
Appeal Decision

Site visit made on 3 March 2025

by **N Paine BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 March 2025

Appeal Ref: APP/W1715/W/24/3349577

Croft Farm, Winchester Road, Botley SO32 2BX

- 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 L Collins against the decision of Eastleigh Borough Council.
 - The application Ref is F/24/97352.
 - The development proposed is described as the erection of a detached bungalow with associated parking, access and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the submission of further information regarding potential biodiversity enhancements, the Council confirmed the fourth reason for the refusal of planning permission relating to biodiversity net gain has been resolved, subject to appropriate conditions. I will return to this matter later.
3. The National Planning Policy Framework ("the Framework") was updated in December 2024. The main parties were given an opportunity to comment on this and the revised version has been referred to in this decision.

Main Issues

4. The main issues therefore are:
 - Whether the location of the proposed development would be appropriate having regard to it being outside the settlement boundary as defined in the development plan; and
 - The effect of the proposed development on biodiversity and protected species.

Reasons

Location

5. The appeal site lies within the countryside and the development plan seeks to direct development towards the most appropriate locations balancing the need for development with the need to protect the countryside.
6. Policy S5 of the Eastleigh Borough Local Plan 2022 ("the Local Plan") states that new development will be granted for development in the countryside if it meets certain criteria. The proposal does not meet these criteria.

7. I therefore conclude that the appeal would not be appropriately located conflicting with the spatial strategy of the development plan. It would therefore conflict with the relevant provisions of Policy S5 of the Local Plan. This policy, amongst other things, seeks to protect the countryside from the urbanising impacts of development.
8. While the appellant refers to Policy S6 of the Local Plan, the Council has confirmed that the proposed development does not fall within a designated settlement gap. Therefore, this policy is not engaged.
9. Even if it were engaged, I accept that the design of the proposed development would follow the existing built form of dwellings facing the highway and would fill a gap within this built form. Nonetheless, the introduction of a dwelling in an otherwise broadly open site would have an urbanising effect detrimental to the open character of the Countryside.
10. This conflict with the development plan carries harm and the planning system should be genuinely plan-led. However, before determining the appeal, I will consider what, if any other harm, would be caused by the proposed development and whether there are any material considerations that may outweigh the conflict with the development plan.

Biodiversity

11. The appeal site is within a green impact risk zone for great crested newts. It is also noted that in addition to great crested newts, common toads, bats, badgers, and nesting swifts have been recorded in the local area. In addition, there is also habitat on site which could be used by birds, reptiles, badgers, and hedgehogs.
12. Habitats and biodiversity are complex and site specific. For instance, changes across the site can affect the delicate biodiversity composition such as the demolition of buildings. Even if the site is not altered, some species are subject to considerable intra-annual variation in terms of numbers and breeding success. It is therefore essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is understood and demonstrated though up to date and accurate evidence before any planning permission is granted.
13. A Preliminary Ecological Appraisal ("PEA") was submitted with the application, however at the time of determination it was 22 months old and considered, by the Council, to be out of date. The age of the report is therefore of some concern, this is further compounded by discrepancies in the report which undermine its validity. These include the dates of when the survey work was undertaken, absence of surface water drainage details and the failure to fully consider great crested newts including a drainage ditch to the rear of the site and ponds near to the site. The appellant has not provided robust rebuttal on these points, and I share the Council's concerns.
14. While I appreciate that another scheme on an adjoining site was considered to be acceptable, the current appeal should have been supported by its own Ecological Appraisal. As I have set out above, habitat is complex and subject to change. There are likely to be site specific characteristics which need to be considered in coming to an overall conclusion on biodiversity interests. It has not been clearly shown why the acceptability of an adjoining site should automatically flow to the current appeal

site. The PEA which supports the current development proposal is therefore not acceptable.

15. Therefore, the proposed development has not fully shown how it would protect and conserve habitats and protected species. The proposal would unacceptably conflict with the relevant provisions of Policy DM11 of the Local Plan. This, amongst other things, looks to ensure proposed developments would not cause adverse harm to the biodiversity interests of sites.

Planning Balance

16. The proposal would deliver one dwelling to the Council's housing stock. There would be economic, social, and environmental benefits. Given the limited quantum of development, I ascribe the cumulative impact of all these benefits moderate weight.
17. There would be harm generated by the urbanisation of the countryside. But this harm would be somewhat reduced given the proposed development would be sited between existing development (including a consented dwelling) which fronts the highway. However, further harm would be generated from the uncertainty surrounding the biodiversity interests of the site. These harms when considered cumulatively would be considerable and attract substantial weight.
18. Accordingly, the substantial harm I have identified would not be outweighed by the moderate benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

Other Matters

Biodiversity Net Gain

19. This appeal was supported by further information regarding potential biodiversity enhancements. After reviewing this information, the Council confirmed that subject to a condition to secure biodiversity net gain, the fourth reason for refusal could fall away. I have no reason to disagree with the Council's findings on this matter and subject to condition, this matter is now considered to be acceptable. However, the absence of harm in this regard does not alter my separate findings in respect to conserving habitat and protected species. Nor does it alter my overall findings as part of this appeal decision.

Other Considerations

20. I appreciate there was a previously demolished barn with considerable hardstanding across the site and a slurry pit. The Council says in evidence that an extant consent for a dwelling (Eastleigh Ref: X/22/92989) relates to this barn and drawing PL02 associated with the current appeal shows this extant consent. I also note that some of the hardstanding would be removed to provide for the proposed garden areas.
21. However, given the barn is associated with Eastleigh Ref: X/22/92989, it has not been robustly shown that its demolition would be of benefit to the current appeal. Additionally, the removal of any remaining hardstanding within the redline site would not outweigh the harm associated with the introduction of a dwelling with its own, parking, access and turning areas. These considerations do not outweigh my overall findings.

22. I also note neighbouring occupiers have raised no objections to the proposed development. While I have taken this into account, I have considered the appeal against the policy landscape of the Local Plan and any support for the proposal from neighbouring occupiers does not in this case outweigh the overall harm I have found.
23. It is suggested that the site is no longer appropriate for arable farming and farming creates disturbance to neighbouring dwellings. However limited evidence has been provided to robustly demonstrate these statements. This, consequently, has limited bearing on my overall findings.

European Protected Solent Complex and New Forest National Park

24. Development proposals must not have an adverse impact upon any European protected sites. In this case, the Solent Complex and New Forest National Park. In this case, increases in residential development would have an adverse impact upon the surrounding designated European protected sites.
25. I note that new housing development should achieve nutrient neutrality to mitigate the impacts of additional nitrogen and phosphorus arising from the sewage generated by future residents. This enters the Solent Complex via Wastewater Treatment Works and discharges into the river network. The Council advises me that it has adopted its own strategy for achieving nutrient neutrality by identifying areas of agricultural land and removing these from a nitrate intensive use. This reduces nitrogen input into the protected sites offsetting the impacts of development allowing proposals to achieve nutrient neutrality. Nitrate credits are available for developers to buy.
26. In addition, given the appeal site location, mitigation to offset the recreational disturbance impacts upon the New Forest National Park and Solent Complex would be required. These would be secured via legal agreement by means of financial contributions.
27. However, given my overall conclusions, I do not need to consider this matter any further and even if this matter were acceptable, it would constitute a lack of harm, which by definition cannot weigh for or against the scheme before me.

Conclusion

28. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR