

AGENTS RESPONSE TO THE LPA'S STATEMENT OF CASE

PINS REF: APP/W1715/W/25/3365615

LPA REF: H/24/98637

This statement has been prepared in response to the statement of case provided by Eastleigh Borough Council, with regard to their defence of their planning committees likely resolution to have refused the planning application for Barn Court, had they retained the authority to do so.

What is disappointing is that the LPA recommended this for approval, and worked with the appellant and agent over the course of six months to ensure they had all the information required to present to the committee, and are now presenting this statement in defence of the committees' decision. It is still considered that the committee decision was based on suspicion and incorrect assumptions. The LPA are now raising matters not previously raised or considered to offer any material harm, and these matters are unlikely to have been the words of the committee members.

The committee members have since been on site, although they were there for another reason, and may have made a better judgement had they done so in relation to this application (at any time in the 6 months it took for them to decide), rather than to look at some small sheds. The application for the insignificant sheds has also been called before the planning committee, once again by the chair and vice chair of the committee, who do not excuse themselves from the vote, despite an objecting call-in.

Looking in detail at the LPA statement of case, the following comments are made, numbered in accordance with their paragraphs.

4.2

Reference is made to the previous application, which concerned the garden store as originally proposed. The LPA state *"Floor plans for this application also show only an area labelled "garden store", with no indication as to the installation of a kitchen area or shower room"* and *"Had the LPA known about the introduction of such facilities for a residential use, concern would have been raised as this domestication starts to create an independent living unit as opposed to the approved garden store."* Once again, the LPA are suggesting that there was never a plan for the garden store to be used as proposed. So, to reiterate, and as referred to in the committee minutes, the applicant intended to provide a garden store for his wife and her flower arranging projects. His wife then unexpectedly passed away. Throughout the statement, and echoed at the committee meetings, it is implied the applicant had ulterior motives when applying for permission to erect the building.

6.3

The conversion of the building to facilitate the proposed use had commenced, however after discussion with the planning agent, the applicant immediately made the correct application to the LPA when considering that the use may require permission. Any internal fittings to the structure are not deemed to be development, and since applying for permission, no residential use has been implemented.

The LPA claim there has been a level of vagueness about the proposed occupier. This is far from the truth. It had always been established that the occupation would be ancillary to the main dwelling. Furthermore, the LPA demanded that further clarity was provided prior to the first committee meeting, Appendix 10 of the appeal statement shows the statement submitted. The details of which were reiterated by the appellant in the meeting, and further again in the officers' report to committee.

6.4

The outbuilding is not a significant distance from the host dwelling, or situated in an isolated part of the garden. It is approximately 25m from the main dwelling, within a significantly large garden, but discreetly located towards a boundary. There are far more areas of the garden that could be described as 'isolated'.

A typical annexe is a self-contained living space, that is either attached to, or situated on, the same property as a main building. It can include essential facilities for independent living, such as a bedroom, bathroom, and kitchen, and is designed to allow its user to live with a degree of privacy and independence. Annexes can be small outbuildings, or sections of a larger house, and they share the same address as the main property.

The kitchen is not set up for any level of 'proper' cooking, the occupier would rely on the main kitchen. The inspector may have observed the limited facilities on their site visit.

In the LPA report to committee, it is acknowledged that the outbuilding would not be capable of being an independent dwelling, with regard to the NDSS.

6.5

The site is accessed from the front, there has never been any indication that the disputed vehicular access to the rear is in any way connected to this proposal, indeed this is the first time this further suspicion has been raised. The existing access has not been widened for the use of the annexe, or indeed widened at all. The dispute over the right of way was due to the access being used for the delivery of materials and machinery associated with the piled foundations.

6.6

It has been stated over and over again, that this structure is not for an independent unit of accommodation. The application was made at the request of the applicant, after discussion with the agent. The applicant was not the result of enforcement action or any form of pressure from the LPA, it was made voluntarily, and honestly, to ensure everything was above board. The continued suspicion that the building will from a separate unit of residential use is unjustified, and the parties involved that have met the

appellant, should surely acknowledge this is an honest and genuine homeowner, whereas such accusations paint the picture of a devious property developer.

It should also be noted that one of the original objectors to this application, who has contributed towards the casting of suspicion, now has a retrospective application submitted for use of their own approved outbuilding as a holiday let style unit of accommodation. Their application has numerous support comments, including one from another objector to this application. Considering this application would contradict the policies referred to in the reason for refusal, it is surprising that the application is still undetermined after three months. Whilst it is accepted that this is a different application, it further highlights the unfair way that this application has been targeted by neighbours and councillors.

CONCLUSION

To conclude, the applicant made an honest and acceptable application, which the LPA were content to recommend for approval. They have now produced reasons for refusal, in defence of an adverse committee decision, using reasons previously undiscussed. The LPA, in defending the committee resolution, contradict their own recommendation. It is respectfully requested that the inspector consider the facts, rather than the ill-informed assumptions, and grant planning permission in accordance with whichever conditions they deem necessary.