



Appeal Decision

Site visit made 30 June 2026

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal Ref: 6003562

Uplands, Bisterne Close, Burley, Ringwood BH24 4AZ

- 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 Sarah Egerton against the decision of New Forest National Park Authority.
 - The application Ref is 25/00854FULL.
 - The development proposed is Replacement dwelling (demolish existing).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Burley Conservation Area (BCA) wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.
3. The New Forest National Park Authority (the Authority) assert that the appellant challenges the designation of the property as a non-designated heritage asset (NDHA). However, this assertion is refuted by the appellant in evidence who has accepted this designation, but questions its overall value based on the alterations it has undergone and its current condition. As such, I find that it is undisputed between main parties that the existing dwelling, on the appeal site, is a NDHA.
4. During my unaccompanied site visit, I was able to access the site and the dwelling itself. This enabled me to understand and appreciate the architectural interest of the building and its current weathered condition.

Main Issues

5. The main issues are:
 - Whether the proposed development would preserve or enhance the character and appearance of the BCA, and
 - The effect of the proposal on local bat populations.

Reasons

Character and appearance

6. Policy SP16 of the Local Plan [2019](LP) relates to the historic environment. This requires development, within the National Park, to conserve and enhance the significance or special interest of a designated or non-designated heritage asset.

Subsection a)(iii) requires development to make a positive contribution to, or better reveal, or enhance the appreciation of, the significance or special interest of a heritage asset or its setting. It requires any harm to be outweighed by the public benefits of the proposal, be proportionate to the degree of harm and significance of the asset, including securing its optimum viable use.

7. LP policy DP35, for replacement dwellings, states that where an existing dwelling makes a positive contribution to the historic character and appearance of a locality its replacement would not be permitted. Furthermore, LP policy SP17, concerning local distinctiveness, states that development that would erode the National Parks character or result in a gradual suburbanising effect will not be permitted.
8. The appeal site is within the 'Bisterne Close and forest encroachments to the west– Area E' of the BCA. The 'Burley and Fritham with Eyeworth Conservation Area Character Appraisal' [2010] identifies that the Burley settlement has medieval origins as a Royal Manor. It has developed following first the rise of prosperous tenant farmers and impoverished small holders. Later, it expanded through the establishment of small housing estates and the addition of large, detached houses in landscaped grounds. The Appraisal identifies that 'area E' was formed by a large medieval enclosure and now consists of several good quality substantial Victorian and Edwardian villas, small country houses and cottages. As such, the significance of the BCA derives from both its historical and architectural interest.
9. The highway through 'area E' has the appearance of a wooded country lane, with large traditional dwellings set within spacious plots. Numerous trees, and other vegetation, partially screen development along the street providing some diffused views of built form. 'Uplands' is especially hidden from public views. It is set behind a thick tree and hedge front boundary and a winding driveway that sweeps around the front and side of the site and is itself enclosed by hedging. As a consequence, only glimpsed views are possible of the existing dwelling, although views are likely to be clearer in winter months.

The significance of the NDHA

10. Paragraph 216 of the National Planning Policy Framework (the Framework) states that in weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
11. The existing dwelling is an Edwardian Arts and Crafts property within a pleasant form. It has two front projecting gables, with decorative clay tile hanging, set with a clay tile roof, low slung eaves and makes use of traditional brick and tile materials. Internally, it retains a significant extent of Edwardian features, although it is acknowledged that these features are not protected and could be removed if desired by the owner. The dwelling includes modern extensions, including a 20th century rear extension and a front veranda infill (with dormer above) which has eroded the original simplicity of the property's design. Nevertheless, despite these alterations, 'Uplands' continues to make an important contribution to the character and appearance of the BCA.
12. The appellant identifies that the existing building is in poor condition. The appellant's Structural Survey [2025] identifies that the works required to bring the dwelling to modern habitable standards include stripping damp and deteriorated ceilings and internal plaster work, repointing, repairing/replacing slipped tiles and

facias, waterproofing the basement and replacing the timber floor joists. It is agreed between parties that the property has not been maintained, heated, or appropriately ventilated for numerous years.

13. The summary recommends key actions that the building would require. However, these include speculative work such as the “possible” replacement of cavity wall ties and nail fatigue, despite the inspection finding the exposed wall tie to be in satisfactory condition. It also suggests other works that would be required to be undertaken that would avoid material loss of the building’s fabric, such as the insulation of the roof and floor voids and the addition of a damp proof membrane to the concrete floor. Furthermore, whilst the appellant suggests that internal features would be lost through any modernisation, these could be carefully removed and reinstalled once internal works to replace decayed material is complete.
14. Therefore, whilst the appellant asserts that substantial work would be required to upgrade the house to modern standards, the Structural Survey does not identify any issues with respect to the building’s structure. As such, it appears that the foundations, walls and general structure are all deemed to be in good condition with a house that is essentially shown to be structurally sound. Therefore, whilst modernisation works may be relatively extensive, the survey does not demonstrate it has found a building that patently requires demolition, despite its final conclusion.
15. From my own observations, I noted pooling of water in the basement, damp patches on walls and ceilings throughout the house, but especially these were noted in first floor rooms in the front part of the house. Considerable work would be required to the building to lift it to modern habitable requirements. However, the evidence does not convince me that the building is beyond saving. Nonetheless, its current poor condition erodes the significance of the NDHA to some extent.
16. The appellant’s Heritage Assessment [2025] finds that the building has not been built to modern standards of construction. It suggests that retrofitting would be extremely costly, although no costs schedule has been provided to demonstrate this assertion. Clearly, the building is large, and any modernisation works would be significant, but such works would be likely to only be proportionate to the value of the dwelling. Furthermore, the Assessment suggests that the preferred method of increasing thermal performance of the walls would be to use external wall insulation. However, this would clearly be inappropriate for a building with heritage value. Also, this would appear to be unnecessary, in any event, as the Structural Survey notes that the building already has cavity wall insulation.
17. Accordingly, I am unconvinced that the building has been altered to such an extent and is of such poor condition that it is of low significance and requires demolition. Consequently, I find that ‘Uplands’ is a decorative and largely intact NDHA. It retains most of its interest and makes a modest positive contribution to the character and appearance of the BCA, despite being only glimpsed from the highway. Therefore, it is a building of moderate significance within the BCA. The demolition of the existing dwelling would cause harm to the NDHA which would need to be weighed as an adverse effect of the proposal.

Effect on the Burley Conservation Area

18. The proposed replacement dwelling would follow the arts and crafts style with a modern interpretation of a traditional dwelling. It would be reorientated from the existing south facing dwelling to be east facing. It would include tile hanging on

main gables, a low-slung eaves line that overhangs first floor windows, a half-hipped roof and a subservient rear wing. The overall design would be similar in form, scale and materiality to the existing dwelling, creating a sympathetic and considered response to the site and its context. It would therefore complement the surrounding context, a view shared by the Authority's conservation adviser who found the proposal would sit comfortably within the area.

19. Furthermore, the building would be built to modern standards with optimum insulation and ventilation levels and using low energy lighting. The appellant also asserts that the dwelling is capable of being served by renewable energy sources, with solar panels and a ground source heat pump. These measures would ensure the proposal would be more energy efficient than the existing dwelling, which is stated to be category G. These measures would be a further benefit of the scheme, attributing positive weight.
20. Nonetheless, it is noted that the existing building includes cavity wall insulation, suggesting it includes some modern thermal insulation measures. Moreover, I see no reason why the existing building could not include many of the sustainability measures advanced for the proposal such as low-level lighting and having a renewable energy source. As such, the benefits conveyed by the energy efficiency and sustainable energy measures of the proposal, despite being supported by policies of the Plan, attract only modest weight in favour of the scheme.
21. I have identified above that the scheme would result in the loss of a NDHA, of moderate significance. Taking into consideration the benefits of the new dwelling, the level of significance ascribed to the NDHA and the extent of demolition, I find that the proposal would (in totality) cause harm to the significance of the BCA. This would result in less than substantial harm, calibrated at the middle level of such harm. Even less than substantial harm to a designated heritage asset carries great weight.

Summary

22. The Framework establishes that where a development would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the optimum viable use.
23. In terms of public benefits, the appellant advances that the new dwelling would improve the condition of the environment, would deliver significantly increased energy efficiency and would provide economic benefits during construction. However, whilst the new dwelling in isolation would be appropriate in its setting, this effect would only be to preserve the BCA and would not materially enhance it. The improved energy efficiency measures appear to be overstated and do not consider the extent of energy efficiency improvements that could be made to the existing building. Furthermore, whilst the appeal scheme would provide construction jobs and some local investment during its build out, these benefits would be short term and temporary, conveying limited weight only. Consequently, I attach limited weight to each of these benefits considering the scale of development proposed.
24. As the proposed development's public benefits attract limited weight when considered cumulatively, they would not outweigh the great weight applied to the harm that would be caused to the heritage significance of the BCA.

25. Accordingly, the proposal would fail to preserve or enhance the character and appearance of the BCA, failing the statutory duty of the Act, and resulting in conflict with LP policies SP1, SP16, DP2, DP35 and SP17, the requirements of which have been set out above.

Protected species

26. Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (as amended) (the habitat regulations) requires a competent authority to have regard to the requirements of the associated Directive so far as it may be affected by the exercise of its functions. This includes any proposal that might lead to the deterioration or destruction of the breeding sites and resting places of European Protected Species (EPS) under Article 12(1). This includes bats and the places that they roost, irrespective of whether or not they are present at the time the development is carried out.
27. The Courts have established that planning permission should ordinarily be granted save only in cases where a proposed development would either be likely to offend Article 12(1) or unlikely to be licensed pursuant to the derogation powers. The duty to have regard to the requirements of the Directive, as set out in Regulation 9(1), remains but the judgement establishes that there is no need to carry out a detailed assessment as to whether there would be a breach of Article 12(1) or whether derogation from that article would be permitted and a licence granted.
28. Nevertheless, I am still required to ensure that any potential harm to an EPS would be adequately mitigated and whether or not the proposed development is unlikely to be licensed. The submitted Preliminary Bat Roost Assessment, Nesting Birds and Bat Activity Survey identifies the presence of protected species, and that the proposal would result in the loss of several bat roosts. The Assessment recommends mitigation, compensation, and enhancement measures, subject to the derogation tests of the habitat regulations.
29. As the works would impact the identified bat roosts, a bat EPS mitigation licence from Natural England would be required following planning approval and prior to any works commencing. Assessment of whether a licence would be likely to be issued is required by virtue of the habitat regulations. This establishes three tests; whether there are imperative reasons for the development of overriding public interest, whether there is no satisfactory alternative and if the proposal would maintain the long-term conservation status of the bat species.
30. In terms of overriding public interest, the Assessment suggests that the appellant needs increased living accommodation to meet the needs of a growing family. However, this is a private benefit. In any event, the house is currently vacant and has been since it was purchased in 2024. It is therefore unclear how the family could have outgrown the current dwelling. Furthermore, despite recognising the identified benefits of the proposal, including energy efficiency, good design and employment outputs, these public benefits are modest only. Accordingly, these matters do not amount to overriding public interests to facilitate the development.
31. In consideration of satisfactory alternatives, it appears possible to make use of the existing dwelling and not seek to replace it. It is recognised that an alternative scheme, that would repair and upgrade the existing house, may also disturb the bat roost especially as it seems a new sarking layer would be required across the roof. It is also suggested by the appellant that to retain bats within the existing

building would require the provision of a dedicated bat roost; this would be less intrusive than full demolition of the dwelling. As such, the full effects of an alternative scheme to modernise the house do not clearly outweigh the adverse effects to the protected species that would be caused by the dwelling's demolition.

32. Turning to the effect on the long-term conservation status of the species, the Assessment makes recommendations for mitigation, compensation, and enhancement in relation to bats which are considered appropriate. Therefore, the third test would be likely to be passed.
33. Consequently, I cannot be content that a mitigation license would be issued based on the evidence before me, in satisfaction of the habitat regulations. Therefore, I am unconvinced that significant harm to bats and their roosts would not be caused and a licence would be unlikely to be given. Accordingly, the proposal would conflict with LP policy SP6 which states that development will be refused if it would adversely affect protected species unless mitigation has been agreed, that there are no alternative solutions and there are overriding reasons to outweigh the harm.

Other Matters

34. Support has been conveyed towards the proposal by Burley Parish Council. I note the Authority's comments with respect to apparent bias, but I have considered the points raised in support as presented. The comments support the design quality of the proposed dwelling, its visual and environmental improvement to the area, the absence of harm to trees or ecology, the poor condition of the existing building and the adverse effects of any repair works, that the only objections received were made by previous owners, that the scheme would cause negligible harm to the BCA and it would deliver considerable public benefits.
35. Of the points raised, most are addressed in the above sections. An absence of harm, such as to trees, is a neutral matter in the planning balance. It has not been explained why it matters who has objected. The public benefits referred to here are not explained in any further detail and those identified, within the evidence, have been considered above. As a result, the matters raised in support of the scheme do not outweigh the conflict found.

Conclusion

36. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, whilst the proposal would reuse previously developed land this, and other material considerations, do not outweigh the harm that would arise from the conflict with the identified development plan policies.
37. For the reasons given, the appeal is dismissed.

B Plenty

INSPECTOR