
Appeal Decision

Site visit made on 24 May 2022

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th June 2022

Appeal Ref: APP/W1715/W/21/3289273

Holly Rise, Burnetts Lane, West End SO30 2HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Roy Bendy against the decision of Eastleigh Borough Council.
 - The application Ref O/21/91585, dated 24 September 2021, was refused by notice dated 18 November 2021.
 - The development proposed is the erection of 2 no. detached dwellings and a double garage for Holly Rise with access off Burnetts Lane.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline form, with access and layout to be considered as part of this proposal, notwithstanding that drawing Ref 19.043.41.SK02 is titled '*Illustrative Site Plan*'. I have dealt with the appeal accordingly.
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, at that time, emerging policies of the Submitted Local Plan, in determining the planning application, as it had reached the advanced stage of undergoing modifications following the Hearings and post-Hearing appeal Inspector's advice.
5. I have taken account of relevant policy numbering changes, so that the former emerging Policies S7, S8, DM1 and DM11 are now adopted Local Plan Policies S7, S6, DM1 and DM11 respectively.

Main Issues

6. The main issues are:
 - Whether the appeal site is a suitable location for the proposed two new houses, having regard to the location of the site within a designated Settlement Gap

and the impact of the development on the character and appearance of the countryside; and

- The effect of the proposal on the integrity of the Solent and New Forest European Protected Sites (EPS).

Reasons

Location and character and appearance

7. The appeal site lies to the southeast side of Burnetts Lane, within open countryside outside the development plan designated settlement boundary. It comprises land to the front and side of a detached two storey house, known as Holly Rise. The site contains several single storey outbuildings, and is part laid to grass/soft landscaping and part to a scalping-covered parking/outdoor storage area. The site boundaries, including the road frontage, are defined by mature landscaping incorporating trees and hedging. There are two gated vehicular accesses from Burnetts Lane.
8. Having regard to my observations during my site visit, I find that the stretch of Burnetts Lane to the south of the settlement of Horton Heath has a distinctly rural character. It is unlit and has no pavements. Grassed verges and hedge-lined frontages are characteristic of both sides of the road. Open and hedge-bordered fields lie to its north side, and there is some sporadic low-density frontage residential development along its south side. This residential built development is typically shallow in depth, of mixed built form, height and positioning in relation to the road, and is interspersed with soft-landscaped and undeveloped stretches of land fronting onto the road. It backs onto large open fields.
9. This side of the road, including the appeal site, lies within a designated Settlement Gap between Hedge End, Horton Heath and Boorley Green, within the recently adopted Local Plan, with Burnetts Lane running alongside the edge of the Settlement Gap.
10. My findings on site accord with the description of this Settlement Gap within the Council's *Eastleigh Borough Settlement Gap Study* (the SGS), which notes that the Settlement Gap includes a mosaic of open farmland, woodland, some ribbon residential development and individual properties. The SGS states that the landscape is characterised by soft, undulating open fields with well-defined field boundaries, and that Burnetts Lane is described as a rural lane incorporating mature hedgerow and tree planting and including some individual properties along its east side.
11. More specifically, the stretch of the road within which the appeal site is located forms an edge to sub-area D2 of the Settlement Gap, which is described in the SGS as a large undulated open field surrounded with mature field boundary hedgerow, and with its western boundary formed by ribbon development along Burnetts Lane back gardens.
12. The area within the vicinity of the appeal site is subject to recent and on-going change associated with the development of land on the opposite side of Burnetts Lane with a large housing development¹, as part of a wider strategic

¹ LPA Ref O/14/75735

- allocation of land to the north of Burnetts Lane for housing, employment and community facilities, known as the Horton Heath strategic site (the HHSS).
13. I do not doubt that this development will have a significant impact on the character and appearance of the countryside on the opposite side of the road to the appeal site. As such, although noting the timescale which has elapsed since the previous appeal decision in respect of the appeal site, on the basis of the current circumstances in respect of the HHSS, I concur with the view of the previous appeal Inspector that the appeal site lies within a rural area which is vulnerable to urban influences.
 14. I am mindful that the allocated land for new development on the opposite side of the road lies outside the designated Settlement Gap. Also, that the appeal site lies within the Settlement Gap as defined in the recently adopted Local Plan, notwithstanding its proximity to the HHSS, whose Burnetts Lane frontage will eventually delineate the edge of the settlement.
 15. In addition, I note that the SGS states that the D2 sub-area within which the appeal site is located, makes a critical contribution towards the sense of separation between Bubb Lane and the allocated HHSS mixed use development.
 16. Whilst containing a two-storey house with some outbuildings to its side, the appeal site forms an integral part of the prevailing rural character of the south side of Burnetts Lane. The existing dwelling sits within a soft landscaped garden, and mature hedging and trees bound the site. The existing outbuildings are distinctly ancillary in scale to the main dwelling, and are read as such in respect of their design and size. The undeveloped soft landscaped area to the side of the outbuildings makes a positive contribution to the large undeveloped frontage gap between Holly Rise and the neighbouring dwelling at Hillcrest.
 17. Also, I saw during my site visit, that whilst new road infrastructure has recently been completed within the immediate vicinity of the appeal site, including the realignment of Burnetts Lane and the provision of a new road, roundabout and a cycle way which runs in front of the appeal site, these works have not significantly affected the visual perception of the appeal site as being situated within open countryside.
 18. I consider that the Settlement Gap boundary along Burnetts Lane has been reinforced by the inclusion of a deep grassed verge in front of the appeal site and mature hedging along both sides of the new cycle lane, so that the appeal site sits behind a double row of well-established soft landscaping which will clearly set it aside from the imminent new urban-style residential built development on the opposite side of the road. As such, I find that the rural character of the appeal site has not been unduly compromised by the recently-built highways infrastructure which will serve the HHSS housing.
 19. The appeal scheme would result in a large proportion of the appeal site being given over to new built development comprising the new dwellings, carports and a garage building, as well as on-site vehicle access and turning facilities. This would erode the spatial qualities of the appeal site, exerting an urbanising character onto the appeal site and notably diminishing its rural characteristics.

20. Notwithstanding that a shared courtyard parking arrangement of dwellings can, in some circumstances, be appropriate within a rural location, I am not persuaded, on the basis of the evidence before me, which does not include details of the proposed design, height, scale and massing of the buildings, that the proposal would be an appropriate design for its rural location.
21. I find that the proposed layout of development, which is a matter for determination as part of this appeal, is akin to that of a typical formal suburban arrangement of dwellings, and that this would be at odds with the more sporadic arrangement of properties which is characteristic of this side of Burnetts Lane.
22. It is also reasonable to expect that the two additional residential properties would include the introduction of domestic paraphernalia and additional garden buildings and structures associated with the occupants' enjoyment of their gardens, that would further intensify the urbanising impacts of the appeal scheme, and erode the open rural character of this part of the Settlement Gap.
23. The proximity of the new dwellings to the rear site boundary would represent an unduly cramped form of built development onto the site, which, on the basis of the evidence before me, I am not satisfied would enable the retention of a maturely landscaped boundary along this part of the site.
24. The replacement of part of the landscaped front garden with the proposed garage and associated driveway access to serve the existing dwelling would further erode the verdant rural character of the appeal site.
25. With all the above in mind, and notwithstanding that the proposal would not extend beyond the existing site boundaries, I find that the appeal scheme would not accord with the stated objectives of Local Plan Policy S6, of ensuring that the physical extent and/or visual separation of settlements is not undermined, and preventing urbanising effects which would be detrimental to the character of the countryside or the separate identity of the adjoining settlements.
26. For the above reasons, I therefore conclude that the appeal scheme does not propose a suitable location for the proposed two new houses, having regard to the location of the site within a designated Settlement Gap and the impact of the development on the character and appearance of the countryside. As such, the proposal would be contrary to Local Plan Policies S6, S7 and DM1, in so much as these policies seek to ensure that development is suitably located having regard to the Council's adopted spatial pattern of development and protects the character and appearance of the countryside and the intrinsic character of the landscape.
27. For similar reasons, the proposal would also be contrary to Policies of the *National Planning Policy Framework 2021* (the Framework) which seek to secure well-designed places and the conservation and enhancement of the natural environment as set out in Chapters 12 and 15.

EPS

28. The Council's second reason for refusal relates to the failure of the appeal scheme to mitigate the 'in combination' effects of the development upon the Solent and New Forest EPS. These effects are two-fold. Firstly, having regard to increased levels of nutrients from wastewater from new dwellings entering the

Solent and causing eutrophication at the Solent designated sites, and secondly, the impacts of increased recreational activity from new housing developments upon the Solent and New Forest EPS. In addition, the Council has confirmed that, since the refusal of the planning application and the submission of the appeal, Natural England has raised a potential further issue in respect of phosphate mitigation in connection with new housing within the River Itchen catchment area.

29. Whilst the appellant has confirmed willingness to comply with EPS mitigation such as it is required by the Council, as it stands there are no detailed completed schemes of mitigation before me.
30. Within the context of this appeal, the responsibility for assessing the effects of the proposal on the European designated sites fall to me as the competent authority. Had I been minded to allow the appeal, and the circumstances therefore existed in which planning permission could be granted, it would have been necessary for me to examine this matter further, and to undertake an Appropriate Assessment (AA) of the implications of the appeal scheme for the European designated sites.
31. However, as the first main issue provides clear reasons for dismissing the appeal, the outcome of any such AA would have no bearing on the overall outcome of this appeal. There is therefore no need for me to consider this matter any further as part of my decision, since any findings on this issue would not change the appeal outcome.

Other Matters

32. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. When judged against some of the core planning principles of the Framework, the appeal proposal would perform well. Whilst in a countryside location, the appeal site would benefit from convenient access to the supporting infrastructure and community facilities and services associated with the nearby HHSS development.
33. There would be modest economic benefits as a result of the construction and occupation of the new dwellings. Also, the additional two family-sized dwellings would contribute towards the Council's housing supply, and they could be built-out relatively quickly, having regard to Paragraph 69 of the Framework. However, the contribution would be very modest, and the Council has confirmed that it can identify a five-year supply of deliverable housing.
34. Moreover, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development of fostering well-designed and beautiful places, would not be achieved.
35. Whilst the Framework encourages the effective use of land in meeting the need for homes, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified, and would not address or outweigh the aforementioned harm that I have identified in respect of the first main issue.

36. I acknowledge that the proposal represents an amended scheme from that which was refused under outline planning application Ref O/21/90682, and was the subject of a withdrawn planning appeal, including a reduction in the number of dwellings from four to two. However, this does not alter my findings in respect of the current proposal.
37. The Council has not identified any harm in respect of other issues, including the impact on neighbouring living conditions, the living conditions of future occupiers of the new dwelling, highway safety, parking, tree impacts and on-site biodiversity. In terms of the planning balance, the lack of identified harm is a neutral factor that does not diminish the significant harm that would arise from the proposal in respect of the character and appearance of the area.
38. I have noted that no third party objections have been received. However, this does not affect my conclusions in respect of the main issues.

Conclusion

39. The proposal would result in some benefits. However, this would not overcome the harm to the character and appearance of the area. The proposal would therefore not accord with the development plan when taken as a whole, and there are no material considerations which indicate a decision other than in accordance with it.
40. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR