11 of the Eastleigh Borough Local Plan 2016-2036. Whilst National Planning Practice Guidance (NPPG) indicates that such information could be provided at TDC stage, in this instance, it is considered that it could go to the heart of the decision.

- Habitats Development

The site lies within the catchment the River Itchen, which in turn drains to the Solent, which is covered by multiple habitats sites designations. Those identified by Natural England (NE) as directly relevant are the Solent and Southampton Water Special Protection Area (SPA) and Ramsar, the Solent Maritime Special Area of Conservation (SAC), and the Solent and Isle of Wight Lagoons SAC (collectively the 'Solent sites'). The proposed development would support an increase in population, giving rise to increased discharges of waste water, including through runoff.

The designation of the Solent sites relates to the priority habitats and species, including the range of birds, that they support. Where conservation objectives are available, they seek to maintain or restore integrity, including that of qualifying features. Increased discharge of nutrients in waste water would contribute towards harmful eutrophication within the Solent sites, and further harm would be caused by pollutants carried in runoff. This is at odds with the conservation objectives.

National Planning Practice Guidance sets out that PIP must not be granted for development which is habitats development, but can be if a suitable mitigation package is secured;

"Permission in principle must not be granted for development which is habitats development. From 28 December 2018 habitats development means development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as [habitats sites](#) in the National Planning Policy Framework (either alone or in combination with other plans or projects); is not directly connected with or necessary to the management of the site, and; the [competent authority](#) has not given consent, permission, or other authorisation in accordance with [regulation 63 of the Conservation of Habitats and Species Regulations 2017](#). This means for sites where development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigating measures in place, the local planning authority should ensure an appropriate assessment has been undertaken before consideration of the grant of permission in principle. If the local planning authority is satisfied, after taking account of mitigation measures in the appropriate assessment and concluding that the development will not adversely affects the integrity of the protected site, then, subject to compliance with other statutory requirements regarding the permission in principle process, it can grant permission in principle."

The submitted Planning Statement makes reference to a submitted Nutrient Budget Calculator and the intention to submit a Unilateral Undertaking (UU) to achieve nutrient neutrality. A UU has, however, not been provided. Therefore, permitting the scheme would be contrary to the habitat regulations.

The NPPG (as above) sets out that it is not possible for conditions to be attached to a grant of permission in principle. The NPPG also states that when granting PIP to a site, local planning authorities can provide information on the decision notice about what they expect the detailed proposals to include at the TDC stage. This information may include where further impact assessment is needed by the applicant or where a particular scheme of mitigation may be required. However, this would not provide the necessary certainty that an adverse effect on the integrity of the sites would be avoided. There are no detailed mitigation proposals in place as part of the PIP to directly address the likely significant effects upon the European designated sites.

Consequently, in the absence of a mechanism to mitigate the development's impact, it cannot be concluded, beyond reasonable scientific doubt, that there would be no adverse effects on the integrity of the SPA, SAC and RAMSAR designations. As such, the proposed development would constitute habitats development and permission in principle cannot be given for habitats development as it would not comply with Article 5B(1) of the Regulations, and the proposal is contrary to Policy DM11 of the EBLP.

- Biodiversity Net Gain

Permission in Principle is not a grant of planning permission so the mandatory biodiversity gain requirement does not apply. However, the subsequent technical details consent (as a grant of planning permission) would be subject to the 10% mandatory biodiversity gain condition.

F) Flood Risk and Drainage

The site is not itself in an area of increased flood risk, although areas near to it are. Site drainage would, therefore be of importance. Policies DM3 and DM6 of the Eastleigh Borough Local Plan (2016-2036) stipulate that new development must provide sustainable drainage systems (SuDs) wherever feasible, naturalised filtration should also be included. Should the development have been considered acceptable in other regards details so as to demonstrate compliance with policies DM3 and DM6 could have been considered at the TDC stage, and is not considered to provide an overriding reason so as to justify refusal.

Third parties raise concern with regard to the adequacy of the sewer system. Pre-existing problems are not the responsibility of an applicant. The Statutory Undertaker has a legal obligation to maintain their network, and to allow new connections to it.

G) Accessibility

The site is outside (although adjacent to) the urban edge, outside an existing settlement and is not particularly well served by public transport, is not on an adopted cycle route and the closest train station is either in Eastleigh Town Centre, a considerable distance away. The distance from key facilities such as schools, doctors, Bank and Post Office does not accord with the guidance set out in the Council's Quality Places SPD, 'Site Accessibility', p4-5. Overall the site is therefore not considered to be in a sustainable location. However, with the dismissed appeal, the Planning Inspector concluded that... *"the area is comparatively well served by services and facilities catering for day-to-day needs which fall within a reasonably convenient walking distance including bus services, a post office, shops and a school."*

H) Trees

Policy DM1 of the EBLP seeks to ensure that proposals do not involve harm to trees. The Council Quality Places SPD states that, *"Large trees may cast significant shade. This can make smaller private gardens or living rooms unacceptably dark which in turn will lead to significant pressure to reduce or remove the trees;"* and as a consequence, that garden sizes would need to increase where excessive shading renders significant areas of the garden unusable due to trees.

The depth of the site has been increased from the 2015 scheme where the Inspector had raised concern at the lack of rear gardens and oddity of front/side gardens then proposed. The current scheme (indicatively) shows the proposed two dwellings extending up to the root protection areas. The majority of the gardens would be under the canopy of these trees, rendering the garden areas unusable, unacceptably dark, and will result in significant pressure to reduce or remove the trees.

The proposals would result in unusable gardens and future potential pressure to remove trees and are contrary to policy DM1 of the EBLP and the Quality Places SPD.

iii) Land Use

H) Contamination/Pollution

Policy DM8 states that development susceptible to pollution (including air or water, noise or vibration, light intrusion or land contamination) will not be permitted where it will be adversely affected by such pollution, unless measures can be taken that adequately mitigate the polluting effects. Or where it would inhibit existing economic or other activities giving rise to acceptable polluting effects. There are no known contamination issues at the site. It is considered that such matters could be addressed at the Technical Details Stage, if permission were otherwise recommended.

I) Amenity

Policy DM1 of the Eastleigh Borough Local Plan 2016–2036 requires that all new development should avoid having an unacceptable impact on the residential amenities of both new and existing residents, and should, where possible, enhance them.

While the proposal is not supported in principle due to other overriding constraints, it is noted that from a land use perspective, the site is of a sufficient size and spaced from its neighbours to accommodate one or two dwellings without significant amenity impacts. Subject to an appropriate layout, scale, and window positioning at the Technical Details Consent stage, there is scope to design a scheme that avoids overlooking, overbearing relationships, or loss of light to neighbouring properties and provides a suitable living environment for future occupants. Accordingly, the proposed residential use would not raise in-principle concerns regarding amenity.

iv) Amount of Development

J) Minimum of one and a maximum of two dwellings

The proposed amount of development, being a minimum of 1 and a maximum of 2 dwellings, could potentially be accommodated on a site of this size. However, the acceptability of the amount must also be considered in the context of the site's constraints and its contribution to local character. In this case, the site's sensitive location—adjacent to ancient woodland, a Site of Importance for Nature Conservation, and outside the defined urban edge—combined with the resulting harmful impact on the character and appearance of the countryside, trees, and unresolved ecology concerns, represent significant constraints. These factors weigh heavily against the principle of development. Accordingly, while the amount of development may be numerically appropriate, the site is not suitable for residential development.

v) Other Matters

K) 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.

L) 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

vi) Planning Balance and Conclusion

Paragraph 11 of the NPPF, in the context of the presumption in favour of sustainable development, where the Council cannot currently deliver a five year supply of sites, indicates that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed [11(d)(i)], or the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits [11(d)(ii)]. Habitat sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), fall within those protected assets listed in footnote 7 of the Framework, and are relevant.

The NPPF seeks to significantly boost the supply of housing. The proposal would provide a modest contribution of one or two dwellings on a small site in a moderately accessible location close to services. The accessible location of the site would, in broad terms, comply with paragraph 110 of the NPPF, that seeks to limit the need to travel and offer people a genuine choice of transport modes. There would also be some economic benefits during the construction phase when the development would provide jobs and opportunities for local companies and once occupied when future residents would support services in local settlements. This is of modest further weight.

These benefits are significantly and demonstrably outweighed by the harms identified. The proposal conflicts with Policy S5, which seeks to restrict development in the countryside outside of designated settlement boundaries. Although the weight given to locational element of policy S5 is reduced due to the Council's current housing land supply position, the proposal also directly conflicts with Policy DM1, which seeks high-quality development that is well-designed, responds to local context, and protects the character of the area. Both policies are consistent with the NPPF requirement to recognise the intrinsic character and beauty of the countryside and ensure development is sympathetic to local character and setting. The introduction of built form on this undeveloped site would result in a harmful urbanising effect on the countryside, eroding the physical and visual separation between settlements and diminishing the semi-rural character of the area.

Full weight is also given to the conflict with Policy DM11, which aligns with paragraph 180 of the Framework and requires that significant harm to biodiversity be avoided, mitigated, or, as a last resort, compensated. No up-to-date ecological surveys have been submitted, despite the site's proximity to Ancient Woodland, a Site of Importance for Nature Conservation (SINC), and likely habitat for protected species. In the absence of such

evidence, it is not possible to conclude that the proposal would avoid significant harm to biodiversity.

The site lies within the catchment of the Solent designated habitat sites. In the absence of a completed Unilateral Undertaking or secured mitigation to ensure nutrient neutrality, it cannot be concluded beyond reasonable scientific doubt that the development would avoid adverse effects on the integrity of those sites. The proposal must therefore be regarded as habitats development for which permission in principle cannot lawfully be granted, in accordance with Article 5B(1) of the Conservation of Habitats and Species Regulations 2017. This conflict provides a clear reason for refusal under paragraph 11(d)(i) of the Framework and disapplies the presumption in favour of sustainable development.

The adverse impacts of the development—including demonstrable harm to countryside character, unresolved impacts on biodiversity, unlawful habitats development, and poor site layout in relation to trees—significantly and demonstrably outweigh the benefits. The application of policies in the Framework that protect areas of particular importance provides a clear reason for refusal. Accordingly, permission in principle is refused.

Conclusion:		
Recommendation:	PERMIT ☐	REFUSE ☒
Comments ...		