

DELEGATED OFFICER REPORT:**Application Ref:** F/25/99153**Site Address:** Land off Brook Lane, Broadoak, Botley, SO30 2ER**Case Officer:** Clare Martin**Description:** Construction of 1no. three bed single storey dwelling

Particular Site Constraints?	Yes ☐	No ☐
• Outside the Urban Edge - within Countryside • Within Settlement Gap • Within Nutrient Neutrality Catchment Area – Nitrates only • Within Solent Mitigation and Disturbance Zone • Within New Forest Mitigation and Disturbance Zone		

Planning History?	Yes ☒	No ☐
• F/17/82143 – Erection of an agricultural barn for the storage of hay and machinery Permitted (February 2018). • F/13/73798 – Erection of detached agricultural building – Refused (April 2014)		

Publicity:	Letters ☒	Site Notice ☐	Newspaper ☐
Representations:	<u>3 letters of objection</u> • Site within the strategic gap. If application is approved it will set a precedent for more dwellings. • Dwelling will displace existing habitat for animals.		
Ecology Officer:	Holding Objection <u>Ecology</u> This site is in a green impact risk zone for great crested newts. There are records of bats, badgers, hedgehogs, toads and grass snakes in the wider area. I have reviewed The Preliminary Ecological Appraisal and Biodiversity Net Gain Report by Aware Ecology Ltd (March 2025). There was no evidence of protected species on site, but suitable habitat for nesting birds, reptiles, GCN, and badgers was found adjacent to the site, and an outlier badger sett was found within scrub adjacent to the site, but approximately 20 m to the east of the site. The location of the badger sett must be provided to the LPA. Precautionary working methods to protect these species have been recommended in section 4.4 of the report. These are appropriate and must be adhered to during construction. Ecology consultation goes onto provide ecological advice. The ecological enhancements recommended are a bat box, a bird box, a swift brick, insect bricks and native species planting. These are appropriate but must be shown on a biodiversity enhancement plan to ensure that they are located on the correct elevations of the house		

and that the entrance of the bat box is not illuminated by more than 1 lux.

Biodiversity Net Gain

The proposal is claiming the self-build exemption from the requirement of 10% BNG. Application site must demonstrate no net loss and some measurable net gain. This has not been demonstrated so the application does not conform to the requirements of DM 11 and the NPPF

The red line boundary shown on the proposed site plan is the area of the entire property. The site area is listed as 28856 m² (2.89 ha) on the application form. The biodiversity metric shows a net loss of 78.46% of area habitats and -0.14 biodiversity units.

The submitted biodiversity metric proposes that 0.024 ha (0.049 biodiversity units (bu)) of modified grassland in poor condition is lost and 0.02 ha (0.039 bu) of vegetated garden is created. There is a net increase in developed land sealed surface (0.012 ha). This represents a net loss of biodiversity.

The residential garden has not been shown on any of the plans. The proposed site plan shows the proposed dwelling and what appears to be a paved area for car parking. The only habitat enhancement recommended in the PEA was to plant the surrounding grassland with a shade tolerant seed mix such as Emorsgate EH1. It is not clear why a shade tolerant mix was recommended or where it is proposed to be planted. No recommendations for management were provided.

Retention of boundary hedgerows and trees is proposed, however a silver birch tree is proposed to be lost, with no replacement trees shown on the plan. This is contrary to the EBC tree replacement policy. Only 1 silver birch tree is within the red line boundary shown on the baseline habitat map of the site in Figure 4 of the PEA but this is part of a group of trees nearby.

Surface Water Drainage and Nutrient Neutrality

Permeable surfacing has been mentioned in the Design Access Statement by Planning By Design (no date), but this has not been shown on a drainage plan. Soil permeability testing must be submitted to demonstrate that permeable surfacing would function on this site. Ditch drainage has also been mentioned, but there is no information given about any ditches and they are not shown on any of the plans.

I have reviewed the Nutrient Neutrality Assessment & Mitigation Strategy report by Water Design Engineers (June 2025). This is labelled the Drainage Strategy Report in the documents list but does not include surface water drainage.

The applicant is proposing to install an on-site package treatment plant for foul sewage and plant an apple orchard of 10 trees to mitigate 1.36 kgTn/yr of total nitrogen on-site. It is not clear how this would work, although references have been provided. Is the applicant proposing to fertilise the apple trees with effluent from the foul sewage treatment plant? If an apple orchard is proposed on site it should be shown on a plan. The area where it would be planted must be described and if it is replacing other habitat this must be accounted for in the biodiversity metric and the red line boundary must include this

	area. Planting 10 apple trees would probably mitigate for the loss of the birch tree. No information has been given on surface water drainage. The water quality requirements of DM 6 must be satisfied.
Highways (HCC):	No Objection Access in and out of the site will be unchanged by the proposals, and this would be acceptable. The site already has associated vehicle flows when utilising the barn, and it is understood that the dwelling will be for workers associated with this. As such, there may well be an overall vehicle trip reduction as journeys to and from a home off site will be removed. Recommend a construction management plan condition.
Parish Council:	Members believe that the development does not conform to the building line of the rest of the properties.

Site Visit:	Yes ☒	No ☐
Details: Carried out August 2025		

Pre-commencement Conditions:	Yes ☐	No ☒
Details:		

Legislation:
Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:- <i>"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."</i>

Policy:
National Planning Policy Framework Planning Practice Guidance Development Plan: <u>Eastleigh Borough Local Plan 2016-2036</u> The most relevant policies are: • <u>Strategic policies:</u> S1 (sustainable development), S2 (approach to development), S3 (location of new housing), S5 (new development in the countryside) & S6 (protection of settlement gaps). • <u>Development Management Policies:</u> DM1 (general development), DM2 (environmentally sustainable development), DM3 (climate change), DM6 (surface water management), DM10 (water and waste water), DM11 (nature conservation), DM13 (access), DM14 (parking), DM27 (rural workers dwellings), DM29 (Dwellings with higher access standards), DM30 (internal space standards). Supplementary Planning Documents: Quality Places; Residential Parking Standards; Trees & Development.

Assessment:
Principle

The site is located outside of the settlement boundary, within an area of designated countryside, where the types of development are restricted by Policy S5. To limit the urbanising effect of development in the countryside, the provision of new housing is not acceptable within the countryside. However, permission for rural workers dwellings is granted exceptionally, on the basis of identified needs relating to an enterprise that can only take place in a rural area, and that supports or is related to management of the countryside.

Rural Workers Dwelling Assessment

Policy DM27 states the provision of dwellings for rural workers in the countryside will only be permitted where:

- a. it is essential for the worker to live at their place of work;
- b. the work is an activity that can only be carried out in a rural area and supports management of the countryside;
- c. the enterprise can be demonstrated to be economically viable in the long term, and the dwelling is essential to its continued viability;
- d. there are no suitable alternative dwellings or buildings available for use or conversion in the immediate locality;
- e. no dwellings connected with the enterprise have been sold off in the past 5 years;

It is understood that the Applicant intends to cultivate mushrooms at the site, which is a highly sensitive process requiring continuous monitoring of conditions (including humidity, temperature, and air circulation levels). The Applicant argues that a full-time occupant at the site is necessary to provide oversight of the mushrooms and other crops (including new polytunnels) so they can respond quickly to a change in conditions to prevent crop loss. It is claimed that remote monitoring or frequent site visit would be impractical. The occupant would also be able to carry out routine maintenance such as trimming hedgerows and clearing ditches

However, the site is not currently being used for the cultivation of mushrooms and as such there is not a justifiable need for an agricultural worker's dwelling at present. While the mushroom farm is an aspiration of the Applicant's, it is unclear how far this has progressed and whether it will come to fruition. It is also unclear as to the scale of the proposed mushroom farm and whether this could result in a successful business that is economically viable in the long term. Without a viable agricultural business being present at the site the proposal would result in a new dwelling in the countryside, which is contrary to Policy.

A second reason put forward is that the occupant of the dwelling would provide security for the isolated site and there have been instances of trespassing, fly tipping, theft and vandalism at the site. In response CCTV/ alarms have been fitted on the existing agricultural building, but it is argued that a permanent occupant at the site would provide a deterrent and provide an immediate response to any incident. While sympathetic to this issue, the need to protect the private land is not considered a strong enough reason for allowing a new dwelling at the site. Indeed, if this argument is progressed it could reasonably be applied to other private land within Brook Lane, thus eroding its countryside character.

If the Applicant is concerned about security, it may be possible to find an alternative property within a short distance of the site that would enable the Applicant to respond to security issues in a timely manner and monitor crops on the site. Brook Lane is located on the edge of Botley village and close to the settlements of Hedge End and Boorley Green, At present six dwellings are for sale within Botley and one hundred and seventy-six

dwelling for sale within a ¼ mile radius (based on rightmove). No evidence has been put forward to demonstrate that alternative accommodation within the locality has been considered and why these properties have been discounted.

In conclusion, for the reasons set out above the proposal does not meet the requirements of a rural workers dwelling and so would be contrary to Policies DM27 & S5.

Character, Appearance and Impact on the Countryside

Policy DM1 requires development to take full and proper account of the context of the site including the character and appearance of the locality and to 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.

Policy DM27 places additional restrictions on rural workers dwellings in the countryside. The policy restricts the internal floor space to a maximum of 120sq.m (unless special justification is provided in terms of the operation of the agricultural enterprise and requires dwellings to be sited and designed so as to limit its impact on the countryside

The proposal is for a detached bungalow of a simple design using stone walls and a pitched slate roof. While the dwelling is single storey, it still amounts to a substantial three-bedroom property with a floor area of 145m², some 25m² above that allowed for a rural worker dwelling. The 120m² limit is in place as it is essential that these dwellings are of a modest scale to limit their impact on the countryside, and that so far as possible, they remain available for rural workers. No justification has been provided as to why a property of 145m² is required for the rural worker to operate a new mushroom farm.

The proposed dwelling would be located on Brook Lane, which is a typical country lane with trees and hedgerows along its boundaries and some views over the surrounding fields. The site is within a less developed part of the Brook Lane with the occasional dwelling or agricultural building. This character changes moving southward where there is a long row of ribbon housing present on the western side. Although there is a variation in the scale and design of the dwellings, they tend to front onto the lane and mostly follow an established building line.

In contrast the proposed bungalow is centrally positioned within the plot where it is accessed via an existing 60m long track from Brook Lane. While its recessed position makes it less visible from Brook Lane than other buildings, its position is out of character with other dwellings within the locality. Even taking account of the setback and boundary vegetation, there will inevitably be some visibility of the bungalow from Brook Lane and surrounding countryside particularly during the winter months when the trees are not in leaf.

In conclusion, it is considered that the introduction of the proposed dwelling within the less developed part of Brook Lane, outside of the defined row of ribbon housing, would begin to erode the attractive rural character of the locality. The dwelling is also of a scale that would not be suitable for as a rural workers dwelling. As such the proposal is contrary to Policies DM1 & DM27.

Impact on Settlement Gap

The western side of Brook Lane is within the settlement gap, which separates Botley from Hedge End. While Policy S6 allows development in the settlement gap, this is on the proviso that the development doesn't undermine the physical extent or visual separation of settlements or separate identities of adjoining settlements.

While the dwelling is single storey and has been sited next to the existing agricultural building, it still represents a significant new structure within the settlement gap. The settlement gap between Botley and Hedge End at this point is less than 450m wide. As

such the presence of the new dwelling would begin to undermine the physical and visual separation of the adjoining settlements and would be contrary to Policy S6.

Biodiversity Net Gain, Ecology and Trees

Policy DM1 requires development not to result in the loss or damage of important trees. Whereas, Policy DM11 states that development will not be permitted if it is likely to have a direct or indirect adverse effect on priority habitats, protected or priority species, or on the local ecological network unless it can be demonstrated that a) there are no alternative solutions, b) the adverse impact are unavoidable, c) measures are taken to mitigate or compensate for the adverse effects. While the proposal is claiming the self build exemption from the 10% biodiversity net gain requirement, it is still required to demonstrate some measurable gain in biodiversity (as set out within Policy DM11).

A preliminary ecological assessment has been submitted, which found no evidence of protected species on site, although nesting birds, reptiles, GCN, and badgers that maybe present in the locality. The assessment provides suitable mitigation and precautionary working method for these species and these could be secured via ecology conditions.

In terms of biodiversity, the bungalow is positioned on an existing grassed area, which will be covered in a hard sealed surface. The scheme will also involves the loss of one silver birch tree and has the potential to affect a number of trees within close proximity. While some biodiversity enhancements are proposed (including a bat box, a bird box, a swift brick, insect bricks and native species planting) the proposal currently represents a loss of biodiversity as covered within the Ecology Officer's response.

However, the habitat to be lost is modified grassland that is in poor condition and none of the trees affected on the site are covered by a TPO. The Applicant has indicated they will plant an apple orchard containing ten trees although limited details have been provided and this is not accounted for within the biodiversity net gain information. Given the nature of the application site, there is considered to be sufficient space to provide the required biodiversity net gain & replacement tree planting.

Other Considerations

- The nature and size of the dwelling exceeds the Nationally Described Space Standards and residential amenity standards (set out within Policy DM30 & Quality Places SPD. The proposal is considered to provide a good quality living environment, and its position means it would not impact upon the amenity of any existing dwellings.
- The proposal provides at least three on site car parking spaces, which meets the council's residential parking standards. The dwelling would utilise the existing access arrangements and any additional traffic from the site would have minimal impact upon Brook Lane. No objection has been raised by the highway authority.
- The Council requires new development to provide a sustainable drainage system, with three forms of filtration required (as set out within Policy DM6). Drainage information is limited. Ditch drainage and permeable surfacing has been mentioned in the design and access statement, but this has not been shown on a drainage plan. Soil permeability testing has also not been undertaken at the site to demonstrate whether permeable surfacing would function on this site. However, given the size and nature of the site it is likely that they could achieve a sustainable drainage system for the new dwelling.

Impact of SPA:

Recreational Disturbance

The site is within both the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site and the 13.8km catchment area for the New Forest Special Protection Area. It is recognised that new housing developments within these catchment areas are likely to result in additional visitors and potential damage to these protected sites. To mitigate for recreational impacts, new housing developments are required to contribute towards the Solent Recreation Mitigation Strategy (which manages visitors to the coastline) and the Council's New Forest Mitigation Strategy (which provides Suitable Alternative Natural Green Spaces within the borough and funding towards an additional range post for the New Forest). No contribution has been received to date and no legal agreement has been secured.

Nutrients

The site is within the impact zone for nitrogen, which has been shown to have a determinantal impact on the water quality of the Southampton and Solent Water Special Protection Area. A nutrient budget has been submitted for the development, which indicates a positive output for nitrogen from the development.

The Applicant intends to plant an apple orchard of ten trees to mitigate for the 1.36kgTn/yr of total nitrogen generated by the proposal. However, tree planting is not a method recognised by Natural England and insufficient details have been provided to demonstrate how the planting of the trees would actually work. Even if it can be demonstrated that the mitigation is acceptable, there is no mechanism for securing the mitigation as no legal agreement is in place.

Conclusion

The proposal is likely to have a detrimental impact on the Special Protection Areas, both in terms of recreational disturbance and an increase in nutrients.

Equalities Act:

Section 149 of the Equalities Act 2010 created the public sector equality duty.

Section 149 (1) 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.

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 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 plan policy. The need to support the economy is part of the Strategic Environmental Assessment for the Local Plan, as is an assessment of climate impacts.

The NPPF aims for the need for housing to be met, and Policy S2 of the Adopted Local Plan sets a target for 14,580 dwellings to be provided by 2036. The NPPF, Policies S1, DM2 and DM3 of the Adopted 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 and is expected to reduce/limit impacts on climate emissions as a result of the development or its use.

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