



Appeal Decision

Site visit made on 3 October 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/B1740/W/25/3367923

Lorraine, Cooks Lane, Calmore, Hampshire SO40 2RU

- 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 Robert Angells of Cook Mews Developments Ltd against the decision of New Forest District Council.
 - The application Ref is 24/10960.
 - The development proposed is described as erection of 10 no flats for the over 50s; demolish existing bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main reasons are the effect of the proposed development on the character and appearance of the area including protected trees, protected habitats, and flood risk, and whether the proposal would provide adequate living conditions for future occupiers with specific regard to external space.

Reasons

Character and appearance

3. The appeal site is a large domestic plot situated at the end of Cooks Lane. It consists of a single storey dwelling, a series of outbuildings and reasonably large amount of hard standing. To the side of the appeal site beyond the boundary wall and verge is Salisbury Road which is a main thoroughfare for the area. The boundary wall has been built around 2 large trees which are protected by Tree Preservation Order (TPO)¹.
4. The site is part of a wider established residential area, with Cooks Lane and Salisbury Road following the edges of that area. The location of the appeal site at the junction of these 2 roads means it is reasonably visible and clearly read in context with the other dwellings along Cooks Lane. These are all of a similar size, although some are 2-storey, on similar sized plots following the same building line. Opposite the appeal site over Cooks Lane is the large and extended 2-storey 'Laural Bank Care Home' (LBCH). Whilst on the other side of Salisbury Road is a football club, supermarket, and other industrial and commercial development.
5. The proposal is for a large building which would provide 10 flats. It would have a third floor of accommodation within the roof space, but its design means that when

¹ TPO/0002/22

viewed from Salisbury Road it has the appearance of a 3-storey building. It would be positioned closer to Cooks Lane than the existing dwelling. Outdoor space would be largely limited to balconies and terraces and a small area of lawn. Landscaping would include a green roof, a narrow strip down the side of Salisbury Road and reinforced grass parking areas.

6. The proposal although residential in use is significantly larger than the existing dwelling, forward of the defined building line along Cooks Lane, and somewhat functional in design and bulky with an appearance more akin to commercial than residential development. The proposed orientation and location within the appeal site along with the proposal's form would be at odds to the domestic scale and character of the area. It would relate awkwardly to the other properties along Cooks Lane and overly dominate the junction. For these reasons, the proposal would unacceptably harm the character and appearance of the area.
7. The appellant considers the proposal to reflect the design of LBCH. However, LBCH is a heavily extended large house, which does not form part of the wider residential estate. Rather it appears as a standalone grander plot than that of the other Cooks Lane properties, including the appeal site. Notwithstanding the different character of the appeal site and LBCH, the care home retains elements of its original domestic design including its overall scale and number of storeys. In effect the proposal would appear to only replicate LBCH in its use of red and yellow brick and its eave height, rather than its actual form or design.
8. It is noted that further along Salisbury Road and on the opposite side of Cooks Lane there are various local plan residential allocations, and recent planning approvals which may change the wider character of the area. However, this does not alter the harm identified in terms of the design and scale of the proposal, its positioning within the appeal site, and its relationship with the existing development along Cooks Lane which would not be affected by the allocations and approvals.
9. The appellant has drawn my attention to other developments they consider similar to the proposal in terms of level of development. Specifically, 110 Salisbury Road (21/10693) and 37-39 Salisbury Road (22/11386). However, from the details submitted these simply serve to prove that in regard to effect on character and appearance such development should be considered on its own planning merits.
10. It is recognised, however, that the proposal would reduce the quantum of hardstanding close to, and remove the boundary wall abutting, the trees under TPO. This in combination with appropriate conditions protecting the trees during construction and the specifics of landscaping, it is unlikely the proposal would harm their health. Therefore, their positive impact on the character and appearance of the immediate area around the appeal site would likely be retained.
11. Nevertheless, the lack of harm in relation to the protected trees would not overcome the harm identified in relation to the overall character and appearance of the area. The proposal would therefore fail to comply with Local Plan Part 1: Planning Strategy (LP) Policies ENV3 and STR1 which seek, amongst other things, for new development to achieve high quality design that contributes to local distinctiveness and enhances the character of its locality.

Protected habitats

12. The appeal site is in proximity of multiple protected habitats, specifically the New Forest Special Area of Conservation (SAC), Special Protection Area (SPA), and Ramsar site, the Solent and Southampton Water SPA and Ramsar site, and the Solent Maritime SAC. Regulation 63 of the Conservation of Habitats and Species Regulations 2017 require an appropriate assessment (AA) to ensure that the development would not adversely affect the integrity of these protected habitats.
13. The Council has undertaken an AA which identifies the protected habitats' integrity may be affected by recreational pressure, air pollution, and nitrates from increased foul water treatment. As the proposal, in combination with other plans, projects and developments in the area, would contribute to an increase in population it is likely to increase visitor and recreational pressure on the protected habitats, as well as increase the amount of traffic-related air pollution and foul water production. Therefore, it cannot be concluded that the proposal would not adversely affect the integrity of the protected habitats.
14. However, these are issues the Council have had to deal with for a considerable period of time. Accordingly, it has well established mitigation strategies, supported by Natural England, which require financial contributions to offset the recreational pressure increase and provide air quality monitoring. As this is a specific requirement for a financial contribution it is necessary for this to be secured as an obligation, and a section 106 agreement would be required. However, no such agreement, or other suitable mechanism has been submitted.
15. It is recognised that the Council considers it appropriate to the use of a negatively worded condition to secure offsite mitigation for the nitrate impact of the proposal. Nevertheless, this would not negate the need for an agreement to secure the mitigation for recreational and air quality issues.
16. Therefore, without any way to secure all the mitigation required, it cannot be concluded that the proposal would not have a harmful effect on the protected habitats. Consequently, the proposal would fail to comply with LP Policy ENV1 insofar as it seeks to mitigate the impacts of development on international nature conservation sites.

Flood risk

17. From the information submitted the appeal site is within Flood Zone 1 for tidal and fluvial flooding but is at high risk of surface water flooding as identified by the Local Lead Flood Authority² (LLFA). Within the appellant's Flood Risk Assessment (FRA) this is identified as being susceptible to flooding up to 300mm, according to Environment Agency calculations.
18. At paragraph 2.3.9 of the FRA, it is considered that "Mitigation measures could be dealt with by a robust drainage system which makes allowances for climate change and urban creep (10%)". However, it is clearly identified within the FRA at paragraph 1.5.1 this is under the assumption that the site is connected to adequate existing surface and foul drainage infrastructure, but no onsite investigation to confirm this has taken place. Further in the FRA author's additional note³ it recommends a CCTV survey to confirm the existing surface water

² Hampshire County Council

³ Appendix A of the appellant's final comments

arrangements and without this information they are unable to fully respond to the LLFA comments in relation to appropriate mitigation and drainage options.

19. Accordingly, as the proposal would increase the number of residents on site and build over the area at risk of flooding, it is necessary to take a precautionary approach. From the information provided it is not possible to conclude that the existing potential of surface water flooding would be mitigated appropriately or that a suitable surface water drainage system could be implemented. This lack of detail fails to provide certainty that adequate mitigation and drainage systems could be delivered and so a condition would not be appropriate in this instance. The proposal would therefore fail to comply with LP Policy CCC1 as far as it seeks to protect the safety of communities by mitigating appropriately against risk factors such as flooding.

Living conditions

20. The proposed external space is limited to a private balcony or terrace for each dwelling and a small, grassed area for outside drying. No minimum external private open space requirements have been evidenced, and it is appreciated that the proposed future occupant profile may not be seeking extensive private outdoor space.
21. Nevertheless, the proximity of the outdoor terraces for the 2 ground floor units facing Salisbury Road to the pavement would mean the privacy of these spaces would be very limited. With the very limited communal space provided, predominantly for the functional use of drying clothes, there is no other convenient alternative for future occupants of these 2 units to enjoy easily accessible and private outdoor space. A lack of access to open space could therefore have a detrimental impact on the living conditions of those future occupants.
22. As such the proposal would fail to provide adequate living conditions for all future occupiers with specific regard to external space. It would therefore fail to comply with LP Policy ENV3 insofar as it seeks new development to contribute positively to the quality of life of the residents of the district.

Housing Balance and Conclusion

23. The Council cannot demonstrate a 5-year housing land supply and has confirmed that its current housing land supply is 2.39 years. As such it is necessary to apply paragraph 11 of the National Planning Policy Framework (the Framework).
24. The proposal would provide a net increase of 9 dwellings, make more efficient use of land in an accessible location reasonably quickly, due to the relatively small scale of the proposal, and these are all factors endorsed by the Framework. Taking account of the Council's lack of housing land supply, and the contribution the proposal would make to this, along with its ability to provide a Biodiversity Net Gain of 11.33%, which would be secured by the provisions of the Biodiversity Gain Regulations 2024, and other ecological enhancements, the benefits of the scheme would attract moderate weight.
25. A lack of harm has been identified in relation to access, highway safety, parking, bin and cycle storage, the living conditions of neighbouring occupants, sustainability, climate change and, as identified in the first main issue, protected

trees. Nevertheless, a lack of harm, by definition, cannot weigh for or against the proposal.

26. However, housing provision should not come at the cost of good design, protected habitats, or the safety and living conditions of future occupants, a position also supported by the Framework. Therefore, when weighed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would outweigh the proposed benefits.
27. Consequently, for the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR