

APPEAL AGAINST THE DECISION OF

EASTLEIGH BOROUGH COUNCIL

TO REFUSE

FULL PLANNING APPLICATION

**The erection of a dwelling to replace an
existing mobile
Home**

**At
THE LOG CABIN, HILLVIEW MANOR PARK,
WINCHESTER ROAD, FAIR OAK, EASTLEIGH,
SO50 7HD**

APPELLANT'S WRITTEN STATEMENT

August 2025

Prepared by

 **Mark Simmonds**
PLANNING SERVICES

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1. INTRODUCTION

1.1. This appeal arises out of the refusal of full planning application, application number F/24/97740 on the 28th of February 2025 (The application), by Eastleigh Borough Council (The Council/LPA) under officer delegation.

1.2. The appeal is being submitted on behalf of Mr Wayne Stead (WPS Developments) (The Appellant).

1.3. The application was refused for the following reasons:

1. The proposed development by reason of its siting, scale and massing would have a significant and unacceptable visual and physical impact upon its surroundings and would result in an inappropriate and unjustified new dwelling within an area of designated countryside, to the detriment of the character and appearance of the locality. The application is, therefore, contrary to Policies S5, DM1 & DM26 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.

2. Insufficient information has been provided to demonstrate that the proposal would not have a detrimental impact on reptiles, which are a protected species. The application is, therefore, contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.

1.4. This written statement sets out the Appellant's case in response to the refusal, including the main issues raised and the application's merits, physical and policy contexts including the NPPF to explain why it is considered that the appeal should be allowed.

2. SITE HISTORY & BACKGROUND

- 2.1 The relevant site history is considered to be as follows:

Application site

F/23/95179 - Erection of 1no. five bedroom dwelling following removal of the mobile home – Refused (July 2023)

F/17/80565 - Erection of 1 no. detached 3 bed dwelling, following the removal of mobile home and change of use of open countryside to the north and east to residential domestic curtilage – Refused (October 2017) & dismissed on appeal (September 2018)

U/13/73559 - Certificate of Lawfulness for existing use: Siting of mobile home for residential purposes – Allowed on Appeal (March 2015)

Other related applications on the wider site

F/23/95180 - Change of use of land for the stationing of 14no. caravan compliant lodges to be used as holiday accommodation and associated infrastructure – Refused (August 2023)

F/23/95181 - Change of use of land for 10no. residential lodges – Refused (September 2023)

- 2.2 So as not to repeat information, the Inspector is asked to consider the submitted Design and Access Statement for further information on the background and proposal.

3. THE PROPOSAL

- 3.1. The planning application sought to obtain permission for the erection of one modest dwelling which would replace the existing caravan compliant residential unit on the site. The planning history for the site has been taken into account and the dwelling was designed so as to respect and enhance the open countryside. The appeal proposal was a revised application following a refusal under reference F/23/95179. This dwelling represents a significantly reduced dwelling in scale and massing and represents a more organic design which is considered far more representative of the rural nature of the area, compared to the first refusal.

- 3.2. The design was also considered to reflect the key characteristics of the unit it is to replace, therefore resulting in a visual betterment which reflects the previous residential unit.
- 3.3. The site does not lie within a designated character area or Conservation Area and there are no Listed Buildings nearby. It is noted that there is a protected area of woodland near to the site, however as the dwelling has been designed to largely sit on the existing footprint of the existing residential unit and its curtilage, there are no increased impacts on the woodland nor the surrounding area.
- 3.4. The replacement dwelling was submitted alongside a further application for the expansion of the lodge park. The expansion features on the land associated with and adjoining the dwelling site. The replacement becomes a corner feature to the proposed expansion and would be viewed as such. The initial application for the expansion to the lodge park was refused (as detailed in the planning history), however it will shortly be resubmitted with additional technical reports to support the proposal.
- 3.5. The Inspector is asked to note that the replacement dwelling is required for the applicant who shall be acting as the site manager for the whole of the site, therefore it is not for sale on the open market but to facilitate the continued management of the site and in particular the proposed expansion of the tourism site.

4.0 **PLANNING POLICY**

National Planning Policy Framework (12 December 2024)

- 4.1 The newly revised National Planning Policy Framework (“the NPPF”) is the foremost guidance for Local Planning Authorities. It sets out Central Government’s planning policies for England and how these are expected to be applied.
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Paragraphs 7 and 8 define the commitment to sustainable development based on three dimensions:

The purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection.

4.3. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and;

c) an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

4.4 Paragraph 11 states that for 'plan making' this means:

Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

4.5 **Flood risk:** Paragraphs 165 – 180 makes it clear that development should be steered away from areas at high risk of flooding, as this site is within FZ1 it is a preferable location for the Appealed development.

4.6 Framework conclusions - The Inspector is asked to consider that the proposals are clearly compliant with this national guidance in respect of sustainable development and provides a type of affordable accommodation which is in need in the community. The site is also within Flood Zone 1, which is the preferable location for development.

4.7 **Local Plan Policy**

The Eastleigh Borough Local Plan 2016-2036

The most relevant policies are considered to be:

Strategic policies S1 and S2; and

Development Management policies DM1, DM2, DM11, DM14, DM26, DM29 and DM30.

Supplementary Planning Documents:

Quality Places;

Residential Parking Standards;

Character Area Appraisals.

Principle of Development

4.8 The Inspector is again asked to consider the proposal details contained within the Design and Access Statement, but pertinent details are highlighted here.

4.9 Local Plan Policy S5 states planning permission will be granted for new development in the countryside provided it is related to: ... residential extensions and replacement buildings. The site benefits from an existing lodge style dwelling with a patio and other domestic paraphernalia; its lawfulness was confirmed by a Lawful Development Certificate granted on appeal under planning reference U/13/73559. The Appeal decision for this matter is appended to this report. The Inspector is asked to consider that the proposed design and scale of the replacement dwelling is a betterment to the existing permanent 'make-shift' dwelling and due to the rural design characteristics, it would not have an urbanising effect nor be detrimental to the character of the countryside. Below is a photograph of the unit on site.

4.10 The Council has maintained a very strict view of the existing unit on site as being a 'caravan', however it the appellants case that the 'mobility' of this extensive unit is questionable as well as its overall conformity to the Caravans Act legislation. The use of the unit, the locating of the unit, the build of the unit and its mobility is key to a unit's conformity to the legislation. It is the appellants case that the Lodge, although confirms to the standard double unit sizing is in fact more permanent than a Caravan Act

compliant unit. There are sufficient characteristics of permanency for this unit for it to be considered building operations.

4.11 The Inspector is asked to note the photographic images provided within the Design and Access Statement which show the 'caravan' in question. The Lodge has features which make the unit permanent, for example it has a built balcony/veranda with access steps and is connected to the mains. The unit has been a sole residency and not ancillary and has acted as an independent planning unit with bills and registration for Council tax.

4.12 The Inspector is asked to consider that this residential unit, which is to be replaced, is not a 'use of land' and does not conform to the Caravans Act (Caravan Sites and Control Development Act 1960 and the Caravan Sites Act 1968) in that it has such a degree of permanency that it is a building operation in its own right requiring planning permission. The Caravan Sites and Control of Development Act 1960, defines a caravan as "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted." On this basis the unit which is being replaced by the dwelling, represents far more than a 'caravan' and has a degree of permanency and lack of mobility. The LDC for this structure technically allows a permanent dwelling in the open countryside with no apparent restrictions and this appeal proposal is for its replacement.

4.13 Although it is acknowledged that each case must be assessed on its own merits, the principle of replacing a permanent caravan structure with a modest dwelling has been approved by Inspectors on other occasions in the open countryside. Appended to this appeal statement for consideration is:

* Appeal Ref: APP/H0738/W/19/3242788 Follyfoot Banks, Calf Fallow Lane, Norton TS20 1PF

* Appeal Ref: APP/J9497/W/21/3271294 Spindles Land, Rew Road, Ashburton TQ13 7EJ

* Appeal Ref: APP/H1840/W/23/3319304 Lea Haven, Mill Lane, Drakes Broughton, Worcestershire, WR10 2AF

5.0 Reasons for Refusal

5.1 Reason for Refusal 1:

The proposed development by reason of its siting, scale and massing would have a significant and unacceptable visual and physical impact upon its surroundings and would result in an inappropriate and unjustified new dwelling within an area of designated countryside, to the detriment of the character and appearance of the locality. The application is, therefore, contrary to Policies S5, DM1 & DM26 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.

In addition to the points already raised the Appellant wishes to raise the following points in addressing the reason for refusal:

5.1.1 The Framework places an emphasis on supporting the rural community and rural business ventures. Paragraph 85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

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driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

5.1.2 The Appellant is attempting to move the park forward and invest in the site in order to bring it up to standards required for high quality tourism. Applications for improvements and expansion of the tourism has been made to the Council and following a refusal a re-application has been worked on to address all technical concerns. The previous manager of the park has, since the refusal, unfortunately passed away. This has further emphasised the need for a much-needed upgrade to the accommodation as the appellant now, more than ever, needs to take over the running of the site and the hopeful improvements. The appellant wishes to continue the legacy of Mr Barney, however, to meet the needs of his family would require a vast improvement to the existing managers accommodation. The replacement with a high-quality dwelling would not only improve on the current accommodation visually, but also provide a more traditional home for the site manager and his family whom would have to relocate from rural Lincolnshire to manage the site.

5.1.3 In terms of the impacts upon the countryside location, great efforts have been made to design a very modest dwelling which largely sits on the footprint of the current developed site. Although on a larger scale its design and mass are not considered to result in an overly dominant building and on balance, would not have a greater physical and visual presence than the existing chalet lodge. The materials proposed are considered to be sympathetic to the rural setting and would be a visual improvement to the rather poor-quality build in place.

5.1.4 The Inspector is respectfully asked to consider that the appellant has provided a unique and innovative design of dwelling which matches the height of the current lodge chalet but incorporates interested smaller elements which are enhanced by natural materials and a natural green roof. These elements are considered to complement the location rather than detract from the open rural nature.

5.1.5 Policy DM1 requires development to take full and proper account of the context of the site including the character, appearance of the locality, and be well integrated with these (in terms of mass, scale, materials, layout, density, design and siting), both in itself and in relation to adjoining buildings, spaces and views. It is noted that the Council

is of the opinion that the location of the dwelling is more visually prominent in terms of views from Winchester Road. The appellant asks the Inspector to give more weight to the visual improvement of the replacement and that on balance the views from Winchester Road as actually rather limited. The appellant is attempting to bring improvements to the site and expand the tourism element in the spirit of the Framework which encourages the growth of rural business. The new managers accommodation would be read against the backdrop of a tourism site rather than an isolated dwelling in the open countryside. Its design heavily reflects the traditional elements of tourism accommodation rather than the usual 'brick', 'tile' and 'mortar' dwelling. It would not 'stand out' as a traditional family dwelling but would assimilate into the tourism element of the site and therefore would not be immediately read as a separate independent home but as a managers dwelling. The Inspector is asked to consider that not only would a technical condition tie the unit for the manager of the site alone, but that visually it would also appear as an equivalent feature and would not be a discordant or out of character addition to the site.

5.1.6 There are no impacts on amenity nor on the highway and on the basis of the sensitive design and the betterment proposed in replacing the existing poor quality managers accommodation, the Inspector is respectfully asked to consider the benefits of the proposal which outweigh any negative impacts on the designated landscape character.

5.2 Reason for refusal 2:

02. Insufficient information has been provided to demonstrate that the proposal would not have a detrimental impact on reptiles, which are a protected species. The application is, therefore, contrary to Policy DM11 of the Eastleigh Borough Local Plan (2016-2036) and provisions within the National Planning Policy Framework.

5.2.1 The Appellant commissioned a detailed PEA assessment which accompanied the application and now this appeal. Messrs Weddles carried out a detailed investigation of the site and their report addresses Reptiles at a number of points, in particular:

3.1.8 Reptiles

An assessment of the onsite habitats was undertaken in order to evaluate the suitability of the habitats to support either episodically occurring or resident populations of reptiles. Habitats such as grasslands, heathland, dunes, brownfields, golf courses are all considered suitable, as are sites featuring a mosaic of habitats with south facing slopes or decreased levels of disturbance. Reptiles can be highly dispersive, so an assessment is also made of the suitability of the connective habitat to additional optimal habitats.

4.5.9 Reptiles

HBIC provided 10 relevant records across 3 species within the 2km search area. The nearest record was for Grass Snake (Natrix helvetica), from 2020, located approximately 0.59km southeast of the application site.

Although Grass Snake are present in the local area, the prevalence of nearby ponds and ditches and the lack of water onsite makes any regular use of the application site unlikely. Whilst the site does offer some limited suitability for overwintering reptiles in the form of scrub, log piles, leaf litter and artificial refugia, it is likely that the site is only intermittently used by individuals.

5.2.2 Also at page 46 of the report, it details a number of ecological enhancement opportunities which includes: “Wood pile habitats should be provided for overwintering amphibians and reptiles, ideally located within existing retained areas of mature vegetation and within the understorey of thickets of mature scrub habitats.”

5.2.3 The Appellant feels that the protection of Reptiles has been sufficiently considered and mitigated in the PEA which was undertaken by professional Ecologists who surveyed the site in detail. Messrs Weddles were also asked to comment directly on this reason for refusal and the protection of reptiles, and they confirmed that from their survey a separate Reptile was not required. However, if the Inspector feels that the detailed PEA provided does not sufficiently demonstrate that there would be not detrimental impacts to Reptiles, then a pre-commencement condition to provide this additional detail would be welcomed to overcome this reason for refusal.

6.0 Conclusions

- 6.1 The appellant respectfully asks the Inspector to consider the benefits of the proposal and the appellants overall attempts to bring improvements and investment to the site. There are no unacceptable adverse impacts in terms of flood risk, highways or amenity and the Inspector is asked to consider that any impacts on the landscape have been mitigated through sensitive design principles. The appellant requires an improvement to the current managers accommodation and a condition to tie the dwelling to the business would ensure that it would not be an open market dwelling opportunity.
- 6.2 The Inspector is respectfully asked to consider the appellants case as set out here and in the original submission and give more weight to the benefits and lack of any unacceptable harm to the open countryside and allow the appeal.