
Appeal Decision

Site visit made on 16 September 2025

by **SE Hughes BA (Hons) PGDip MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 October 2025

Appeal Ref: APP/L1765/W/25/3362068

The Old Forge Inn, Winchester Road, Shedfield, Southampton SO32 2HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Kemal Aksoy against the decision of Winchester City Council.
- The application Ref 24/01659/FUL, dated 1 August 2024, was refused by notice dated 10 October 2024.
- The application sought planning permission to “*demolish existing conservatory and replace. Provide new entrance lobby and entrance doors. Enlarge w/c facility*” without complying with conditions attached to planning permission Ref 17/02777/FUL, dated 22 December 2017.
- The conditions in dispute are Nos 2 and 3 which state that as follows:

- 2) The development hereby approved shall be constructed in accordance with the following plans, Location Plan received 30.10.2017, Proposed Elevations [drawing C/OFI/08.0] received 30.10.2017, Proposed Plans/Roofscape [drawing P/OFI/07.0] received 30.10.2017.

Reason: In the interests of proper planning and for the avoidance of doubt.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those as detailed in section 09 (materials) of the associated application forms and the email by John Wyatt received 21.12.2017.

Reason: To ensure a satisfactory visual relationship between the new development and its surroundings.

Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The application subject to the appeal is made under Section 73 of the Planning Act for minor material amendments. It seeks a revised design for the replacement of a conservatory and the provision of a new lobby at The Old Forge Inn, which was approved in December 2017 (‘the consented scheme’).
3. This type of application is possible as conditions were imposed on the original permission specifying the approved plans and materials. The appeal therefore seeks the amendment of those conditions in order to specify plans that reflect the amended design and materials of the development that has been built (‘the amended scheme’). The development has already been completed in accordance with the revised design of the amended scheme.
4. I note that the plans include an advertisement, however, given that the consented

scheme did not include an advertisement and advertisements are the subject to separate application requirements I have not considered it as part of this appeal.

Main Issue

5. The main issue is the effect that varying conditions 2 and 3 to allow the amended scheme would have on the character and appearance of the area.

Reasons

Scale and Massing

6. The appeal development is positioned at the front of the Old Forge Inn which is located on an outer bend on Winchester Road. For the purposes of planning, the Inn is located in the countryside, outside of any settlements, whereby Policy MTRA4 of the Winchester District Local Plan Part 1 – Joint Core Strategy (LPP1) supports the expansion of established businesses to meet an operational need, provided the development is proportionate to the nature and scale of the site, its setting and countryside location.
7. The High Quality Places Supplementary Planning Document (adopted March 2015) advises that extensions should generally be subservient. Also, to ensure that front extensions are not overly prominent, it advises that they should not project excessively from the front elevation and should be of an appropriate scale and mass.
8. There is a minimal increase (approximately 0.5m) in the forward projection between the consented scheme and the amended scheme and an insignificant difference in height, scale and mass. Therefore, even taking into account the Inn's prominence due to its higher elevation from the road, the development does not project excessively from the Inn's original frontage and remains subservient. Therefore, I find that the amended scheme has an acceptable scale and mass and is proportionate to the building, site and its setting, and therefore satisfies Policy MTRA4.

Design and Materials

9. The roof type remains similar to the consented scheme and the development has been constructed of brickwork to match the rest of the property. However, in contrast with the consented scheme, glazing is not the principal material and its copious red brickwork results in the development having an overtly dominant appearance. In addition, the horizontal emphasis of its windows is at odds with the vertical emphasis of the Inn's fenestration. To my mind, it is these departures from the unmistakeable conservatory design of the consented scheme, which makes the development visually jarring.
10. Whilst vegetated planters to the front of the building would help to soften and reduce the expanse of brick, (and there remains sufficient room to accommodate them without sacrificing car parking), this alone would not be sufficient to overcome the issues I have explained above.
11. Paragraph 88 of the Framework encourages decisions which enable the sustainable growth and expansion of all types of business in order to support a prosperous rural economy. However, set against the Framework's aim to create

high quality, beautiful buildings and places, and the resultant development plan conflict in this regard, it does not outweigh the harm I have found.

12. Accordingly, I find that in terms of its design and materials, the development that has been carried out is detrimental to the character and appearance of the area. As such it does not achieve the high quality design standards required by Policy CP13 of the LPP1 and Policy DM16 of the Winchester District Local Plan Part 2 – Development Management and Site Allocations and the Framework.

Conclusion

13. In terms of its detailed design and appearance, the appeal development is causing demonstrable harm to the character and appearance of the area, contrary to policy CP13 of the LPP1 and policy DM16 of the LPP2. The compliance of the scheme with policy MTRA4 of the LPP2 and the other considerations that have been cited in support of the appeal development, do not outweigh this finding. Accordingly, I conclude that conditions 2 and 3 as currently worded are necessary to make the development acceptable in planning terms. As a consequence, the appeal should be dismissed.

SE Hughes

INSPECTOR