

Appeal Decision

Site visit made on 10 June 2025

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2025

Appeal Ref: APP/A1720/W/24/3357639

Land to the rear of 77 Burridge Road, Burridge, Southampton SO31 1BY

- 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 Ms Anita Barney against the decision of Fareham Borough Council.
 - The application Ref is P/24/0476/CU.
 - The development proposed is the change of use of land to the stationing of caravans for residential purposes with hardstanding and dayrooms incidental to that use.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to the stationing of caravans for residential purposes with hardstanding and dayrooms incidental to that use at Land to the rear of 77 Burridge Road, Burridge, Southampton SO31 1BY in accordance with the terms of the application, Ref P/24/0476/CU, subject to the conditions set out in the attached Schedule.

Applications for costs

2. An application for costs is made by Ms Anita Barney against Fareham Borough Council. That application is the subject of a separate decision.

Main Issues

3. The main issues are
 - Whether the development accords with development plan policy in respect of mitigation and enhancement of a Site of Importance of Nature Conservation (SINC),
 - Whether the development would deliver the required Biodiversity Net Gain, and
 - The effect of the proposal on the integrity of nearby habitat sites.

Reasons

Site of Importance of Nature Conservation (SINC)

4. The appeal site is allocated for the development of gypsy traveller pitches under policy HA45 of the Fareham Local Plan 2037 (the Local Plan). This sets out that planning permission shall be granted for such development subject to a number of criteria, namely:
 - a) Commitment to implement a Biodiversity Mitigation and Enhancement Plan detailing how the remaining Site of Importance for Nature

Conservation designation will be protected and enhanced for biodiversity net gain,

- b) The layout of the pitches and amenity buildings, whether communal or individual, shall be of high quality, well landscaped design,
- c) All buildings to be single storey to ensure no harm to the character of the area.

The Council raise no objection in respect of criteria b) and c), but its concern is in respect of non-compliance with criterion a).

- 5. In formulating policy HA45, the Council highlight that relevant planning issues were taken into account, identified following a previous appeal decision on the site. At that time, it was also recognised that development on the appeal site would result in the reduction of SINC habitat. The site was allocated with development being positioned on the lesser quality area of the SINC, in order to balance the needs of providing gypsy traveller accommodation against that of the ecological constraints of the site.
- 6. Against this background, it is clear that the loss of part of the SINC for the delivery of gypsy traveller pitches, albeit a part of less quality SINC, was accepted on the basis that the remaining designated area would be the subject of a Biodiversity Mitigation and Enhancement Plan which would demonstrate how the remaining designated area would be protected and enhanced for biodiversity net gain, essentially mitigating the loss of poorer quality habitat with improvements to the better quality part of the SINC. The appellant in this case has not been willing to provide a mitigation and enhancement plan and on this basis, there is a conflict with requirement a) of policy HA45.
- 7. However, following a survey in 2020 by the Hampshire Biodiversity Centre, the boundary of the SINC was amended, such that the appeal site now lies outside of it. Accordingly, the fact that the appeal site has now been removed from the SINC is pertinent. This is a material change in circumstances since the drafting of the policy. As I find above, the clear intention for the requirement of a Biodiversity Mitigation and Enhancement Plan was to mitigate for the loss of part of the SINC designation. Through the removal of the appeal site, there would now be no loss of the SINC through the undertaking of the proposed development and thus no need to mitigate for any loss. I therefore consider that criterion a) is out of date and that the change in circumstances that has occurred is sufficient to outweigh the conflict with it.
- 8. I also find that the development would not conflict with policy NE1 of the Local Plan, insofar as the proposal would protect the nature conservation value of the SINC.

Biodiversity Net Gain (BNG)

- 9. Policy NE2 of the Local Plan requires that new development provide at least 10% gains for biodiversity from the existing baseline value of the site. The development is also subject to the statutory requirement for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat.
- 10. The Council's concern stems from the location where the BNG would be located. Within the Officer's Report it is stated that policy NE2 "stipulates" the 10% BNG to be achieved on site in the first instance. However, this is an expectation written into

the reasoned justification for the policy, not a requirement or stipulation of the policy itself. Moreover, the Planning Practice Guidance makes provision for the delivery of off-site BNG where it cannot be achieved on-site.

11. The submitted details show that the majority of the appeal site would be taken up by the proposed development, which includes a large area of hardstanding, not uncommon at gypsy traveller sites. There is only a small area of the site which is not proposed to be developed. It would seem logical therefore that there would be difficulties in achieving the required level of BNG within the confines of the site. I therefore consider it likely that there would be at least some contribution from off-site in meeting the requirement.
12. The Council have indicated that there is potential for enhancement to take place on the adjacent SINC that could form part of the required BNG. In this respect, the desire for this seems to be in part associated with the desire for works to the SINC in accordance with HA45. However, as I have found above, despite the policy requirement to provide enhancement to the remainder of the SINC, there are considerations that outweigh this, and the requirement should not be adhered to.
13. In any event, any grant of planning permission will be subject to the standard planning condition that is imposed on all planning permissions pursuant to Part 2, paragraph 13(2), of Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990. This condition requires the submission of a biodiversity gain plan prior to the commencement of development. This is the appropriate mechanism through which the matter of the details of the BNG are to be considered. Moreover, I am conscious that the Council do not raise concern that the requisite BNG cannot be provided, rather it is only where it would be provided, which can be addressed through discharge of the above condition. Further, there is a mechanism that allows for an appeal against the refusal or failure to agree the details provided in the biodiversity gain plan.
14. Drawing the above together, I am satisfied that the standard condition, which is applied automatically to the grant of planning permission, would ensure that the development delivers the level of BNG, as required by both development plan policy and statute. Accordingly, there would be no conflict with policy NE2 of the Local Plan.

Habitat Sites

15. The site lies within 5.6km of the Solent and Southampton Water Special Protection Area and Ramsar Site, and the Solent Maritime Special Area of Conservation. The Council highlight that the Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
16. Given the location of the site in proximity to these designations and that I find the scheme acceptable in relation to the other main issues, such that I would be minded to allow the appeal, I must undertake an Appropriate Assessment (AA), to consider what impacts, if any, the development would have on these designated areas. I have undertaken this assessment on a proportional basis, drawing on the information provided by the Council and adopting a precautionary approach.

17. The development would result in additional residents at this location and thus there is the potential for effects to arise through an increase in wastewater discharge, thereby resulting in increased nitrates, as well as from recreational impacts arising from the increase in resident numbers. These matters would result in likely significant impacts and thus must be mitigated.
18. In respect of nitrates, the Council recommend a planning condition to ensure that appropriate mitigation is achieved prior to the commencement of development, which would necessitate obtaining mitigation from one of the Council's approved third-party nitrate mitigation schemes. The approved nitrate mitigation schemes involve either taking agricultural land out of production or result in the creation of a wetland on the mitigation land. The schemes reduce the amount of nitrogen entering the Solent marine environment within the same catchment area as development within Fareham. A planning condition would also be required to ensure that water efficiency measures are installed limiting the amount of water consumption.
19. In regard to recreation disturbance, the addition of new accommodation will likely result in increased recreational visits to protected sites, which may lead to increased disturbance to wild bird habitat. The Council's approach is that where on-site recreation mitigation is not provided, a financial contribution will be sought towards the provision of new green spaces or the enhancement of existing green spaces including provision for their long-term maintenance and management costs. These measures are designed to deter recreational visits to designated sites. In this case, the appellant has paid financial contributions secured by undertakings made under Section 111 of the Local Government Act 1972, ensuring that mitigation is in place in respect of recreational disturbance.
20. The Council has confirmed that the submitted undertakings are acceptable and provide the necessary mitigation. Natural England has also been consulted and is content that the proposed measures would be sufficient to avoid adverse impacts on the sites identified above.
21. The Council has referred me to the matter of air quality, and the potential for the development to impact on this. However, following a study undertaken with reference to dispersion modelling, it has been shown that there would be no likely significant effects arising in this regard and thus no mitigation is necessary.
22. Thus, subject to the mitigation in respect of nitrates and recreational disturbance, I am satisfied the scheme would not have an adverse effect on the integrity of nearby habitat sites. Accordingly, the scheme would accord with policies NE1, NE3 and NE4 of the Local Plan. Together, and amongst other things these policies seek to ensure that development protects and enhances designated international and national sites and sites of local nature conservation value, that development potentially resulting in recreational disturbance to the Solent Special Protection Area is appropriately mitigated, and that development does not have any unacceptable effect on the water quality of designated sites.

Other Matters

23. Interested parties have raised the matters of the loss of countryside and the environmental impact of the development. The site is allocated for the type of development proposed and thus there would be no unacceptable effect in these regards. It is also contended that there is inadequate justification for the allocation

of the site, pointing to the presence of vacant pitches on another site. Nonetheless, the site is allocated for this purpose and that there may be other vacant sites does not result in the development at this location being unacceptable.

24. Concern is also raised in respect of increased flood risk; however little information has been provided to show that the scheme would have any detrimental effect. Also, I note the Council states that the site is located within Flood Zone 1. There is therefore nothing that persuades me that there would be an increased risk of flooding as a result of the development. It is alleged that there is overstretched local infrastructure, with struggles to access services. However, the scheme brings forward development of the type that is specifically allocated for within the development plan and thus this matter is not one which weighs against the proposal.
25. Any potential change in the Council tax bands for properties in the vicinity is not a matter that influences my decision.

Conditions

26. In the interests of certainty, I have imposed a plans condition. To protect matters of ecological interest I have also imposed conditions in respect of nitrates and water efficiency. Given the size of the development and its location, I do not consider that a working hours condition is necessary.

Conclusion

27. The proposal would not conflict with policies NE1, NE2, NE3 or NE4 of the Local Plan. While there would be some conflict with policy HA45, this is outweighed by other considerations. Notwithstanding this minor conflict, the proposal accords with the development plan as a whole.
28. For the reasons given above the appeal should be allowed.

Martin Allen

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall begin within three years from the date of this decision.
2. The development shall be carried out in accordance with the following approved documents:
 - Location Plan – drawing number 12_499C-001 Rev P05
 - Existing Site Plan – drawing number 12_499C-002 Rev P02
 - Proposed Site Plan – drawing number 12_499C-003 Rev P05
 - Proposed Standard Dayroom- Plans and Elevations – drawing number 12_499C-006 Rev P04
3. No development shall take place until evidence has been submitted to and approved in writing by the Council, that nitrate mitigation of at least 5.82kg/TN/yr has been secured in respect of the development. Where the nitrate mitigation is secured by the purchase of nitrate mitigation 'credits', this must be purchased from a Council-approved nitrate mitigation scheme with a pre-existing agreement already in place.
4. None of the caravan units hereby permitted shall be occupied until details of water efficiency measures to be installed in each unit have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

(End of Schedule)