



Appeal Decision

Site visit made on 5 April 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2022

Appeal Ref: APP/W1715/W/21/3281547

Brambles, Salterns Lane, Bursledon SO31 8DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Andrew Vincent against the decision of Eastleigh Borough Council.
 - The application Ref F/21/90068, dated 15 March 2021, was approved on 2 July 2021 and planning permission was granted subject to conditions.
 - The development permitted is construction of single storey outbuilding and use of land for athlete training purposes.
 - The conditions in dispute are Nos 2 and 3 which state that: "The development hereby approved shall be for a limited period expiring on 30 September 2004. On or before this date the building and any associated hardstanding, materials and equipment shall be removed from the site and the land shall be restored to its former use as a paddock and a condition in accordance with details that have first been submitted to and approved in writing by the local planning authority"; and "The development hereby permitted shall be for the sole benefit of the named athlete, Serena Vincent, and shall be used strictly for the purposes of a private shot-put training facility only and for no other purposes whatsoever, including any other purpose(s) within Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification".
 - The reasons given for the conditions are: "The development is not considered to be suitable for permanent retention and in the interests of protecting the character of the area"; and "The application is considered to demonstrate exceptional circumstances and therefore there is a need to retain planning control in the interests of preserving and enhancing the character and appearance of the area, particularly given that the site is in an area where development is normally restricted".
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Decision

1. The appeal is allowed in part and the planning permission Ref F/21/90068 for construction of single storey outbuilding and use of land for athlete training purposes at Brambles, Salterns Lane, Bursledon, Southampton SO31 8DH, granted on 2 July 2021 by Eastleigh Borough Council, is varied by deleting Condition 2 and substituting it for the following condition:
 1. The development hereby approved shall be for a limited period expiring on 31 December 2032 or upon the cessation of the use of the development for athlete training purposes by Serena Vincent, whichever date is the soonest. On or before this date, the building and any associated hardstanding, materials and equipment shall be removed from the site, and the land shall be restored to its former use as a paddock, and in a condition in accordance

with details that have first been submitted to, and approved in writing by, the Local Planning Authority.

Procedural Matters

2. Since the approval of the planning application, a revised version of the *National Planning Policy Framework* (the Framework) was published on 20 July 2021. I have taken the revised Framework into account where relevant to my decision.
3. Since the refusal of the planning application and the submission of this appeal, the *Eastleigh Borough Local Plan 2016-2036* (the Local Plan) was adopted on 25 April 2022. This replaces all of the saved policies of the adopted *Eastleigh Borough Local Plan Review 2001-2011*, and comprises the relevant development plan for the purposes of the determination of this appeal.
4. I have dealt with the appeal accordingly, and I attach full weight to the relevant Local Plan policies referred to in the statements by the main parties in the determination of the appeal. In so doing, I have taken account that the Council had given considerable weight to the emerging policies of the, at that time, Submitted Local Plan, in determining the planning application, as it had reached the advanced stage of undergoing public consultation in respect of modifications following the hearings and appeal Inspector letters. I have taken into account relevant policy numbering changes, so that the former emerging Policies S7, S9 and BU9 are now adopted Local Plan Policies S5, S7 and BU7 respectively.

Main Issue

5. Having regard to the Council's reasons for imposing Conditions 2 and 3, the main issue is the effect of modifying or removing these conditions on the character and appearance of the area, having regard to the location of the site within the countryside and within the Old Bursledon Conservation Area (OBCA).

Reasons

6. The appeal site is located within open countryside, outside the designated settlement policy boundary, to the southeast of Bursledon. It lies within the OBCA, the significance and character of which are set out in the Council's adopted *Old Bursledon Conservation Area Appraisal and Management Proposals Supplementary Planning Document* (2012) (the CAAMP).
7. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* as amended (the Act) requires that, with respect to development affecting buildings or other land in a conservation area, 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'
8. Specifically, the appeal site lies within Zone 8 – Salterns Lane, Kew Lane and Mallards Moor, as identified within the CAAMP. This is a predominantly residential area, with houses set in large gardens, and where large plot sizes and generous space around buildings combine with undeveloped land outside plots to make a significant positive contribution to the primarily rural character of the conservation area. Sunken lanes with densely treed boundaries form a key component of this part of the OBCA.

9. The appeal site comprises paddock land located adjacent to, but not forming part of, the residential curtilage of, a dwelling known as "Brambles" to the northwest of Salterns Lane. The site has a wholly rural character, being laid to grass and shrubs, with mature trees providing a large part of its boundary treatment. Vehicular access is via a field gate from an unmade shared access drive off Salterns Lane, which is also used by neighbouring residential properties to the north. The site frontage is defined by trees and mature shrubs, together with low timber post and rail fencing. As such, the appeal site comprises an integral part of the prevailing character of the OBCA, and it makes a positive contribution to the significance of the conservation area, exhibiting characteristics which are intrinsic to its rural character and the loose-knit form of built development within the area.
10. I acknowledge the Council's concerns in respect of the potential harmful urbanising impacts associated with new built development within the OBCA, the reference within the CAAMP to existing unsympathetic modern development within the site vicinity, and the confirmation of a direction made under article 4(1) of the Town and Country (General Permitted Development) (England) Order 2015 (as amended) Order in respect of development within Class E of Part 1 of Schedule 2 of the Order.
11. Notwithstanding its functional design, reflecting its proposed use for training purposes, the appeal proposal would assume the appearance of a typical rural building, that would not appear out of place within the paddock land. The simple, single storey design, incorporating dark-stained weatherboarding walls, under a shallow-pitched onduline sheeting roof, and incorporating only timber door openings and no glazed windows, would be appropriate for the rural character of the site. Moreover, it would occupy a small part of the site and would be sited on a part of the appeal site where it would be relatively close to the neighbouring built development at Brambles. As such, I find that, having regard to its design and siting per se, the new building would assimilate satisfactorily into its rural environment without harming the character and significance of the OBCA.
12. However, the proposal would have a greater visual presence within the countryside than merely the new building on the site, due to the associated use of the building and site for athlete training purposes. There would also be a shot-put "throwing area" which would amount to more than twice the size of the building footprint. Both these structures would be in a potentially highly visible position close to the site frontage.
13. With this in mind, and having regard to the significance of the site as an undeveloped piece of rural land making a positive contribution to the spacious verdant tranquil environment of this part of the OBCA, I find that, in the interests of preserving the character and appearance of this part of the OBCA countryside, conditions restricting the development to a temporary permission and specifically restricting the use to that of a shot-put training facility for the sole benefit of the appellant's daughter, having regard to the specific circumstances in support of the proposed use, as detailed in paragraphs 33 and 34 of the Council's statement of case, would meet the criteria of paragraph 56 of the Framework.
14. In coming to this view, I have had regard to the non-permanent nature of the anticipated athlete training programme and the convenience of the location of

the facility adjacent to the athlete's family home. The proposed use of the site for training by the appellant's daughter would amount to a low-key recreational use of the site by a single sportsperson living in close proximity to the site. I am mindful of the potential for a future intensification of the athlete training use of the site and building, and any associated potentially harmful impacts on this rural location arising from additional activity on the site, including increased traffic movements and parking provision, which could potentially arise should the development become a permanent feature which is not restricted to the mode of operation currently proposed by the appellant.

15. I acknowledge that mature trees and shrubs along a substantial part of the site boundaries provide a degree of screening and self-containment of the appeal site and would result in the partial screening of the proposal in views of the site from the public realm. Also, the site is not identified as forming part of any 'important views' identified within the CAAMP. However, an element of the boundary screening is deciduous, including along the frontage from where the proposal would be visible in views from outside the site, during the winter months. Moreover, whilst the proposal includes additional frontage hedge planting, it is not appropriate to rely upon the implementation and/or future retention of landscaped planting to screen permanent built development that might otherwise not be acceptable.
16. The appellant has drawn my attention to a significant financial cost investment that would be required to fund the proposal. I am also mindful that the athlete who would use the facilities is young, and on the basis of the evidence before me, it is credible to assume that she has the potential to continue to compete at an elite level until the 2032 Olympics. These factors, together with the significant accessibility benefits resulting from the location of the site immediately adjacent to the family home, weigh in favour of an extended permission on the appeal site.
17. Having regard to the above, I find it reasonable to alter the wording of Condition 2 to enable the appeal scheme to benefit from a longer period than that currently allowed, to justify the costs incurred, and to provide certainty in respect of the continuous availability of suitable and readily accessible training facilities for the athlete leading up to the 2032 Olympics. Whilst a 10 year temporary consent may ordinarily be considered too long to be realistically considered temporary, I consider the special circumstances of this proposal to justify this specific extended timescale in this instance.
18. Having regard to the already established justification for the appeal scheme on the basis of the training needs and future event goals of the appellant's daughter, and the established Olympic Games schedule, since the permission would enure for the benefit of the appellant's daughter only, I do not consider it necessary for the appellant to submit an annual athlete training report, which would place an unnecessary burden on the Council to enforce.
19. I have not altered the existing requirement to remove the building and any associated hardstanding, materials and equipment from the site upon the cessation of the athlete training use, having regard to the aforementioned significance of the site as an undeveloped area of rural land within the OBCA.
20. Should the appellant intend to retain the building as a supporting structure in connection with the future paddock use of the land, following the cessation of the athlete training use, restricting the structure to a temporary permission

would enable its condition, and that of any new landscaping planted in association with the implementation of the athlete training development, to be taken into account in determining whether its permanent retention would be appropriate in the interests of the character and appearance of the area.

21. I have considered the appellant's proposed changes to Condition 3, having regard to ensuring that the future use of the land as a paddock is not jeopardised. However, I do not consider the proposed amendments to be necessary, having regard to the wording of Condition 2 which explicitly confirms that the site would be expected to return to a paddock use once no longer required for athlete training purposes. I consider that this condition provides sufficient unambiguity in respect of this matter.
22. For the above reasons, the proposed replacement of Condition 2 with the condition as set out in the first paragraph of this decision letter would not harm the character and appearance of the area, having regard to the location of the site within the countryside and within the Old Bursledon Conservation Area (OBICA). As such, the proposal would accord with Local Plan Policies S1, S5, DM1 and DM12 and the CAAMP. This is in so much as these policies and guidance, amongst other things, seek to restrict development in the countryside to that for which a countryside location is appropriate in order to maintain its rural character and limit urbanisation, and to ensure that new development comprises a high quality design which respects the character and appearance of the area, and does not harm, and where possible enhances, the special character and significance of heritage assets.
23. For similar reasons the proposal would accord with policies of the Framework which require well-designed places and the conservation and enhancement of the historic environment as set out in Chapters 12 and 16.
24. The appellant has also referred to Local Plan BU7. As this policy relates to residential extensions and replacement dwellings in the Old Bursledon Special Policy Area, I do not consider it to be directly relevant to the determination of this appeal. Neither, on the basis of the information before, am I persuaded that Local Plan Policy S7, which is referred to by the Council, is directly relevant to consideration of the appeal scheme, having regard to the definition of "coast" for the purposes of this policy which seeks to protect the coast and its inshore areas from development detrimental to their character.

Other Matters

25. The appellant has drawn my attention to matters concerning the planning application determination process, including the delegated decision process denying the appellant the opportunity to address the elected councillors at the relevant Local Area Committee, and whether or not the appellant sought a temporary consent at that time. These are not matters for my consideration as part of the determination of this appeal.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed in part.

S Leonard

INSPECTOR