



Appeal Decision

Site visit made on 26 January 2026

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2026

Appeal Ref: APP/Y9507/W/25/3367125

Ivy Cottage, Vernon Hill, Bishops Waltham, Hampshire SO32 1FH

- 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 Paul Williams against the decision of South Downs National Park Authority.
 - The application Ref is SDNP/24/04452/FUL.
 - The development proposed is a single house for tourism/holiday let.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the South Downs National Park (NP). As required by Section 245 of the Levelling-up and Regeneration Act (2023), special regard has been paid to seeking to further the statutory purposes of the NP.
3. Vernon Hill House is a grade II listed building. As required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, special regard has been paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.

Main Issues

4. The main issues in this case are:
 - The effect of the scheme upon the character and appearance of the area, having particular regard to its location within the South Downs National Park;
 - Whether sufficient information has been provided to ascertain the effect of the scheme upon biodiversity; and
 - The effect of the scheme upon protected habitat sites.

Reasons

Character and Appearance

5. Ivy Cottage is a detached house positioned within generous gardens to one side of Pondside Lane. To the east and south of the gardens is a field of mown grass that has a separate vehicular access onto the lane. Mature hedges define the north and eastern boundaries of this field, beyond which are mostly pasture fields with some areas of woodland. Pondside Lane is a public right of way that provides vehicular access to Ivy Cottage and two other nearby houses. From the appeal

site there are attractive, expansive views out over the steeply incised River Hamble valley and also over the surrounding farmland.

6. A characteristic feature of the NP is its topography, and the surrounding area is dominated by the striking drama of the steeply incised river valley. In addition to providing panoramic views over the landscape, the topography has also influenced the distribution of the settlements as they are mostly in low lying areas, whilst upon higher land farmland and woodlands dominate. Outside the settlements there is a sense of remote openness that is a special quality of the NP. The higher land is characterised by its intricate mosaic of fields and lanes, many of which are enclosed by mature hedgerows and hedge trees. There are a few scattered detached houses and farms upon the higher land, mostly constructed from brick and local stone.
7. Even though set down into the hillside, the house would be large, and its size, tall height, and substantial mass would render it being conspicuously prominent. The position of the house upon high land above a steeply incised valley would exaggerate its prominence. It would form a bulky interruption of the skyline that would be visible from long distances away including from the nearby public rights of way network.
8. The house would also have a contemporary style, with an articulated form under a variety of pitched and flat roofs. Some natural stone would be used within the walls, with the predominant material being timber. Despite the use of these materials, the style, form and substantial size of the house would make it an intrusive addition to the area. The presence of balconies and the numerous windows some of which would form high and wide continuous lines of glazing, would result in the house having an overtly modern appearance. Such an appearance would be a harsh contrast to the more conventional style and forms of the rural dwellings that characterise this part of the NP.
9. Whilst low light transmitting glazing and blackout blinds could be conditioned, the use of the latter would depend upon the occupiers of the house and their desire to capitalise on the attractive panoramic views that would be available. The presence of so many windows along with the hilltop position of the dwelling would render the house being noticeable at night, and such an urbanising impact would intrusively erode the dark skies of the NP.
10. Furthermore, the associated urbanisation of the site with residential paraphernalia, activities and uses, would all serve to harmfully erode the remote, tranquil rural landscape that forms an integral element of the NP's natural beauty. Although the scheme does not show any access to the public highway, the red site line would be such that the dwelling would be set well away from the lane. This separation from the lane would be at strident odds with the legible relationship of nearby dwellings with the public realm.
11. The appellant has explained that the scheme has been driven by research that shows a need for upmarket, family tourist accommodation, and that the height and form of the building would provide for disabled access as well as maximise views of the NP. However, the need for such accommodation in this particular location has not been demonstrated, and whilst Policy SD23 of the South Downs Local Plan (2019) (LP) supports proposals for visitor accommodation, this would be subject to a number of caveats being met, including that the accommodation

contributes to the natural beauty of the NP. In this instance despite the proximity of future occupiers to an extensive public right of way network, the position, size, form and style of the dwelling would harm the NP and thereby fail to accord with this LP Policy.

12. Permission for two semi-detached tourist lodges was permitted in 2022 (application ref: SDNP/21/03396/FUL), with the appellant considering this to be a fallback. However, despite their unique form, these lodges would have resulted in a building with considerably less intrusive bulk than that proposed. Given this difference, and that this permission has now lapsed, the weight that can be accorded to this fallback is limited.
13. For these reasons the scheme would unacceptably harm the character and appearance of the NP. The National Planning Policy Framework (the Framework) requires great weight to be given to conserving and enhancing the landscape and scenic beauty of NPs, and consequently the harm to the NP weighs heavily against the scheme. The harms to the NP would not be mitigated by the suggested conditions, and the scheme would conflict with the Framework, with the above referenced LP Policy, and also with LP Policies SD4, SD5 and SD7. This is because these policies seek, amongst other things, the conservation and enhancement of landscape character and tranquillity, with design that makes a positive contribution to local distinctiveness and sense of place.

Biodiversity

14. As required by Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to a condition that the biodiversity net gain objective is met. Development should deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the on-site habitat.
15. The appellant has explained that the 10% increase in biodiversity would be achieved through tree planting. However, details of these measures are very limited, and in addition to this the Authority has also raised concerns regarding the accuracy of the baseline information.
16. Notwithstanding these concerns, the Planning Practice Guidance (the Guidance) indicates that it would be inappropriate for decision makers when determining an application subject to biodiversity net gain, to refuse an application on the grounds that the gain objective would not be met. Whilst noting the concerns relating to the quality and paucity of the information provided, including quantification of the baseline, these would be matters to be resolved through the discharge of the condition if planning permission was granted.
17. The Authority's Ecologist has raised concerns regarding the absence of a Preliminary Ecological Appraisal (PEA) of the site. Although currently mown grass, having regard to the size of the site area and its location near to mature hedges and woodlands, the provision of a PEA would have informed the development biodiversity value of the site as well as the impact of the scheme upon any protected species and their habitats.
18. Whilst the appellant would provide a PEA if conditioned, Circular 06/2005 – Biodiversity and Geological Conservation (the Circular) makes it clear that the

presence of a protected species is a material consideration when development is being considered. The Circular states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development is established before planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. Consequently, it cannot be assumed that pre-commencement conditions would provide sufficient certainty that any protected species would not be harmed by the development, and this would be contrary to the requirements of LP Policy SD9 and its requirement to conserve, restore and recreate ecological networks.

Habitat Sites

19. Within the Authority's officer report reference has been made to the impact of the scheme upon the River Itchen Special Area of Conservation (SAC), and upon the Solent Maritime SAC, the Solent and Southampton Waters Special Protection Area (SPA), and Ramsar. The application was refused on the basis of the scheme resulting in increased recreational pressures and nutrient levels harmfully impacting upon the Solent SPA.
20. The River Itchen is a chalk river of international importance because of its river vegetation, invertebrates, aquatic molluscs and fish. The Solent and Southampton Waters are a unique suite of functionally linked marine and estuarine habitats, mudflats and marshes that support populations of seabirds and waterbirds, including breeding birds and wintering wildfowl. Recreational disturbance to these habitats and the species they support would occur from the presence of additional occupiers in the area, whilst nutrient enrichment from waste water would cause eutrophication, producing mats of dense algae and consequential oxygen depletion, to the detriment of the species they support.
21. Future occupiers of the holiday home would impact upon the habitat sites through the generation of waste water thereby having a significant effect upon their integrity. The Conservation of Habitats and Species Regulations (2017) (the Regulations) 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.
22. LP Policy SD9 requires, amongst other things, that development that would result in an adverse effect on the integrity of any international site will be refused unless it can be demonstrated that adequate compensatory provision can be secured. The appellant's Nutrient Assessment and Budget (2022) for the previous permission accompanies the appeal and this recommended the installation of a replacement treatment plant serving the cottage and the proposed dwellings. The appellant has explained that the treatment plant has been installed, and that the proposed dwelling would be nutrient neutral as it would accommodate six people rather than the ten of the previous scheme.
23. Nevertheless, no evidence of the installation of the treatment plant has been provided, nor have any details of its capacity, functioning, and its ongoing maintenance and management, been submitted with the appeal to demonstrate that nutrient neutrality would occur throughout the lifetime of the development.

24. Furthermore, despite the Authority's refusal of the scheme referencing the harms resulting from the recreational impacts upon the SPA, the appellant has made no reference to addressing this matter.
25. Given such omissions, uncertainties, and ambiguities, it has not been established that the scheme would preserve the integrity of the habitat sites. This would be contrary to the above referenced Regulations, to objectives of the Framework, and also to LP Policy SD9 which requires, amongst other things, that where development would result in an adverse effect upon the integrity of any international site, it should be refused. In such circumstances and having regard to the conclusions on the other main issues, it is not necessary to undertake Appropriate Assessments.

Other Matters

26. Vernon Hill House is a grade II listed building that has an imposing stone and brick frontage. This striking high status country house has been positioned to have a commanding impact. The parkland of the house and the specimen trees it contains extends towards the appeal site, forming a managed landscape setting for the house that emphasises its importance and social status. Despite the appellant allowing the hedgerow to the northern side of the site to grow to screen views of the house from the listed building, it would still be visible from this property, and landscaping cannot be relied upon to screen development for its lifetime. Irrespective of this, given the separation between the two homes, and that there is a scatter of detached houses upon the surrounding high ground, the house would be seen as part of this disparate spread of homes and would have a neutral impact upon the setting of this listed building.
27. Local residents have raised a number of other matters, including the increased use of the nearby lanes, the use of an unmade track, and that the house would be used as a dwelling not as tourist accommodation. However, following the findings on the main issues, there is no need to consider these matters further.

Conclusion

28. The scheme would result in harms to the NP and to protected habitat sites, and the impact upon biodiversity within the area has not been established. There would be conflict with the development plan when taken as a whole, and 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