
Appeal Decision

Site visit made on 16 December 2025

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 January 2026

Appeal Ref: APP/B1740/W/25/3369359

79 Eastfield Lane, Ringwood, Hampshire BH24 1UN

- 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 Maraval Segensworth Road Ltd against the decision of New Forest District Council.
 - The application Ref is 24/10536.
 - The development proposed is the erection of two properties with access and parking.
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Decision

1. The appeal is dismissed.

Application for Costs

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

Preliminary Matters

3. One of the reasons for refusal of the original application was the impact of the proposal upon the protected habitat sites of the New Forest Special Protection Area (SPA), Special Area of Conservation (SAC), and Ramsar. To address these matters, during the appeal the appellant submitted a signed Unilateral Undertaking (UU) to secure contributions for avoidance, mitigation and monitoring measures. This matter will be returned to later.
4. A consultation version of the National Planning Policy Framework (the Framework) was published on 16 December 2025. The comments of the main parties were sought, and consideration has been given to the responses received in reaching the appeal decision.

Main Issues

5. The main issues in this case are:
 - The effect of the scheme upon the character and appearance of the area; and
 - The effect upon protected habitat sites.

Reasons

Character and Appearance

6. 79 Eastfield Lane (No 79) is a detached house with a deep rear garden. There are a variety of ages and styles of mostly detached houses and bungalows to either

side of the lane that are two storey or less in height and having conventional appearances. There is a strong building line to the eastern side of the lane, and No 79 forms part of the long line of houses and bungalows that are set back from the highway behind similar sized front gardens. There are fields beyond these properties, with a drainage ditch and a field hedgerow forming the boundary.

7. A defining characteristic of this residential area is the long contiguous row of deep gardens to the rear of the dwellings that are found to the eastern side of Eastfield Lane. These gardens form an open setting to the dwellings that is often evident from the road due to the gaps between the houses and bungalows. The gardens create a spacious, often verdant backdrop to the buildings along the lane.
8. The two single storey dwellings would be positioned beyond the brick and tiled outbuilding of No 79, to one side of an access drive that would extend from the existing southern vehicular access. The drive would be positioned near to the garden boundary, and despite its gently meandering route it would provide views into the property and beyond. The bungalows have been carefully designed to minimise their visual impact within the area, and the planting of mature trees to provide focal points has also been proposed. Despite such measures glimpses of the bungalows projecting beyond No 79 would be apparent from Eastfield Lane. The length of the drive and the additional residential paraphernalia, uses, and activity, associated with two dwellings, would give the bungalows a legible presence as detached homes that would be at harmful odds to the open, expansive continuity of the rear gardens.
9. The modest height of the bungalows would not mitigate the discordant addition of two dwellings that would create a short row with No 79 that would be perpendicular to the highway. The bungalows would result in an incongruous intensity of built form and activity that would conflict with the subservient nature and use that characterises the rear gardens of the dwellings. This would particularly be so given their positioning approximately in the centre of this uninterrupted row of gardens. Furthermore, the small size of the proposed gardens would compound the harmful incongruities of the scheme when compared to the generous expansiveness of those nearby.
10. The appellant has referred to other examples of development that has occurred within gardens, namely that to the rear of 11 Cloughs Road and to the rear of 53 and 55 Eastfield Lane. The former are homes surrounded by residential development, and there are other examples of backland development scattered along this road as well as short cul-de-sacs. Such a context is very different to that found around the appeal site where there is only one example of backland development to the eastern side of the road, and that is at the northernmost end of the lane. As such this comparison does not form a binding precedent for allowing the appeal.
11. The bungalows to the rear of 53 and 55 Eastfield Lane are to the rear of two properties rather than one and have a parallel relationship to the lane not a perpendicular one. They are at the northernmost end of the lane rather than being centrally located within the long contiguous row of deep rear gardens. These bungalows also have more generous rear gardens than those proposed, and do not have the same concentrated intensity of development as would occur with the appeal scheme. Given these differences, these bungalows are not determinative to the outcome of the appeal.

12. There is a Certificate of Lawfulness for a detached outbuilding within the rear garden, and the appellant has pointed out that another garden room could be erected under permitted development rights. However, within the rear gardens of the properties to the eastern side of Eastfield Lane there are a diverse variety of sizes and styles of outbuildings, some of which are large. Despite this variety what remains evident is that they have a subservience of form and function to the dwellings they serve. The presence of two large, detached outbuildings in the rear garden of No 79 would have a visual impact upon openness, but such outbuildings would not result in the concentration and duplication of residential paraphernalia, uses, and activity that would be associated with two households. As such these differences considerably temper the weight that can be attributed to this fallback.
13. The Council has referred to the deep gardens to the rear of Eastfield Lane as a tranquil green space. Within the Ringwood Local Distinctiveness Supplementary Planning Document (2013) (SPD) there is guidance that refers to the retention and improvement of this rural green edge. However, the fields to the east of Eastfield Lane have been allocated as a large housing site, and in time this allocation will eventually change the position of the edge of the town, as defined in Policy SS14 of the New Forest District Local Plan Part 1 Planning Strategy (2020) (LP).
14. Although the SPD is considered out of date by the appellant due to its age and because it does not reflect the strategic housing allocation, the SPD assesses and assigns value to particular elements of the character and appearance of the area, including identifying key features such as the deep rear gardens. The housing allocation will in due course re-define the edge of the town, but in doing so LP Policy SS14 requires a broad swathe of open space along the western boundary to provide an area for flood attenuation and drainage. This would form an undeveloped edge to the housing site that would maintain an open setting beyond the rear gardens to the dwellings along Eastfield Lane, with views of this setting being visible from the lane.
15. The SPD advises that new development in Eastfield Lane should take its cue from, amongst other things the deep garden spaces. As explained in the Framework, the SPD is not part of the development plan but adds further detail to its policies. In this case, the SPD highlights key characteristics of the area, and provides detail to support the requirements of LP Policy ENV3 and Policy R7 of the Ringwood Neighbourhood Plan (2024) (NP), as these policies seek, amongst other things that development should be sympathetic to its context, respecting and enhancing local distinctiveness, character and identity, and take into account the positive aspects of local character.
16. For these reasons the scheme would unacceptably harm the character and appearance of the area, and the suggested conditions would not mitigate these fundamental harms. Although the proposal would be a development opportunity within the settlement boundary as required by NP Policy R1, the harm to the character and appearance of the area would conflict with the above referenced requirements of LP Policy ENV3 and NP Policy R7.

Habitat Sites

17. The New Forest SAC, SPA and Ramsar recognise the national and international importance of these habitat sites that include bogs, marshes, heaths and woodlands that support a variety of rare birds and insects. These sites are under significant pressure from public access and use, and a net increase in the number of dwellings and occupiers in the area would increase the pressure upon them, eroding their integrity including as a result of the recreational use of the sites, thereby causing habitat destruction and disturbance to species. Traffic growth causes further significant adverse effects as a result of nitrogen and ammonia deposition and pollution, particularly near main road corridors.
18. Additional residents would result in increased waste water and nutrients entering into the River Avon catchment, which is an SAC, SPA and Ramsar. This predominantly chalk river is one of the most bio-diverse river systems in lowland England, supporting a rich variety of flora, fish and invertebrate fauna. Rising phosphate and nitrate levels in the river are a cause for concern as nutrient enrichment contributes to the growth of algal blooms and weed mats that can result in oxygen and light depletion, which is to the detriment of the species supported by the river.
19. Given the location of the appeal site, future occupiers would be likely to impact upon these habitat sites having a significant effect upon their integrity, as a result of increased recreational pressures, air quality impacts, and nutrients in waste water. The Conservation of Habitats and Species Regulations (2017) require the decision maker to undertake an Appropriate Assessment where there are likely to be significant effects from a proposal, either alone or in combination with other schemes, a duty that falls to occur with the appeal.
20. The appellant has provided a UU to secure mitigation measures for the habitat sites and has accepted the Council's suggested Grampian condition to address nutrient levels. A receipt of the monies paid for habitat mitigation measures has also been provided. Whilst the Council appear to have accepted the UU, the version submitted for the appeal has not been dated nor does it include a plan clearly identifying the site. Despite the payment, the UU is incomplete, and it cannot therefore be relied upon to secure and achieve the required mitigation measures. It is not necessary in such circumstances to undertake Appropriate Assessments nor give further consideration to the likely effectiveness of the mitigation measures proposed, including the suggested Grampian condition.
21. Given these findings, the scheme would adversely affect the integrity of the protected habitat sites. These harms would conflict with the requirements of LP Policy ENV1 and the supporting Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document (2021), which seek amongst other things, to ensure that there will not be adverse effects on the integrity of protected habitat sites.

Other Matters

22. Local residents have raised several matters, including drainage, a loss of privacy, and traffic congestion. There are also concerns regarding the impact of the scheme upon nearby trees, although what was apparent from the appeal site visit was that a line of trees to the rear of the site had been felled, as had the protected

trees within the garden of 81 Eastfield Lane. However, as the appeal is being dismissed for other reasons, these matters have not been considered further.

23. The appellant has raised concerns regarding the Council's handling of the original application and pre-application advice. Such matters fall to be pursued by other means and have no bearing on the consideration of the planning merits of the case.

Planning Balance

24. The Council has acknowledged that it cannot demonstrate a five year supply of deliverable housing sites, with the appellant pointing out that the supply has dropped from 2.39 years to 1.53 years. In such circumstances, the Framework requires that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, such as habitat sites, provide a strong reason for refusing the development.
25. The scheme would conflict with development plan policies that seek to protect the integrity of habitat sites and the character and appearance of the area. The Framework requires due weight to be given to existing development plan policies according to their degree of consistency with the Framework. LP Policy ENV3 is broadly consistent with objectives within the Framework that require development to be sympathetic to local character. As regards LP Policy ENV1 this also reflects the Framework and its requirement to refuse planning permission where there would be harm to habitat sites. The conflict of the scheme with these policies should therefore be given significant weight.
26. The scheme would accord with the requirements of the consultation draft of the Framework in seeking to make an effective use of land, including within residential curtilages. However, the promotion of the effective use of land in meeting the need for homes is to occur, amongst other things, at the same time as development responding to its context. Given the findings above with regard to character and appearance and that the 2025 version of the Framework is a consultation draft, the weight that can be attributed to these policies is limited.
27. There would be benefits arising from the scheme, that include the important benefit of the provision of two additional high-quality, energy efficient dwellings and the moderate benefit of future occupiers being close to the services and facilities within the town. The Framework requires an effective use of land in meeting the need for homes, affording great weight to the development of windfall sites within existing settlements. It is also recognised that small sites and higher densities can make an important contribution to meeting housing needs within an area. These benefits would also weigh in favour of the development.
28. Notwithstanding these benefits, whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. In this case the harms to the habitat sites provide a strong reason for refusing the development, despite the aforementioned benefits. Furthermore, the NP was made in 2024 and identifies the strategic housing sites for the town, including that to the rear of the appeal site. In such circumstances the Framework makes it clear that where a scheme conflicts with policies in the NP, in this case NP Policy R7, the adverse impact of allowing development that conflicts with the NP significantly and demonstrably outweigh the benefits. This case is such an occurrence, and in

addition there are also strong reasons for refusing the development with regards to the impact of the scheme upon habitat sites.

Conclusion

29. Given these findings, there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR