



Appeal Decision

Site visit made on 24 June 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 3 September 2025

Appeal Ref: APP/L1765/W/24/3356082

Land adjacent to Drakes Bottom, Uplands Road (locally known as Dirty Lane)

Denmead, Hampshire PO7 4QT.

- 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 Maggie Bentley and Paul Benfield against the decision of Winchester City Council.
 - The application Ref is 23/02924/FUL.
 - The development proposed is on land adjacent to Drakes Bottom Uplands Road (Dirty Lane), Denmead, PO7 4QT construction of 2no cabins for tourist accommodation with associated access drive from Dirty Lane and parking area.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The address on the application form identifies the appeal site ('the site') as 'Drakes Bottom, Dirty Lane'. However, the appeal site is located along Uplands Road, which is known locally as Dirty Lane. Furthermore, 'Drakes Bottom' is a separately owned property adjacent to the appeal site. In the interests of accuracy, and for the purposes of my Decision, I have therefore used the address provided in the appellants' appeal submission.

Main Issues

3. The main issues are:
 - i) The effect of the proposal on the character and appearance of the area;
 - ii) Whether the appeal site is in a suitable location for tourist accommodation; and
 - iii) Whether the development would be likely to have a significant effect on the integrity of the Solent Special Area of Conservation, Special Protection Area and Ramsar Site ('the Solent').

Reasons

Character and appearance

4. The site comprises part of a larger field located to the south of Uplands Road. This wider field is bounded on its northern, western, and southern edges by hedgerows and mature trees. The eastern boundary is more open, marked by a post-and-wire fence, with recent planting of saplings and shrubs, some of which have not established successfully. Beyond the site's western boundary lie the land and buildings associated with Drakes Bottom.

5. The proposal is for the erection of two cabins for tourist accommodation. Each cabin would be single storey, incorporating two bedrooms and living accommodation. The scheme would utilise the existing access via Uplands Road, with the cabins sharing a communal driveway and turning area, alongside separate parking spaces.
6. The wider landscape has undergone some change, including hedgerow removal and land subdivision. Even so, the site itself retains an undeveloped, verdant, and open character that contributes positively to its rural setting.
7. Although the proposed layout is intended to reflect the sporadic pattern of nearby development, such development has typically evolved organically over time. In contrast, the proposed cabins represent a planned and concentrated form of development, introducing two units, formalised plots, and associated infrastructure into an open field. As such, the introduction of built form into this landscape would undermine its rural identity.
8. The irregular plot sizes and varied arrangement do not meaningfully replicate the surrounding character, as they lack a clear relationship to the existing landscape, for example, mature and established field boundaries. Instead, the proposal risks appearing contrived and out of keeping with the informal, low-density nature of the area.
9. Whilst the cabins are relatively modest in scale and timber-clad to echo the rural setting, these design choices would do little to offset the broader impact of introducing built form into an otherwise open and undeveloped area. The siting of the cabins toward the front of the site may avoid higher ground, but it places them in direct view from key public vantage points. In particular, from Footpath Denmead 064/27/1, the submitted Landscape and Visual Impact Assessment confirms that the proposed cabins would be clearly visible from this footpath, which offers uninterrupted sightlines across the site. Some existing development is visible from this footpath. Nevertheless, the cabins would be appreciably closer to this and therefore markedly more prominent within the landscape.
10. The increased proximity and visibility of the cabins would intensify their visual intrusion. Regardless of the footpath's limited use, planning policy requires that development must not diminish the public's enjoyment of the countryside. Additionally, the development would be visible to some extent in views along Uplands Road, near the site's access.
11. During daylight hours, the cabins and associated infrastructure would form a conspicuous and disruptive presence, undermining the openness and rural character of the landscape. At night, the extensive glazing proposed for the cabins would result in substantial light spill, introducing artificial illumination into an area currently defined by low ambient light. This would contribute to light pollution and further erode the tranquillity and natural darkness that are intrinsic to the countryside setting.
12. In this instance, the visual impact is acknowledged as significant prior to any mitigation. While the proposed mitigation planting may eventually provide some degree of visual screening, these benefits are long-term and cannot be relied upon to address the immediate and pronounced impact of the development. Based on the evidence before me, I am not unpersuaded that the planting would sufficiently or promptly offset the visual intrusion caused by the introduction of built form into

this open landscape. The mitigation measures proposed fall short of adequately addressing this harm.

13. Furthermore, Uplands Road is a narrow, unlit lane with no pavements. Near the appeal site, mature hedgerows frame the existing field gate, contributing to its distinctly informal and rural character. In contrast, the proposed development would introduce engineered features such as a driveway and parking areas positioned close to the highway. These works would also necessitate visibility splays, which are likely to result in the loss or reduction of existing hedgerow. Collectively, these interventions would erode the rural qualities of this lane and introduce a degree of suburbanisation that risks fundamentally altering its character.
14. In summary, the proposal would result in harm to the rural character and landscape setting. These impacts, even if localised, are significant.
15. For the above reasons, the proposed development would harm the character and appearance of the area. Accordingly, I find conflict with Policy DM15 of the Local Plan Part 1 ('LPP1'), which requires development to respect and enhance the distinctive qualities of the local area. Similarly, the scheme fails to meet the design expectations of LPP1 Policy DM16, which calls for development to respond positively to its surroundings through appropriate design, layout, and boundary treatments.
16. Furthermore, LPP1 Policy DM23 sets a high bar for development outside settlement boundaries, permitting it only where the rural character is preserved.

Suitability of location

17. The site is located within the countryside. Policy MTRA4 of LPP1, supports certain forms of rural development, including small-scale sites for low-key tourist accommodation, where such proposals are appropriate to the site, its location, and setting. This support is conditional on the development not causing harm to the character or landscape of the area, neighbouring uses, or resulting in inappropriate levels of noise, light, or traffic generation.
18. Sites in the countryside can vary considerably in terms of sustainability, accessibility, and landscape impact. To this end, the appellants present the appeal site as an attractive location for rural, self-catering holiday accommodation, citing its peaceful setting and proximity to basic amenities.
19. As already stated, the site is accessed via Uplands Road, a narrow, single-track road with no pavements or street lighting. Pedestrians and cyclists must share this unlit route with regular vehicular traffic, including delivery vans and refuse lorries. Although the site lies approximately 2 kilometres from Denmead's local centre and is technically within walking distance of some facilities, such as the Fox and Hounds public house, the route is neither safe nor convenient for non-car users. This undermines the appellants' claim that the site is well connected and suitable for tourism.
20. The appellants highlight that the Co-op in Denmead, as well as larger supermarkets in Waterlooville, are approximately five minutes away by car. While these amenities are accessible by vehicle, the reliance on car travel for most activities, including shopping, recreation, and basic services reinforces the site's unsustainable

location. The suggestion that grocery deliveries are “likely to be feasible” further illustrates the absence of walkable infrastructure.

21. I acknowledge that holidaymakers may have different needs from permanent residents, with less reliance on schools or public transport. However, the National Planning Policy Framework places emphasis on sustainable rural tourism. This can include promoting safe and inclusive access, reducing car dependency, and integrating development with existing infrastructure. The site’s location does not achieve this.
22. The appellant also refers to nearby visitor destinations such as Hambledon Vineyard and other local attractions. While these may enhance the appeal of the wider area, proximity to such venues does not justify new development in an open countryside location, particularly where access is constrained and the proposal risks introducing built form into an otherwise largely undeveloped landscape.
23. For the above reasons, including my findings in respect of the first main issue, the proposal is not in a suitable location for tourist accommodation and conflicts with Policy MTRA4 of LPP1. Accordingly, I also find conflict with Policy 1 of the Denmead Neighbourhood Plan, which requires that development proposals outside the Denmead Settlement Policy Boundary conform to development plan policies concerning the control of development in the countryside.
24. The proposal is therefore also contrary to LPP1 Policy DS1, which sets out a presumption in favour of sustainable development, where this accords with the development plan.

The Solent

25. The Solent is safeguarded under the Conservation of Habitats and Species Regulations 2017 (as amended). These Regulations require that, for development to be permitted, it must be demonstrated with certainty that the proposal will not have a likely significant effect on the Solent, either alone or in combination with other plans or projects.
26. Based on the limited information provided by the main parties, I consider it likely that the proposed development would have a significant effect on the Solent, in the absence of robust avoidance and mitigation measures.
27. The Council has adopted an interim strategy to address nutrient impacts through the use of Grampian conditions. In this case, mitigation is proposed to be secured via such a condition, requiring the mitigation package to be agreed, submitted to the Council, and fully implemented prior to the occupation of the development.
28. Natural England has advised that, provided the Council, as the competent authority, is satisfied that the proposed approach will ensure nutrient neutrality and that the necessary measures can be fully secured, it raises no further objection.
29. The proposed development is likely to have a significant effect on the sensitive interest features of the Solent, due to increased nitrate levels, either alone or in combination with other proposals. Therefore, it is necessary for me, as the competent authority for the purposes of the Regulations, to conduct an Appropriate Assessment in relation to the effect of the development on the Solent.

30. In this case, the likely environmental impact of the proposal arises from foul water discharge. The appellants propose to manage this via an on-site Package Treatment Plant (PTP), along with basic installation, operation, and maintenance details for this, the appellants have also identified potential contractors for servicing the system. The application is also supported with a nutrient budget calculation.
31. Even so, the submitted information does not amount to a comprehensive management and monitoring plan. To comply with the Regulations, a clear and site-specific framework is required to ensure the long-term effectiveness of the mitigation measures. In the absence of such a plan, I am not satisfied that the proposal provides the level of certainty needed to demonstrate that the development would avoid adverse effects on the integrity of the protected site.
32. Whilst such details could, in principle, be secured via a Grampian condition, I must be satisfied at the point of decision that the development will not adversely affect the integrity of the Solent. Without a detailed and enforceable maintenance and monitoring plan, I am not provided with the level of scientific certainty required under the Regulations.
33. In the absence of a fully developed and enforceable mitigation scheme demonstrating nutrient neutrality, there is insufficient evidence to complete an Appropriate Assessment. Consequently, the proposal cannot be permitted and fails to comply with the requirements of the Regulations. I do not doubt that the appellants could provide the necessary information, and had the proposal been acceptable in respect of the other main issues, I would have sought further clarification from the parties.
34. Nonetheless, for the reasons outlined above, the proposal fails to demonstrate compliance with the relevant provisions of the Regulations and conflicts with LPP1 Policies CP15 and CP16, which seek to protect and enhance biodiversity across the district, including designated sites.

Other Matters

35. I note that the appellants sought and received positive feedback during the pre-application process and subsequently amended the scheme in response to this. Even so, this does not guarantee that the final proposal is acceptable in planning terms. Pre-application advice is informal and non-binding, and while it can help guide applicants, it does not override the need for a full assessment against adopted planning policies, representations received through statutory and neighbour consultations, and other material considerations.
36. In this case, despite revisions, the development continues to raise concerns regarding its impact on the rural landscape and the sustainability of its location.
37. The appellants have expressed disappointment at the outcome of the planning process, particularly in light of the officer's recommendation for approval to the Planning Committee. However, this is a matter largely for the Council.
38. I have been referred to other schemes for tourist accommodation and larger residential developments that have been supported in the area. Nevertheless, I have insufficient information about these to draw any meaningful comparisons with the scheme before me. My assessment is based on a specific proposal in a

particular location. As such, other examples of nearby development do not alter my findings in respect of the appeal before me.

Other Considerations

39. If allowed, the proposal would support two units of tourist accommodation. Jobs would also be created during the construction phase, and notwithstanding the site's poor accessibility, visitors occupying the cabins are likely to support local services and facilities.
40. Therefore, there would be some social and economic benefits arising from the proposal. There is also some local support for the proposal. However, given its modest scale (only two units) any associated benefits attract limited weight.

Conclusion and planning balance

41. Section 38(6) of the Planning and Compulsory Purchase Act 2004, requires that decisions on planning applications should be made in accordance with the development plan unless material considerations indicate otherwise.
42. I have found that the proposal is not in a suitable location for holiday accommodation and would also harm the character and appearance of the area. Furthermore, it has not been demonstrated that the proposal would not harm the integrity of the Solent. Harm associated with these matters and conflict with the development plan attracts substantial weight.
43. Having taken account of the other considerations in support of the proposal, I do not consider these to be sufficiently forceful, to outweigh the harm and conflict with the development plan I have identified. Consequently, in the circumstances of this case, the material considerations do not justify a decision other than in accordance with the development plan taken as a whole.
44. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR