



Appeal Decision

Site visit made on 27 November 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/B1740/W/25/3373002

4 Belmont Road, Ashley, New Milton, Hampshire BH25 5AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Mark Bennett (M Bennett Development) against the decision of New Forest District Council.
 - The application Ref is 25/10198.
 - The development proposed is a 2 bedroom bungalow to rear of 4 Belmont Road with new access via Cutler Close.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved. As such, where the proposed site plans show any information relating to those matters, I have treated this as illustrative for the purposes of making my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the long term effect upon protected trees.

Reasons

4. The appeal site forms part of the rear garden space of No. 4 Belmont Road. There is a group of oak trees within the garden of the neighbouring property of No. 24 Cutler Close which are protected as part of a Tree Preservation Order. The trees are of significant height and spread and therefore make a significant contribution to the character and appearance of the surroundings.
5. During my site visit, I observed that many of the branches of these trees overhang the appeal site. As part of their evidence, the appellant has provided a copy of an Arboricultural Impact Assessment (Trevor Heaps Arboricultural Consultancy Ltd, October 2024) which was submitted to the Council as part of a previous planning application. The report includes an assessment of the trees and notes that the majority of the oaks are in fair or normal structural and physical condition with life expectancies of forty plus years. The exception is the tree identified as T6 which is regarded as being in poor physical condition and therefore has a reduced life expectancy of ten plus years.

6. On that basis, most of the oak trees can be expected to live for many years, thereby continuing to contribute to the character of the area. The report also notes that construction could be carried out in such a way so as to ensure that it would not negatively affect the long term health of the trees, including by taking adequate measures in relation to the root protection areas.
7. The appeal relates to an outline application and therefore matters such as layout and appearance are currently unknown. However, given the narrowness of the plot, it seems inevitable to me that the branches of the oak trees that overhang the site would undoubtedly provide a substantial amount of shade to the proposed dwelling. As a result, there is every chance that future occupiers would seek to apply to the Council to remove branches due to the amount of shade and the resultant harm to living conditions.
8. While the Council would have the ability to refuse such applications, doing so would become much more difficult where harm to living conditions is a material consideration. Indeed, it is notable that Policy ENV3 of the New Forest District Local Plan 2016 – 2036 Part 1: Planning Strategy (the LP) sets out that new development should avoid unacceptable impacts, including in relation to shading. If a significant number of branches were removed for this purpose in future, it would undoubtedly impact negatively upon the character and appearance of the area. Such works could also harm the long term health of the trees, thereby raising the prospect that they would need to be removed altogether. If this were to happen, then the identified harm would be greater still.
9. While the trees are located within the garden of 24 Cutler Close, the width of that plot is far greater than that of the appeal site, and therefore the trees would affect the occupiers of that property to a much lesser extent. Furthermore, while consent has been granted to remove a branch from one of the trees, while also lifting the crown of another, this does not mean that future works to remove additional branches would be acceptable. Indeed, it is notable that, as part of the same application, other proposed tree works were refused¹.
10. The appellant has also sought to argue that potential future occupiers would need to be satisfied with the amount of shade when purchasing the property. However, it is my responsibility as the decision maker to ensure that trees that are subject to a TPO are adequately protected, and that there would not be undue pressure to undertake works that would likely cause harm in the future.
11. Based on the evidence before me, I conclude that the proposed development has the potential to result in harm to protected trees in the years to come and that such harm would have a negative effect upon the character and appearance of the area. As such, it would conflict with LP Policies ENV3 and ENV4, the relevant aspects of which seek to ensure that new development is well designed and that trees that contribute to local character are protected and retained.

Other Matters

12. The Council's second reason for refusal, as provided on the decision notice, sets out that the proposal has the potential to affect the New Forest Special Area of Conservation, the New Forest Special Protection Area, the New Forest Ramsar site, the Solent and Southampton Water Special Protection Area, the Solent and

¹ Council ref TPO/24/0062

Southampton Water Ramsar site, and the Solent Maritime Special Area of Conservation. However, as I am dismissing the appeal for other reasons, I am not required to consider this matter further.

Conclusion

13. From the evidence before me, the Council is unable to demonstrate a five-year supply of deliverable housing sites, with the current figure being just 1.5 years. In such circumstances the test set out in paragraph 11(d)(ii) of the National Planning Policy Framework (the Framework) is engaged.
14. In this instance, the benefits of the proposal include the provision of a single new home that would assist in meeting need in the area, support for local facilities, and the creation of jobs during the construction phase. Despite the level of shortfall in housing land supply and delivery, which leads me to attribute increased weight to the benefits, I still only afford limited weight to them overall given that they are relatively minor in nature.
15. I have concluded that there is potential for there to be material harm to the character and appearance of the area, with particular regard to protected trees. The support for the principle of development within the Framework, including making efficient use of land, is countered by the importance it places on the provision of development that preserves character and appearance, including the retention of trees. In this instance, the potential harm would be significant and enduring. As a result, when assessed against the policies in the Framework taken as a whole, the adverse impacts would significantly and demonstrably outweigh the benefits.
16. Consequently, for the reasons given, the proposed development conflicts with the development plan as a whole, and there are no other considerations, including the provisions of the Framework, that outweigh the identified harm. The appeal is therefore dismissed.

C Butcher

INSPECTOR