



Appeal Decision

Site visit made on 16 July 2025

By G Powys Jones MSc FRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2025

Appeal Ref: APP/D1265/W/25/3361405

Land between Linden House and Rose Cottage, Wavering Lane West, Gillingham, Dorset, SP8 4NR.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Light against the decision of Dorset Council.
 - The application Ref is P/OUT/2023/01413.
 - The proposal is described as development of 2 dwellings with associated parking and amenity areas and a new vehicular access.
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Decision

1. The appeal is allowed and outline planning permission is granted for a development of 2 dwellings with associated parking and amenity areas and a new vehicular access on land between Linden House and Rose Cottage, Wavering Lane West, Gillingham, Dorset, SP8 4NR in accordance with the terms of the application Ref P/OUT/2023/01413 subject to the conditions set out in the attached Schedule.

Preliminary and procedural matters

2. The application was submitted in outline with all matters of detail, bar access, reserved for future approval. The application was accompanied by supporting documentation, including a layout plan. Given that most matters of detail are reserved for future approval, I have treated the submitted layout plan, other than the access proposals, as illustrative of the appellant's proposals.
3. For the reasons set out in the report to the Dorset Northern Area Planning Committee, officers recommended that permission be granted subject to conditions. I have been provided with a copy of the Committee minutes which provide a full flavour of why the recommendation was not adopted by members.
4. Late in the proceedings the appellant referred to a recently issued appeal decision¹. The decision was accepted as late evidence since it was not available when the appeal was submitted and I consider elements of it to be material to my considerations. In any event, it is part of the public record. An opportunity was provided to the Council to comment on aspects of the decision, but that was not taken up.
5. The applicant has made an application for costs against the Council. This is the subject of a separate decision.

¹ APP/D1265/W/25/3353912 dated 6 May 2025

Main Issue

6. The main issue is whether this is an appropriate location for the proposed residential development having regard to development plan policy, accessibility to services/facilities and the material considerations.

Reasons

7. The appeal site is set on the northern frontage of Wavering Lane West (the Lane) on the outskirts of Gillingham. The western section of the Lane from its junction with the B3081 is largely undeveloped. However, in the vicinity of the appeal site the southern frontage of the Lane is wholly occupied by housing, as is the northern frontage for approximately 200m west of the appeal site. To the east of the site is a dwelling known as Rose Cottage. Beyond Rose Cottage eastwards, on the same side of the Lane, I could see a single dwelling but otherwise little evidence of development until the bollards indicating the end of the Lane were reached. The appeal site constitutes a gap towards the end of an otherwise built-up frontage in this part of the developed Lane. It is a greenfield site separated from the highway by a thick hedge.
8. The proposal involves the erection of two dwellings, with an access centrally located along the frontage. The hedge would be removed, and a new hedge formed along the visibility splays of the new access. To my mind, the site is sufficiently large and of a shape as to be able to comfortably accommodate two dwellings without harming the amenities of the occupants of the adjacent houses or those opposite.
9. Gillingham is one of the towns identified in the North Dorset Local Plan (LP) where growth, including housing development, is to be directed². However, such growth is expected to be accommodated on sites either allocated for development or on suitable unallocated sites within the identified settlement boundary. All housing in the vicinity of the site described in paragraph 7 above is within the depicted settlement boundary, including the adjacent Linden House and Rose Cottage, and the single dwelling further east.
10. The appeal site, however, is excluded and accordingly falls to be considered as part of the countryside. Within the countryside, LP policy 2 provides that development will be strictly controlled and policy 20 identifies the forms of development that may be permitted; two open market houses, as proposed, do not qualify.
11. In terms of their accessibility to services, the two proposed dwellings would compare favourably with the closest dwellings which fall within the settlement boundary. The report to Committee provides detail on this aspect and officers consider the site to be in close proximity to community facilities, services and public transport so that future residents of any dwelling erected here could access these facilities by means other than the private car. I have no reason to disagree with this view.
12. I am required to determine the appeal in accordance with the provisions of the development plan unless the material considerations indicate otherwise. In this

² LP policies 2 & 6

case, the proposal conflicts with the provisions of LP policies 2, 6 and 20 with particular regard to the site's countryside designation.

13. However, there are several material considerations to consider. The first is that I have found the site to be accessible to services and therefore sustainable in these terms. Secondly, if built, the dwellings would be as much part of the Town as the two dwellings either side, which are recognised as being part of the Town by their inclusion within the settlement boundary. Thirdly, well-designed dwellings would sit acceptably in this visual context having regard to the dwellings either side and in front. Their design would be within the Council's control at reserved matters stage were permission granted.
14. Last and most significantly, the Council has largely sought to justify its case on the basis that there is a sufficiency of housing land to meet its requirements and there is no need to release the land for development. Its calculations, undertaken about a year or so ago, were based on a methodology³ deemed as appropriate in national policy and guidance at the time. The position as it stood is clearly explained in the officer report.
15. However, a more recent examination of the housing land availability position in the area was undertaken at the public inquiry concerned with the appeal referred to at paragraph 4 above. The scheme involved a mixed development, including a proposal to erect 120 houses. The inquiry lasted for several days, and having regard to the attendees, I have no reason to doubt that all the relevant housing and land availability data were subject to rigorous examination.

16. The Inspector found:

The Council can demonstrate a housing land supply of 5.02 years by reference to its Annual Position Statement of October 2024, but this expires on 31 October 2025 at which point the housing land supply position for Dorset Council will drop to 2.67 years; that is a shortfall of almost 8,000 homes.

17. In granting permission for the scheme, the Inspector stressed that his decision was reached:

'...on the basis of a level balance of planning considerations and the straightforward merits of the proposal. It does not rely on there being a so-called tilted balance arising from the 5 year housing land supply position under paragraphs 11 and 232 of the National Planning Policy Framework. The Local Plan is self-evidently not designed to address currently identified housing need. The serious picture of overall housing need, the absence of a relevant and up to date strategy for housing provision and distribution to deal with that need, and the housing supply position the Council will be in very shortly when the annual position statement on housing land supply expires, are material considerations of the highest importance.'

18. The proposal before me would not make as substantial a contribution to housing land availability as the appeal scheme referred to, but it seems to me that any contribution, however modest, would assist in addressing the area's serious shortfall in housing land availability in real terms. The Framework places considerable emphasis on sustainable development and highlights the delivery of new housing as a national priority. It is an important material consideration in planning decisions.

³ The Annual Position Statement (APS)

19. I conclude that the weighty material considerations indicate that the provisions of the development plan directed to the protection of this very small part of the designated countryside on the fringes of an urban area need not be strictly adhered to. The proposal has no unacceptable adverse impact on any aspect of planning significance, including the amenities of the wider countryside. The appeal shall therefore succeed.

Conditions and section 106 obligation

20. The Council has suggested the imposition of several conditions, and the appellant has been provided with the opportunity to comment. Most of the conditions are imposed, albeit with some modifications to the wording.
21. In the interests of clarity, it is necessary that the approved plans should be identified. The standard statutory conditions in respect of time limits are imposed.
22. The Council's suggested condition 5 is imposed in the interests of promoting biodiversity.
23. The Council's suggested conditions 6, 7 & 8 are imposed in the interests of highway safety.
24. The Council's suggested condition 9 is not imposed, since landscaping is reserved for future approval, and is not a matter before me for my consideration. However, a landscaping condition is imposed in the interests of visual amenity to ensure that the scheme approved as a reserved matter is appropriately implemented.
25. In view of the proximity of the site to existing housing and given the nature of the Lane and proposed access, a further condition is imposed. A level of disruption in this part of the lane is inevitable during the construction period. The measures proposed and set out in the additional condition are designed to minimise disruption and safeguard residential amenity.
26. The s106 obligation is directed to the payment of a modest financial sum to the Council as biodiversity compensation. The obligation satisfies the requirements of the CIL Regulations 2010 (as amended).

Other matters

27. In the context of objections made by third parties including the Gillingham Town Council, which I have considered, it is noteworthy that the Planning Committee did not disagree with the officer assessment on issues relating to neighbouring living conditions, highway safety, noise, ecology and biodiversity or that two dwellings could be accommodated on the site without causing overdevelopment.
28. These issues are appropriately assessed in the officer report, and I share the basis and outcome of the assessments, including that of the Highway Authority, for similar reasons. Precedent, an issue raised in the representations, is seldom a good reason, in itself, to withhold consent, and any other applications which may be pursued should be determined on their merits, as required.
29. All other matters raised in the representations have been considered, including the planning history, references to the Framework and other development plan policies, but no other matter is of such strength or significance as to outweigh those

considerations that led to my conclusion that the appeal should be allowed subject to conditions.

G Powys Jones

INSPECTOR

SCHEDULE OF CONDITIONS

1. Application for the approval of the remaining reserved matters shall be made to the Local Planning Authority before the expiration of 3 years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
2. Approval of the details of the appearance, landscaping, layout & scale (hereinafter called 'the reserved matters') shall be obtained from the Local Planning Authority in writing before any development is commenced. The development shall be carried out in accordance with approved reserved matter details.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: the location plan, 22106 1-B and in respect of the access Plan Ref 22106-3.
4. The measures set out within the approved Biodiversity Plan, certified by the Dorset Council Natural Environment Team, on 15/03/2023 shall be strictly adhered to. The dwellings hereby permitted shall not be occupied until the measures detailed in the approved biodiversity plan have been completed in full and evidence of compliance, in accordance with section J of the approved Biodiversity Plan, has been supplied to the Local Planning Authority. Thereafter, the approved measures shall be permanently retained in accordance with the approved details.
5. Prior to the occupation of either of the dwellings hereby permitted the first 5.0m of the shared vehicular access, measured from the rear edge of the highway shall have been laid out and constructed to a specification to be submitted to and approved in writing by the Local Planning Authority.
6. Any entrance gates must be set back a minimum distance of 5m from the edge of the carriageway and hung so that they can only open inwards.
7. Prior to the occupation of either of the dwellings hereby permitted the visibility splay area shown on drawing 22106-3 shall be cleared/excavated to a level not exceeding 0.60m above the relative level of the adjacent carriageway. Thereafter, the visibility splay area shall be retained and kept free from obstruction in perpetuity.
8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of similar size and species.

9. No development shall take place (including any ground works or clearance) until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:

- Risk assessment of potentially damaging construction activities;
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to nearby residents during construction;
- Identity of responsible persons on site and lines of communication;
- Use of protective fences, exclusion barriers and warning signs;
- Traffic management measures on the adjoining public highway;
- Measures for the suppression of dust and to ensure that vehicles leaving the site do not deposit mud or other detritus on the public highway;
- Details of site operative parking areas, material storage areas and the location of site operatives' facilities (offices, toilets etc);
- the measures proposed to ensure that construction vehicles and workers do not park on the public highway;
- The times of operational site activities and when delivery vehicles are intended to arrive and depart, and arrangements for unloading and manoeuvring.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.