

BHH - Bursledon, Hamble and Hound Local Area Committee Thursday 3<sup>rd</sup> March 2022

**Application Number:** F/22/92329  
**Case Officer:** Alex Webb  
**Received Date:** 25/01/2022  
**Site Address:** BAILEY COTTAGE, STATION ROAD, BURSLEDON,  
SOUTHAMPTON, SO31 8AA

**Applicant:** Mr & Mrs Farrell  
**Proposal:** Retention of use of property as dwellinghouse (Class C3) or  
as holiday cottage for up to 10 occupants (Sui Generis)

**Recommendation:** PERMIT

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#### CONDITIONS AND REASONS:

- 01 The development hereby permitted shall be implemented in accordance with the following plans numbered: 001, FP01, Parking Plan  
Reason: For the avoidance of doubt and in the interests of proper planning
- 02 The development hereby permitted shall start no later than three years from the date of this decision.  
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.

Note to Applicant: It is recommended that guidance in set out int the BSI British Standards Publication BS8233 "*Guidance on sound insulation and noise reduction for buildings*" is followed to ensure that residents have adequate noise insulation and are suitably protected from noise outside.

Note to Applicant: In accordance with paragraph 38 of the National Planning Policy Framework (July 2021), Eastleigh Borough Council takes a positive approach to the handling of development proposals to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

## **Report:**

1. This application has been referred to Committee by Councillors Craig, Holes and Airey.

## **Proposal**

2. Retention of use of property as dwellinghouse (Class C3) or as holiday cottage for up to 10 occupants (Sui Generis)
3. Due to the number of guests which could accommodate the property at any one time and the use of the property as a short-term holiday let in this nature is considered a material change of use, planning permission is therefore required.

## **Relevant Planning History**

- C/14/74377 - Erection of single storey side extension, following demolition of conservatory, utility room & garage, erection of 1.5m high timber fence adjacent to Station Road & timber gateway feature (amended description) – Permitted 23/06/2014

## **Site Characteristics and Character of the Locality**

4. Bailey Cottage is a traditional C.18<sup>th</sup>, 4-bedroom dwelling. It is located in the Countryside, in zone 3 of The Old Bursledon Conservation Area and Special Policy Area. It is an unlisted building that makes a positive contribution to the area. There are no nearby listed buildings that would be affected by the proposal.
5. The area is open and fairly rural in character. The site is surrounded by various residential properties ranging in size and style. Bailey Cottage is situated in a gap between Station Hill (to the west of the site) and the entrance to and car park of Bursledon Station (to the north and east). To the south of the site is a detached two storey dwelling, Railway Cottage.
6. Access to the site is via the car park of Bursledon Station along the site's eastern boundary and there is a paved parking area to the north of the site with capacity for up to 3 cars.
7. The west boundary comprises a retaining wall and willow panel fence of 1.5m high with supporting concrete posts. The eastern boundary comprises a mature and dense hedge of approx. 2m in height.
8. The site itself is fairly level. Station Road rises gently as it moves towards Station Hill, north west of the application site, which is at a higher ground level.

## **Representations Received**

### Railway Cottage:

9. Support for the following reasons:
  - next door to Bailey Cottage
  - no issues with any of the guests staying
  - guests have not left any rubbish and park appropriately in designated spaces on site.
  - noise limited to general conversation at reasonable hours of the day
  - no loud music or noise late at night.
  - not found noise from the guests to be intrusive, overall they have been quite respectful.
  - fully support the continued use of Bailey Cottage as a holiday let.

## **Consultation Responses**

### Bursledon Parish Council:

10. Object on the following grounds
  - Insufficient and inadequate parking provision
  - The Council is concerned parking will be displaced onto neighbouring roads

### Built Heritage Consultant:

11. This application is purely for a part change of use, still all domestic and not involving any change to the building or it's setting. The fact that the building is going to continue to be occupied, at least most of the time, is better for it than being left empty and suffering as a consequence.
12. In the light of this lack of material change from a building point of view, there is no objection.

### Environmental Health:

13. No objection however the applicant has been advised to provide for noise insulation due to adverse noise from the M27 and install means of ventilation and thermals other than opening windows. For a holiday cottage, occupation is temporary and of choice. On balance, if users found they were dissatisfied with a holiday stay, they would not use the accommodation again.

## Highways

14. No objection. Whilst parking may be below the standard required for the dwelling, particularly when utilised as a holiday let (EBC to confirm the parking quantum as Local Parking Authority), it is noted that the site sits adjacent to a public / rail station car park. It is not unreasonable to assume that short term users can utilise these facilities if required.

## **Policy Context and Designations Applicable to Site**

- Outside Built-up Area Boundary
- Within Established Residential Area
- Within Designated Conservation Area (Old Bursledon) – Zone 3
- 200m buffer of SAC, SPA, Ramsar
- Special Protection Area-recreational disturbance zone
- Old Bursledon Special Policy Area
- Upcott, Station Road – Grade II Listed Building

## **Development Plan Saved Policies and Emerging Local Plan Policies**

### **Eastleigh Borough Local Plan Review (2001-2011) Saved Policies:**

- 1.CO (Countryside Protection);
- 32.ES (Pollution control);
- 59.BE (Design criteria);
- 104.T (Off-highway parking);
- 159.TA (Sustainable Tourism proposals)
- 160.TA (Tourism facilities in the Countryside)
- 176.LB (Enabling Development)
- 179.LB (Old Bursledon Special Policy Area)

### **Submitted Eastleigh Borough Local Plan 2011 - 2029, July 2014**

15. The Eastleigh Borough Local Plan 2011-2029 was submitted for examination in July 2014 but the Inspector concluded that insufficient housing was being provided for in the Plan and that it was unsound. While this has not been withdrawn and remains a material consideration, it can therefore be considered to have extremely limited weight in the determination of this application.

### **Submitted Eastleigh Borough Local Plan 2016-2036**

16. The 2016-2036 Local Plan was submitted to the Planning Inspectorate on 31st October 2018 and the examination hearings concluded in January 2020. The Council received the Inspector's post-Hearing advice on 1 April 2020. The Council is progressing with modifications to the Local Plan to enable its adoption, anticipated mid-2022. Given the status of the Emerging Plan, it is

considered that significant weight can be attributed to it. The most relevant policies are:

Strategic policies:

- S1 (Sustainable Development);
- S2 (Promotion of New Development);
- S3 (Housing Locations);
- S7 (New Development in the Countryside);
- S12 (Transport Infrastructure).

Development Management policies:

- DM1 (General Development Criteria);
- DM8 (Pollution);
- DM13 (Transport);
- DM14 (Car Parking);
- DM26 (Creating a Mix of Housing);

### **Supplementary Planning Documents**

- Quality Places (November 2011);
- Residential Parking Standards (January 2009);
- Bursledon, Hamble-le-Rice and Hound Character Area Appraisal (January 2008)
- Old Bursledon Conservation Area and Management Proposals (February 2012)

### **National Planning Policy Framework**

17. At national level, the National Planning Policy Framework (the 'NPPF' or the 'Framework') is a material consideration of significant weight in the determination of planning applications. The National Planning Policy Framework (the 'NPPF' or the 'Framework') states that (as required by statute) applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and sets out a general presumption in favour of sustainable development unless material considerations indicate otherwise.
18. Three dimensions of sustainability are to be sought jointly: economic (supporting economy and ensuring land availability); social (providing housing, creating high quality environment with accessible local services); and environmental (contributing to, protecting and enhancing natural, built and historic environment) whilst local circumstances should also be taken into account, so that development responds to the different opportunities for achieving sustainable development in different areas.
19. In the instance that a proposal would not preserve or enhance the Conservation Area then it must be perceived to have a public benefit. Referring to paragraphs 199 and 200 of the National Planning Policy Framework, proposals that stand to potentially harm a designated heritage asset, in this case the Old Bursledon

Conservation Area, should be refused unless a public benefit can be identified which would outweigh any harm the proposal presents. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

### **National Planning Practice Guidance**

20. Where material, the Planning Practice Guidance which supports the provisions and policies of the NPPF should be afforded weight in the consideration and determination of planning applications.

### **Assessment of Proposal: Development Plan and / or Legislative Background**

21. Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004 require a Local Planning Authority determining an application to do so in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises the Saved Policies of the Eastleigh Borough Local Plan Review 2001-2011 and the Hampshire Minerals and Waste Plan 2013 (which is not applicable in this case). The NPPF and the Planning Practice Guidance constitute material considerations of significant weight.
22. The site also lies within a Conservation Area and Section 71(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990 states:  
  
*47. "In the exercise, with respect to any buildings or other land in the Conservation Area of any powers (under the Planning Acts), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area".*

### **Principle:**

23. This is a proposal for a mixed use to allow either a dwellinghouse (C3) or a short-term holiday cottage for up to 10 people (Sui Generis). The residential use is already established and therefore the principle of a dwellinghouse is considered acceptable.
24. The short-term holiday cottage is a form of tourism in the countryside. 'Saved' local plan policies 159.TA, 160.TA and emerging policy S7 supports tourism development in the countryside that promote cultural tourism (i.e. local heritage and distinctiveness) and the re-use of buildings in the countryside for tourist uses. The change of use of this building to such a mixed use would therefore be in accordance with policy.
25. The description of the proposal includes a limitation on the number of people that could occupy the dwelling as a holiday cottage, which is no more than 10, therefore the intensity of use would be controlled by virtue of this description.

### **Sustainable Development:**

26. Section 2 of the NPPF (July 2021) states that the purpose of the planning system is to contribute to the achievement of sustainable development, which can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
27. Achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental (which are interdependent and need to be pursued in mutually supportive ways) that should be delivered through the preparation and implementation of plans and the application of the policies in the Framework.
28. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
29. Each of the three dimensions of sustainable development are considered below. National legislation and guidance, together with local policy ensure that all planning applications are tested for their resilience to and impact on the Environment. Details elsewhere in this report set out the Climate Change and Environmental implications of this application and their proposed mitigations.

### **Economic Sustainability:**

30. Section 2 of the NPPF, when discussing economic sustainability, seeks to ‘help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure’.
31. Paragraphs 84 and 85 of section 6 ‘Building a strong, competitive economy’ set out how planning policies and decisions should enable ‘sustainable rural tourism and leisure developments which respect the character of the countryside’ and how “it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist”.
32. On balance, given the sustainable location of this site and the on-site parking provision, it is considered that there is an economic benefit to the proposed scheme and therefore it is considered economically sustainable.

### **Social Sustainability:**

33. Paragraph 8 of the NPPF sets out the social objective to support 'strong, vibrant and healthy communities... with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'
34. Chapter 15 of the 2021 NPPF 'Conserving and enhancing the natural environment' states that Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
35. On balance, it is considered that there is a social benefit to the proposed scheme as it would facilitate access to culture and heritage thus support cultural well-being and therefore is considered socially sustainable.

### **Environmental Sustainability:**

36. There are a number of different components to Environmental Sustainability, including consideration of site-specific planning matters and the impacts of the development on its surroundings, which are considered below under the relevant subheadings.

### **Design and Appearance:**

37. Policy 59.BE of the Local Plan requires development to take full and proper account of the context of the site including the character and appearance of the locality and be appropriate in mass, scale, materials, layout, design and siting. It also requires development to make the most efficient use of land and incorporate an appropriate mix of dwelling type and land-use where appropriate. Development should provide a high standard of landscape design, have a satisfactory means of access and layout for vehicles, cyclist and pedestrians, make provision for refuse and cycle storage and avoid unduly impacting on neighbouring uses through overlooking, loss of light, loss of outlook, noise and fumes.
38. The proposal would not result in any internal or external changes to the property and it would remain a 4-bed unit of accommodation. Criteria iii) of policy 59.BE sets out the need to retain a mix of dwelling types and the proposed mixed use of dwelling house (C3) and short-term holiday cottage for up to 10 people (Sui Generis) would allow for either. The proposal would therefore retain the residential nature and use of the property in part. It is proposed to condition the planning permission so that if the use as a holiday cottage were to cease, the property would return to a dwellinghouse. This would give the Council control over any future use and ensure the residential use is not lost.



### **Access, Parking and Transport Matters:**

39. There are 3 on-site parking spaces to the north of the application site as shown on the submitted Parking Plan. The parking capacity would therefore meet the standards as set out in the Council's residential parking standards SPD for residential use. The highway officer has confirmed that the surrounding area is covered by TROs to prevent roadside parking.
40. In terms of EBC standards for a holiday cottage, there are no specific standards for such a use. Guidance in the former Hampshire Parking Strategy and Standards (2002) sets out parking standards for Hotels/Motels/Guest Houses/Boarding Houses. As the site is so close to the train station and within walking distance of the A27 where there are regular bus services, it is in a highly accessible location and therefore the permitted standard is 50% of the maximum permitted standard which is 1 space per 2 bedrooms. Therefore, the site can also provide the 2 spaces required by that standard.

### **Noise and Air Quality:**

41. Environmental Health have raised no objection to the scheme but have advised the applicants to provide for noise insulation due to adverse noise from the M27 and install means of ventilation and thermals other than opening windows. The applicant has confirmed no modifications to provide alternative means of ventilation to the building are proposed as the proposed use is not more noise sensitive than the established residential use and it is not considered that any additional harm arises from the use of the building for holiday let in this respect. The applicant has been alerted to the provisions of British Standard BS8233 "Guidance on sound insulation and noise reduction for buildings" and this would be added as an informative to the decision notice.
42. The occupants of the neighbouring property, Railway Cottage have written in supporting the application.
43. Overall, Human health relating to noise and air quality have been considered and no significant adverse effects are likely. The traffic and air quality impacts or any other possible impacts are also not considered significantly harmful to human health.

### **Impacts on the Conservation Area and Special Policy Area:**

44. The property is identified with a photograph as being in Character Zone 3 – Station Road and Station Hill in the Old Bursledon Conservation Area Appraisal and Management Proposals SPD. The proposal would not result in any external changes to the property and so would not have a harmful impact on the Special Policy Area
45. Policy 179.LB states that to protect the special loose-knit character of Old Bursledon and to ensure the retention of existing open areas, further

development will be refused within the special policy area except for changes of use, provided that they respect and enhance the character of the Special Policy Area. By virtue of the proposed nature of the change of use, it is considered to respect and enhance the character of the Special Policy Area.

**Other Matters:**

46. The proposal is not considered to have an adverse impact upon the surrounding amenities, landscape, ecology, nitrates impact or drainage as no physical development is proposed, this application solely relates to the change of use of an existing dwelling.

**Climate Impact and Sustainability**

47. In July 2019, the Council declared a Climate Change and Environmental Emergency. In doing so it agreed, among other things, to: (a) put in place measures to ensure the Council's own operations and functions achieve carbon neutrality by 2025; (b) work with partners to aim for all projects and services delivered in the Borough to achieve carbon neutrality by 2030; (c) ensure that the Council's procurement policy recognises carbon neutrality as one of its primary considerations; and (d) recognise the urgency of action to mitigate and adapt to climate change in every decision taken by the Council. This is underpinned by the Climate and Environment Emergency Strategy 2020–2030 and the supporting Climate and Environmental Emergency Action Plan – Update June 2020.
48. The declaration of the Climate Change and Environmental Emergency demonstrates a strong commitment from the Council to achieve net zero. It is not part of development plan or emerging plan policy, but it is a material consideration to be considered alongside all other material considerations. The need to support the economy is part of the Strategic Environmental Assessment for the Emerging Local Plan, as is an assessment of climate impacts.
49. The NPPF, Saved Policies 34.ES and 37.ES of the local plan, Draft Policies S1, DM2 and DM3 of the Emerging local plan and energy and water elements of the adopted Environmentally Sustainable Development SPD require development to be sustainable in terms of resource use, climate change and energy use. When considering the impact of climate change, the proposed development is not expected to be directly impacted by the potential effects of climate change and is expected to have a negligible impact on the climate because of the development or its use.

**Equalities Implications:**

50. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states: -

- A public authority must, in the exercise of its functions, have due regard to the need to:
    - a. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - b. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - c. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
51. When making policy decisions, the Council must take account of the equality duty and in particular any potential impact on protected groups. It is considered that this application does not raise any equality implications.

## **Conclusion**

52. For the reasons given above, it is considered that the change of use can be permitted, subject to conditions.