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## Appeal Decision

Site visit made on 10 June 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 July 2025

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**Appeal Ref: APP/M1710/W/25/3362736**

**Land West of Juras, Paice Lane, Medstead, Alton, Hampshire GU34 5PT**

- 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 D Shenton against the decision of East Hampshire District Council.
  - The application Ref is 26135/005.
  - The development proposed is the erection of a dwelling (with ground floor layout designed to be fully accessible by wheelchair user).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The draft East Hampshire Local Plan (2021-2040) consultation under Regulation 18 was published in January 2024. Given the early stage of the plan, I attribute limited weight to the emerging policies at the current time. My determination of this appeal is therefore made against the current development plan policies.

### Main Issues

3. The main issues are whether the development would be in a suitable location, with particular regard to the development strategy and accessibility to services and facilities, and the effect of the proposed development on the character and appearance of the area.

#### *Suitability of Location*

4. The appeal site lies outside of a settlement policy boundary. Policies CP2 and CP10 of the East Hampshire District Local Plan: Joint Core Strategy (adopted 2014) (CS) set out the spatial strategy for the location of new development in the district and direct new development to the most sustainable and accessible locations, within existing settlement policy boundaries in the first instance. Housing outside the development boundaries will only be permitted where specific criteria are met, none of which apply to the appeal proposal.
5. Policy 19 of the CS seeks to restrict development in the countryside to that with a genuine and proven need for a countryside location. Policy H14 of the East Hampshire District Local Plan: Second Review, adopted March 2006 (LP) sets out that outside settlement policy boundaries, residential development will only be permitted where it would accommodate a rural worker who must live on the site. Policy 1 of the Medstead and Four Marks Neighbourhood Plan 2015-2028, made

- January 2016 (NP) supports development proposals on land within the settlement policy boundaries, subject to accordancy with relevant policies.
6. There is no dispute that the proposal, for new residential development in an area of open countryside, beyond a settlement policy boundary, would conflict with the aforementioned policies having particular regard to its location.
  7. Given its proximity to the neighbouring residential properties, the proposed development would not be isolated from other dwellings. The appellant indicates that, while there are a range of facilities and amenities in the nearby settlements of Medstead and Four Marks, they are located 1.7km and 1.5km respectively from the site. Given the route to them are along narrow rural lanes which are largely unlit and without roadside pavements in significant parts, together with the separation distances, it is likely that trips from the proposed dwelling to these facilities would be made either by foot or bicycle. Consequently, future occupiers of the development would be required to travel by car to meet day to day needs. I am mindful that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, however, in this case the occupiers of the dwelling would be heavily reliant on private transport.
  8. For the foregoing reasons I conclude that the proposed development would not be in a suitable location, with regard to the development strategy and accessibility to services. In that regard it would fail to accord with Policies CP2, CP10 and CP19 of the CS, Policy H14 of the LP and Policy 1 of the NP. It would also conflict with the aims of Policy CP31 of the CS which sets out that the fullest possible use of sustainable modes of transport (including cycling, walking and public and community transport) and reduced dependence on the private car will be encouraged and Policy CP1 of the CS which sets out the presumption in favour of sustainable development.

#### *Character and appearance*

9. The site is located on the edge of the settlement and comprises a small vacant paddock which fronts Stancombe Lane. Its remaining boundaries are conterminous with the rear boundary of Little Hackett, the side boundary of Juras, and the adjoining countryside. By virtue of the position of the site on the edge of the built development and its proximity to the adjoining agricultural land, the immediate surrounding area is semi-rural in character.
10. The appeal site falls in the Clay Plateau landscape character type (LCT) in the East Hampshire Landscape Character Assessment Update, dated June 2024, which identifies the key characteristics of the area. These include, an elevated and gently undulating landform, mixed farmland landscape with a varied field pattern, woodland, and a settled rural landscape comprising dispersed farmsteads and occasional linear villages/hamlets. The nature and appearance of the appeal site and its surroundings accord with these characteristics of the LCT.
11. The surrounding residential development in the immediate vicinity is largely made up of detached single storey and dormer bungalows of a mix of sizes and architectural styles, with varied eaves and ridge heights and external materials. They include properties with first floor accommodation within the roof space, served by windows in gables to the front elevations of the dwellings. The proposed dwelling is designed to appear as a pair of traditional agricultural buildings, with a central link between them. While it would, in part, comprise 2 floors, like other

dwelling nearby, the first floorspace would be set partly within the roof space, with a low eaves and ridge levels. In that regard the design would not appear unduly excessive in terms of its vertical proportions and would be modest in overall height. Accordingly, the scale, form and design of the dwelling would not be at odds with the local vernacular.

12. The settlement is largely linear in form, with residential properties running along both sides of Paice Lane. However, at its junction with Stancombe Lane and Goatacre Road, there is residential development on the opposite side of the road, fronting the highway. Therefore, while positioned to the rear of Little Hackett, the siting and orientation of the proposed dwelling would nevertheless reflect the layout of the residential properties opposite the site on this edge of the settlement.
13. The appeal site is closely related to the adjoining residential properties. It does not extend significantly beyond the side boundary of the property opposite the site, Dell Cottage, or the rear boundaries of the longer gardens of the residential properties on this side of Paice Lane. Moreover, it is separated from the adjoining open countryside to the south by well-established boundary planting comprising hedging and trees. In longer distance views the development would be seen within the context of and against the backdrop of existing residential development.
14. Having regard to these factors, the proposed development would not give rise to a significant encroachment into the open countryside. Furthermore, while the proposal would inevitably change the character of the site, due to its current largely open, greenfield character, any visual effects would be localised and would not have a meaningful impact upon the wider landscape character. Consequently, the proposed dwelling would not form a visual intrusion into the open countryside or diminish the semi-rural qualities of the site context.
15. I therefore conclude that the proposal would not harm the character and appearance of the area. In that regard it would not conflict with the aims of Policy CP20 and CP29 of the CS which require development to be of a high quality design and contribute to local distinctiveness and conserve and enhance the special characteristics of the landscape.

### **Other Matters**

16. The evidence before me explains the need for the dwelling and that the proposal would provide accessible accommodation at ground floor level, for the appellant who has mobility issues due to a medical condition. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 (the Act). The Act sets out the relevant protected characteristics which include disability and age. The effect of not granting planning permission may result in the appellant, who lives in the neighbouring property, Juras, having to move elsewhere.
17. I understand that the appellant's existing accommodation is difficult for him to navigate and is not suitable for wheelchair use, given it is spread over different levels. However, there is no substantive evidence before me that the proposal is the only means of meeting the appellant's needs or that it would be the minimum necessary, solely to meet the need. For these reasons, I give moderate weight to the need for the proposal to provide wheelchair accessible accommodation due to the personal circumstances of the appellant.

18. The appeal site is within the foul drainage catchment area for the Chichester and Langstone Harbours Special Protection Area (SPA) and Ramsar Site, Solent and Southampton Water SPA, Solent Maritime Special Area of Conservation (SAC), and Portsmouth Harbour SPA and Ramsar Site (the European sites). The conservation status of the sites is at risk from increased levels of phosphates, which the development, through the provision of additional residential accommodation without appropriate mitigation, would exacerbate. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European sites and if any mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European sites, with or without any mitigation, would be at best a neutral matter.

### **Planning Balance**

19. The proposed development in this location would conflict with the development strategy and would not be well located in terms of accessibility to services and facilities by sustainable modes of transport. While I have found that the proposal would not give rise to harm to the character and appearance of the area, it would conflict with the development plan taken as a whole.
20. Set against this, the proposed development would offer benefits in terms of housing supply, which is a key objective of the National Planning Policy Framework (the Framework), which seeks to significantly boost the supply of housing. In addition, the proposal would accord with the parts of the Framework which highlight the important contribution small sites, which are often built out relatively quickly, can make to meeting the housing requirement for an area, encourage the efficient use of land and be located where it will enhance or maintain the vitality of rural communities. In addition, the proposal would enhance the ecological and biodiversity of the site. However, given the modest scale of the appeal scheme, such benefits would be small and therefore the weight to be attributed to them is limited.
21. The accommodation would also be designed to be wheelchair accessible and in this case would specifically meet the needs of the appellant. For the reasons set out above, this is a benefit of moderate weight in favour of the scheme. In addition to those with a disability, the property would also be suitable for elderly occupants. This would reflect the aims of the Framework which seek to ensure the needs of groups with specific housing requirements are addressed. My attention is also drawn to the Housing and Employment Development Needs Assessment, dated May 2022, which indicates an increasing elderly population. However, in the absence of any clear evidence to demonstrate an overriding need for this type of accommodation in this location or that this need cannot be met elsewhere, I attribute limited weight to the benefit of the provision of housing for the elderly.
22. The absence of harm in terms of highway safety is a normal expectation of new development and is therefore of neutral weight.
23. The Council is not able to demonstrate a 5 year supply of deliverable housing sites, with a current supply of 3.59 years. In such instances paragraph 11 d) of the Framework falls to be considered. In so far as this appeal is concerned this

indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, 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.

24. Overall, I find the harm I have found with regard to the location of the proposed development and lack of accessibility to services and amenities for future occupiers would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development.

### **Conclusion**

25. The appeal scheme would conflict with the development plan as a whole and there are no material considerations, including policies within the Framework, worthy of sufficient weight that would indicate a decision other than in accordance therewith. The appeal is therefore dismissed.

*E Worley*

INSPECTOR