



Appeal Decision

Site visit made on 2 February 2026

by **H Nicholls MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 5 February 2026

Appeal Ref: 6000685

Land off Brook Lane, Broadoak, Botley SO30 2ER

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mark Durrant against the decision of Eastleigh Borough Council.
 - The application Ref is F/25/99153.
 - The development proposed is the proposed development is for a new three bedroom build. The purpose of the new build house will be to manage the field work operations and for security purposes as many people try to break into the land / adjacent barn.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development from the original application form submitted on behalf of the appellant.

Main Issues

3. The main issues are:
 - whether there is sufficient justification for a rural worker's dwelling at the site;
 - the effects of the proposal on the character and appearance of the area; and
 - the effects of the proposal on European Protected Sites.

Reasons

Justification

4. The appeal site lies in a countryside position between the settlements of Botley and Hedge End. It comprises around 2.8 hectares of land laid to grass with some trees and has an agricultural barn positioned relatively centrally amongst a vegetated and treed enclosure.
5. There are references within the evidence to generic crops and land maintenance undertaken at the site, though it appears relatively low maintenance. The *Agricultural Development and Diversification Statement* and Appeal Statement explain that the holding is diversifying to include polytunnels and mushroom cultivation. However, there is relatively scant evidence on what is produced on the existing holding as the mainstay of its business, its intensity and financial sustainability to place the plans for business diversification into context. There are also limited details about the speculative diversification proposals involving mushroom cultivation, in terms of what investment has been made thus far and

how many hours of employment it will sustain relative to the targeted crop yields and market demand for such.

6. Furthermore, whilst the evidence details site security concerns in relation to risks of theft, damage and fly tipping, these do not appear strictly warranted given the assets presently on site and the ability to introduce remotely managed closed circuit television (CCTV) systems for such purposes. There already appeared to be CCTV positioned on the agricultural building.
7. In terms of whether other suitable dwellings exist in the locality, the Council has provided evidence of a wealth of properties available for sale locally in Botley and Hedge End. In this case, the nature of the business and limited evidence pertaining to its diversification do not clearly demonstrate that these available dwellings are unsuitable or that there is a need for a presence within sight and sound of the appeal site. Though it is claimed that an agricultural worker would be modestly paid and thus incapable of purchasing such a dwelling, this also brings into question the financial security of a dwelling which would be tied to the business by condition.
8. In the examples of appeal decisions¹ which approved rural workers dwellings provided by the appellant, there were details, including some of a financial nature, which sought to prove the respective businesses' viability. Here there are no such details. I do not agree with the appellant's position that a clear and viable diversification plan has been presented and my findings on site do not lead me to find otherwise. Similarly, those cases related to businesses which had at least been established for a time that allowed consideration as to their long term sustainability. In this case, the date that any existing business was established is unclear. Should there be a need to test whether a business will yet become viable, the approach advocated in the Planning Practice Guidance² would seem suitably precautionary. This sets out that in the case of new enterprises, it may be appropriate to consider granting permission for a temporary dwelling for a trial period.
9. In view of the above and in the absence of clear evidence to the contrary, there is insufficient justification for a rural worker's dwelling at the site and the proposal is contrary to, in particular policies S5 and policy DM27 of the Eastleigh Borough Local Plan 2016-2036 (adopted 2022) (Local Plan). These policies seek to ensure that dwellings for rural workers in the countryside are permitted only in very particular and exceptional circumstances, including where it is essential for the worker to live at their place of work.

Character and appearance

10. The area surrounding the appeal site has a semi-rural, countryside quality and development is infrequent and loose grained, separated by fields and trees with hedges. Where dwellings exist along Brook Lane, they are relatively close to the road and are visible therefrom. The site and wider area lie within a countryside gap between Hedge End and Botley which is protected by policy S6 of the Local Plan as a means to maintain the physical extent and visual separation of settlements and avoid urbanising effects therein.

¹ Appeal Refs APP/P2935/W/23/3336018 and APP/T0355/W/24/3352791 as provided within the Council's response, which supersede the incorrect references in the Appeal Statement - APP/T2405/W/22/3290467 and APP/T2405/W/23/3323155

² 010 Reference ID: 67-010-20190722

11. The appeal scheme seeks to site a bungalow of around 145sqm footprint adjacent to the existing agricultural barn which is situated in a broadly central position on the site, accessed via an existing track. The barn and the footprint for the bungalow are well enclosed from wider views on three sides by trees and vegetation.
12. Though it would be a single storey building tucked into the most concealed area on the site, the proposed dwelling would still introduce further permanent built development which would have a modest urbanising impact on the site and would be seen in some views from Brook Lane. Arguably, a dwelling sited closer to the highway would be more visible than a dwelling sited as proposed but would nonetheless add a dwelling and residential paraphernalia which would erode some of its open countryside characteristics.
13. For the above reasons, the proposal would conflict with policies S5, S6 and DM27 of the Local Plan which, in addition to the aforementioned aims of policy S6, also seek to avoid impacts on the intrinsically rural characteristics of the landscape.

European Protected Sites

14. The site is within the 5.6km catchment area for the Solent Special Protection Area and Ramsar Site (the Solent Protected Sites) and within the 13.8km catchment of the New Forest Special Protection Area (New Forest SPA) which are designated under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations). Recreational pressures from new residents within the catchment of these sites can adversely affect habitats and species for which the sites are designated. The recreational pressures can result from proposals for new dwellings, taken alone or cumulatively with other similar plans or projects. The effects of the proposal cannot, therefore, be screened out and in adopting a precautionary approach, the development would give rise to likely significant effects on the New Forest SPA and Solent Protected Sites, such as to require an Appropriate Assessment under the Habitats Regulations.
15. The appellant acknowledges that recreational impacts on the European Protected Sites can be mitigated through financial contributions towards the Solent Recreation Mitigation Strategy, which manages visitors to the coastline, and the New Forest Mitigation Strategy, which provides Suitable Alternative Natural Green Spaces within the borough and funding towards rangers. Whilst it may be that these means of mitigation are well-established and can be resolved through planning obligations, no planning obligation has been secured in connection with the appeal proposal. The imposition of a condition to require a legal agreement would not be appropriate given that the nature of the development is not so complex so as to justify the exceptional circumstances for the imposition of such and does not provide me with the certainty needed at the point of determination.
16. In addition, adverse changes in water quality can lead to deterioration in the favourable condition of the Solent Protected Sites, undermining site integrity, contrary to the Habitats Regulations. In acknowledgement of the inability to screen out likely significant effects from the appeal scheme involving a single dwelling, associated land use change and surface and foul wastewater, a nutrient budget has been calculated and a mitigation strategy has been devised as part of the *Nutrient Neutrality Assessment and Mitigation Strategy* (NNAMS)³. The NNAMS

³ Water Design Engineers, 04/06/2025

indicates that an on-site package treatment plant for foul sewage and an offsetting scheme involving the planting of an orchard would be required to mitigate the 1.36 kgTn/yr of additional total nitrogen created by the development. It is necessary to read across the separate *Drainage Strategy Report* to find further details of the proposed location of the package treatment plant and apple tree planting area.

17. The site-specific solution proposed is relatively novel and there are insufficient details about the nitrogen take up of the trees in their infancy and how any failure of the trees would sufficiently maintain the required level of offsetting or any monitoring requirements. As such, in the absence of a comprehensive solution and legal obligation, I do not have the requisite scientific certainty that the necessary mitigation measures are available or that they have been appropriately secured.
18. For the above reasons, the proposal would adversely affect the integrity of the European Protected Sites contrary to their conservation objectives, in conflict with the Habitats Regulations and policy DM11 of the Local Plan. This policy seeks to secure adequate measures to avoid or mitigate any potential adverse effects on the European Protected Sites.

Planning Balance

19. The Council concedes that it cannot demonstrate a five year supply of housing land as required by the National Planning Policy Framework (the Framework) with the latest housing supply report (as of 1 April 2024) having identified a supply of 4.1 years of deliverable housing, including a 5% buffer. As a consequence, the provisions of paragraph 11d) of the Framework are engaged.
20. However, as the proposal would harm the integrity of the European Protected Sites, the policies of the Framework that protect such areas provide a strong reason for refusal, having particular regard to paragraph 11d) i) and footnote 7. As such, the presumption in favour of sustainable development does not apply to the appeal proposal.
21. For the numerous reasons outlined above, the proposal conflicts with the development plan when taken as a whole. Whilst it would deliver a single dwelling to the local undersupply of housing and would support rural employment, these benefits are not sufficient to outweigh the identified conflict such as to indicate that a decision should be made other than in accordance therewith.

Other Matters

22. Local Plan policy DM27 stipulates that rural workers dwellings should be limited to a floor area of 120 sqm unless special justification is provided. Whilst limited justification appears have been offered for the dwelling's floor area exceeding this size, as the appeal is failing for other reasons, this is not a determinative matter.

Conclusion

23. For the above reasons and taking all other matters into account, the appeal should be dismissed.

H Nicholls

INSPECTOR