



Appeal Decision

Site visit made on 16 October 2025

by **S Leonard BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/B1740/W/25/3366785

Land to the rear of Willow Cottage, Hightown Road, Ringwood BH24 3DY

- 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 Blumariin Ltd against the decision of New Forest District Council.
 - The application Ref is 24/10245.
 - The development proposed is the erection of two dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Blumariin Ltd against New Forest District Council. This application is the subject of a separate decision.

Preliminary Matters

3. During the appeal, in order to address the Council's second reason for refusal, the appellant submitted a completed Section 106 Unilateral Undertaking, signed and dated 24 July 2025. This provides for the payment of Access Management and Monitoring and Infrastructure Habitats Mitigation contributions as well as an Air Quality Monitoring contribution to mitigate potential impacts upon the New Forest European Protected Sites (EPS). This is a matter to which I later return.
4. The appellant has also submitted a revised Proposed Site Plan drawing ref101h as part of its appeal submission. This relates to minor changes to the proposed parking layout to reduce the area of permeable block paving to the front of proposed unit 01. This was not before the Council at the time of its decision.
5. The planning appeals procedural guidance¹ (Section 16), confirms that, if an appeal is made, the appeal process should not be used to evolve a scheme and there are no provisions within the Rules for amendments to be submitted. It states that it is important that what is considered by the Inspector at appeal is essentially the same scheme that was considered by the LPA and by interested parties at the application stage.
6. Accordingly, having regard to the tests in *Holborn Studios Ltd*², and noting that interested parties have commented upon the planning application, who would not have been made aware of the revisions, I have determined the appeal based on

¹ Procedural Guide. Planning Appeals – England. The Planning Inspectorate Updated 30 June 2025

² *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823

the scheme that was refused by the council. I have not considered the merits or otherwise of the revised Proposed Site Plan submitted with the appeal.

Main Issues

7. The main issues are:

- The effect of the proposal on the character and appearance of the area; and
- Whether the proposal would provide adequate mitigation for the EPS.

Reasons

Character and appearance

8. The appeal site is on the edge of a built-up residential area within the Hightown part of the town of Ringwood and on the south side of Hightown Road. This comprises one of the older pre-car rural lanes which run through 'Character Area 6 – Crow and Hightown' according to the *Ringwood Local Distinctiveness Supplementary Planning Document* (July 2013) (the RLDSPD), within which the appeal site is situated.
9. The RLDSPD provides guidance to support the implementation of Development Plan policies which aim to enhance local distinctiveness and achieve a high-quality living environment. It notes that the older rural lanes have retained a countryside character as a result of wide verges, hedges and ditches, have views to open countryside and are characterised by a mix of dwelling forms, including being infilled along Hightown Road and Crow Lane with a variety of bungalows and houses which typically have large gardens and individual green settings and are set back from the road.
10. This section of the road within which the appeal site is located aligns with the above description. There are undeveloped open fields on the northern side of the lane, which has no footpath and has a roadside edge which is defined by mature hedging and trees set back behind a grass verge.
11. Whilst the south side of the road has a pavement and built residential frontage development, it still maintains a semi-rural character as the dwellings tend to be set back behind green, soft-landscaped frontages, including mature hedging, trees and grass verges.
12. There is continuous frontage development which demarcates this semi-rural edge-of-settlement location. This comprises a mix of detached and semi-detached, bungalows and two-storey chalet bungalows and houses, with a variety of building designs, roof forms, materials, front building lines and building orientations in relation to the road frontage.
13. The appeal site comprises an L-shaped area of land incorporating the existing site access, part of Willow Cottage comprising an integral garage with living accommodation, a strip of land adjacent to the boundary of the adjacent dwelling, Arima, and parts of the existing rear garden of Willow Cottage and of the neighbouring property at Fair Oak.
14. The detached chalet bungalow at Willow Cottage forms an integral part of the residential frontage defining this part of the lane, whilst maintaining a pleasant verdant, spacious and semi-rural character, since it lies within a large plot with a

generous rear garden and is set back from the frontage, which is open and demarcated by a green grassed area incorporating a large willow tree.

15. As such, the existing building and the layout of development on the appeal site in conjunction with the adjoining L-shaped area of land within the appellant's ownership, is in keeping with, and makes a positive contribution to, this rural edge townscape.
16. Planning permission has previously been granted for several alternative residential development schemes involving the appeal site and adjoining land. These have resulted in a maximum of 3 dwellings having been previously approved. Two of these are positioned in place of the existing dwelling and one is in the rear garden.
17. The appellant has since secured an additional parcel of land to the rear of the adjacent properties at Fair Oak and Sunnyside and now seeks to accommodate an additional fourth dwelling having regard to the enlarged site that is now available.
18. The proposal is for two new detached 4-bedroomed chalet-style dwellings positioned to the rear of Willow Cottage. There would be shared vehicular access from Hightown Road which would run alongside the western site boundary and serve a parking and turning area directly in front of the new dwellings.
19. The driveway position would overlap part of the existing dwelling, and the planning application submission makes it clear that the appellant's intention is to demolish Willow Cottage in its entirety. The proposal would also displace existing parking/garaging used in connection with this property.
20. As such, the implementation of the appeal scheme, which relies upon the demolition of the host property to provide access, as indicated on the proposed site plan ref 101gP, would result in a situation where there would be a remaining gap in the position of the existing dwelling.
21. By excluding the site of the main part of Willow Cottage from the appeal site, the appeal scheme provides no assurance of how the land where the current dwelling is sited will be developed once the property has been demolished in connection with the implementation of the appeal scheme.
22. The existing chalet bungalow, having regard to its design, height, scale, materials and position on the site, makes a positive contribution to the prevailing street scene, given its integral role in contributing to the overall cohesiveness of frontage built residential development that results in a strong visual demarcation of the edge of the built settlement.
23. In the absence of a comprehensive redevelopment scheme involving the whole of the site of the existing dwelling and garden within the proposed development site red line, the appeal scheme would therefore provide no certainty that there would not be a resulting large gap between the neighbouring properties to both sides, where the existing dwelling currently stands.
24. This would be very apparent within public views from Hightown Road and would interrupt the current rhythm of frontage-built development, resulting in a weakening of the existing strong urban edge, to the detriment of the visual amenities of the street scene.

25. Combined with this, the positioning of the proposed dwellings in the rear garden would be apparent within the streetscape, in the absence of a frontage dwelling to screen them. Their position, where they have no direct relationship to the street, would be strongly at odds with the prevalent layout of built development which fronts this part of the road.
26. Moreover, notwithstanding that there would be a spacious garden area to the east of unit 1, the new dwellings would front onto an area which would be dominated by hardstanding in association with their proposed access drive, turning and parking areas, positioned close to the front and sides of the properties, together with close-boarded fencing running across the front of the new plots. This would result in a harsh cramped and urbanising environment at the front of the properties which would be unacceptably out of keeping with the spacious and verdant nature of the surrounding development and the existing layout of development along this side of the road, as described in the RLDSPD.
27. The appellant's view is that extant planning permissions should be considered alongside the appeal scheme in determining the resulting overall development scheme for the appeal site and the neighbouring land within the appellant's ownership.
28. With this in mind, the Proposed Site Plan drawing ref 101gP includes a previously approved residential building, under planning application Ref 19/10727, sited in the position of the existing dwelling, together with car parking in the front garden. These are positioned outside of the red line of the appeal scheme site. There is a difference of opinion between the main parties as to whether this permission remains extant, and this is a matter to which I later return.
29. Having regard to other permissions, both main parties are agreed that a scheme which benefitted from outline approval ref 11/97816 and reserved matters approval ref 15/10860 remains extant by virtue of lawful development certificate (LDC) approval ref 18/10983. This confirmed that the scheme had been lawfully implemented.
30. This scheme related to the demolition of the existing dwelling and its replacement with a pair of semi-detached houses in the same position, together with access and car parking to the front and side of the building and two long rear gardens extending the depth of the current appeal site, including where unit 2 of the current scheme is proposed. The LDC also confirmed that changes to the approved boundary fencing comprising Permitted Development under the GPDO could also be carried out lawfully.
31. The appellant initially intended to complete the two frontage dwellings under the above permissions and sever land to the rear to facilitate the erection of a bungalow approved under a different permission, ref 17/10254. This consented the replacement of Willow Cottage with a two-storey house, together with the erection of a detached bungalow to the rear, in the location where unit 2 of the current appeal scheme would be sited.
32. This scheme involved a larger L-shaped parcel of land than that of the development approved under LDC ref 18/10983, incorporating additional rear garden space to the east, and the approved vehicular access to the rear bungalow was alongside the western site boundary, between the replacement house and the adjacent property at Arima.

33. Whilst a subsequent LDC, ref 18/10353, established that a bungalow to the rear of the host property could be lawfully implemented in accordance with permission ref 17/10254 until 25 April 2020, the appellant has confirmed that this did not commence, and the permission has lapsed.
34. Instead, the appellant places weight upon a consolidating planning permission, ref 18/11649, as amended by a S73 approval ref 19/10727, which granted a pair of semi-detached houses in the position of the existing dwelling, as per the aforesaid extant permission under LDC ref 18/10983, but with a revised L-shaped rear garden layout for these properties in order to facilitate a detached bungalow at the rear, in the same position as that approved under the lapsed permission ref 17/10254.
35. The current appeal scheme drawings include the layout of the semi-detached houses and their parking areas and gardens as approved under permission 19/10727, but incorporating additional land to the east. This is shown outside the planning application red line to illustrate how the appeal scheme could sit alongside part of that approved scheme omitting the approved bungalow to the rear.
36. The appellant considers that permission ref 19/10727 remains extant by virtue of implementation by the digging of full foundations in respect of the rear bungalow prior to the expiration date of the permission. The Council does not agree.
37. I saw during my site visit that evidence of building foundations remains within the rear garden of the host property. Moreover, the appellant's statement of case includes detailed evidence in support of the commencement of the approved scheme.
38. It is not for me, under a section 78 appeal, to determine whether the aforesaid permission has been lawfully implemented. To that end, it is open to the appellant to apply for a determination under section 191/192 of the Act, and my determination of this appeal under section 78 does not affect the issuing of a determination under section 191/192 regardless of the outcome of this appeal.
39. Notwithstanding the above, due to scheme details and built development and plot layouts, full implementation of either the aforesaid extant permission LDC ref 18/10983 or S73 permission 19/10727 would mean that the current appeal scheme could not be implemented alongside, and vice versa.
40. In principle, this does not prevent approval of the appeal scheme, subject to the scheme being acceptable in all other respects, since it is possible for land to benefit from alternative planning permissions.
41. However, as presented, the appeal scheme would represent a separate stand-alone proposal which I must treat on the merits of the scheme before me, and which, for the aforementioned reasons, would have a detrimental impact on the character and appearance of this part of the Hightown Road townscape.
42. I have taken account that the appellant proposes to initially demolish the frontage building before undertaking ground works for the whole site and then building out the development from back to front for logistic reasons.

43. I have also noted the appellant's stated intention to replace the existing dwelling with two semi-detached dwellings of a building design that has already been accepted by the Council as appropriate for this position within the street scene.
44. Moreover, the appellant argues that any incompatibility of the appeal scheme with the extant planning permission under LDC ref 18/10983 could be remedied by the submission and approval of an application for a minor amendment under section 73 of the Act to reconfigure the frontage parking, include plot severance and incorporate the drive and rear parking area previously approved under ref 19/10727.
45. Notwithstanding that such an application has not yet been submitted, the likelihood of it being approved by the Council is not for determination by me under this appeal.
46. Accordingly, having regard to all of the above, and the absence of a mechanism, such as a legal agreement, to ensure that replacement of the existing dwelling takes place in accordance with an appropriate scheme, I cannot be assured with sufficient certainty that the appeal scheme would not result in material harm to the established pleasant semi-rural character of this part of Hightown Road, and that further planning applications would not be required to ensure that this harm would be mitigated.
47. For the above reasons I therefore conclude that the proposal would materially harm the character and appearance of the area. As such it would be contrary to Policy ENV3 of the *Local Plan 2016-2036 Part One: Planning Strategy New Forest District Outside of the New Forest National Park* (July 2020), in so much as this policy requires all development to achieve high quality design that, amongst other things, respects and enhances local distinctiveness and is sympathetic to its environment and context including in terms of layout, landscape and relationship to adjoining buildings, spaces and landscape features.
48. This accords with the aims of Chapter 12 of the *National Planning Policy Framework 2024* (the Framework) which seeks to achieve well-designed places, including paragraph 135 which seeks to ensure that developments are visually attractive as a result of, inter alia, layout and appropriate effective landscaping.

EPS

49. To address the Council's second reason for refusal, mitigation is required against potential harm to the New Forest EPS associated with new residential development, arising from increased recreational use of these areas and as a result of traffic-related nitrogen air pollution. In addition, the officer report confirms that there would also be a likely significant effect on the River Avon EPS due to additional phosphate discharge, unless phosphate neutrality or adequate mitigation is achieved.
50. The submitted Unilateral Undertaking intends to mitigate the recreation and air quality impacts, and the Council is satisfied that the phosphates issue can be dealt with by means of a Grampian style condition.
51. In the context of this appeal, the responsibility for assessing the effects of the proposal on the EPS falls to me as the competent authority. Notwithstanding the above, were I minded to allow the appeal, I would need to carry out an Appropriate

Assessment (AA) before considering the proposed mitigation set out in the UU and the Council's suggested planning condition, since the proposal would be likely to have a significant effect on the EPS.

52. However, as the first main issue provides clear reasons for dismissing the appeal, I have not had cause to pursue undertaking an AA. As such, I do not need to consider this matter further, since any findings on this issue would not change the appeal outcome.

Planning Balance

53. The Council has confirmed that it cannot currently demonstrate a 5-year supply of deliverable housing sites. As such, Paragraph 11 of the Framework applies, which states that the policies which are most important for determining the application should not be considered up to date and 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 for refusing the development proposed, or the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
54. Paragraph 8 of the Framework defines the three dimensions of sustainable development as performing economic, social and environmental objectives. Paragraph 61 of the Framework refers to boosting significantly the supply of homes. I have not been advised of the extent of the Council's 5-year housing land supply deficit. However, even if it is significant, a net increase in 1 dwelling would make a modest contribution towards addressing the Council's housing supply deficit.
55. The development could be built out relatively quickly, having regard to Paragraph 73 of the Framework. There would be economic benefits as a result of the construction of the new dwellings, and economic and social benefits as a result of their future occupation. These considerations weigh in favour of the development, and I afford them moderate weight, having regard to the modest size of the proposed housing development.
56. However, a high standard of design is also a key aspect of sustainable development. The harm I have identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development, of fostering well-designed and beautiful places, would not be achieved.
57. Moreover, whilst the Framework encourages the effective use of land in meeting the need for homes, and requires the Council to approach decisions in a positive and creative way, these matters are not unqualified.
58. Accordingly, notwithstanding whether footnote 7 to Paragraph 11 of the Framework applies with respect to habitats sites, I have found that, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits. Therefore, the proposal would not be a sustainable form of development. The conflict with the development plan is not outweighed by other considerations including the

Framework.

Conclusion

59. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR