



Appeal Decision

Site visit made on 27 January 2026

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2026

Appeal Ref: APP/M1710/W/25/3370608

Land to the rear of the Concrete Batching Plant, Picketts Hill, Headley, Bordon GU35 8TF

- 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 S Conely against the decision of East Hampshire District Council.
 - The application Ref is 59510/002.
 - The development is described as change of use of land for the creation of a 12 Plot Travelling Showperson's site (comprising the siting of 1 mobile home and 1 touring caravan per plot, alongside the formation of hardstanding, and Showmen's equipment and storage areas)
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Following determination of the planning application the appellant has produced additional information in the form of a landscaping scheme. In my judgement this information does not represent a substantial difference or a fundamental change to the scheme, nor does it evolve it. I have, therefore, paid regard to this information in assessment of the appeal. Having regard to the Holborn Studios judgement¹ which follows on from Wheatcroft² I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

3. The main issues are:
 - The effect of the proposal upon the integrity of the Wealden Heath Phase II Special Protection Area (SPA);
 - The effect of the proposal upon the ecological value of Bordon Sandpit as a Site of Importance for Nature Conservation (SINC); and
 - The effect upon the character and appearance of the area.

Reasons

Wealden Heath Phase II SPA

4. The appeal site lies within 400m of the Wealden Heath Phase II SPA which is made up of four separate Sites of Special Scientific Interest and is a habitat for internationally rare bird species. As such, it is recognised by the Conservation of

¹ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

² Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

Habitats and Species Regulations 2017 (the Regulations) as an area of international importance.

5. Residential development including sites for travelling showpeople is of a type that is likely to result in recreational visits to the protected habitat and without mitigation new residential development is likely to have a significant effect on the sensitive interest features of the habitat site, from human pressures either alone or in combination with other proposals causing harm to nature conservation.
6. Policy CP22 of the East Hampshire District Local Plan: Joint Core Strategy (2014) (JCS) and the Wealden Heaths Phase II Special Protection Area Supplementary Planning Document (2018) (SPD) set out an allowance of 43 windfall dwellings within the SPA 400m buffer zone. The Council advise that this allowance has been reached, something that the appellant acknowledges. On this basis, development within this zone will only be permitted when supported by a Habitat Regulation Assessment (HRA) and, where necessary, an Appropriate Assessment (AA) demonstrates that it would not have a likely significant effect upon the integrity of the SPA.
7. No HRA has been submitted in support of the proposal and therefore I am unable as the competent authority for the purposes of the Regulations, to conduct an AA in relation to the effect of the development on the integrity of the SPA. As such, I cannot be satisfied that the proposal could not be undertaken without a likely significant adverse effect on the integrity of the SPA.
8. I acknowledge that the proposed pitches would be occupied by several families currently living within the buffer zone on a site known as Fairlands. However, and despite the appellant's assertions, occupation of Fairlands by other travelling showpeople and family members cannot be ruled out, if I were minded to allow the appeal, even when factoring in the wording of the Unilateral Undertaking. This, in turn, would lead to a population increase within the buffer zone.
9. Whilst the appellant's suggested planning condition would restrict occupation of the site to himself and others currently residing at Fairlands this would not overcome my concerns outlined above.
10. I conclude that the proposal would be contrary to JCS Policies CP21 and CP22 which, amongst other things, seek to maintain, enhance and protect Special Protection Areas.

Bordon Sandpit SINC

11. The site is designated as a SINC known as Bordon Sandpit. The site includes priority habitat lowland dry acid grassland, lowland heathland, mixed and gorse scrub and dry oak and other deciduous woodland. It is designated as a SINC on account of its locally significant habitat and potential for notable species including amphibians, reptiles and nesting birds.
12. As acknowledged by the appellant the proposal would result in the loss of the SINC which their Ecological Impact Assessment Report (EIAR) indicates would represent a permanent, negative impact on a receptor of local importance. The EIAR indicates that mitigation would be required including in the form of considerable areas for replanting to offset the removal of the woodland, enhancement of the

habitat on the eastern and northern slopes, a plan for management of these habitats in perpetuity and possible offsite mitigation.

13. Based on the evidence before me, including the submitted EIAR, it is apparent that the ecological value of Bordon Sandpit would more or less be eradicated resulting in considerable harm to and degradation of the ecological value of the area.
14. In my judgement the mitigation put forward would be far from comprehensive and would not adequately mitigate the considerable harm that would be caused by the loss of some 2ha of a locally important nature conservation site, particularly as the EIAR acknowledges that any such mitigation would be difficult to achieve on site. Furthermore, there is nothing before me to indicate that any offsite mitigation would be adequate or indeed could be secured. Given this is a matter of considerable importance this is not something that could be addressed through the imposition of conditions.
15. The appellant has drawn my attention to a letter received from the Hampshire Biodiversity Information Centre in respect of evaluating whether the site continues to meet the criteria for identification as a SINC. I must take account of the designation in place at the time of my decision, and I have not been provided with any evidence that the site has been de-designated as a SINC. As such, I give this aspect of the appellant's argument negligible weight in coming to my decision.
16. The proposal would result in significant harm to the ecological value of the site as a SINC contrary to JCS Policy CP21 which, amongst other things, seeks to maintain, protect and enhance Sites of Importance for Nature Conservation.

Character and appearance

17. The site comprises a former sand pit quarry that has been disused for a considerable number of years. The site lies to the east of an active concrete batching plant. As the site historically was subject to excavation it sits lower than Picketts Hill with steep sides on three sides covered in trees. Whilst there is some evidence of human disturbance and remains of a previous structure the base of the former quarry basin has been colonised by pioneer species including grassland, moss and trees reflected by its SINC designation.
18. Despite the presence of the concrete batching plant and commercial premises along the A325 the area has a distinctly rural character and appearance. The site lies within the Wealden Farmland and Heath Mosaic landscape which is characterised by gently undulating landform cut by watercourses with small to medium fields, paddocks, woodland and heathland commons of international importance. Whilst the site is at odds with the surrounding landscape character nor identified as a valued landscape it is somewhat of a unique feature on account of the steep sided banks and rich tapestry of species that have colonised much of the site following its former use and positively contributes to the rurality of the area.
19. The proposal is for the change of use of the land and creation of 12 pitches for travelling showpeople. Each pitch would accommodate one mobile home, one touring caravan, a storage area for vehicles and equipment and amenity space. An access road through part of the concrete batching plant is also proposed.
20. In visual terms due to the presence of structures and machinery at the concrete batching plant and as the site sits lower than Picketts Hill with tree specimens and

vegetation along the bankside views into the site from the surrounding area would be localised. That said, from these viewpoints the formality of the site layout and the presence of large vehicles and equipment would be obvious particularly during the winter months when most of the foliage would not be present and when the site would be in active use as the appellant's winter quarters.

21. In landscape terms the scheme would result in a stark urban intrusion into an area that has been largely undisturbed for a considerable period of time. The loss of naturalised vegetation on the base of the former quarry pit and trees on the banks would significantly harm the character of the area. The formal and rigid layout combined with the large areas of hard surfacing and domesticated amenity areas would be in stark contrast to the untamed nature of the site.
22. This intrusion and sense of urbanisation would be compounded by cutting into large sections of the existing slopes creating a firm and overly engineered edge to the site.
23. In coming to my decision, I have paid regard to the landscaping scheme advanced by the appellant. However, in my view, it would do little to either screen the site or assist in blending it into the surroundings on account of its formal nature. Moreover, a condition requiring retention of landscaping to screen the site would be difficult to enforce.
24. I conclude that the proposal would adversely affect the character and appearance of the area contrary to JCS Policies CP15, CP20 and CP29 which, amongst other things, seek to protect and enhance natural features which contribute to the distinctive character of the district's landscape and development to be appropriate and sympathetic to its setting in terms of its scale, height, massing and density, and its relationship to adjoining landscape features.

Other Considerations

25. The Planning Policy for Traveller Sites (PPTS) sets out that local planning authorities should use a robust evidence base to establish the accommodation needs to inform the preparation of local plans and make planning decisions. At paragraph 10, it states that local plans should identify and update annually 5 years' worth of deliverable sites for gypsies and travellers.
26. The Gypsy and Traveller Accommodation Assessment published in 2024 establishes a need for 53 pitches up to the period 2043 for travelling showpeople. The Council acknowledge that there is a shortfall of 44 pitches over the next five years and on this basis they accept that they cannot demonstrate a 5-year supply of pitches for travelling showpeople and which currently stands at 0 years supply.
27. As such, I can only come to the conclusion that there is a considerable unmet need for travelling showpeople pitches in the area and I attach significant weight to this matter.

Other Matters

28. I note the representations made by local residents to the appeal raising additional matters. However, given my findings in respect of the appeal there is no need for me to address these points in detail.

Planning Balance

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. The PPTS, at paragraph 28, states that if a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions of paragraph 11 (d) of the National Planning Policy Framework (the Framework) apply.
30. Paragraph 11 (d) of the Framework states that planning permission should be granted unless one of two scenarios apply. Firstly paragraph 11(d) i. states that permission should not be granted when the application of policies in the Framework that protect areas or assets of particular importance, as set out in Footnote 7, provides a strong reason for refusing the development proposed.
31. In this regard I have found that a likely significant effect upon the Wealden Heath Phase II SPA cannot be ruled out. In my judgement the harm to this habitats site provides a strong reason for refusing the appeal scheme before me.
32. Secondly, at paragraph 11 (d) ii where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
33. The unmet need for travelling showpeople pitches in the district; the absence of a five-year supply of deliverable sites and the Council's failure to make appropriate provision carries substantial weight in the appellant's favour. The provision of twelve pitches for travelling showpeople, in a District where there is a significant unmet need, would clearly be in the public interest and would help to address some of that unmet need.
34. The personal circumstances with regard to doubling up and overcrowding of the appellant and his fellow occupiers on Fairlands are an important consideration. This is of great weight in favour of the development.
35. The proposal would provide jobs, but this would largely be limited to the construction phase. Whilst occupiers would support services and facilities located within the local area through increased expenditure given they would spend several months away from the site these social and economic benefits attract limited weight in favour of the proposal.
36. The New Homes Bonus would contribute towards supporting or improving local facilities and infrastructure. However, this would essentially mitigate the impact of the proposal in planning terms. There is no substantive evidence before me that the dedicated access through the neighbouring concrete batching plant would improve highway safety. As such, these are matters of neutral consequence in the overall balance.
37. There is nothing before me to demonstrate that the proposal would reduce long-distance travel. I give negligible weight to the appellant's argument that the proposal would provide a settled base or reduce environmental damage resulting from unauthorised encampments given he is currently residing on a lawful site nearby.

38. On the other hand, I have found that the proposal would cause unacceptable harm to the character and appearance of the area, in conflict with the JCS. I have also found that it would harm the ecological value of the site as a SINC and that a likely significant effect upon the Wealden Heath Phase II SPA cannot be ruled out. These factors attract very significant weight in the overall balance.
39. The conflict between the proposal and the most important policies in the development plan should be given very significant weight in this appeal. In the context of the above, the likely significant effect upon the Wealden Heath Phase II SPA provides a strong reason for refusing the development proposed. Even if I had not come to this conclusion, when taking into account the aforementioned other considerations, the identified adverse impacts of the proposal would significantly and demonstrably outweigh the identified benefits, when assessed against the policies in the Framework taken as a whole. Consequently, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal is dismissed.
40. Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act 1998, concerns a right to respect private and family life. Article 8 affords the right to respect private and family life and home, including the traditions and culture associated with the gypsy and traveller way of life. The Public Sector Equality Duty was introduced under the Equality Act 2010 which requires at section 149 that a public authority or person exercising a public function must, among other requirements, foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
41. As the appellant and his wider family group have a settled base nearby there is nothing before me to suggest that they would be rendered homeless or have to adopt a roadside existence. As such, whilst there may be some interference of the appellant's rights under Article 8, it would be in accordance with the law and in pursuance of a well-established and legitimate aim: the protection of the environment.

Conclusion

42. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR