



Appeal Decision

Site visit made on 12 June 2025

by Lewis Condé BSc (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal Ref: APP/V1260/W/24/3354086

Zacchaeus House, 83 Walpole Road, Bournemouth BH1 4HB

- 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 Renata Piasecka against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 7-2024-6167-J.
 - The development proposed is conversion of first floor into flat; provision of bin store and addition of window to front elevation; retention of ground floor community use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the appeal, the appellant submitted a Unilateral Undertaking (UU) that secures a financial contribution towards mitigation measures in association with the Dorset Heathlands Special Protection Area (SPA), Ramsar Site, and Dorset Heaths Special Area of Conservation (SAC) (collectively referred to as the 'Dorset Heathlands'). The Council has indicated that the UU would overcome matters raised in its reason for refusal relating to harm to the integrity of the Dorset Heathlands.
3. However, through consulting with Natural England, and my involvement on other cases in the area, concerns relating to recreational pressures on European designated habitat sites in the New Forest, have also come to light. Indeed, Natural England advises that any additional residential development within a 13.8km zone of influence (ZOI) of the New Forest designated sites, should not be approved without first securing appropriate mitigation. The appeal scheme falls within this ZOI and so this matter was subsequently raised with main parties.

Main Issue

4. Given the above, the main issues are:
 - i) the effect of the development on European Designated Sites;
 - ii) whether the proposal would result in a harmful loss of a community facility; and
 - iii) the effect of the proposal on the living conditions of neighbouring residents.

Reasons

European Designated Sites

5. The appeal site lies within the ZOI of several European designated sites that are protected under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).

The New Forest Designated Sites

6. The New Forest is one of the largest tracts of semi natural vegetation in the country. The area hosts three international wildlife site designations: firstly, the New Forest SPA. This is internationally significant for its breeding and overwintering bird species, including breeding populations of Dartford Warbler, Nightjar, Woodlark, Honey Buzzard, Hobby Falcon, Wood Warbler and Hen Harrier.
7. The New Forest is also designated as a SAC for its habitats and non-avian species of European importance. This designation reflects the unique mosaic of habitats across the New Forest including heathland, grassland, woodland, wetland, bog and open water together with species that it supports, notably Stag Beetles, Southern Damselfly, and Great Crested Newts.
8. Finally, the New Forest is also listed as a Ramsar site, due to it containing areas of wetland that support relevant flora and fauna of international importance.
9. The conservation objectives for the New Forest SPA, SAC and Ramsar sites (collectively referred to as the New Forest Designated Sites) are to ensure the integrity of the sites are maintained or restored as appropriate. This includes through maintaining or restoring the extent, distribution, structure and function of the habitats and qualifying features, as well as supporting processes on which the habitats or qualifying features rely on.
10. There is a strong body of evidence¹ showing how increasing levels of access to the New Forest Designated Sites can have negative impacts on wildlife. Issues are varied and include disturbance, increased fire risk, contamination and damage.
11. Growth in housing in the surrounding area has been identified as having potentially harmful impacts on the nature conservation designations, through facilitating increased access. In line with the extensive evidence studies, and advice from Natural England, it has been recognised that housing growth within a 13.8km ZOI will have the potential to generate cumulative impacts.
12. In this case, the proposal would result in a net increase of one dwelling, allowing for an increase in the population within the ZOI. There is a reasonable likelihood that new residents at the appeal property would visit the New Forest Designated Sites for recreation purposes. Although this may be minimal by itself, I cannot rule out beyond all reasonable scientific doubt that the proposal would not have a likely significant effect on the sensitive interest features of the habitat sites, from human pressures, either alone or in combination with other proposals. Taking a precautionary approach, I therefore find that the proposed development would be likely to have a significant effect on the New Forest Designated Sites.

¹ As detailed within the New Forest Strategic Access Management and Monitoring Strategy 2023, prepared by Footprint Ecology.

13. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of designated habitat sites. I may give consideration to any conditions or other restrictions which could secure mitigation and so provide certainty that the proposal would not adversely affect the integrity of the New Forest Designated Sites.
14. A draft New Forest Strategic Access Management and Monitoring Strategy (SAMM) (April 2025) (the draft Strategy) has been prepared by nine planning authorities that are within the defined ZOI of the New Forest Designated Sites. The draft strategy sets out a range of access management and monitoring measures to mitigate the impacts from increased recreation associated with new development in the relevant authority areas. A package of mitigation measures has also been costed as part of the draft Strategy, while per dwelling tariffs have been calculated based on visit rates from each planning authority, providing a tiered tariff structure.
15. Although the draft Strategy appears to be rather well progressed and it indicates the likely emerging mitigation opportunities, the strategy has yet to be formally adopted. The mechanisms for securing the mitigation and governance for the wider strategy are therefore not yet in place.
16. The appellant has suggested the use of a planning condition to secure mitigation. The suggested condition would seek to prevent the development from being occupied until a financial contribution has been made to a neighbouring local planning authority that already has an adopted mitigation strategy in place. Such a condition may have recently been used by the Council, nonetheless, I have fundamental concerns about its appropriateness.
17. Firstly, the wording of the suggested condition provides no details or certainty as to what mitigation measures the financial contribution would be used to secure. Despite the suggested condition also requiring confirmation that the relevant payment has been made to the neighbouring authority, this does not provide sufficient certainty that the monies will be spent on appropriate mitigation measures. Additionally, the level of financial contribution to be secured is based on that outlined within the draft Strategy. However, I have no certainty that the financial contribution figures, identified to be necessary, will not be subject to change before the draft strategy is adopted.
18. Accordingly, I do not consider the suggested condition provides suitable certainty that appropriate mitigation will be secured. Nor do I consider it to meet the relevant tests of a planning condition outlined at paragraph 57 of the Framework. Notably, it is imprecise, due to its lack of clarity and certainty.
19. Furthermore, following Counsel advice, the Council has clarified that it will no longer be securing mitigation for the New Forest Designated Sites by way of a Grampian condition. Instead, it will require a financial contribution to be secured via a Section 106 Legal Agreement (S.106). I do not have the full details of the Counsel advice that was received. However, for reasons outlined above, I consider the use of the suggested condition to be inappropriate in this instance. Furthermore, no executed S.106 is before me that would secure any relevant mitigation measures.
20. Based on the available evidence, I cannot therefore ascertain that the proposed development would not adversely affect the integrity of the New Forest Designated Sites. In the light of a negative assessment on the implications on designated

sites, the Habitats Regulations require consideration as to whether there are any alternative solutions and if not, whether there are any imperative reasons of overriding public interest. However, irrespective of whether there may be any alternative solutions to the project, the provision of a single dwelling, taking into account the merits of the case, is not sufficient to amount to such overriding public interest. The Habitats Regulations indicate that permission must therefore not be granted.

21. Bringing the above together, taking a precautionary approach, I find that the proposed development would adversely affect the integrity of the New Forest Designated Sites. The proposal would therefore conflict with Policy CS32² of the Bournemouth Christchurch and Poole Core Strategy (adopted 2012) (the Core Strategy), which seeks to protect the integrity of Internationally designated sites.

The Dorset Heathlands

22. The Dorset Heathlands host priority habitat species including birds, lizards and snakes, as well as other species that can be found in lowland, heathland, wetlands and dunes. Again, the conservation objectives for the Dorset Heathlands are to ensure the integrity of the sites are maintained or restored as appropriate. This includes through maintaining or restoring the extent, distribution, structure and function of the habitats and qualifying features, as well as supporting processes on which the habitats or qualifying features rely on.
23. The Dorset Heathlands are also under significant pressure from increased public access and recreational use, which amongst other matters results in disturbance, trampling and eutrophication at the habitat sites, thereby threatening their integrity.
24. The proposal again through enabling an increase in the population living within the ZOI of the Dorset Heathlands, is likely to have a significant effect on the sensitive interest features of the habitat sites from human pressures, either alone or in combination with other proposals. Without mitigation it would therefore cause harm to nature conservation.
25. In respect of the Dorset Heathlands, the Council's mitigation strategy is set out in the Dorset Heathlands Planning Framework and Supplementary Planning Document (adopted 2020) (the SPD). This seeks to secure financial contributions from all new residential developments within proximity of the protected sites, with contributions to be used towards Strategic Access Management and Monitoring (SAMM) measures.
26. Provided the above mitigation requirements can be appropriately secured, the available evidence indicates that the proposal would not have an adverse effect on the integrity of the Dorset Heathlands, when considered either alone or in combination with other proposals. This is an approach that has been endorsed by Natural England.
27. The appellant has submitted a signed and dated Unilateral Undertaking (UU) that appropriately commits to the relevant financial contributions towards SAMMs measures outlined in the SPD. In this respect, I find that the financial contributions comply with Paragraph 57 of the Framework and Regulation 122 of the Community Infrastructure Levy Regulations (2010), as amended.

² Although the policy was not cited on the Council's decision notice, this has arisen due to the effects of the proposal on the New Forest Designated Site having to be considered.

28. Given the above, I am satisfied that with the proposed mitigation measures in place, secured through a planning obligation, the appeal scheme would not have an adverse effect on the integrity of the Dorset Heathlands. It would also accord with the Core Strategy Policy CS33 and the aims of the SPD. The policy and related guidance, together, seek to protect the integrity of the Dorset Heathlands.
29. Nevertheless, this does not overcome the identified likely adverse effects to the integrity of the New Forest Designated Sites.

Community Facility

30. Core Strategy Policy CS12 states that proposals for development which would lead to the loss of premises or sites used, or last used, for a community use will not be permitted unless certain criteria can be met.
31. The proposed development, however, would not directly lead to the loss of the premises or site as a community use. Instead, it would entail conversion of part of the existing building to residential use, whilst maintaining most of the building as a community centre. Furthermore, the appellant indicates that this would be to enable efficiencies and improvements to the existing operations of the community centre through having a manager living at the site. In this respect, the appellant has indicated a willingness to accept a condition limiting the occupation of the residential unit by a person that has an operational connection to the community centre. Subject to suitable wording, I consider such a condition could pass the relevant tests outlined at paragraph 57 of the Framework.
32. The main hall at ground floor level of the appeal building appears to be the key functional space used by members of the community. Meanwhile, I find the size, configuration and condition of the upper floor rooms that are proposed to be converted to residential use, are such that they are likely to be very infrequently used, nor integral, to the hosting of community events. Sufficient supporting space and facilities would also be retained within the building to enable it to continue to effectively be used as a community venue. This includes its own entrance, a reception office, toilets, a kitchen, and ample storage space that are all conveniently located at ground floor level near the main hall.
33. Indeed, provided the proposed residential unit was occupied in connection with the operations of the community centre, I consider the appeal scheme could enable the existing community use to thrive.
34. Consequently, based on the evidence before me, and subject to a relevant condition restricting the occupation of the proposed dwelling, I do not consider the proposal would result in the harmful loss of a community facility. It would therefore comply with Core Strategy Policy CS12.

Living Conditions of Neighbouring Occupiers

35. There are existing windows at first floor level of the appeal building that share very close relationship to an existing adjacent residential property, including providing views towards windows serving the adjacent property. The two relevant existing windows are in what would be a bedroom and a living/dining room in the proposed residential unit.
36. Despite these first-floor windows already being in place, the proposal through its change of use of would likely result in a more intensive use of the relevant rooms.

Given the more intensive use, and the intimate relationship that the window shares with the adjacent residential property, the proposal would be capable of resulting in a harmful loss of privacy to existing neighbouring occupiers.

37. However, any such harm could be appropriately mitigated through a condition requiring approval of the details of replacement windows to be installed and retained at the site. Such details to include the level of obscure glazing and any restrictions on the window openings. The appellant has again indicated a willingness to accept such a condition. Given that the proposed bedroom and living room would also be served by additional windows (including a rooflight), I find these spaces would also have access to sufficient outlook and light for any future residents of the proposal.
38. I therefore find the proposed development would not cause harm to the living conditions of neighbouring residents with regards to a loss of privacy. Accordingly, the appeal scheme complies with Core Strategy Policy CS41 and Saved Policies 6.10 and 6.13 of the Bournemouth District Wide Local Plan (adopted 2002). Together amongst other matters, these policies seek to respect the living conditions of neighbouring occupiers.

Planning Balance and Conclusion

39. Despite not finding the proposal to result in a harmful loss of a community facility, or cause harm to the living condition of neighbouring residents, or the Dorset Heathlands, it remains that the appeal scheme is contrary to Core Strategy Policy CS32. The appeal scheme therefore conflicts with the development plan.
40. Core Strategy Policy CS32 seeks to protect Internationally important habitat sites and is consistent with the aims of the Framework and the requirements of the Habitat Regulations. I therefore afford it significant weight.
41. The proposed development would provide some socio-economic benefits associated with the delivery of a new dwelling (albeit subject to a restrictive occupation condition), as well as through aiding the operations of the existing community facility. However, given the scale and nature of the proposal such benefits are likely to be very limited.
42. The Council has acknowledged that it is unable to demonstrate a five-year housing land supply, which engages Paragraph 11 of the Framework. Nonetheless, as I have found that the scheme would be likely to have a significant adverse effect on the integrity of habitat sites, in accordance with Paragraphs 11di) and 195 of the Framework, it is a case that the policies in the Framework provide a clear reason to dismiss the appeal.
43. The proposal conflicts with the development plan read as a whole and there are no other material considerations, including the provisions of the Framework, that indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé
INSPECTOR