
Appeal Decision

Site visit made on 17 June 2025

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th July 2025

Appeal Ref: APP/L1765/W/24/3354652

Rural Hill, Bighton Lane, Gundleton, Hampshire SO24 9SW

- 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 P Brann against the decision of Winchester City Council.
 - The application Ref is 24/01089/FUL.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. Additional arboricultural information¹ was submitted with the appeal to address the Council's reason for refusal regarding the effect of the proposed development on the existing trees on or near the site. This information demonstrates that, subject to adherence to specific works and methods to be secured by suitably worded conditions, this would not lead to undue pressure to fell the existing trees on or close to the site.
3. Consequently, the main issue is whether the location of the site is suitable for the proposed development, having regard to the local development strategy and subsequently the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is located within Gundleton, a settlement without a clearly defined boundary within the Winchester District Local Plan Part 1 (LPP1). In such locations, Policy MTRA3 of the LPP1 may support infilling development on a small site within a continuously developed road frontage, providing it has a character compatible to the settlement and does not involve the loss of an important gap.
5. Comprising an area of land associated with the property known as Rural Hill (the host property), the appeal site is located between it and two small paddocks currently used for grazing. Aside from two small sets of stalls/stables, structures which are commonplace within a countryside location, no permanent built form is present on the site or within the adjoining paddocks. The distance between the host property and the nearest dwelling beyond the paddocks therefore results in a significant gap between the residential built form and a character strongly influenced by the wider countryside.

¹ Arboricultural Impact Assessment prepared by Peter Yeates Arboriculture Ltd, dated 10 September 2024

6. Whilst largely screened from Bighton Lane by a mature and dense roadside hedgerow, with the exception of the longer distance views facilitated by the gated access to the paddocks, the absence of development and other associated manufactured paraphernalia in this gap is, nonetheless, apparent. In addition, the narrowness of the lane and the lack of engineered highway features contribute to the rural setting of the appeal site. Therefore, despite the lack of a definition of the term within Policy MTRA3, the area between the host property and the nearest dwelling, within which the site is located does not constitute a continuously developed road frontage.
7. This is a materially different scenario to the successful appeal² in Soberton where it was concluded that the combined presence of gardens, driveways, parking areas and boundary features either side of the site created a developed frontage, even though there was no discernible consistent building line to either side of the site. Similarly, based on the limited evidence before me regarding the Council's decision in respect to an infill dwelling at Swarraton³, this comprised a small site located within a significantly smaller gap between the built form than is the case in this appeal.
8. As the appeal site is located outside a defined built-up area and comprises garden land, the National Planning Policy Framework's (the Framework) definition of previously developed land is relevant. As such, this supports the principle of residential development on the site. Nonetheless, Policy MTRA3 is broadly consistent with the Framework's approach to recognising the intrinsic character and beauty of the countryside through controlling development in such areas. It does not restrict all development, rather sets out the circumstances where some residential development may be suitable. Therefore, although centrally located within Gundleton and of a modest size relative to other properties nearby, the proposed development conflicts with Policy MTRA3.
9. Even if additional residential paraphernalia were incorporated within the garden area of the host dwelling, including the site, such features would not be of a scale and form comparable to the proposed dwelling and detached garage, and would, therefore, maintain the undeveloped gap between the built form. As such, this would not result in the appeal site being appreciated as part of a continuously developed frontage.
10. Through the use of the host property's driveway to access the proposed dwelling, the alterations to the site's road frontage would be minimal. However, given the close siting of the proposed dwelling and associated garage to the road, the presence of built form would be readily apparent along this frontage, eroding the connection between the settlement and the wider countryside. Whilst of an acceptable architectural style, this does not alter the harm which would be caused as a result of introducing a dwelling into this location.
11. My attention has been drawn to the extant permission⁴ for the horizontal subdivision of the host property. Whilst this would also increase the number of dwellings, it would not lead to the introduction of a detached dwelling within an area currently devoid of residential built form. On this basis, the relationship of the

² APP/L1765/W/22/3308759

³ Council ref: 15/02991/FUL dated 7 December 2015

⁴ Council ref: 22/00999/FUL dated 30 August 2023

proposed development to the site and the surrounding area represents a materially different scenario to the extant permission.

12. I conclude that the location of the site is not suitable for the proposed development, having regard to the local development strategy and is, therefore, contrary to Policy MTRA3 of the LPP1 which seeks to ensure development responds to local needs in a controlled and considered manner. It would also conflict with policies DM15, DM16 and DM23 of the Winchester District Local Plan Part 2 which, combined, require development to respect the local distinctiveness and character of the area, amongst other matters.
13. Nor does it comprise one of the types of development permitted in the countryside, as set out in Policy MTRA4 of the LPP1. Although not determinative in the aforementioned successful appeal, this was due to the conclusion that the proposed development accorded with Policy MTRA3. In this case I have concluded that the characteristics of the appeal site do not reflect the requirements of Policy MTRA3 and as the proposed development does not comprise forms which respond to essential needs, it also conflicts with Policy MTRA4.

Other Matters

14. The appeal site is located within the catchment zone of the Solent Complex which includes several European Designated Sites. These are afforded protection under the Conservation of Habitats and Species Regulations 2007, as amended. If the circumstances leading to the grant of planning permission had been present, I would have considered the impact of the proposed development on the Solent Complex. However, as I am dismissing the appeal on the main issue above, it is not necessary for me to consider this matter further.
15. The proposal would provide social and economic benefits in the short term from the construction of a new dwelling and the renovation of the host property whilst, in the longer term, its occupation would assist in maintaining the vitality of a rural community, as advocated by the Framework. However, given the scale of the proposal and the availability of shops and services, benefits derived from this would be minor.
16. The provision of an additional dwelling would contribute to the existing housing stock, thereby supporting the Framework's objective of significantly boosting the supply of housing. However, the evidence before me indicates that the Council is able to demonstrate a five-year supply of deliverable housing sites, in accordance with the Framework. Notwithstanding that the five-year supply is not a ceiling on the provision of housing, the contribution the proposed dwelling would make to the overall supply of housing would be small.
17. Environmental benefits would be derived from the use of, amongst others, a ground source heat pump, solar panels, rainwater harvesting, triple glazing and a heat recovery system. Due to the limited bus service to Gumbleton, encouraging future occupiers of the existing or proposed dwelling to use alternative forms of transport to the private vehicle would be hampered. Again, given the scale of the proposal, the environmental benefits which would be derived from it would be small.
18. There would also be direct benefits to the appellant through providing a self-build dwelling whilst improving the wider housing stock. However, little substantive

evidence before me indicates that there is a shortfall in the delivery of custom/self-building housing in the Council area nor has a mechanism for securing the dwelling as such been presented. Whilst the proposal may allow the appellant to stay within the local community, this would also be the case should the extant permission be implemented.

19. The lack of objections from the Parish Council or any local residents does not confer support for the scheme, nor weigh in favour of the grant of planning permission.

Conclusion

20. The proposed development is contrary to the development plan as a whole and material considerations do not indicate that the proposed development should be determined other than in accordance with it. For the reasons set out above and having regard to all relevant matters raised, I conclude that the appeal should be dismissed.

Juliet Rogers

INSPECTOR