



Appeal Decision

Site visit made on 3 June 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26th June 2025

Appeal Ref: APP/B1740/W/24/3358123

159 Ringwood Road, Totton, Hampshire SO40 8DX

- 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 Patrick McDonagh against the decision of New Forest District Council.
 - The application Ref is 24/10777.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development as set out above from the application form as neither party has provided written confirmation that a revised description has been agreed.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area: and,
 - nationally, European and internationally designated habitat sites.

Reasons

Character and appearance

4. The appeal site occupies a corner position adjacent to two dwellings at the junction of Ringwood Road and Belstone Road. While the properties to Belstone Road sit close to the back of the pavement, this part of Ringwood Road is characterised by properties fronting the road typically set back on their plots with parking areas and open gardens to the front. The dwellings in the immediate area are of a similar style and period generally characterised by hipped roof forms within spacious plots.
5. As a result of the above, together with strong building lines, the immediate area has a largely consistent and spacious street scene that contributes positively to the local character of the area. This is the case despite the dwellings to the southern side of Ringwood Road further to the east being closer to the back of the pavement given that these properties are some distance from the site.
6. Due to the corner location, open nature and size of the appeal site, it provides visual relief and a spatial break and transition between the two-storey side elevations and built form of No.159 Ringwood Road and No.1 Belstone Road.

7. The proposed development would introduce a detached two-storey dwelling onto the site. Notwithstanding the position of the dwelling following the building line to Belstone Road, suitable internal floor area and parking provision, due to its smaller footprint and plot size, gable-end roof form, position and angle forward of the building line to Ringwood Road while presenting a blank side elevation to the road, the proposal would significantly erode the existing spacious appearance of the site and would be a highly prominent and visually obtrusive feature in the street scene. For these reasons, and due to the size of the plot and position of parking spaces limiting the opportunity for significant planting to help to soften the visual effect of the proposal, it would be incompatible with the established pattern of development in the immediate area.
8. My attention has been drawn to plot sizes and to the layout of dwellings at Southern Gardens. However, Southern Gardens is some distance from the site in a different context with the plots having a predominately rectangular shape. As such, it is not directly comparable to the appeal proposal. Furthermore, I am required to consider the appeal on its merits.
9. It follows from the above that I conclude that the proposal would cause significant harm to the character and appearance of the area. Accordingly, it is contrary to Policy ENV3 of the Local Plan 2016-2036 Part One: Planning Strategy New Forest District outside the New Forest National Park (July 2020) (LP). Amongst other things, this seeks to ensure that all development achieve high quality design that contributes positively to local distinctiveness, quality of life and enhances the character and identity of the locality and be sympathetic to its environment and context, respecting and enhancing local distinctiveness.

Habitat sites

10. The appeal site lies within the zone of influence of the New Forest European site (The New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site), The Solent and Southampton Water European Site (Solent and Isle of Wight Lagoons Special Protection Area, Solent Maritime Special Protection Area, Solent and Southampton Water Special Protection Area and Ramsar sites). These sites are nationally, European and internationally recognised and are protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). The Habitats Regulations require me, as the competent authority, to make an appropriate assessment (AA) of the implications of the proposal for the protected sites in view of their conservation objectives. They also prevent me from granting permission unless the proposal would not adversely affect the integrity of the protected sites.
11. The New Forest sites and Solent and Southampton habitats sites are designated because they provide habitat for ground-nesting birds and feeding grounds for important populations of overwintering waders and wildfowl. Both protected sites are also attractive locations for public recreation. In light of the evidence before me, due to the resultant increase in recreational use, when considered alone or cumulatively with other schemes, I cannot rule out that the proposal would have significant effects on the features of interest of the habitat sites. In the case of the New Forest sites, there is also uncertainty regarding the impact of traffic-related nitrogen air pollution on vegetation in sensitive locations. The additional car movements resulting from the proposal could contribute to this impact. In the case of the Solent sites, there is evidence of eutrophication through increased levels of

nitrogen and phosphorous in the water environment. The additional discharge of wastewater from the proposed dwelling could, cumulatively, add to this impact.

12. I may consider any conditions or other restrictions which could secure mitigation of this harm in my AA. In relation to this, the Council has an adopted strategic solution to mitigate the effects of increased recreational use on the New Forest sites, in the form of its Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document (May 2021) (the SPD). This strategy requires all development within the Plan Area to make a financial contribution, to the projects set out in the SPD, or to provide mitigation to at least an equivalent effect. The projects include new areas of open space; enhancements to existing public open space; improvements to recreational walking routes; increased ranger services to assist visitors; and access management measures.
13. I have not been provided with evidence of a similar strategy to cover recreational impacts on the Solent and Southampton sites. Nor do I have evidence relating to an adopted approach towards the calculation of financial contributions towards air quality monitoring and mitigation. Furthermore, no legal agreement has been provided with the appeal, and no alternative means of mitigating the impact on the habitats sites has been identified. Consequently, as the competent authority, I am unable to conclude through my AA that the proposal will not affect the integrity of the habitat sites through increased recreational pressure and air pollution.
14. I have had regard to the agreement by the appellant to the imposition of a condition to secure the necessary mitigation. However, in accordance with the Planning Practice Guidance (PPG), no payment of money can be positively required when granting planning permission. While a negatively worded condition could be imposed, the PPG cautions that such conditions are unlikely to be appropriate in the majority of cases. The PPG goes on to clarify that the use of negatively worded conditions should be used in exceptional circumstances where there is clear evidence that the delivery of the development would otherwise be at serious risk in the case of particularly complex development schemes. As the proposal is for minor development for a single dwelling, it is not a complex development scheme where delivery would otherwise be at serious risk and as such the use of a negatively worded condition is not appropriate.
15. With respect to increased levels of nitrogen in the water environment, the evidence before me is that Natural England has raised objections to any new residential accommodation in the area of influence of the Solent and Southampton sites unless nitrate neutrality can be achieved, or adequate and effective mitigation is in place. The Council has suggested a condition that would prevent occupation of the dwelling, until a mitigation package addressing the additional nutrient input arising from the development, has been approved and implemented alongside a water efficiency calculation. However, and although water efficiency could be achieved, there is nothing before me which indicates that the development could achieve nitrate neutrality through on-site measures. Furthermore, I have not been provided with any evidence to indicate that there is an agreed strategy for mitigating the wastewater implications of additional housing in the Council's area. Consequently, I cannot be certain that a condition would mitigate the effects of the development. As the competent authority, I am therefore unable to conclude through my AA that the proposal will not affect the integrity of the Solent and Southampton sites through increased nitrate loads.

16. It follows from the above that I conclude that in the absence of clear and certain mitigation my AA indicates that the proposal would cause harm to the nationally, European and internationally designated habitat sites. Therefore, the development would conflict with LP Policy ENV1 and Policy DM2 of the Local Plan Part 2: Sites and Development Management New Forest District outside the National Park (2014). Amongst other things, these seek to ensure that proposals will not have adverse effects on the integrity of habitats sites, and that appropriate mitigation is secured prior to approval of development.

Other Considerations

17. I have had regard to the provision of usable outdoor space, lack of harm to the living conditions of neighbouring occupiers and to the provision of adequate car parking. However, as these are requirements of local and national planning policy and guidance, I give them limited weight.
18. The development would harm the character and appearance of the area and fails to adequately mitigate harm to designated habitat sites. The relevant policies are largely consistent with the National Planning Policy Framework (the Framework) where it states that planning proposals should reflect the character of an area and safeguarding the natural environment. Therefore, the proposed development would be contrary to the development plan as a whole and I give significant weight to the conflict with these policies.
19. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. I have found above that the proposal would cause harm to habitat sites. This is contrary to the provisions of Chapter 15 of the Framework that protects such assets. Given footnote 7 to Paragraph 11 d) i. of the Framework, and the harm I have identified to the asset of particular importance, this provides a strong reason for refusing the development and there is no need for me to carry out the assessment in Paragraph 11. d) ii. of the Framework.
20. Nevertheless, I have had regard to the addition of a relatively affordable dwelling which would contribute towards the supply of smaller homes in the area, could be built out quickly and is located close to a range of services and facilities including bus stops. However, these benefits are limited by the small scale of the proposal and must be considered in that context. Conversely, I have found that the proposal would cause harm to the character and appearance of the area and fails to adequately mitigate harm to designated habitat sites. As such, in any case, the adverse effects would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

21. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. I therefore conclude the appeal should be dismissed.

C Rose

INSPECTOR