



Appeal Decisions

Site visit made on 8 July 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 25 July 2025

Appeal A Ref: APP/Y3940/W/24/3355250

Land adjoining Springfield (to the south), Highfield Lane, Woodfalls, Wiltshire SP5 2NG

- 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 Nord Homes Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/07067.
 - The development proposed is erection of one dwelling.
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Appeal B Ref: APP/Y3940/W/24/3355251

Land adjoining Springfield (to the south), Highfield Lane, Woodfalls, Wiltshire SP5 2NG

- 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 Nord Homes Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/00814.
 - The development proposed is erection of two dwellings.
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Decision

1. Appeal A is dismissed
2. Appeal B is dismissed

Preliminary Matters

3. The two appeals relate to the same appeal site. Whilst Appeal A relates to the erection of one dwelling and Appeal B the erection of two dwellings, both raise similar issues. I have considered each proposal on its individual merits based on the evidence before me. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published. Parties have had the opportunity to comment on the changes within the appeal timetable. Therefore, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.

Main Issues

5. The main issues are the effect of the proposal on:
 - the integrity of the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA) and Ramsar sites, and the River Avon SAC (the 'Habitats sites'); and

- highway safety

Reasons

Habitats sites

6. Both proposals would result in an increase in population within proximity of the Habitats sites. SPAs and SACs are European Designated Sites afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).

Nitrates

7. The special interest of the River Avon SAC results from the diverse range of aquatic plants the river supports and in turn the rich invertebrate and fish species that feed on the plant species. The overarching conservation objective is the continued presence of the sensitive habitats and species found in the River Avon SAC. Following the precautionary principle and having regard to the conservation objectives, the proposals, alone or in combination with other plans and projects, would have potential to cause adverse effects through an increase in wastewater from future occupation and associated discharge of phosphorus. This can result in eutrophication caused by nutrients, and likely significant effects on the integrity of the River Avon SAC.
8. The appellant refers to a strategic approach to mitigation delivered by the Council which enables developers to purchase 'phosphorus credits' to achieve phosphorus neutrality. However, no details of means of disposal of foul sewage, or no calculation informing the amount of nutrient loading that requires counterbalancing is before me. Therefore, the extent of additional nutrient loading resulting from the development is unquantified.
9. Moreover, even if the proposal would meet the eligibility criteria of the Council run mitigation scheme, I have not been provided with any obligation that secures strategic or other mitigation schemes.
10. Nonetheless, the parties have proposed that mitigation in this case could be secured via a 'grampian' condition. This condition would prevent commencement of the relevant proposal until details of both the disposal of foul sewage and a mitigation package has been approved in writing by the Council.
11. However, such an approach is specifically addressed in the Planning Practice Guidance (PPG). This sets out that a negatively worded condition is unlikely to be appropriate in the majority of cases. Nonetheless, it does note that in exceptional circumstances such a condition may be appropriate where there is clear evidence that the delivery of that development would otherwise be at serious risk, stating that this may apply in the case of particularly complex development schemes, and where the six tests for conditions are also met.
12. Although a Council suggested condition, the circumstances of these cases relating to either a new single unit or two units of accommodation would apply to other similar proposals in the district. This does not lead me to conclude the appeal scheme represents an exceptional situation that allows me to impose a negatively worded condition.

13. Furthermore, the Council's Phosphorus and nitrogen mitigation note states that there is a 'limited supply of credits' and thus I have no certainty that credits would be available to the appellant to purchase at the required time.
14. Given that nutrient neutrality has not been secured or the absence of an appropriate mechanism by which it could be secured, adverse effects on the integrity of the River Avon SAC cannot be excluded.

Recreational use

15. The conservation objectives of the New Forest SAC, SPA and Ramsar sites seek to maintain or restore integrity, including that of qualifying features. Visits by the intended occupiers of the proposals to the New Forest SAC, SPA and Ramsar sites for personal recreation may lead to disturbance to the habitat of ground nesting birds, overwintering waders and wildfowl which contribute to the designation of these areas as European nature conservation sites. In this regard, considered alone and in combination with other plans or projects, the proposals would have likely significant effects on the integrity of these sites due to increased recreational use.
16. The Council's strategy for achieving mitigation of increased recreational pressure comprises funding Strategic Access Management and Monitoring measures through financial contributions. The appellant has submitted a signed Unilateral Undertaking (UU) which secures an appropriate financial contribution in accordance with the strategic mitigation strategy.

Habitats sites conclusion

17. The UU secures an appropriate financial contribution in accordance with the strategic mitigation strategy in relation to recreational pressure effects. In this respect the proposal accords with Core Policy 24 of the Wiltshire Core Strategy (2015) (CS) which seeks, amongst other things, to prevent negative impacts on the conservation of the New Forest.
18. However, I am not satisfied that mitigation of an adverse effect on the integrity of the River Avon SAC in terms of nitrates can be secured by the imposition of the suggested condition. The suggested condition is not sufficiently precise to provide certainty that the development would not result in an adverse effect on the integrity of the River Avon SAC. Consequently, it would not satisfy the precision test as set out in the Framework and the PPG.
19. Alternative solutions which would have lesser effect exist, insofar as provision of appropriately secured mitigation would address the likely significant effects outlined above. I therefore conclude that the appeal schemes would be unacceptable in the context of the Habitats Regulations. It follows that the proposals would fail to comply with CS policies Core Policy 50 and Core Policy 69, which, amongst other things, seeks to protect features of nature conservation and avoid and reduce potential environmental effects on the River Avon SAC.

Highway safety

20. Highfield Lane is constrained by its narrow width, alignment and broken and unmade surface, which contribute to drivers of vehicles travelling at slow speeds and with caution. Although there would be a modest number of movements associated with the existing use of the appeal site, the proposals would result in

additional vehicular and pedestrian movements on Highfield Lane and the surrounding highway network.

21. The appellant's Transport Statement¹ (TS) suggests that a single dwelling would generate up to one two-way vehicle trip during the network peak hour periods and approximately 5 two-way trips across the 12-hour day (0700-1900). Given the number of existing dwellings served by Highfield Lane, the appellant indicates that the provision of two additional dwellings² represents a 10% increase in usage. In my view these figures appear a realistic estimation.
22. Although access into the appeal site is tight due to the neighbouring dwelling and land ownership, vehicle tracking plans evidence that vehicles, including delivery vans, are able to safely gain access and egress to, and turn within the appeal site.
23. The width of Highfield Lane would prevent two vehicles passing. At times when vehicles do meet, it would require reversing to a wider area of Highfield Lane as is found closer to the junction with Slab Lane. Nevertheless, despite the bends within Highfield Lane reducing forward visibility and whilst this may cause some inconvenience, given the slow speeds and quiet character of the road it could be achieved safely without unacceptable harm to highway users.
24. Slab Lane is subject to a 30 miles per hour(mph) speed limit. A speed survey undertaken in April 2024 recorded 85th percentile dry weather approach speeds of 24mph in both directions which accords with my general observations of the highway.
25. Acceptable visibility, based on Manual for Streets parameters (MfSp), to the west can be achieved. However, available visibility to the east is below MfSp, with 22.6m being achieved to the centreline of the carriageway, and 12.8m achievable to the nearside carriageway edge. Although representations made by interested parties indicate that collisions may have occurred, accident data demonstrates that no collisions have been recorded at this junction in a ten-year period.
26. Despite the shortcomings of visibility in one direction, I observed Slab Lane to be lightly trafficked, and the presence of cars parked on the carriageway, combined with its residential character results in highway users taking a cautious approach, allowing safe use of the junction. Furthermore, while it may be the case that a cyclist or pedestrian could be on the nearside of the carriageway, vehicles emerging from the access would be clearly visible due to the forward visibility available from each direction to the approach of the access. As such, given the modest additional movements utilising the junction associated with the proposals, even that related to two dwellings, the additional movements would not result in unacceptable highway safety impacts.
27. Consequently, I conclude that the proposals would utilise a safe and suitable access and therefore would not have a harmful effect on highway safety. The proposals would accord with CS policies Core Policy 57 and Core Policy 61 which, amongst other matters, seeks to ensure that new roads and other rights of way are designed to create places of character which are legible, safe and accessible and that proposals are capable of being served by safe access to the highway network.

¹ Bellamy Roberts 7th August 2024

² in the case of APP/Y3940/W/24/3355250

Other Matters

28. Interested parties have referred to damage caused to fences from delivery vehicles and vehicle passing taking place on third party land. Moreover, although not clearly articulated within the reasons for refusal, the Council have referred to unacceptable impacts on existing residents living conditions due to an increase in movements along Highfield Lane within their Officer report.
29. Civil matters are outside the remit of the planning system. However, the modest number of movements associated with the proposals would not result in the occurrences of needing to pass significantly increasing, and given the proposed residential use, use of the lane would not materially differ in character, or result in significant additional disturbance or conflict. As such, the proposals would not result in a significant harmful impact on existing residents living conditions through the increased use of Highfield Lane.
30. The Council are unable to demonstrate a five-year housing land supply of deliverable housing sites. Unrefuted by the Council, the appellant states that the supply is 2.03 years. Where the development plan is considered to be out of date for the policies most relevant to the determination, paragraph 11(d) of the Framework requires that presumption in favour of sustainable development is applied unless the application of policies in the Framework that protect assets of particular importance provides a strong reason for refusing the development proposed. For the purposes of paragraph 11 of the Framework, SAC's are an asset of particular importance as denoted by footnote 7.
31. I do not have certainty that the proposals would not adversely effect the integrity of the River Avon SAC, and the application of the policies in Section 15 of the Framework provide a strong reason for refusing the proposal. Consequently, the provisions of paragraph 11d(ii) of the Framework are not engaged in this instance.
32. The proposals would provide either a single or two additional dwellings, within a settlement, to the area's housing supply. They would also contribute towards the local economy, both during the construction period, and from future occupation. However, given the small scale and scope of the schemes, the weight that I attribute to these benefits is modest.

Conclusion

33. Although I have found no harm with regard to highway safety, the proposals would adversely affect the integrity of the River Avon SAC. As a result, the proposals are in conflict with the development plan, when read as a whole, and the environmental objective of the Framework would not be achieved.
34. There are no material considerations, including the Framework, that indicate that the proposals should be determined other than in accordance with the development plan. For the above reasons, and having considered all other matters raised, I therefore conclude the appeals should be dismissed.

S Harrington

INSPECTOR