



Appeal Decision

Site visit made on 29 October 2025

by Lewis Condé BSc, MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2025

Appeal Ref: APP/C1760/W/25/3368489

Land adjacent to 11 Launcelyn Close, North Baddesley, Southampton SO52 9NP

- 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 Harvey Rai against the decision of Test Valley Borough Council.
 - The application Ref is 24/02796/FULLS.
 - The development proposed is erection of a new detached dwelling with access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: the effect of the proposal on the character and appearance of the area; and whether the proposal would result in a harmful loss of open space.

Reasons

Character and Appearance

3. The appeal site comprises an informal area of public open space situated between dwellings within a small residential close. This street forms part of a wider, late 20th century, suburban housing development. Based on site observations and the evidence available, the estate appears to have been deliberately designed to incorporate small pockets of open space. These areas frequently provide visual connections through the development, and function as gateways, to larger public open spaces around which the housing is arranged.
4. The appeal site adjoins a much larger area of public open space but still offers visual relief within the residential close as well as allowing views to the greenspace beyond. Indeed, the appeal site adds a sense of openness and verdancy to an otherwise tightly built residential street. I therefore find it to positively contribute to the character and appearance of the area.
5. The proposed development would retain a portion of the site's open space, with soft landscaping proposed to be introduced to this area. Nonetheless, the introduction of a dwelling at the site would significantly reduce the overall sense of openness it displays and reduce the visual links to the recreation space beyond. The proposal would therefore result in a streetscene that appears more compact and enclosed, harmfully eroding the character of the area.
6. Neighbouring properties are predominantly semi-detached or terraced dwellings, creating a rather consistent streetscape. Despite broadly reflecting the proportions

of nearby properties including a similar sized plot, the proposed dwelling's detached form would result in it appearing diminutive in size, particularly its width. Together with the scale and position of the plot, this would give the impression of a dwelling tightly fitted into the streetscene. The proposed materials and detailing would provide some visual continuity, but it remains that the appeal dwelling would not suitably integrate with its surroundings. The design has also not been demonstrated to be innovative or to comply with the advice of the National Design Guide.

7. Bringing the above together, I find that the proposal would cause harm to the character and appearance of the area. It therefore conflicts with Policies E1 and E2 of the Test Valley Borough Local Plan 2011 – 2029 (adopted 2016) (the Local Plan). Together, amongst other matters, these policies seek to promote high quality design that respects local distinctiveness.

Loss of Open Space

8. The appeal site is located adjacent to a far larger and more formal area of recreational open space, which includes a playing pitch and playground equipment. Still, this does not preclude the appeal site from serving a function to nearby residents.
9. The appeal site is both very closely related to and well overlooked by existing dwellings within the close. Given this relationship, the area of open space would be well suited for younger children playing alone within a comfortable distance and view of the neighbouring properties. Additionally, the space also provides amenity value to residents within the close. I therefore find the comments received from interested parties in respect of the value of the open space to neighbours to be realistic and compelling.
10. Local Plan Policy LHW1 relates to the provision of public open space, including providing protection to existing areas of public open space. Amongst other matters the policy sets out that development proposals that would result in the loss of existing open spaces or recreational facilities will only be permitted in limited specified circumstances.
11. Notwithstanding the wider availability of public open space nearby, no robust evidence has been provided to verify the appellant's claims that there is sufficient provision of open managed grass space in the area, such that the appeal site is not needed to meet the full range of leisure and recreational needs of the local community. Nor that planting part of the site to support biodiversity is a more appropriate use of the space. Indeed, whilst there may be some biodiversity benefits associated with the proposed planting, Policy LHW1 is concerned with the availability and quality of public open space, as opposed to biodiversity quality.
12. While the proposal would retain a small area of greenspace and introduce additional planting, it does not provide an alternative facility for open space, sport, or recreation. Even if biodiversity enhancements, interpretive signage of planted species, and seating were secured within the remaining public area, the reduced size would offer fewer opportunities for informal play. Furthermore, given its limited scale and close proximity to the proposed dwelling, the space is unlikely to function as an attractive or inviting area for sitting or leisure. Consequently, the proposal would fail to replace the lost open space with an equivalent or improved provision in terms of both quantity and quality.

13. Although the greenspace to be lost would be limited, it remains that the proposal would cause a harmful loss of public open space. Additionally, none of the exception criteria under Local Plan Policy LHW1 would be met and the proposal would conflict with the policy.

Other Matters

14. The appeal site lies within the zone of influence for the Solent and Southampton Water Special Protection Area (SPA) and Ramsar Site, which are internationally important for their marine habitats which support overwintering birds. The appeal site is also within the zone of influence for the New Forest SPA, which is part of one of the largest tracts of semi natural vegetation in the country and internationally significant for its breeding and overwintering bird species.
15. The SPAs are European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations).
16. In addition to pressures from recreational activity, the Southampton and Solent Waters SPA has been identified as being in an unfavourable condition due to excessive levels of nutrients, both nitrogen and phosphates, entering and affecting water quality. This has a detrimental effect on the habitats and species of birds to which the designation relates. Meanwhile, evidence¹ also indicates that visitor levels to the New Forest SPA is having negative impacts on its protected habitats and wildlife.
17. The proposed residential development, in-combination with other development, could result in increased recreational disturbance to the features of interest within both the Solent and Southampton Water SPA and the New Forest SPA. In addition to pressure from recreational activity, an increase in wastewater discharged from the proposed development, in combination with other development, could also lead to a likely significant effect on the special interests of the Solent and Southampton Water SPA.
18. The Habitat Regulations require that permission may only be granted after having ascertained that it will not affect the integrity of the relevant sites. However, as I am dismissing the appeal on other grounds, the proposal would not take place and would not affect the habitat sites. An appropriate assessment is therefore not required in this instance. Furthermore, even if I were to find suitable mitigation would be appropriately secured, including via the appellant's submitted unilateral undertaking, a lack of harm to designated habitat sites would only amount to a neutral factor.

Planning Balance

19. The proposal would contribute to housing supply in an area where there is currently a shortage. There would also be socio-economic benefits associated with the construction and subsequent occupation of a dwelling within a sustainable location. Given the scale and nature of the proposal, such benefits would though be modest.

¹ As set out in the Test Valley Borough Council New Forest International Nature Conservation Designations: Recreation Mitigation Supplementary Planning Document (January 2025)

20. The proposal may comply with a range of development plan policies, for example in relation to highway safety and living conditions of future residents. Still, it remains that through conflicts with Local Plan Policies E1, E2 and LHW1 the appeal scheme is contrary to the development plan as a whole. These policies are broadly consistent with the National Planning Policy Framework (The Framework). The harm to the character and appearance of the area, loss of public open space, and weight to the conflict with the relevant development plan policies is significant.
21. The Council is unable to demonstrate a five-year housing land supply, and from the evidence before me, there is a significant shortfall in supply of around only 2.74 years. Paragraph 11d) of the Framework is therefore engaged.
22. The proposal would align with the aims of the Framework to significantly boost the supply of housing and its recognition that small-scale developments can make an important contribution to meeting housing requirements. Notwithstanding the extent of housing shortfall, the proposal relates to a single dwelling and therefore the benefits would be modest. Socio-economic benefits associated with the delivery of the development and its location would also align with relevant elements of the Framework, as could the delivery of biodiversity enhancements. These matters are also afforded modest weight due to the scale of the proposal.
23. Against the above, the appeal scheme is contrary to the Framework where it seeks to ensure developments are sympathetic to local character. It would also be contrary to the provision of the Framework in respect of the protection of open space and recreation provision. Notably, the Framework sets out that existing open space should not be built upon except for in limited circumstances (effectively replicated under Local Plan Policy LHW1). These are matters to which I ascribe significant weight.
24. Bringing the above together, I find the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. As such, the presumption in favour of sustainable development does not apply, while I have not needed to consider the effect of the proposal on habitat sites.

Conclusion

25. The appeal scheme conflicts with the development plan as a whole and there are no material considerations, including the provisions of the Framework, that indicate a decision should be taken other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR