

Application Number: H/24/99292
Case Officer: Charlie Vallis
Received Date: Monday 29th April 2025
Site Address: BARN COURT, HIGH STREET, BURSLEDON,
SOUTHAMPTON, SO31 8DL
Applicant: Mr B Wright
Proposal: Construction of outbuildings in the rear garden
(Retrospective Application).
Recommendation: PERMIT subject to conditions

CONDITIONS AND REASONS

1. The development hereby permitted shall be implemented in accordance with the following plans: PG.7081.22.01 Rev K & PG.7081.22.02 Rev J.

Reason: For the avoidance of doubt and in the interests of proper planning.

Note to Applicant: In accordance with paragraph 39 of the National Planning Policy Framework (December 2024), Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

Report:

1. This application has been referred to Committee by Cllr Tonia Craig and Cllr Steve Holes.

Site characteristics and character of the locality:

2. The application site lies within the Old Bursledon Special Policy Area and within Zone 7 of the Old Bursledon Conservation Area, situated towards the centre of the High Street, which forms part of the historic core of Old Bursledon. The surrounding area is characterised by a mix of historic buildings and boundary walls, with a mature backdrop of trees and planting providing a green setting that enhances the built form.
3. Barn Court is within a hexagonal courtyard of buildings, thought originally to have been a farmstead. This courtyard of buildings is dominated by Barn Court as the building with the most presence in the group, with all the other buildings slightly lower forming the flanking arms of the hexagonal court, previously with a pond in the middle and including on the north-east corner the listed building of Lattice Cottage, which is understood to formerly have been Hacketts Farmhouse.

Description of application:

4. This application seeks the approval for the retention of three structures within the rear garden of Barn Court. The structures measure approximately 2.2 metres in height and consist of a lean-to store filling the gap between a larger existing outbuilding and the boundary fence on its eastern side, a garden store to the south of this, and a gardeners WC and wood store against the northern fence.
5. The application documents can be viewed [here](#).

Relevant planning history:

- C/29825/004/00 (at The Long Cottage) – Erection of garden store/workshop – Permit – 15/08/2003
- C/39089/001/00 – First floor side, single storey rear and single storey front extensions; insertion of two rear gabled balconies and garage door; demolition of existing shed and steps, alterations to access with new boundary wall, pillars and gates; and construction of summer house on raised plinth in rear garden – Refuse – 19/08/2003
- C/39089/002/00 – Construction of single storey front extension, first floor side extension and 2no. galleried windows to rear – Permit – 05/01/2004
- C/39089/003/00 – Erection of replacement boundary wall and gated access – Refuse – 09/02/2003
- C/04/51963 – Erection of replacement boundary wall with vehicular and pedestrian gates (two alternative schemes) – Refuse – 21/12/2004
- H/22/93123 – Construction of a garden store to provide additional storage – Permit – 02/09/2022
- H/24/98637 – Conversion of existing detached garden store to an annexe ancillary to the host dwelling – Not yet determined (subject to an appeal for non-determination)

Representation(s) received:

6. One letter of objection from a neighbour was received and their points are summarised below:
 - The application is intrinsically linked to the applicant's earlier application H/24/98637 to convert a previously approved garden store (H/22/93123) into a residential annexe. The justification for that conversion was that the building was no longer required for storage purposes. However, the current retrospective application for additional outbuildings demonstrates that the original store was still needed for its intended use.
 - Cumulative impact of additional outbuildings and removal of large sections of existing hedgerow and installation of a timber fence undermines the principles of the conservation area and contributes to the overdevelopment of the site.
 - A perceived deliberate strategy to circumvent planning controls and incrementally intensify the use of the site, underlined by the retrospective nature of this application – despite the Article 4 Direction and the sensitive location within the Old Bursledon Conservation Area.

- Should be considered as part of a broader pattern of development that is inconsistent with both the spirit and the letter of local planning policy and conservation objectives.
- Setting a precedent and risk of further erosion to the character of the conservation area.

Consultation responses:

7. **Parish Council:** No comments were received

8. **Built Heritage Consultant:** No Objection

Proposal: Three new structures have been constructed near the double garage at the extreme east of the rear garden which is just south of the outbuilding in the rear garden of The Long Cottage. There is a lean-to store filling the gap between the garage and the boundary fence on its eastern side, a garden store to the south of this and a gardeners WC and wood store against the northern fence.

The design utilises quality materials entirely in keeping with the barn ethos and should not seriously hinder any southerly view from The Long Cottage as the lean-to roof is below the garage eaves height and the others only marginally above the fence height. The nature and quality of the structures will not cause harm to the setting of the nearest heritage asset, namely Lattice Cottage, and according to the evidence submitted will be a visual improvement, containing the clutter previously outside.

Conclusion: From a conservation and architectural perspective this proposal is low profile, in keeping and does in fact tidy up this corner of the garden, so No Objection.

9. **Ecology:** Comments received in relation to previous advice provided under applications H/24/98637 and H/22/93123, the requirement for surface water drainage information and comments regarding other landscaping on site.

10. **Tree Officer:** No Objection

This consultation response should be read in conjunction with the responses provided for applications H/22/93123 and H/24/98637. Given the background (the above applications) we are satisfied that the correct method of construction was followed and, therefore, we raise no arboricultural object to their continued presence.

11. **Old Bursledon Action Group:** No response received

Policy context designations applicable to the site:

- Within the Countryside
- Within Old Bursledon Special Policy Area

- Within Old Bursledon Conservation Area
- Adjacent to a Listed Building (Lattice Cottage)
- Article 4 direction removing Householder Permitted Development rights under Class E.

Development Plan Local Plan Policies:

Eastleigh Borough Local Plan 2016-2036

The most relevant policies are:

Strategic policies:

- S1 (Delivering sustainable development);
- S2 (Approach to new development);
- S5 (New development in the countryside);
- S8 (Historic Environment).

Development Management policies:

- DM1 (General criteria for new development);
- DM11 (Nature Conservation);
- DM12 (Heritage Assets);
- DM14 (Car Parking);
- DM26 (Residential extensions and replacement dwellings in the countryside).

Bursledon, Hamble-le-Rice and Hound:

- BU7 (Residential extensions and replacement dwellings, Old Bursledon Special Policy Area).

Supplementary Planning Documents:

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Trees and Development (April 2022);
- Old Bursledon Conservation Area Appraisal and Management Proposals (February 2012).

National Planning Policy Framework:

12. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development.

National Planning Practice Guidance:

13. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

Assessment of proposal: Development Plan and / or Legislative Background

14. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. Plan comprises the Policies of the Eastleigh Borough Local Plan Review 2016-2036 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
15. The site also lies within a Conservation Area and Section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states: "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".

Policy and Principle:

16. The site is located within the countryside, where the principle of development is not accepted unless in accordance with the policies of the Local Plan (in this case Eastleigh Borough Local Plan (2016-2036)). Policies DM1, DM12, DM26 and BU7 are the most notable in the assessment of this application.
17. Policy DM1 sets out that all new development should not have an unacceptable impact on, and where possible should enhance residential amenities of both new and existing residents; the character and appearance of the countryside; biodiversity (avoiding significant adverse impacts); and the significance of heritage assets. It also outlines that development should take full and proper account of the context of the site and be well-integrated with adjoining uses in terms of mass, scale, materials, layout, density and siting.
18. Policy DM12 states that development of a heritage asset or within its setting will be permitted provided it does not harm or detract from the significance or special interest of the asset and sustains and enhances its special character and qualities.
19. Policy DM26 makes provision for residential extensions and replacement dwellings within the countryside, whilst policy BU7 relates to residential extensions and replacement dwellings in the Old Bursledon Special Policy Area. Under policy BU7, residential extensions should be permitted provided extensions do not increase the volume of the original dwelling (as existing when the conservation area was first designated in 1982) by more than 25%; has regard to the impact of the development on the space between buildings and openness of the area; is subservient to and in proportion to the existing building

in form, scale and design; does not contribute to cumulative urbanisation of the area; and are not otherwise detrimental to the character of the area as viewed from the River Hamble.

20. Notwithstanding the requirements of the above policies, whilst their principles remain relevant, DM26 and BU7 do not make specific reference to detached outbuildings or structures within the curtilage of a property, so cannot be used directly to assess this application. In relation to policy BU7, previous cases have outlined that the 25% limitation does not apply to detached buildings and would only apply to the extension of the original dwelling's built form.
21. This is a retrospective application for which Section 73A of the Town and County Planning Act 1990 specifically provides that a granting of planning permission may relate to development carried out before the date of the application. Furthermore, an application cannot be refused on grounds that it is retrospective. When considering the development, regard has to be had to Government guidance and the policies contained within the Development Plan.

Design, layout and impact on the Conservation Area & Special Policy Area:

22. The outbuildings are subservient to and in proportion to the host dwelling in terms of their form scale and appearance, representing a modest and low-profile addition to the site. The buildings extend marginally above existing boundary treatment and are positioned in the host dwelling's rear garden. The timber garden store is positioned behind and well screened by an existing outbuilding approved under (H/22/93123). The outbuildings are therefore unlikely to be visible or overly prominent in relation to neighbouring properties and wider views. Advice from the Council's Built Heritage Consultant has been sought on this application, who has raised no objection, considering that the development does not detract from the significance of the setting of the Conservation Area and Special Policy Area. The development is therefore considered to accord with policies DM12 and BU7.
23. The application site retains a significant area of garden, and in combination with other outbuildings, is not considered to represent overdevelopment of the site. Given their low-profile nature, the openness of the area is not likely to be affected by the development. The outbuildings are nestled within an area of trees, retaining the verdant nature of the site. In addition, the design is considered to utilise quality materials, in keeping with the character and setting of the application dwelling and other properties in Barn Court.

Impact on residential amenity:

24. The development accords with guidance set out in the 'Quality Places' SPD in that there will be no unacceptable impact on the amenity of neighbouring properties in terms of loss of privacy, light or outlook. The modest dimensions of the outbuildings are such that they should not seriously hinder any southerly view from The Long Cottage. The structures would not result in loss of light, outlook or increased overlooking to neighbouring properties due to their single storey nature and given that no side windows are proposed.

Impact on trees and ecology:

25. The Council's Tree Consultant has raised no objection to the continued presence of these structures. Given the scale of the development and the previous applications on the site, the proposal is not considered likely to result in harm to trees adjacent to the development.
26. In addition, the retention of the structures is not likely to result in significant adverse impacts to biodiversity. As a householder application, the proposal is not subject to the biodiversity net gain provisions, and given the small scale of the development it is considered unreasonable to impose conditions requiring biodiversity enhancements. Nevertheless, the applicant has been encouraged under previous applications to consider voluntary measures such as the provision of a bat or bird box in accordance with Policy DM11 of the Local Plan. The ecology team has also advised that a surface water drainage plan would be required; however, as outlined in policy DM6, this requirement is not applicable to householder developments and therefore has not been requested as part of this application.

Impact on a Listed Building:

27. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states:
- a. "In considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority ... shall have regard to the desirability of reserving the building or its setting or any features of special architectural or historic interest which it possesses".
28. There are listed buildings in the vicinity, the setting of which must be protected. However, the nature and quality of the structures will not cause harm to the setting of the nearest heritage asset (Lattice Cottage), as confirmed by the Council's Built Heritage Consultant.

Sustainability measures and Climate Change:

29. 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.
30. 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.

31. 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:

32. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-

- a. A public authority must, in the exercise of its functions, have due regard to the need to:
 - i. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - ii. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - iii. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

33. 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:

34. In conclusion, the structures are considered to represent a low-profile addition to the application site, proportionate to the plot and well-suited to its surroundings in terms of their scale and design. The development is considered respectful of its position within a Conservation Area and Special Policy Area, and the recommendation is therefore to Permit, subject to conditions.

