Planning Inspectorate

Appeal Decision

Site visit made on 10 July 2025

by Philip Willmer BSc Dip Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 05 September 2025

Appeal Ref: APP/W1715/D/25/3366527
Cricketwood, Tanhouse Lane, Botley, Hampshire SO30 2SZ.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr A. Potts against the decision of Eastleigh Borough Council.
- The application Ref is H/25/98737
- The development proposed is extension to existing outbuilding to provide annex facilities.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr A. Potts against Eastleigh Borough Council and this will be the subject of a separate Decision.

Preliminary Matters

3. Planning permission was granted for the current outbuilding under Ref: F/04/50879 for a garage with storage in the roof space, ancillary to the main dwelling. Conditions 3 and 4 of the planning permission explicitly restricted the building's use to purposes incidental to the enjoyment of the dwelling house, prohibiting conversion to living accommodation or use for business, commercial, or industrial purposes without prior written consent from the local planning authority.

4. As I saw on my visit the building is not currently used as a garage, but more as a lounge/domestic storage, complete with a kitchen on the ground floor and two bedrooms, one ensuite together with a family bathroom at first floor level.

5. The appellant contends that the building was occupied as an independent residential unit prior to his ownership and before an agricultural tie on the main house was lifted in 2017. Accordingly, he states that the ground floor has been in the current use for more than 10 years. The first floor accommodation was however subsequently created after purchase by the present owner. The lawfulness of the use has not been tested by way of a Certificate of Lawfulness, but I note that the Council's Enforcement officer has given an informal opinion that the current use of the outbuilding may be immune from enforcement. Its current status is nonetheless uncertain based on the evidence before me, and it is beyond the scope of this appeal to establish lawfulness.

6. I note the appellant's suggestion that the application now the subject of this appeal could, with the Council's agreement have been amended to remove conditions 3 and 4. However, this course of action was not adopted.

7. Furthermore, the appellant contends that following the removal of the agricultural tie on the main house in 2017 there was no longer any purpose for the conditions attached to the planning permission for the outbuilding. Nevertheless, it would be for the appellant in the first case to test this matter by way of an application to have the conditions lifted. Accordingly, it again falls outside of the scope of this appeal.

8. Based on the evidence before me I shall therefore assess the scheme on the basis of the development as approved under planning application Ref: F/04/50879.

Main Issues

9. The main issues are whether the site is an appropriate location for the proposed development having regard to:

   - whether the proposed development would amount to a new dwelling in the countryside; and
   - if so its effect on the character and appearance of the area.

Reasons

New dwelling

10. The outbuilding would not have a separate vehicular access to that of the main house. In addition, being located in the southwest corner of the garden it would have very limited, if any private amenity space. Nevertheless, the outbuilding as extended, given the kitchen, lounge, four bedrooms and bathrooms proposed would be a fully self-contained unit with no dependence on the main house and could be occupied as an independent dwelling from the main house.

11. The provision of a new dwelling would be unacceptable in principle under Policy S5 of the Eastleigh Borough Local Plan (2016-2036) (Adopted April 2022) (LP). While there are some exceptions in the LP for the creation of new dwellings in the countryside, for instance dwellings for rural workers, as set out in LP Policy DM27, this proposal would not be one of the exceptions.

12. For the reasons set out I conclude that the outbuilding as extended, should be regarded as a new dwelling in the countryside. The development would therefore conflict with Policies S5 and DM27 of the LP as set out above.

Character and appearance

13. The Council's specific concern is that development within this location would erode the rural character of the area.

14. LP Policy DM1 sets out the general criteria for all new development. Amongst other things it requires all new development not to have an unacceptable impact on, and where possible should enhance the character and appearance of the countryside. Further, it is to take full and proper account of the context of the site including the character and land uses of the locality or neighbourhood and be compatible with adjoining uses and be well integrated with these in terms of mass,

scale materials, layout, density, design and setting, both in itself and in relation to adjoining buildings, spaces and views.

15. Crickwood is a large modern two-storey detached dwelling with a detached outbuilding located in substantial grounds. The rear the property abuts a group of barns and workshops, which are agricultural in appearance. Although the property is in the proximity of the settlement of Hedge End it is outside of the defined urban edge. The area is characterised by a mix of residential properties, small holdings and equestrian users set in open, rural and undeveloped countryside.

16. The appellant proposes, following demolition of the current first floor balcony and access stair a two-storey side extension to the existing detached outbuilding. An additional dormer window is proposed in southern roof slope.

17. The design of the proposed extension is generally well mannered and in itself would neither detract from the form or design of the main house. However, by reason of its overall mass, the addition of the porch and dormer it would nevertheless have the appearance of a detached dwelling rather than an ancillary outbuilding.

18. Due to its residential appearance the outbuilding as extended would be disproportionate in scale to the host property and would thereby fail to maintain a subservient relationship to it.

19. Having regard more generally to spaces and views, the new dwelling would not be well integrated in terms of layout, setting, both in itself and in relation to the main house.

20. I appreciate that there has been new residential development nearby however, from my observations on site this has not served to alter the character and appearance of the appeal site or the surrounding countryside.

21. I therefore conclude that the proposed development would harm the character and appearance of the area. This would be contrary to LP Policy DM1 as set out above.

Other Matters

22. Alongside use for visitor accommodation the appellant states that the development is partly required to provide accommodation for his mother and her career. With reference to the Public Sector Equality Duty contained in the Equality Act 2010 (EA 2010) I have therefore had due regard under Section 149 of the EA 2010 to the requirements to take steps to meet the needs of persons who share a protected characteristic. The proposed development seeks to meet those needs by providing a bedroom (described as a disabled room) with accessible wet room, and adjoining carers bedroom with an ensuite shower room. However, it has not been shown that the existing dwelling could not instead be reasonably adapted, or that these needs could not otherwise be met by a development of more sympathetic scale. I cannot therefore conclude that dismissal of the appeal would have any unacceptable effect.

23. I note that the planning application was submitted, registered and determined as a house holder application. Given that an extension was proposed to what is an outbuilding ancillary to the main house I do not believe that the planning application was considered and then determined incorrectly.

Conclusions

24. Exercising due regard under section 149 of the EA 2010 as set out above, the development would be unacceptable, conflicting with the development plan read as a whole. I therefore conclude that the appeal should be dismissed.

Philip Willmer

INSPECTOR