
Appeal Decision

Site visit made on 18 December 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 February 2026

Appeal Ref: APP/V1260/W/25/3369760

Land at Jesmond Avenue, Jesmond Avenue, Christchurch, Dorset BH23 5AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Brentland Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is 8/24/0861/PIP.
 - The development proposed is described as: 'Proposal for the development of the site to provide up to 9 residential properties.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Permission in Principle ('PiP'). Planning Practice Guidance ('PPG') advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP consent route has two stages: the first stage (Permission in Principle) establishes whether a site is suitable in principle, and the second stage, Technical Details Consent ('TDC') is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. Under Article 5B of The Town and Country Planning (Permission in Principle) (Amendment) Order 2017, as amended ('the Order'), PiP must not be granted for development which is habitats development. Habitats development means development which is likely to have a significant effect on a qualifying European site, as defined by Regulation 8 of the Conservation of Habitats and Species Regulations 2017 ('the Regulations'), either alone or in combination with other plans or projects.

Main Issues

4. In light of the above and the main parties' submissions, the main issues are:
 - a) Whether PiP can be granted for the proposal having regard to Article 5B of the Order; and,
 - b) In the event that PiP can be granted for the proposed development, whether this would be in a suitable location for housing with regard to flood risk and harm to protected trees.

Reasons

Whether PiP can be granted for the proposal

5. The evidence before me confirms that the appeal site lies within the zone of influence of the Dorset Heathlands, an internationally designated area comprising the Dorset Heathlands Special Protection Area, Ramsar Site and Special Area of Conservation ('SAC') as well as the River Avon SAC.
6. Residential development within the zone of influence of the Dorset Heathlands increases recreational pressure on these habitats. Such activity can lead to vegetation loss, soil erosion, disturbance from people and pets, and the spread of non-native species. Collectively, these effects pose a significant risk to the ecological integrity of the Dorset Heathlands.
7. With regard to the River Avon SAC, additional residential development contributes cumulatively to already elevated phosphorus levels within the river. This nutrient enrichment is causing ecological harm, including excessive algal growth that disrupts the river's natural ecological balance.
8. The Dorset Heathlands and the River Avon SAC are internationally designated sites. Recreational pressure and nutrient enrichment are matters falling within the scope of the Regulations. Without mitigation, the proposed development would, in combination with other schemes, be likely to adversely affect the integrity of the Dorset Heathlands and the River Avon SAC.
9. The competent authority must therefore be satisfied that the proposal would not, either alone or in combination, adversely affect the integrity of these sites.
10. PPG Paragraph 005 (Reference ID: 58-005-20190315) addresses the relationship between PiP and the Regulations. It is explicit that PiP must not be granted for development likely to have a significant effect on a European site unless an Appropriate Assessment has been undertaken and has concluded that the proposal would not adversely affect the integrity of that site. This reflects the statutory requirements of the Regulations. The duty imposed by the Regulations applies at the point at which a competent authority is minded to grant any form of planning consent, including PiP.
11. The appellant asserts that the above guidance can only sensibly apply at the TDC stage, on the basis that the nature and extent of the development are not yet fixed at PiP stage and that it would therefore be impracticable to identify or secure mitigation measures at that point. I acknowledge that the PiP regime is designed to limit the information required at PiP stage to the location, land use and amount of development, thereby reducing up-front costs. Nevertheless, the duty under the Regulations is not qualified by the procedural structure of the PiP process. Where the principle of development itself gives rise to the potential for significant effects on a European site, the competent authority must address that issue before granting PiP.
12. Paragraph 022 of the PPG (Reference ID: 58-022-20180615) confirms that planning obligations and conditions may be imposed at the TDC stage. However, a PiP cannot itself be conditioned or made subject to a planning obligation, and mitigation cannot therefore be secured at this stage. As the competent authority, I must be satisfied at the PiP stage that adverse effects on site integrity can be ruled out; otherwise, PiP cannot lawfully be granted.

13. The appellant contends that the Council's approach would undermine Part 2 of the brownfield land register. That is not so. Habitats Regulations screening, and where necessary an Appropriate Assessment, must be undertaken at the PiP stage, which is a consent for the purposes of the Regulations. The brownfield land register does not disapply the requirement for the competent authority to be satisfied, before granting any form of consent, that a proposal would not, alone or in combination, adversely affect the integrity of a European site. Although some environmental and habitats-related matters may be addressed at the TDC stage, this does not remove the need to rule out likely significant effects before granting PiP.
14. In any event, the issue before me is not whether the appellant's preferred approach would be more convenient or administratively efficient, but whether it is lawful. The Regulations do not permit a wait-and-see approach whereby the principle of development is established before the competent authority is satisfied that adverse effects can be excluded. If that conclusion cannot be reached at the PiP stage, the proper course is to refuse PiP.
15. Planning permission may be granted in stages, including in outline with detailed matters reserved, but the Regulations require the necessary assessment to be undertaken when the authority is first making a legally operative decision that would authorise the development to proceed. This is almost always the outline stage, as outline permission establishes the principle of development and confers a lawful right to build, subject only to later approval of reserved matters. Only in the rare circumstance where an outline permission is so limited that it does not permit development to begin could the assessment lawfully be deferred. By analogy, PiP similarly fixes the principle, type and amount of development, and therefore triggers the same requirement for assessment at the PiP stage.
16. For the reasons set out above, the proposal would be likely to have a significant effect on the Dorset Heathlands and the River Avon SAC, and those effects cannot be excluded at the PiP stage. In the absence of mitigation, which cannot lawfully be secured through PiP, I cannot, as the competent authority, be satisfied that the integrity of these sites would be protected.
17. Accordingly, as Article 5B of the Order prohibits granting PiP for development likely to have a significant effect on qualifying European sites, and such effects cannot be excluded at this stage, the proposal constitutes habitats development and PiP cannot lawfully be granted.

Whether the development would be in a suitable location for housing with regard to flood risk and harm to protected trees.

18. Given my conclusion in respect of the first main issue, it is not necessary for me to assess whether the development is in a suitable location for housing with regard to flood risk and alleged harm to protected trees.

Conclusion

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

M Aqbal

INSPECTOR