
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 December 2020

Appeal Ref: APP/W1715/W/20/3254981

Croft Farm, Winchester Road, Southampton SO32 2BX

- 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 Rivers against the decision of Eastleigh Borough Council.
 - The application Ref F/19/86814, dated 8 November 2019, was refused by notice dated 6 March 2020.
 - The development proposed is erection of detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the area; and
 - Whether sufficient information has been provided to demonstrate that there would be no unacceptable harm to the biodiversity interests of the site.

Reasons

Character and appearance

3. The appeal site is located on the north-eastern side of Winchester Road, between the settlements of Horton Heath and Botley, and within designated countryside as defined in the *Eastleigh Borough Local Plan Review (2001–2011)* (2006) (the LPR). It has previously been used for agricultural purposes as a piggery. A barn and derelict outbuildings associated with the former use remain. There is also some hardstanding, a slurry pit, and widespread areas of grass and ground cover.
4. The barn is set back some distance from the site frontage, and benefits from an unimplemented extant prior approval for change of use to a dwelling.
5. Mature landscaping and trees are a feature along the roadside within the site locality. There are 3 mature Oaks near the front of the site, 2 are beside the front boundary and one is set further back. These are visible within the street scene, and are of high public amenity value, making a positive contribution to the visual amenities and rural character of the appeal site and the wider surrounding area. A large mature Blue Gum tree sited on an adjacent property to one side of the site, whose canopy extends over the appeal site, is also

visible from the public realm and makes a significant contribution to the undeveloped and rustic nature of the appeal site.

6. Residential properties to both sides of the site form part of a short row of dwellings comprising a variety of building sizes, designs, materials, and positioning in relation to the street. There are open fields to the rear of the site and on the opposite side of the road. The appeal site provides a large and noticeable visual and physical break of open countryside within the ribbon housing development fronting this part of Winchester Road.
7. In supporting the principle of the proposal, the Council has accepted the fall-back position of the extant consent for the conversion of the barn into a dwelling. The approved scheme is for a small, one-bedroomed, single storey dwelling, which would be set well back from the site frontage and would involve minimal alterations to the external appearance of the barn, as restricted by the prior approval criteria of the GPDO.
8. The limited nature of the approved changes to the appearance of the building do not necessarily diminish the quality of the building design, since it ensures that the dwelling would retain its original agricultural character, in keeping with the rural nature of the site. The building would also retain its small scale and footprint, and would have a restricted residential curtilage. Its position, set back from the road, whilst not in line with neighbouring residential properties, serves to retain the undeveloped, rural nature of the site, and ensure that it remains distinct from the adjacent residential development.
9. The extant scheme would therefore be of a design which is appropriate to its countryside location, and would have an unassuming and low-key presence within the site, and in views from the public realm and wider countryside. The existing rural character of the site would not be significantly affected, and the strong landscaped visual break between the built-up residential development to both sides of the site would remain.
10. Notwithstanding a proposed lower roof height than the existing building, the appeal scheme would replace the barn with a much larger, 3-bedroomed dwelling, which would be positioned in a more visually prominent position closer to the site frontage. The proposed cruciform layout would be more expansive than that of the compact barn building, and the building would have a wide front elevation facing onto the road. Positioning the new building to align more with neighbouring residential properties would serve to consolidate the urban development in this part of the countryside to the detriment of its rural character.
11. Any visual benefit arising from the removal of the existing hardstanding, hardcore and other debris from the site would not outweigh the harm I have identified in respect of the appeal scheme. Remnants of the former agricultural use of the site reflect its rural character.
12. The replacement building would comprise a much more overtly domestic design than that approved under the prior approval consent. The proposed residential curtilage would be notably greater than that of the approved scheme, and would enable the introduction of a greater amount of domestic paraphernalia associated with the residential use of the building.

13. Taken together, all these factors would result in the appeal scheme having a significantly more urbanising effect on the site and surrounding countryside than that of the existing barn building, or the barn as altered under the extant permission. This would erode the rural character of the site, so that it would be perceived as an extension to the row of built up residential development along this side of the road, affecting the prevailing rural character of the site. This harmful impact would not be outweighed by the comparatively shorter driveway of the appeal scheme to that of the extant scheme, particularly since a wider vehicle parking/turning area is proposed close to the site frontage.
14. Whilst the appellant has had regard to the Inspector's decision in respect of the previously dismissed appeal¹ scheme for two live/work units on the site, including designing the building scale to reflect the more modestly-sized nearby dwellings, this does not overcome my aforementioned concerns.
15. The new dwelling and associated access, parking and turning area would be sited in close proximity to the frontage Oaks. Although the Council's Tree Officer was satisfied that the 2015 scheme could be dealt with by means of tree protection conditions, I am not persuaded that the July 2015 Tree Survey (TS) provides sufficient evidence to satisfactorily demonstrate that the proposal would not harm these trees. It fails to take into account any changes that have occurred to the trees since the survey date, including tree growth, canopy spread and RPA changes. BS 5837:2012 states that "the default position should be that structures (see 3.10) are located outside the RPAs of trees to be retained". Although some trees can recover from root disturbance, the RPA is the minimum area around a tree deemed to contain sufficient roots and rooting volume to maintain the tree's viability, and where the protection of the roots and soil structure is treated as a priority. In the absence of an up-to-date TS, with the precautionary principle in mind, I cannot be certain that the proposal would not risk the long-term health and survival of these trees, and thereby harm the character and appearance of the area, having regard to the positive contribution the trees make to the rural nature of the site and the visual amenities of the locality.
16. In making this assessment, I have also had regard to the fact that the appeal scheme involves a greater amount of built development (building and access, parking and turning area) within close proximity to the trees than the extant prior approval scheme, and the previously proposed live/work unit development to which the TS originally related. Additional matters to be considered include the potential for service connections to run through the RPAs, and any potential inconvenience to future occupiers of the dwelling as a result of shading, overbearing presence and debris or branch fall which may lead to future pressure for works affecting the long term health of the trees.
17. My attention has been drawn to two appeal decisions in support of the appellant's case. These relate to different sites and development proposals. On the basis of the evidence before me, I do not find them to be directly comparable to the current appeal scheme. In any event, I must determine the appeal on the merits of the scheme before me, and the appeal site circumstances.
18. For the above reasons, I therefore conclude that the proposal would have a detrimental impact on the character and appearance of the area. This harmful

¹ APP/W1715/W/16/3146544

impact has the potential to be exacerbated by damage to mature trees located within and adjacent to the appeal site. As such, the proposal does not accord with Saved Policies 1.CO, 8.CO and 59.BE of the LPR and draft Policies DM1 and DM28 of the *Emerging Eastleigh Borough Local Plan (2016-2036)* (the ELP). These policies, amongst other things, seek to ensure that new development does not have an unacceptable impact on the character and appearance of the countryside, and does not involve the loss of, or damage to, trees of value to the character of the area, and that replacement dwellings in the countryside do not result in urbanising effects, have a greater impact physically or visually on the character and appearance of the countryside than the existing dwelling, are not disproportionate in size to the existing dwelling or involve any extension to its curtilage, and are located on the same footprint as the existing dwelling.

Biodiversity

19. The Council's third reason for refusal relates to the failure to provide sufficient information with the planning application to demonstrate that the appeal scheme would not harm protected species and other ecological features, and that the proposal would ensure net gains for biodiversity.
20. Since the refusal of the planning application, the appellant has submitted an updated version of the Preliminary Ecological Appraisal Survey (PEAS) that accompanied the planning application. The Council's view is that the revised PEAS does not fully address the Council's concerns, in particular, having regard to insufficient evidence to demonstrate that protected species, including bats and reptiles, are not present on the site.
21. I find the Council's concerns to be appropriate, having regard to the nature of the proposal, and the rural character of the site and its surroundings, including an on-site barn, which is to be demolished, trees and vegetation, and the location of nearby ponds. As such, there is a reasonable likelihood of protected species, including bats and reptiles, being present either on the site or within the site vicinity and being affected by the proposal.
22. I am mindful of advice in *Circular 06/05: Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System* (Circular 06/05), which states that it is essential that the presence or otherwise of protected species and the extent that they may be affected by proposed development should be established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Therefore, notwithstanding the extant permission which was determined having regard to the criteria contained within the GPDO and differs from the current proposal, taking the precautionary approach, I consider that further information is required in respect of this matter in order to make a decision.
23. For the above reasons, I therefore conclude that sufficient information has not been provided to demonstrate that there would be no unacceptable harm to the biodiversity interests of the site. The proposal would therefore be contrary to Saved Policy 25.NC of the LPR, draft Policies DM1 and DM11 of the ELP, Circular 06/05, and Chapter 15 of the Framework, which seek to ensure that new development conserves and enhances biodiversity.

Conclusion

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

S Leonard

INSPECTOR