
Appeal Decision

Site visit made on 3 June 2025

by Colin Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2025

Appeal Ref: APP/Y3940/W/24/3358035

Land on the south-west side of Chalk Pit Cottage, Blandford Road, Coombe Bissett, Salisbury SP5 4LH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Jadeplant Forest Ltd against the decision of Wiltshire Council.
 - The application Ref is PL/2024/09459.
 - The development proposed is described as “new-build residential housing located within land comprising historical industrial use and more recently highways depot storage.”
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Jadeplant Forest Ltd against Wiltshire Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The proposal is for Permission in Principle. This is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (Permission in Principle stage) establishes whether a site is suitable in-principle and the second stage (Technical Details Consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
4. The scope of the considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.

Background and Main Issue

5. The Council's objections to the proposal concern the effect on designated habitat sites, accessibility and character and appearance. My decision is therefore focused on these matters. However, the main issue in this case is whether the site is suitable for the proposed development, having regard to its location, the proposed land use and the amount of development.

Designated habitat sites

6. The appeal site is within the catchment of the River Avon Special Area of Conservation (SAC). The evidence indicates that new dwellings built in the

catchment have potential to increase the nutrient levels entering the SAC, thereby causing harm to it. As such, the proposed new dwellings would be likely to have a significant effect on the SAC, either alone or in combination with other residential development in the catchment.

7. According to Natural England, the qualifying features of the River Avon SAC are: water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-batrachion* vegetation; Rivers with floating vegetation often dominated by water-crowfoot; Desmoulin's whorl snail; Sea lamprey; Brook lamprey, Atlantic salmon and Bullhead. The conservation objectives can be summarised as: to maintain or restore the extent, distribution, structure, function and supporting processes of each of the qualifying features; and maintain or restore the distribution and population of each of the qualifying features within the sites.
8. Before giving any consent, permission or other authorisation, the Habitats Regulations¹ require the competent authority to make an Appropriate Assessment of the implications of a plan or project that is likely to have a significant effect on a habitat site in view of the site's conservation objectives. In this particular case, the evidence indicates that without mitigation, it would not be possible to ascertain that the proposal would not adversely affect the integrity of the River Avon SAC through increased nutrient levels.
9. With this in mind, the appellant says that established mitigation measures could be secured at the Technical Details Consent stage or through a planning condition. However, the PPG² states that it is not possible for conditions to be attached to a grant of Permission in Principle. Although mitigation could be secured at the Technical Details Consent stage, this would not provide the necessary confidence that an adverse effect on integrity would be avoided because it would not be certain that this would occur. Therefore, as the Competent Authority undertaking the Appropriate Assessment, I cannot ascertain that the development would not adversely affect the integrity of the River Avon SAC.
10. The appeal site is also within the zone of influence for the New Forest SAC, the New Forest Special Protection Area (SPA) and the New Forest Ramsar site. The evidence suggests that additional housing within the zone of influence would increase recreational pressures on these habitats. Alone, or in combination with other development, the proposal would therefore be likely to have a significant effect on them.
11. Natural England states that the qualifying features of the New Forest SAC are: Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*); Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*; Clear-water lakes or lochs with aquatic vegetation and poor to moderate nutrient levels; Nutrient-poor shallow waters with aquatic vegetation on sandy plains; Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath; European dry heaths; Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinia caeruleae*) and purple moor-grass meadows. The New Forest SPA qualifies for: the European honey-buzzard, hen harrier, Eurasian hobby, European nightjar, woodlark, Dartford warbler and wood warbler.

¹ Habitats and Species Regulations 2017

² Planning Practice Guidance: Permission in Principle (updated 15 March 2019)

12. In summary, the conservation objectives of these habitats are: to maintain or restore the extent, distribution, structure, function and supporting processes of each of the qualifying features; and maintain or restore the distribution and population of each of the qualifying features within the sites.
13. As above, given the likely significant effect arising from reactional disturbance, the Habitats Regulations also require an Appropriate Assessment to be carried out in relation to these designated sites. The evidence indicates that without mitigation, it would not be possible to ascertain that the proposal would not adversely affect the integrity of either the New Forest SAC, SPA or Ramsar site through recreational pressures. The Council say that the necessary mitigation can be provided through a financial contribution as part of agreed Strategic Access Management and Monitoring (SAMM) measures. Such a contribution would help to fund the management of visitor behaviour near and within the designated sites, making them more resilient to increased levels of recreational pressure.
14. However, there is no mechanism before me to secure the necessary financial contributions. Deferral of the contributions until the Technical Details Consent stage would not provide the necessary certainty that an adverse effect on integrity would be avoided as I cannot be sure that the necessary mitigation would be secured at that stage. Hence, as the Competent Authority undertaking the Appropriate Assessment, I cannot ascertain that the development would not adversely affect the integrity of the New Forest SAC, SPA or Ramsar site. The proposal would therefore conflict with Policy CP50 of the Core Strategy which aims to protect features of nature conservation and geological value.
15. In reaching this decision, I have considered the legal advice which the appellant has provided. I accept that there is no legal reason why an obligation cannot be entered into at any time. One way of dealing with this would be for an obligation to be provided alongside the permission in principle application or appeal that includes the relevant mitigation measures with the trigger for its delivery linked to the associated Technical Details Consent. That way, there would be certainty about what the mitigation entails but it would also be known that it would be secured if planning permission were forthcoming. However, no such mechanism has been provided in support of the proposed development; and a commitment from the appellant to securing the necessary mitigation at a later date does not provide sufficient certainty.
16. In the light of a negative assessment, 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 development of a relatively small housing site is not sufficient to amount to imperative reasons of overriding public interest.
17. The Habitats Regulations indicate that permission must therefore not be granted. For the above reasons, the proposal would conflict with Policies CP50 and CP 69 of the Core Strategy³, which seeks to protect habitats sites.

³ Wiltshire Core Strategy. adopted January 2015

Character and appearance

18. Coombe Bissett is a modestly sized village set within agricultural landscape that is mainly defined by open fields and hedgerows. Large parts of the village and wider surroundings form part of the Cranbourne Chase National Landscape. This includes the appeal site, which is a steeply sloping former chalk quarry on the outer fringes of Coombe Bissett. There is some dispute between the parties as to whether the site was formerly used as a Council depot, but it is now undeveloped and overgrown with vegetation. This gives the site a distinctly green and open appearance on the edge of the village.
19. The site is accessed from Old Blandford Road, which is a narrow rural lane with hedgerows and vegetation on both sides. When standing immediately outside the site, all that can be seen is a bank of vegetation which is raised above the street frontage. It is not possible to look into the interior of the site from here as views are blocked by this vegetation. Consequently, the site maintains a green and open appearance, in keeping with the rural qualities of the lane.
20. The proposed development would inevitably require the removal of the existing vegetation, exposing the built frontages of the proposed dwellings and so resulting in this part of the lane assuming a harder and more urbanised appearance. However, the site is very close to other housing and, despite the probable loss of some green street frontage, the development would be broadly consistent with the immediate surroundings on the edge of the village.
21. The site can also be seen at close quarters from the A354, a main road which runs through Coombe Bissett. However, housing has already been built at the bottom of the former quarry and the proposed development would be mostly obscured by these properties. In places where the new dwellings could be glimpsed, they would be seen behind existing housing along the street frontage, consistent with the pattern of development leading into Coombe Bissett.
22. The full extent of the site is only seen from more distant vantage points within the village. This includes from the school and public playing fields to the south west. While it is not possible to determine the architectural style of the proposed housing at this stage of the process, I am aware that the site is steeply sloping and relatively small for the number of dwellings proposed. Given these constraints, development would likely result in unconventionally designed housing which would be built at a higher density than many nearby properties. However, it does not automatically follow that this would be visually harmful, especially as the final design would be a matter for the Technical Consent Stage.
23. When seen from greater distance within the designated landscape, the proposed housing would be framed by existing buildings in the foreground or background. Hence, while the proposal would increase the prevalence of built development over green space, it would not be read as an obvious incursion into the open countryside. Although the proposed dwellings would be internally lit at night, they would be well related other development within the village and so the darker skies of the wider rural surroundings would be maintained.
24. For these reasons, there would be no conflict with the aim of furthering the purposes of the National Landscape, nor Policy CP51 of the Core Strategy, which seeks to protect the special qualities of such areas. There would also be no conflict with Policy CP57, which relates to design.

Accessibility

25. Coombe Bissett is designated as a 'Large Village' in the Core Strategy and the appeal site is situated inside the settlement boundary. This means that the proposed development would be in general accordance with the spatial strategy of the plan. Hence, the suitability of the site in terms of accessibility has, to some degree, already been established by planning policy.
26. The part of Old Blandford Road outside the appeal site is unlit and there are no pavements. It is also a relatively steep climb from the main built-up area of the village to the site. However, Old Blandford Road is quiet at this point and the walk into the village centre only involves a short section of unlit road before reaching the main A354, which has a pavement and street lighting. As such, the location of the proposed housing would not be a strong disincentive for those who choose to walk or cycle. Even if future residents were to drive to local services, journeys would be very short and this would help to mitigate their impact.
27. My attention has been drawn to linked Appeal Decisions⁴ which concern a site elsewhere in Old Blandford Road. In that case, the Inspector expressed concern that walking and cycling would be unattractive. However, the site was outside the settlement boundary of Coombe Bissett and the evidence before me indicates that it was further away from the village centre. Consequently, that case does not establish a convincing precedent for the current appeal.
28. Overall, there would be no conflict with policies 60 and 61 of the Core Strategy which seek to reduce reliance on private car use.

Conclusion on development plan

29. I conclude on the main issue that the site would be unsuitable for the proposed development with respect to its location, the proposed land use and the amount of development. While the proposal would be acceptable in terms of its accessibility and its effect on the character and appearance of the area, it would not accord with policies which seek to protect designated habitats sites. I assign significant weight to this and it is not outweighed by the benefits of the development in terms of contributing to housing supply. The proposal would therefore conflict with the development plan as a whole.

Final Balance and Conclusion

30. The Council is unable to demonstrate a five-year supply of deliverable housing sites. This means that paragraph 11d) of the National Planning Policy Framework is engaged. In such circumstances, paragraph 11d(i) indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason refusing the development. Footnote 7 says this includes habitats sites.
31. I have established above that the proposal would, in the absence of mitigation, harm designated habitats sites and that the benefits of the development would not outweigh this, even taking into account the aim of the Framework to significantly boost housing supply. As such, there are strong reasons for dismissing the appeal and the presumption in favour of sustainable development does not apply in this instance.

⁴ Appeal Decisions: APP/Y3940/X/20/3261528 & APP/Y3940/W/20/3257309

32. I therefore conclude that the proposal is in conflict with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. The appeal is therefore dismissed.

C Cresswell

INSPECTOR