
Appeal Decision

Site visit made on 20 October 2020

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th November 2020

Appeal Ref: APP/W1715/W/20/3256514

Lorna Doone, West End Road, Bursledon SO31 8BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Joe Line (Mostlane Construction Limited) against the decision of Eastleigh Borough Council.
 - The application Ref F/19/86835, dated 8 November 2019, was refused by notice dated 5 February 2020.
 - The development proposed is retention of outbuilding and change of use to an office (B1 Use Class).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the appeal form and decision notice. It more simply and accurately describes the appeal scheme than the lengthy description of development contained within the application form.
3. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020 (the Regulations) came into force, amending the Town and Country Planning (Use Classes) Order 1987 (the Use Classes Order). Having regard to regulation 4 of the Regulations, I have considered this appeal on the basis of the use classes specified in the Schedule to the Use Classes Order on 31 August 2020.
4. Office use of the outbuilding commenced subsequent to the refusal of the planning application. I have dealt with the appeal accordingly.
5. Since the refusal of the planning application, progress on the emerging *Eastleigh Borough Local Plan 2016 – 2036* (the EBLP) has advanced, with the publication of the Inspector's post-hearing advice on 1 April 2020. The Council has confirmed that none of the main modifications, suggested by the Inspector to allow the plan to proceed to adoption, would materially alter the direction of the policies of the Submission EBLP referred to in the Council's assessment of the appeal scheme, and that the Council intends to proceed towards adoption of the EBLP. Given the advanced stage of preparation reached, I attach moderate weight to the emerging EBLP in my determination of the appeal.

Main Issues

6. The main issue is whether the appeal site is a suitable location for an office building, having regard to the location of the site within a designated strategic gap and the impact of the development on the character and appearance of the countryside.

Reasons

7. The site lies on the east side of West End Road, in open countryside outside the designated urban edge, which lies within a strategic gap as designated in the *Eastleigh Borough Local Plan Review (2001–2011)* (the LPR).
8. The evidence before me is that the single storey outbuilding, the subject of this appeal, has existed for a number of years, and that it has previously been in agricultural and residential use before its recent conversion into an office. However, the Council has confirmed that the building does not benefit from planning permission or a certificate of lawfulness, and I note that both main parties have agreed to a description of development which includes “*retention of outbuilding*”.
9. Furthermore, I have no drawings before me confirming the building details and parking/access arrangements that existed prior to its office use. The evidence within the appeal documents suggests that external alterations have taken place to the building in conjunction with its conversion to office use, including changes to the fenestration and the addition of cladding, and that the hardstanding on the site has been altered.
10. As such, on the basis of the information before me, and notwithstanding that the Council has not required the building to be removed, I afford limited weight to the ‘fall-back’ position of the existing building.
11. I found during my site inspection that built development has taken place on almost the entire appeal site. This includes the building itself, a substantial area of timber decking attached to the rear of the building, paved footpaths to the front and side of the building and an extensive area of gravel surfacing, providing parking to the front and side of the building and vehicular access between the building and the road.
12. It appears to me, having regard to the Council’s photograph dated June 2019, and with no cogent evidence to the contrary before me, that the office use of the premises has resulted in a significantly more intensively developed site than that which existed during the former uses of the building. I find that the extensive amount of built development on the site, combined with the comings and goings of vehicles, on-site parking of vehicles, and potential for additional light pollution having regard to the large side elevation windows and floor to ceiling rear window/doors serving the office, has had a significantly urbanising effect on the appeal site. This is harmful to the intrinsic landscape character of this part of the countryside.
13. The site lies adjacent to an isolated ribbon of residential development fronting West End Road, which is surrounded by open countryside. The area lies within the designated strategic gap between the urban areas of Southampton to the west, Hedge End to the east and Bursledon to the south. The appeal scheme extends the existing frontage development closer towards the Windhover roundabout, which is at the transitional edge of the urban area of Bursledon. As

such, the development erodes the strategic gap, both visually and physically, and undermines its purposes of protecting the individual identities of settlements and preventing their coalescence.

14. Having regard to my observations regarding the intensity of built development on the appeal site, I am not persuaded by the appellant's assertion that the development comprises a 'compatible low-key use' of the site. This concern is compounded by the apparent operational connection between the appeal site and adjacent land occupied by Mostlane, which includes a large parking area, fenced off storage compound, portacabin and storage sheds.
15. The shared vehicular access, and the position of storage buildings containing builders equipment and materials sited directly in front of the office, and with direct pedestrian access from the appeal site, suggest that the sites are linked operationally. Whilst the neighbouring land falls outside the appeal site, and there is no evidence before me that the adjacent development is lawful, in the absence of evidence to the contrary, the appeal development appears to be directly supporting further encroachment of built development into the strategic gap countryside.
16. The appellant's assertion that, without some type of occupation, the building would fall into disrepair leading to the visual detriment of the site and anti-social behaviour, does not justify the harm I have identified in respect of the main issue.
17. I acknowledge the economic benefits associated with the appellant's business. However, the business is already established and has been operating elsewhere. Notwithstanding the family connection between the staff and the occupants of the adjacent property, the appellant has not demonstrated an essential need for the office to be located at the appeal site, or why it could not be sited within premises within the nearby urban areas. The appellant has confirmed that the site would be occupied as company offices only, for a business that covers the whole of the south of England, and that sub-contracted employees have no reason to visit the offices. Furthermore, no detailed information has been provided in respect of the travel to work distances of the staff, having regard to accessibility by means other than the car, and I saw during my site visit that a number of cars were parked at the site.
18. For the above reasons, I conclude that the appeal site is not a suitable location for an office building, having regard to the location of the site within a designated strategic gap and the impact of the development on the character and appearance of the countryside. As such, the appeal scheme does not accord with the aims of Saved Policies 1.CO, 2.CO, 18.CO and 59.BE of the LPR and emerging Policies S7, S8 and DM1 of the EBLP.
19. These policies, amongst other things, seek to protect the countryside from inappropriate development not requiring a countryside location, and ensure that development comprises good design which respects the intrinsic landscape character and appearance of the countryside, does not result in an urbanising effect, and does not physically or visually diminish strategic gaps/countryside gaps or contribute to the coalescence of settlements.

20. For similar reasons, the development is contrary to Policies of the *National Planning Policy Framework 2019*, which seek to ensure that development conserves and enhances the natural environment as set out in Chapter 15.

Other Matters

21. I have considered the appellant's contention that the Council's decision relies on out of date policies. I find that Saved Policies 1.CO, 2.CO, 18.CO and 59.BE of the LPR are generally consistent with the Policies contained within the Framework, in particular within Chapter 15, which seeks to conserve and enhance the natural environment, including by recognising the intrinsic character and beauty of the countryside. As such, and having regard to Paragraph 213 of the Framework, despite the date of adoption of the LPR, I attach significant weight to the above LPR Saved Policies in my decision.
22. Notwithstanding that the Framework encourages the effective use of land, and encourages Local Planning Authorities to approach decisions in a positive and creative way, this guidance is not unqualified, and would not address, or outweigh, the aforementioned harm that I have identified in respect of the main issue.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR