



Appeal Decision

Site visit made on 18 August 2026

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

an Inspector appointed by the Secretary of State

Decision date: 08 October 2026

Appeal Ref: 6008044

Quob Store Bungalow, Allington Lane, West End SO30 3HQ

- 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 Luis Martinez against the decision of Eastleigh Borough Council.
 - The application Ref is F/25/100361.
 - The development proposed is the construction of new bungalow in part of existing garden to Quob Store Bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 17 August 2026, and the comments of the main parties were sought. Consideration has been given to those received in reaching the appeal decision.
3. The original application site address gives the postcode as SO30 3HN, whereas the appeal form and the Council's evidence refers to the postcode as SO30 3HQ. This latter postcode was consistent with the address evident at the site visit and has consequently been referred to above.
4. On the 6 August 2026, the Biodiversity Gain (Town and Country Planning) (Amendments and Transitional Provisions) (England) Regulations 2026 came into force. The biodiversity gain planning condition does not apply in relation to planning permission for development which is carried out on a site with an area no larger than 0.2 hectares. As the original application was submitted on 4 November 2024, the exemption is not engaged for the appeal.

Main Issues

5. The main issues in this case are:
 - The effect of the scheme upon the character and appearance of the area;
 - The effect upon biodiversity;
 - The effect upon protected habitat sites; and
 - Whether the dwelling would be in a suitable location for residential development, having regard to national and local policy.

Reasons

Character and Appearance

6. Quob Store Bungalow is positioned within a generous plot, with the front and side gardens being used for vehicle garaging and parking. The property is separated from the public highway by a tall close-boarded fence, within which there are two access points. One leads to the bungalow's garage and the other provides access to the western side of the garden, which is predominantly laid to scalplings and being used for vehicle parking and a storage polytunnel.
7. Despite the sporadic scatter of residential and commercial properties along the lane, the area has an open, rural nature with fields and woods dominating. The dwellings near to Quob Store Bungalow are separated from each other by their large gardens and fields, and this spacious separation maintains the open rural nature. The area is distinctly different to the concentrated clusters of development that occurs with the ribbon of residential development and an estate of park homes towards the western end of the lane.
8. The proposed bungalow would not be part of a settlement nor on the edge of one but would consolidate a loose, sporadic row of homes in the countryside. An additional home and its associated residential paraphernalia and outbuildings would erode the spacious separation that exists between the dwellings, particularly as the bungalow would appear constrained within its plot, having narrow slithers of garden to one side and to the rear. The presence of even a small dwelling would erode the open rural nature of this part of the lane, resulting in a disproportionately intense concentration of homes that would be at odds with the primacy of the open countryside character and appearance of the area.
9. There is residential and employment development along the lane, mostly to its northern side, but they are separated from each other by fields and woods, thereby retaining the open, rural nature of the area. Reference has been made by the appellant to a housing site at Horton Heath. However, details of the location of the site have not been provided, albeit Horton Heath is a settlement that is several kilometres away from the appeal site. Furthermore, a planned development circa 2500 homes is fundamentally different to a single dwelling in the countryside. As such this comparison does not determine the appeal should succeed.
10. For these reasons the scheme would unacceptably harm the character and appearance of the area, and this harm weighs heavily against the proposal. The suggested conditions would not overcome these harms. There would be conflict with Policies DM1 and S5 of the Eastleigh Borough Local Plan (2022) (LP), which require, amongst other things, that development should not have an adverse impact on rural character, and where possible should enhance the character and appearance of the countryside.

Biodiversity

11. There are a variety of protected species found in the area, including great crested newts, reptiles, amphibians, bats and badgers. There is grazing land to the rear of the site, two oaks within the property with one in the appeal site, mature hedges, hedge trees and woodlands close by, all of which would provide foraging corridors. In addition, the site is approximately 230m away from a pond used by great crested newts. As the area surrounding the site is capable of supporting protected

species, it cannot be assumed that the development would be without impact upon them.

12. Whilst the appellant considers conditions could address this matter, 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. Given the circumstances of this case, pre-commencement conditions would not provide sufficient certainty that protected species would be unharmed by the development. Such uncertainty weighs heavily against the scheme. There would be conflict with the requirements of LP Policy DM11 which requires, amongst other things, that development should not be permitted if it is likely to have a direct or indirect adverse impact on protected species and the ecological network.
13. As required by Schedule 7A (Biodiversity Gain in England) of the Town and Country Planning Act 1990, apart from 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.
14. The original application form states that the development would be exempt from providing a gain as because it would be a de minimis exception. Whilst mostly scalplings, there is an oak within the site and an area of grass, and the development would impact upon the tree. The appellant has not justified the de minimis exception in any detail, and no reference to the oak nor grass has been made. The Council has stated that no metric was submitted, and although disputed by the appellant, a copy has not been provided for the appeal. Given this, and the paucity of the information provided by the appellant, it has not been demonstrated that the development would be exempt from providing a biodiversity gain.

Habitat Sites

15. The site is within the zones of influence for several habitat sites, with the original application having been refused because the scheme would result in increased recreational pressures and nutrient levels upon the River Itchen Special Area of Conservation (SAC), upon the Solent Maritime SAC, the Solent and Southampton Waters Special Protection Area (SPA) and Ramsar, and upon the New Forest SPA, SAC and Ramsar.
16. The New Forest designations recognise the national and international importance of these habitats that include bogs, marshes, heaths and woodlands that support a variety of rare birds and insects. The River Itchen is a chalk river of international importance because of its exceptional aquatic species rich flora, invertebrates, molluscs and fish, and it flows into the Solent and Southampton Waters, which 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.

17. Given the location of the appeal site future occupiers of the dwelling would impact upon these habitat sites as a result of recreational uses and waste water, thereby having a significant effect upon their integrity. The Bird Aware Solent Revised Strategy (2024) and the New Forest Recreation Mitigation (2019) propose a package of measures to mitigate the impact of development upon the habitat sites, with development contributions from every net additional dwelling being required. 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 the proposal, either alone or in combination with other schemes, and this duty falls to occur with the appeal.
18. LP Policy DM11 requires, amongst other things, that development likely to adversely affect the integrity of an international site will not be permitted unless it can be demonstrated that necessary compensatory measures can be secured. Although the appellant would accept conditions to provide a package treatment plant, what remains unresolved and unsecured is the details of it, including where it would be installed, its capacity and functioning, and also measures to secure its ongoing maintenance, management, and replacement, to ensure that nutrient neutrality would occur throughout the lifetime of the development. In the absence of mitigation measures, there can be no certainty that the scheme would avoid impacting upon the integrity of the habitat sites.
19. Furthermore, the recreational impacts of future occupiers upon the habitat sites have not been mitigated. Whilst the appellant is confident that mitigation could be addressed by a condition, how this would be achieved has not been demonstrated, nor has any legal agreement been provided to secure the developer contributions required by the above mitigation strategies. Consequently, in the absence of any mitigation, the scheme would harm the integrity of the habitat sites.
20. Without the means to secure mitigation measures the scheme would adversely affect the integrity of the protected habitat sites, and these harms weigh heavily against the scheme. There would be conflict with the Regulations and with LP Policy DM11. In such circumstances and having regard to the conclusions on the other main issues, it is not necessary to undertake Appropriate Assessments.

Location

21. There is no disagreement between the main parties that the appeal site is within the open countryside. Outside of settlements, the Framework states that only certain forms of development should be approved, unless the benefits of doing so would be substantially outweighed by adverse effects. In this case the dwelling would be between two existing homes and would thereby consolidate a short loose row of dwellings within a countryside position.
22. Although a single dwelling would be the limited development as specified in the Framework, rather than being part of an existing defined group it would create one through the consolidation of sporadically spaced homes in generous gardens. Whilst the Council have no five year supply of deliverable housing, the dwelling would not be physically well-related to an existing settlement. Policy S5 of the

Framework goes on to state that if development does not accord with the requirements of this policy, that it should only be approved in exceptional circumstances where the benefits of the scheme would substantially outweigh the adverse benefits, including to the character of the countryside and in promoting sustainable patterns of movement.

23. A single dwelling would make a contribution to housing supply, but for the reasons explained above the scheme would harm the character of the countryside. Although the appellant considers the dwelling to be in a sustainable location, future occupiers would be reliant upon private vehicles to access public service infrastructure. No details of any public transport provision have been provided by the appellant. Given the distances to the nearest settlements, future occupiers would need to walk or cycle along a busy, unlit road with no footways, neither of which would be an attractive alternative, particularly in inclement weather or during hours of darkness.
24. Furthermore, the Framework also makes it clear that if the development outside of settlements would fail to comply with one of the national decision making policies that state that development should be refused in specific circumstances, then the benefits of approving the development is likely to be substantially outweighed by adverse effects. This is such a case, as the scheme would adversely affect protected habitat sites and biodiversity. Consequently, there would be conflict with national policy, and this weighs heavily against the scheme.
25. LP Policy S5 seeks to achieve sustainable residential development and limit the urbanising impact upon the rural character of the countryside through the strict control of new dwellings. Irrespective of the site being excess to the requirements of the current occupiers, the scheme would result in an additional dwelling in the countryside that would not meet any of the exceptions cited in this policy nor would it be a replacement dwelling as required by LP Policy DM26. As such there would be conflict with local policy.
26. The site has a lengthy planning history, with the appellant referring to Quob Store Bungalow and Arkenfield being homes permitted in the countryside. From the limited planning history information that has been provided by the parties regarding these dwellings it appears they were the result of permitted development rights. Given these differences, such comparisons do not form a binding precedent for allowing the appeal.

Other Matters

27. The appellant has raised concerns regarding the Council's handling of the application, including a lack of communication. Such matters fall to be pursued by other means and have no bearing on the consideration of the merits of the case.

Planning Balance

28. The Council acknowledges that it cannot demonstrate a five-year supply of deliverable housing sites. The provision of an additional single home would be an important but modest benefit, as would accordance with the Framework's encouragement to make an effective use of land. There would be a modest time-limited economic benefit arising from construction. Set against these benefits would be the substantial adverse impacts upon the character and appearance of the countryside, the site's location, and upon protected habitats and species.

29. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The decision making policies in the Framework are a material consideration and should be read alongside policies in the development plan. Where development plan policies or parts of them are materially inconsistent with policies in the Framework, the Framework requires they should be given very limited weight. LP Policies DM1 and S5 accord with the Framework's requirements for development to respond to its context, whilst DM11 reflects the Framework's requirements to conserve important habitats. Consequently, the conflict of the scheme with LP Policies DM1, S5, and DM11 should be given considerable weight.
30. 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, irrespective of the Council's housing land supply shortfall and the modest benefits that accrue from the scheme, the Framework makes it clear that where there would be harm to habitat sites and to biodiversity, then development should be refused. It follows that having regard to these harms, the benefits of the scheme would be substantially outweighed by its adverse effects.

Conclusion

31. For the above reasons the scheme would result in substantial harms that would not be overcome by conditions, and there would be conflict with the development plan when considered as a whole. There are no other considerations, including the requirements of the Framework, that outweigh this finding. Thus, for the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR