
Appeal Decision

Site visit made on 5 August 2019

by Elizabeth Hill BSc(Hons) BPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th August 2019

Appeal Ref: APP/W1715/W/19/3223939

Moorgreen Farm, Burnetts Lane, West End, Southampton, SO30 2HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mrs Brown against Eastleigh Borough Council.
 - The application Ref F/18/84398, is dated 7 November 2018.
 - The development proposed is the demolition of the existing stable block and the construction of 2 no. dwellings with associated garaging and landscaping.
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Decision

1. The appeal is dismissed and planning permission is refused for the demolition of the existing stable block and the construction of 2 no. dwellings with associated garaging and landscaping at Moorgreen Farm, Burnetts Lane, West End, Southampton, SO30 2HH.

Preliminary matters

2. The appeal was submitted by the appellant, Mrs Brown. She has now given written consent for it to be progressed in the name of Mr Marcus Brown.
3. The appeal was against the non-determination of the application. The Council's statement indicates that, had it been in a position to determine the application, it would have been refused planning permission on the grounds of: its unsustainable location; the impact on the character and appearance of the area; the impact of the proposal on ecology and biodiversity; and, the lack of information on nutrient neutrality and developer contributions to open space and other infrastructure.

Main Issues

4. The main issues in this case are:
 - a) Whether the proposal would be in an appropriate location for development, having regard to local and national planning policy which seeks to manage the location of new development;
 - b) The effect of the proposal on the character and appearance of the area; and
 - c) The effect of the proposal on ecology and biodiversity.

Reasons

Location

5. The proposed development lies outside the urban edge and in the countryside, as defined in the Eastleigh Borough Local Plan 2001-2011 (LP). The relevant policy for considering development is Saved Policy 1.CO, which predates the publication of the National Planning Policy Framework (NPPF). In the latest version of that document, paragraph 213 says that the weight to be given to such policies should be in accordance with the degree of consistency with the NPPF. The site is not in a settlement and is adjacent to a farmhouse and other farm buildings which are currently being converted to residential use, in the countryside. Policy 1.CO sets criteria for development some of which are included in paragraph 79 of the NPPF and does not prohibit development in the countryside. However, the NPPF provides a more flexible and balanced approach towards housing in the countryside and, therefore, I consider that it should be given limited weight. Nevertheless, the proposal would not be for any of the development types in the criteria of that policy and therefore it would be contrary to it. The development would not be a rural exception site, nor would it enhance or maintain viability of villages in accordance with paragraphs 77-78 of the NPPF. Any future occupiers would need to travel by unsustainable means to services, including railway stations, employment and facilities. This is re-enforced by the number of car parking spaces shown on the plan, which exceeds the normal requirements set out in the Supplementary Planning Document (SPD) on Residential Parking Standards.
6. Therefore, I conclude that the proposal would not be in an appropriate location for development, having regard to local and national planning policy which seeks to manage the location of new development. It would be contrary to saved Policy 1.CO of the LP which seeks to manage the location of such development and the NPPF's policies for development in the countryside.

Character and appearance

7. The site currently has a single storey stable block arranged around a courtyard. The appellant already has planning permission for a replacement stable block which would be rotated to align with the adjacent farm buildings which are being converted for residential use. As this use is no longer required, the proposal would use a similar footprint but with the blocks around the courtyard broken up in a more open design. Whilst this might mimic the adjacent historic farmhouse and associated outbuildings and use matching materials, there is no historic context for the design of the proposed development on the site, in respect of its form. The existing stable block and its proposed replacement were designed as a rural equestrian use in conjunction with the adjacent farmhouse and outbuildings and there is no such justification an additional two new dwellings on the site. The visual impact of the proposal would be likely to be less than that of the replacement stable block already granted planning permission due to its design, but it would appear as an unrelated addition to the remainder of the development associated with the original farmhouse.
8. The large garages which would accommodate 4 cars for each dwelling would be to the front of the site and would be dominant features in the development. Along with the potential for further parking within the site, these features would detract from the character and appearance of the otherwise attractive rural area.
9. Therefore, I conclude that the proposal would be harmful to the character and appearance of the area, contrary to saved Policy 59.BE (i) of the LP which

requires development to take full and proper account of the context of the site and the character and appearance of the locality. This part of the policy accords with paragraph 127 of the NPPF and has full weight.

Ecology and biodiversity

10. The site is close to Home Convent Site of Importance for Nature Conservation (SINC) and Ancient Woodland (AW). The Council has said that they require a Phase 1 Habitat survey to ensure that protected species in these areas would not be harmed by the proposed development. Although a Phase 1 bat survey has been provided, this is to ensure that the demolition of the existing buildings would not be harmful to any existing bat population in these buildings, rather than to the areas covered by the SINC and AW designations. In addition, the proposed garden areas for the dwellings would include land within 15m of the AW. The Council says that the proposal would be unable to provide the 15m buffer to the AW normally required by Natural England. A habitat survey would also be able to inform the matter of an appropriate buffer to the AW but this has not been provided.
11. The proposal would be within the 5.6km impact zone for recreational disturbance of the Solent and Southampton Water Special Protection Area (SPA). This is an internationally-protected site for over-wintering birds, mainly waders and wildfowl. The Solent Recreation Mitigation Strategy (SRMS) sets out a strategy for the mitigation of the effects of development in terms of recreational disturbance and the developer contributions which need to be made to mitigate these effects. A planning obligation needed to have been submitted prior to the determination of the appeal and without it there is nothing to ensure that the developer contribution would be paid and effective mitigation be made.
12. Therefore, I conclude that the proposed development would be harmful, in terms of its effect on ecology and biodiversity, which would be contrary to saved Policy 25.NC of the LP, which seeks to prevent harm to a habitat or feature of importance for wild fauna and flora. This Policy is largely in accordance with paragraph 170 of the NPPF, which requires the protection and enhancement of sites of biodiversity value, and has full weight.

Other matters

13. The Council also has concerns about nutrient neutrality and its impact on the SPA and River Itchen Special Area of Conservation (SAC) in respect of nitrogen and phosphorus discharge. As the foul drainage would discharge to a package treatment plant, calculations needed to have been submitted to determine whether mitigation would be required. The methodology for calculating the nitrogen balance is still in draft form and the Council have not yet determined whether any additional mitigation measures are required. However, this issue has not been considered by the appellant and no information on it has been submitted. If the circumstances leading to a grant of permission had been present, in the absence of secured mitigation, I would have needed to have carried out an Appropriate Assessment (AA) in order to ensure that the proposal would not harm the SPA and the SAC, in accordance with the Conservation of Natural Habitats and Species Regulations 2017.
14. The Council has said that other planning obligations would also be required and these would also have been needed to have been submitted prior to the

determination of the appeal. Contributions would have been necessary for open space and to mitigate the impacts of the proposed development on local infrastructure. These have not been provided by the appellant and had the circumstances leading to a grant of permission been present, these could have formed an additional reason for the dismissal of the appeal.

Conclusion

15. Therefore, for the reasons given above and having regard to all other matters raised including the brownfield nature of the site`, I conclude that the appeal should be dismissed.

E A Hill

INSPECTOR