



---

## Appeal Decision

Site visit made on 10 September 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

---

**Appeal Ref: APP/D1265/W/25/3365915**

**Land to the West of Pound Lane, Gillingham, Dorset SP8 4NP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
  - The appeal is made by Mr Tom Howard, Livedin against the decision of Dorset Council.
  - The application Ref is P/PIP/2024/06517.
  - The development proposed is up to 9 Self Build Dwellings (as a phased development).
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted<sup>1</sup>. All other matters, including the size of the dwellings, highway safety and the scale and appearance of the proposal, are considered as part of a subsequent Technical Details Consent (TDC) application if permission in principle is granted. I have determined the appeal accordingly.
4. As the proposal relates to the setting of a listed building and is within a Conservation Area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
5. Last year the Secretary of State agreed the Council's 5-year Housing Land Supply position through an Annual Position Statement (APS), with a base date of April 2024. The Inspector's report, published in October 2024, has confirmed that the Council can demonstrate a 5.02 year HLS position until 31 October 2025. This is up to date, independent confirmation of the housing land supply and carries weight. Although the new version of the National Planning Policy Framework (the Framework) has removed the ability of Council's to seek an APS, an existing APS will remain in full force until it expires.

---

<sup>1</sup> PPG Paragraph: 012 Reference ID: 58-012-20180615

## Main Issues

6. The main issues are whether the site is suitable for residential development, having regard to:
- its location and land use, with particular regard to the local development strategy;
  - its location and land use, with particular regard to heritage assets; and,
  - the amount of development.

## Reasons

### *Local development strategy*

7. Policies 2 and 6 of the North Dorset Local Plan Part 1 January 2016 (LP) set out the Core Spatial Strategy for development. It defines the countryside as the areas outside of the defined boundaries of the four main towns (including Gillingham), Stalbridge and the larger villages. There is no dispute between the main parties that the site lies in the countryside outside of the settlement boundary for Gillingham. I have no reason to disagree.
8. LP Policy 17 outlines Gillingham's role as a main service centre stating that this role will be maintained and enhanced through development and redevelopment within the settlement boundary and development of a strategic allocation. LP Policy 20 states that in the countryside housing development will only be permitted if it is of a type appropriate in the countryside as set out in Figure 8.5, that includes the re-use of redundant or disused buildings. For clarity, the proposal does not fall within the settlement boundary for Gillingham, is not identified as a strategic site allocation and does not fall under any other type of development permitted by these policies. Moreover, the proposal does not gain support from any of the criteria under paragraph 84 of the Framework.
9. Policy 22 of The Gillingham Neighbourhood Plan – Referendum Version: July 2018 (NP) states that development that would reduce the openness of the Important Open Gaps, as listed in Table 11.6 and shown in Figure 11.7, will not be permitted. I have had regard to the appellant questioning the annotation on Figure 11.7 and whether the appeal site lies within, or functions as part of, the Wyke and Wyke Hall Important Open Gap (IOG) in any meaningful sense. I note these concerns particularly in relation to the well screened nature of the appeal site by mature hedge and tree planting, the site hugging the existing settlement on at least two of its boundaries and the annotation in Figure 11.7 not being close to the settlement.
10. However, Table 11.6 states that the Reason for Importance of the gap is to retain the distinct character of Wyke Hall and farms between Wyke Hall from the main part of the town. The appeal site lies physically between Wyke Hall and the main part of the town. Furthermore, by reason of the appeal sites visual and physical association with the open land to its west, particularly when viewed through gaps in the vegetation to Wavering Lane West and glimpses of the appeal site to/from the adjacent open land, it contributes to the visual function and character of the IOG and to its sense of openness and continuity. The introduction of built form and associated activity associated with the proposal would reduce this openness and distinct character. As a result, I find that the appeal site functions as part of, and therefore falls within, the Wyke and Wyke Hall Important Open Gap, with the

appeal proposal failing to retain its distinct character and resulting in a reduction in its openness. Moreover, there is no policy requirement for these gaps to be in public ownership or use.

11. Even if the appeal site were to fall outside of the IOG the NP states that outside of existing town boundaries, there are other sites that could be built on for future housing growth, but that there has been no clear indication through the consultation on the NP that local residents wish to support more development than currently planned, or encroach further into the countryside. As such the NP does not provide any specific support for residential development on the appeal site.
12. While I note the appellant's questioning of the evidence base, particularly the 2003 Landscape Study, informing the NP and identification of the IOG, the NP was subject to public consultation and formal examination and as such I give it significant weight.
13. As a result, and by reason of the introduction of built form and associated activity into the IOG, visible (particularly in winter months) from within the site and through planting to Wavering Lane West and the field entrance to its southern boundary, the proposal would erode and undermine the IOG and its contribution to the openness of the area between Wyke Hall and the settlement edge.
14. While I have also had regard to the appellant advising that the 'Peacemarsh' allocation in the Council's Draft Plan projection runs down to Wavering Road West, I have not been advised that this includes the appeal site, and I give it limited weight as it forms part of an emerging plan at the early stages of preparation.
15. In light of the above, with regard to the location of residential development, the proposal conflicts with the local development strategy. As such, it is contrary to LP Policies 2, 6, 17 and 20 and NP Policy 22, the aims of which I have outlined above.
16. Reason for refusal number 3 references NP Policies 24 and 25. However as these relate to plots and buildings and hard surfacing, and as the proposal is for permission in principle with these matters for consideration at the TDC stage, they are not determinative in relation to this appeal.

### *Heritage assets*

17. To the west of the appeal site is the Grade II listed Wyke Hall<sup>2</sup>, a two-storey former house with attics finished with rendered walls and tiled roof. In relation to this appeal, the significance of the listed building is partly derived from its age, original historic fabric and architectural features and historic setting within open land that separate it from the nearby settlement.
18. The appeal site is also located within the Wyke Conservation Area (WCA). The Conservation Area Appraisal for Wyke, Gillingham 2013 (CAA), notes the importance that the landscaped setting has made to the area and its development. The CAA states that the WCA includes planned landscapes (Wyke Hall) and a limited number of open fields reflecting the importance of the rural heritage of the WCA and the role in providing a setting for the area's built heritage. It further states that Wyke Hall and its wider landscape form important elements within the WCA with special interest stemming from the nature of its construction, the historical associations and its landscape setting. The Management Strategy within the CAA

---

<sup>2</sup> List Entry Number 1172660

states that new development should respect the character and appearance of the WCA and that where areas are characterised by open settings or large gardens, the introduction of additional substantial buildings may not be appropriate.

19. Therefore, and insofar as it relates to the appeal, the special qualities, and thus significance of the WCA is the glimpse it gives to the history of the area and development to the east of Gillingham along Wyke Road, its relationship to Wyke Hall and the nearby Grade II listed Wyke Brewery<sup>3</sup>. The listed buildings influenced the wider development of the area but nonetheless resulted in a landscaped setting for Wyke Hall at the edge of the settlement. As the appeal site forms part of the WCA at the boundary with the settlement, it makes a positive contribution to the significance of the WCA.
20. At my site visit, I was able to view and experience the positive contribution that the appeal site makes to the wider area, providing an interface between Wyke Hall and the urban edge of the adjacent settlement.
21. I have had regard to reference within the Council's second reason for refusal to the proposed development significantly intruding into the rural parkland setting of Wyke Hall eroding this primary contributory element to the setting of Wyke Hall and the WCA. I note that in part this relates to reference within the NP at Table 16 to the Wyke and Wyke Hall Important Open Gap in terms of retaining the distinct character of Wyke Hall and farms and remnants of the historic parkland associated with the hall.
22. In this regard, I note the reference to remnants of 19<sup>th</sup> C parkland within the local listing by Dorset Garden Trust, and reference to formal and planned landscapes within the CAA. Furthermore, the evidence within the appellants An Heritage Appraisal of Land East of Wyke Hall, Gillingham, Dorset September 2023 (the Appraisal) recognises attempts in the mid-19<sup>th</sup> Century to provide something akin to a park-like setting around the time the former Wyke House became Wyke Hall, albeit stating that this likely ceased by 1938. I note that this has not materialised into a formal nationally registered park or garden, with evidence suggesting that any efforts to provide such were short lived.
23. Nonetheless, the Appraisal and associated comments from Paul Stamper Heritage dated 15 May 2025 recognise that the ownership of the appeal site and adjacent land associated with Wyke Hall has changed at various times with the ways in which it was managed and farmed unclear. Furthermore, the Appraisal states that a park-like setting/something akin to parkland through removal of fencing between paddocks is likely to be part of the arrangement; that such 'micro-parks' intended to indicate their self-perceived status were commonplace in the later 19<sup>th</sup> century; that the appeal site likely remained as grazing land as part of the creation of the new curved driveway and gate lodge to give the impression of grander and a more sweeping expanse; mapping from 1886 detailing the site as part of Wyke Hall; and that the two north-south hedges to the eastern part of the site were planted at later dates in 2010 and 2015.
24. As such, the evidence before me indicates that the site has historically been used for grazing in association with park-like grounds as part of a planned landscape associated with Wyke Hall with later landscaping visually separating the appeal site from the other grounds to Wyke Hall. This was potentially to screen the outlook

<sup>3</sup> List Entry Number 1305040

from Wyke Hall of surrounding built form. This appears to have been the case even acknowledging the history of the area with regard to the appeal site not forming part of a previous tree-lined access to the site, not forming part of the formal managed gardens to the immediate east of Wyke Hall, presence of fencing separating the Hall from land to the east, and the distance from the appeal site with planting resulting in limited views between Wyke Hall and the appeal site.

25. As a result, and whilst the appeal site does not form part of a nationally registered park or garden, the evidence before me indicates that even if the appeal site did not form part of any formally managed gardens, it played a role in forming part of its landscaped setting contributing to its significance.
26. In addition, the appeal site performs an important function as part of the WCA providing a setting for the area's built heritage, reflects the historic development of the area to the east of Gillingham and provides an important open buffer and visual limit between the urban area, Wyke Hall and the surrounding countryside.
27. This function of the site and its value is reflected within NP Policy 22 that states that development that would reduce the openness of the IOG between Wyke Hall and the main part of the town will not be permitted.
28. Detailed matters related to the character and appearance of the development are for the TDC stage. And while I acknowledge the presence of planting screening the site from Pound Lane, planting screening the site from parts of Wavering Lane West and Wyke House, and location of the site at the edge of the settlement, the introduction of up to 9 dwellings and their associated built form, activity and loss of the sites openness would undermine the value associated with the wider open gap to the WCA as a whole and harm the setting of the listed building. As a result, it would adversely affect the significance of the wider WCA and that of the listed Wyke Hall as designated heritage assets. I give great weight to the conservation of these heritage assets.
29. Accordingly, the proposals would result in 'less than substantial harm' to the WCA and listed building. As the harm is at a local level with the appeal site some distance from the listed building, the harm would be at the low end of the spectrum. It is important to note that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 215 of the Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposal. While I acknowledge the proposal results in public benefits through the provision of new self-build dwellings that could be built out quickly, provision of dwellings boosting the Council's Housing Land Supply, and economic benefits from construction and subsequent spend from occupiers, these benefits do not outweigh the 'less than substantial harm' to the Conservation Area as a whole or to the setting and significance of the listed building.
30. It follows from the above that having regard to its location and land use, with particular regard to heritage assets, the site is not suitable for residential development as the proposal would fail to preserve or enhance the character or appearance of the WCA and fail to preserve the setting of the listed Wyke Hall. The proposal is therefore contrary to LP Policies 4, 5 and 24 and NP Policy 27. Amongst other things, these seek to respect valued landscapes and other features that make it special, give great weight to the conservation of heritage assets, weighing public benefits of the proposal against less than substantial harm to the



significance of designated heritage assets, improve the character and quality of the area, and support the protection and enhancement of heritage assets.

### *Amount*

31. Even acknowledging that the details of the access to the site are for the TDC stage, I have little substantive evidence before me to conclude that the site is not big enough to accommodate up to 9 dwellings of a size commensurate with those nearby. Therefore, I find the proposed amount of development acceptable.

### **Other Considerations and Planning Balance**

32. I have found that the development would cause significant adverse impacts and harm to the openness of the IOG, the WCA as a whole and to the setting of the listed Wyke Hall. In addition, it would be contrary to the spatial strategy drawing it into conflict with the development plan as a whole.
33. I have had regard to the appeal decision at Marnhull<sup>4</sup> where the Inspector concluded that the LP is more than 5 years old, its spatial strategy not being designed to accommodate the currently identified levels of local housing need in Dorset, significant shortfalls in delivery, expiry of the five-year housing land supply position on the 31 October 2025 and the emerging local plan being at an early stage of preparation. As a result, the Inspector concluded that the LP housing policies now carry little weight. Although that proposal was for a greater number of dwellings, I have no reason to disagree with the findings in relation to this appeal.
34. I acknowledge that the site is more than 800m/10-minute walk from the centre of Gillingham and its retail facilities, with a lack of accessible local green space and play areas and no designated cycleways to the town centre. I also acknowledge the lack of footways to Pound Lane and between the site and Wyke Road.
35. However, the site is at the edge of the settlement, close to residential dwellings and close to local services that include a café, public house and primary school. Given the relatively quiet nature of Pound Lane, and short distance to Wyke Road, these services are easily accessible by means other than a motor vehicle. I also note the presence of a convenience store approximately 900m from the site and a bus service that traverses Pound Lane and serving the town centre. Furthermore, Gillingham town centre is accessible via a flat route and benefits from a main high street, supermarket and railway station. While occupiers of the development may use their car to access some of these services and facilities, the relatively close location of the site allows for access by a range of modes and would reduce distance used by the motor vehicle.
36. Therefore, despite conflict with LP Policies 2 and 6 and the NP with regard to the development strategy, and given that conflict with LP policies carry limited weight, I conclude that the proposal would provide much needed housing and is well located.
37. Furthermore, under the Self-build and Custom Housebuilding Act 2015<sup>5</sup> (the 2015 Act), the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. The Council must give enough suitable development permissions in its district to meet the identified demand for self-build and custom-build housing and

---

<sup>4</sup> APP/D1265/W/24/3353912

<sup>5</sup> Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

should not treat the need as a component of general market housing. These duties are also emphasised in paragraph 63 and Footnote 28 of the Framework.

38. The Council's evidence demonstrates that the number of self-build CIL Exemptions granted for the shown Base Periods exceeds the demand for plots on Part 1 of the Self Build Register. However, when including the demand for plots under Part 2 of the Self Build Register and including recent permissions at Blandford<sup>6</sup> and Fortmell Magna<sup>7</sup>, there is a shortfall in provision over the Base Periods for which the information is supplied. This is a material consideration for this appeal.
39. The Council accepts that the proposal would contribute to its self-build and custom housebuilding plots. Within the context of the Council's duties under the 2015 Act, the provision of up to 9 self-build dwellings would be a considerable contribution and carries commensurate weight in favour of the proposal. Furthermore, the proposal would contribute to housing land supply at a time when the Government seeks to significantly boost the supply of housing, provide benefits to the local economy from construction works and promote spend in the retention and expansion of local services and facilities in an area well served by such facilities.
40. These are weighty benefits but would not in this instance be sufficient to outweigh the conflict with the development plan.
41. I am aware that although the Council can demonstrate a five-year supply of deliverable housing sites until the 31 October 2025, after this date the Council will have a significant shortfall in its supply. This is a material consideration and post the 31 October 2025, Paragraph 11d of the Framework currently 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 unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists designated heritage assets as such assets of importance.
42. In relation to this, I have found harm from the development to the WCA and setting of a listed building, which, in accordance with Footnote 7 of the Framework, provides a strong reason for refusing the development proposed. Thus, as it stands, post 31 October 2025, the proposal would not benefit from the presumption in favour of sustainable development outlined at Paragraph 11, and, as a material consideration, the Framework would not indicate that permission should be granted.

## Conclusion

43. There are no material considerations, including the framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*C Rose*

INSPECTOR

---

<sup>6</sup> P/OUT/2020/00026

<sup>7</sup> P/OUT/2023/02893