



Appeal Decision

Site visit made on 15 September 2025

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th October 2025

Appeal Ref: APP/W1715/C/23/3329379

58 Bright Wire Crescent, Eastleigh, Hampshire SO50 5SQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr Oliver Westwood against an enforcement notice issued by Eastleigh Borough Council.
- The notice was issued on 9 August 2023.
- The breach of planning control as alleged in the notice is without planning permission, the erection of an unauthorised outbuilding.
- The requirements of the notice are to:
 - 5.1(a) Remove from the land the unauthorised outbuilding as marked in blue on the attached plan.
 - 5.1(b) Please remove any waste items that result from the works to an authorised place of disposal.
- The period for compliance with the requirements is: 3 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Summary Decision: The appeal is dismissed; the enforcement notice is corrected then upheld and planning permission is refused.

Application for Costs

1. An application for costs was made by Mr Oliver Westwood against Eastleigh Borough Council. It is the subject of a separate decision.

Preliminary Matters

2. The house at No.58 Bright Wire Crescent is part of a large, modern residential estate. The Council granted planning permission¹ for this development, amongst other things, subject to condition No.5. This condition removed all Schedule 2, Part 1 permitted development rights², including to erect outbuildings.
3. The planning merits of this residential development, including the size and layout of houses and back gardens is already settled. This appeal is not about an application to remove or vary condition No.5, so it is not my remit to decide whether the Council should have attached it or if it meets the relevant tests³. Nor is it for me to determine if it was expedient for the Council to take enforcement action against the outbuilding at No.58 and if it should have done so in respect of previous outbuildings at No.58 or outbuildings elsewhere in the estate.

¹ Ref 04771/124

² The Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (GPDO)

³ Set out in the National Planning Policy Framework (NPPF) and the Planning Practice Guidance (PPG)

Enforcement Notice

4. I have a duty to make sure the notice is in order. In section 3, the alleged breach of planning control refers to the outbuilding '*shown red*', but what is shown in red on the plan attached to the notice is the land at No.58. I shall therefore correct the allegation to reflect that the outbuilding is marked by what is not disputed to be a blue line in the plan. Part of requirement 5.1(b) to remove waste items '*to an authorised place of disposal*' is unenforceable, so I shall correct this requirement accordingly. I am satisfied that no injustice will be caused to the main parties.

Ground (a)

5. Ground (a) is that planning permission ought to be granted for the breach of planning control stated in the (corrected) notice. This is the erection of an outbuilding.

Main issue

6. The main issue is the effect of the outbuilding on the character and appearance of the area.

Reasons

7. The broadly homogeneous design, form and external materials of houses and flats in this reasonably densely developed residential estate is still clearly evident. So too is the pattern and layout of these properties, including that many back gardens at smaller houses, such as at No.58, are relatively narrow and short. Some of these gardens, like at No.58, face other properties or are next to parking courts and elsewhere are next to streets, paths or public open space. This development is locally distinctive as a result.
8. I also saw outbuildings or similar structures in many other back gardens near No.58 or elsewhere in the estate, such as sheds, pergolas, gazebos and greenhouses. These vary in size, design, form, external materials and overall build quality. I have not been informed which, if any, have planning permission or are otherwise lawful development. Accordingly, though they exist, there is little evidence they are necessarily an established facet of this area. I have, therefore, considered the outbuilding at No.58 on this basis.
9. Even though the development plan has evolved since the Council's reason for imposing condition No.5, it is nonetheless twofold – '*in order to prevent an unplanned overdevelopment of the site, and in the interests of residential amenity*'. It has not been suggested that these are no longer broad objectives of the current development plan or the NPPF and PPG. In addition, given that the condition requires the prior written permission of the Council, it is evident that the Council did not intend to prohibit Schedule 2, Part 1 development. Outbuildings are an intrinsic part of many people's occupation of their homes and there is little to suggest that the Council's relevant development plan policy⁴ or guidance⁵ precludes scope for them in principle.
10. I accept that there is no apparent exceptional reason to warrant overly prescriptive or unduly exacting design requirements for outbuildings or similar structures at this

⁴ Policy DM1 of the Eastleigh Borough Local Plan, April 2022 (the LP)

⁵ Quality Places Supplementary Planning Document, November 2011 (the SPD)

estate. However, inappropriate piecemeal development, even if well-designed and in limited public view, can alone or cumulatively have a manifest adverse effect on the environment in which people live or visit and undermine the cohesiveness of originally planned development. In essence, this is part of what the Council sought to safeguard from the outset by imposing condition No.5.

11. With the above in mind, the horizontal timber clad elevations and shallow sloping felt flat roof used in the outbuilding at No.58 are not unusual or uncommon in a domestic structure of this sort. It is otherwise well-designed and constructed and of some inherent quality, commensurate for use incidental to the enjoyment of No.58. Nonetheless, the relatively large floorplan and tall height to eaves level mean there is also significant building volume with a large expanse of elevations and flat roof.
12. As a result, the outbuilding stretches across nearly all the available width of the back garden, leaving a very narrow sliver on one side. It also infills much of the bottom end of the back garden, encroaching in-depth back towards the house to leave a modest intervening gap. Although a majority of the already relatively small back garden remains available for outside domestic use and activity, the outbuilding consumes a significant proportion of it, including that it is tight against boundary fences on three sides at the most exposed bottom end of it on a corner plot. This cramped arrangement unduly erodes openness on this part of the plot of No.58 and relative to nearby buildings.
13. The elevations are a subdued dark grey colour and could be conditioned to be retained as such, including the parts that project above the lighter colour timber boundary fence. These parts appear as narrow bands and with the flat roof have a horizontal emphasis. But each of these sections of the elevations is long and the notable extent of protrusion above the fence is sufficient to reveal the angular, box-like form of this extensive, upper part of the outbuilding. It is behind No.58 and the taller terraces of surrounding houses and flats so cannot be seen in the main public realm, including any streetscene throughfare. But it is apparent in public view to those who use a cul-de-sac parking court next to it or in private views from adjoining properties.
14. Taken in its immediate context, the overall scale, massing and form of the outbuilding has an overly imposing, intrusive presence that jars rather than blends in. Albeit localised, overdevelopment of No.58 in this way undermines the integrity of this well planned estate and the adverse impact can be noticed as part of the residential amenity of those who live here or visit it.
15. There is evidence the outbuilding replaced one or two earlier outbuildings, including as may have been erected when the estate was first built. Even if that previous development was immune from enforcement action by the passage of time, there is no dispute that the outbuilding is a completely new structure. Nor does the appellant claim it is immune from enforcement action. Given the dimensions before me, and including as shown in the appellant's photographs, there is evidence that the previous outbuildings were smaller in some regards or a different design, so not entirely comparable to what exists now. Even if the outbuilding would have complied with relevant conditions or limitations of the GPDO there is no permitted development right fallback because of condition No.5.
16. I saw the single-storey rear extension to the house that adjoins No.58 and some other similar extensions elsewhere in the estate. Even if this development has been

granted planning permission or is otherwise lawful, by virtue of their attachment rear extensions such as these do not have the same effect of closing gaps between built form within plots, or to surrounding buildings, as do detached outbuildings such as at No.58.

17. I have considered the Council's suggested conditions but given what they would achieve, they would not overcome the adverse impacts of the outbuilding as outlined above. The appellant did not suggest any other conditions.
18. I therefore find that the outbuilding causes appreciable harm to the character and appearance of the area and, as such, this consideration carries significant weight. Consequently, the outbuilding does not comply with LP Policy DM1. This policy includes that development should not have an unacceptable impact on the character and appearance of urban areas and be compatible with the locality in terms of mass, scale, layout and siting in relation to adjoining buildings, spaces and views. This policy broadly reflects equivalent guidance in the Council's SPD.

Other matters

19. I appreciate that the outbuilding provides additional internal space to meet the appellant's family needs. It could also do the same for future occupants of No.58. However, there is little to suggest that this particular outbuilding is the only way to achieve this or that the internal or external living space at No.58 as built was deficient or not commensurate for a property of this sort. Planning operates in the wider public interest, rather than for private benefit or to meet individual needs, preferences or tolerances. So, while important, these practical considerations nonetheless carry little weight.

Planning balance and conclusion

20. The benefits of the outbuilding do not, therefore, outweigh the harm and it conflicts with the development plan. Other material considerations do not indicate that ground (a) should be determined other than in accordance with the development plan taken as a whole⁶. Consequently, for the reasons given above the outbuilding is unacceptable so ground (a) fails.

Ground (f)

21. It is clear from the requirements of the notice that its purpose is to remedy the breach of planning control and that the Council does not seek to under enforce. For ground (f) to succeed, the appellant must therefore demonstrate that the steps required by the notice to be taken exceed what is necessary to remedy the breach of planning control.
22. In ground (f), and without prejudice to ground (a), the appellant does not contest that an outcome of the enforcement notice, if upheld, is that the outbuilding would need to be removed. He otherwise considers the requirements of the notice to be excessive insofar as they do not prescribe the erection of an alternative outbuilding or allow a return to a pre-existing outbuilding situation.
23. However, previous outbuildings at No.58 no longer exist and there is little evidence they were anyway lawful or that a new outbuilding of the same form (or any other form) would meet the relevant conditions or limitations of the GPDO. But even if it

⁶ Section 38(6) Planning and Compulsory Purchase Act 2004, as amended

did, that in itself does not necessarily mean planning permission would be granted by the Council (or on appeal) having regard to essentially the same considerations outlined earlier. As in this case, each case would need to be considered on its individual planning merits. There is anyway no detailed scheme before me, so no obvious alternative that might overcome the planning harm set out in the notice. It is something that the appellant could pursue with the Council by making a planning application. No other lesser steps have been suggested.

24. In these circumstances, I am satisfied that the requirements of the notice are consistent with remedying the breach of planning control so I find they are not excessive. Accordingly, ground (f) fails.

Formal Decision

25. It is directed that the enforcement notice is corrected by:

- Section 3 - delete the first sentence and replace with '*Without planning permission, the erection of an unauthorised outbuilding on the land, as marked in blue on the attached plan*'.
- Section 5.1 b) - delete '*...to an authorised place of disposal*' then insert '*...from the land affected*'.

26. Subject to these corrections, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan

INSPECTOR