

Appeal Decision

Site visit made on 2 September 2024

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2024

Appeal Ref: APP/L1765/W/23/3331005

Forest View, Furzeley Road, Denmead, Hampshire PO7 6TX

- 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 and Mrs Mugford against the decision of Winchester City Council.
 - The application Ref is 22/02074/FUL.
 - The development proposed is construction of a single-storey tourist accommodation building comprising 2no. two-bedroom lodges and 1no. three-bedroom lodge.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - whether it is appropriate for the proposal to be located in the countryside, including its effect on the character and appearance of the countryside; and
 - if the proposal would physically diminish the defined Denmead – Waterlooville settlement gap (the gap).

Reasons

Location, countryside, character and appearance

3. The appeal site is located in the countryside, behind Forest View where the appellants live. This parcel of land contains, as far as could be ascertained, four partly overgrown structures variously described as stables, a workshop, a garage, sheds or a wood store. These neglected buildings are not in use and would be removed, to be replaced by a new building for tourist accommodation in a different position. As well as some car parking spaces the site would otherwise remain much as existing, with rough or mown grass enclosed by dense or tall boundary hedgerow and trees and vehicular and pedestrian access along a track from Furzeley Road. Apart from a golf course some other dwellings and recreational or commercial buildings or uses are mostly small scale and sporadic in this part of the countryside, mainly along

Furzeley Road and other nearby roads. Known as 'Furzeley Corner' the small businesses in this area provide jobs sympathetic to its rural nature.

4. Having regard to explanatory paragraphs 6.30 and 6.31 of the Winchester Local Plan Part 1 March 2013 (LPP1), Policy MTRA4 permits types of development that the Council already accepts have in principle, essential need to be located in any part of the countryside. This policy does not require need or 'exception' or any specific site for such development to be justified beyond this and includes tourist accommodation by redeveloping existing structures whether in use or not. The Council accepts that the accommodation in this case would be relatively modest due to its limited scale and number of units. Consequently, this small scale site for low key tourist accommodation would also meet the first part of the 4th bullet point of this policy.
5. The Council did not object because of noise disturbance, light pollution (external lighting could be controlled by a condition) or traffic generation. Nor would the proposal be in close proximity to any other dwelling or neighbouring development or uses that might be adversely affected by it. There is therefore no conflict with these provisions of LPP1 Policy MTRA4.
6. The total floorspace in the building would not be excessive for three units of this type of tourist accommodation. The single-storey and external materials would also be satisfactory in this rural area. Subject to a condition most of the existing site boundary landscaping could be retained. This would maintain a largely discrete feel to the site. Like the existing buildings and possibly last use(s) of the site, the proposed building and related activity and use would be secluded and with a largely tranquil presence. Nor would it breach the well-defined confines of the site or encroach beyond into more open countryside.
7. However, the building would be long and wide; appreciably greater in either or both dimensions than most of Forest View or the existing buildings on the site, whether taken individually or cumulatively. Notwithstanding its limited height, it would be a large structure with monolithic single mass consolidated in one place on the site, unrelieved by any meaningful external articulation, close to some boundary trees and tight against the garden boundary with Forest View. I have not been informed about any similar size buildings in the vicinity of the site or that this is a prevalent built form in this part of the countryside, which did not appear to be the case.
8. Although identified as to be removed for sound arboricultural management reasons, there is no evidence that all these 10-14m tall trees along most of the north boundary of the site have been or would be removed but for the proposal. These trees have some visual amenity value and would otherwise only not be retained because they interfere with the proposed layout (one end) of the building. Albeit within the site, three more trees 9-13m tall and of amenity value are also shown as removed but only to facilitate the current layout (other end) of the building.
9. As a result, this design, siting and layout of built form would have an overwhelming presence on this small site, appear cramped on it and erode the integrity of landscape features. This would not be appropriate to the site, its location or setting and the negative effect on the landscape of the area

would not maintain sense of place in this part of the countryside. The building would not be conspicuous or prominent in public view, including from Furzeley Road, but this does not mean absence of innate impact, as outlined above. Existing or proposed landscaping should not be relied on as reason to screen unacceptable development which would otherwise effectively be permanent in the countryside. Good design, siting and layout should be the aim of new development from the outset.

10. Taking all the above into account, I find that it would not be entirely appropriate for the proposal in this appeal to be located in the countryside and, as such, would cause harm to the character and appearance of the area. It does not therefore meet all requirements of the 4th bullet point and last paragraph of LPP1 Policy MTRA4, so conflicts with this policy overall. To this same extent it would not protect, conserve or enhance this distinctive landscape so is contrary to LPP1 Policy CP20 and Policy DM15 of the Winchester Local Plan Part 2 April 2017. The proposal is also at odds with Policy 1 of the Denmead Neighbourhood Plan April 2015 (DNP), including as this policy also defers to other relevant development plan policies such as those referred to above, to protect the essential countryside character of the gap, thus the countryside in it (explanatory paragraph 4.4).

The gap

11. Albeit near an edge, in a narrower part of the gap and south of Denmead, the site and this part of the countryside is in the gap. This large swathe of land is generally over 800m wide and in all over three times as long, so also large in area. The main parties agree that the proposal would not visually diminish the gap. I have no reason to find otherwise. But that is not the same as, nor does not necessarily mean absence of physical effect.
12. In essence, LPP1 explanatory paragraphs 9.41, 9.42 and 9.48 set out that the gap is an area of undeveloped land. It helps to retain a sense of separation between settlements and separate identity, so by this designation define, shape and maintain settlement character, amongst other things by preventing coalescence (in this case with Waterloooville). LPP1 Policy CP18 is more specific in that it seeks to retain the 'generally' open and undeveloped nature of the gap. There is already development in the gap, though mostly small-scale and scattered or sporadic in nature and appropriate in a rural location or present by historic origins. An overriding impression of an open and undeveloped gap by virtue of the countryside and landscape features within it prevails.
13. The officer report explains the Council intends designation of a gap does not completely preclude development. Furthermore, that proposals which would not adversely affect the function of the gap and which would otherwise be acceptable in planning terms could be permitted. The appellants have referred me to comments by the Council's development plan examiners that 'preventing two settlements from coalescing is not the same as preventing development between them'.
14. The site is mostly open but it is not entirely undeveloped. Although with little similarity in length, width or height, the size of the proposed building would nonetheless be partly offset by these measures due to removal of the existing buildings, which could be secured by a condition. Also in floorspace

and volume. A condition could also secure appropriate surfacing materials for the access track, car parking and turning area, for example to remain useable during inclement weather. No comparison figures have been provided, so in the absence of such objective evidence to the contrary, there would still be a moderate net increase in development and built form on the site, even though some of it would be further from site boundaries next to more open countryside in the gap. This would inevitably spatially erode this part of the undeveloped land in the gap.

15. However, while the gap would become less (diminished) for these reasons, it would in isolation be by a very small amount in absolute or proportionate terms. The additional development beyond that which exists on the site would not be extensive by any measure or in nature by activity or use. It could not reasonably be described as an unwarranted or fundamentally incompatible 'incursion' (DLP page 48) into, or assault on the gap. Moreover, there is no evidence that with other existing or proposed development it would trigger a significant cumulative collapse or loss of undeveloped open land in the gap. The site is reasonably close by distance to the built-up area of Denmead but has no direct or meaningful spatial interrelationship with the edge of this settlement or with Waterlooville, which is considerably more distant.
16. Consequently, the proposal would retain the sense of separation between these settlements and separate identity, so not significantly alter the way in which the gap defines, shapes and maintains settlement character, including by preventing coalescence. Accordingly, it would retain the generally open and undeveloped nature of the gap so not undermine the overall integrity or essential rationale for the gap. Nor make it physically diminished (less impressive or valuable) in these terms, which are objectives of the Council's relevant development plan policies.
17. The officer report purports that under LPP1 Policy CP18 development should '(b) not individually or cumulatively with other existing or proposed development compromise the integrity of the gap'. There is no (b) in this policy, let alone (a). This alleged requirement of the policy is instead in explanatory paragraph 9.43. There is no objective evidence that the site is in lawful use for planning purposes as part of the garden of Forest View. On this basis, it is already a separate planning unit. Nor is there evidence that use and activity on the site as proposed would be materially greater in intensity than existing lawful use of the site if resumed, which would be no more 'into' the gap (or countryside) than that which is proposed.
18. As in this appeal, each application must be determined on its individual planning merits. While new development in the gap is possible, and even if for similar tourist accommodation, it is not likely to be the same or that site specific circumstances would be the same as in this case. There is therefore little realistic prospect of an undesirable precedent or that a proliferation of unjustified development in the gap (or any other of the Council's gaps) would flow if this appeal was allowed and planning permission granted.
19. Considering all the above, I find that the proposal would not physically diminish the defined Denmead – Waterlooville gap. It therefore complies with LPP1 Policy CP18 and DNP Policy 1.

Other Matters

20. I have determined the appeal on the basis of what the appellants applied for, including the description of development in the banner header above which is taken from the application form. A condition or planning obligation (albeit no planning obligation has been submitted by the appellants) could control the use of the building and site to this specific use. The Council has planning enforcement powers to investigate alleged breaches of planning control and, if expedient, take remedial enforcement action. A future change of use that required planning permission would otherwise need an application to be considered by the Council in the first instance.
21. Whether there is a demand for tourist accommodation in the area or the proposal would be commercially viable are private considerations for the appellants. On the face of it, the proposal would make a limited contribution to the local and rural economy, including employment during construction works. Subject to conditions the building would incorporate satisfactory measures for water and energy efficiency and there would be ecology enhancement at the site resulting in biodiversity net gain. These outcomes would be aligned with equivalent objectives of the National Planning Policy Framework (NPPF). The proposal is small-scale so these would be modest public benefits.
22. The NPPF also seeks to ensure development adds to the overall quality of the area, is visually attractive as a result of good architecture and layout and sympathetic to local character, including surrounding built environment and landscape setting to maintain a strong sense of place and attractive welcoming places to visit. It also aims to enhance the natural environment by protecting valued landscapes and recognise the intrinsic character and beauty of the countryside.

Planning Balance and Conclusion

23. Notwithstanding my finding about the gap, it is not a countryside or landscape designation per se. The proposed building would not be entirely appropriate to this location in the countryside so cause harm to the character and appearance of the area. This important consideration is a determining factor in this appeal and the public benefits do not outweigh this harm. The proposal does not comply with the most relevant policies of the development plan and there is conflict with the NPPF. There are no other material considerations to indicate that the decision should not be made otherwise than in accordance with the development plan taken as a whole¹. Consequently, for the reasons given above the proposal is unacceptable so the appeal does not succeed.

Robin Buchanan

INSPECTOR

¹ Section 38(6) Planning and Compulsory Purchase Act 2004 (as amended) and NPPF paragraph 12