

REPORT TITLE: PLANNING AND ENFORCEMENT NOTICE APPEALS
QUARTERLY REPORT – 1 JANUARY – 31 MARCH 2026

10 JUNE 2026

REPORT OF CABINET MEMBER: Councillor Jackie Porter, Cabinet Member for
Place and Local Plan

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WARD(S): ALL (EXCLUDING SOUTH DOWNS NATIONAL PARK AUTHORITY)

PURPOSE

This report provides a summary of appeal decisions received during 1 January – 31 March 2026

Copies of each appeal decision are available on the Council's website.

RECOMMENDATIONS:

1. That the report be noted.

RESOURCE IMPLICATIONS:

1.1 COUNCIL PLAN OUTCOME

Analysis of appeal decisions ensure consistency in decision making helping the City Council to protect the Environment.

1.2 Greener Faster

1.3 None

1.4 Thriving Places

1.5 None

1.6 Healthy Communities

1.7 None

1.8 Good Homes for All

1.9 None

1.10 Efficient and Effective

1.11 None

1.12 Listening and Learning

2 FINANCIAL IMPLICATIONS

2.1 None

3 LEGAL AND PROCUREMENT IMPLICATIONS

3.1 None

4 WORKFORCE IMPLICATIONS

4.1 None

5 PROPERTY AND ASSET IMPLICATIONS

5.1 None

6 CONSULTATION AND COMMUNICATION

6.1 None

7 ENVIRONMENTAL CONSIDERATIONS

7.1 None

8 PUBLIC SECTOR EQUALITY DUTY

8.1 None

9 DATA PROTECTION IMPACT ASSESSMENT

9.1 None

10 RISK MANAGEMENT

10.1 None

Risk	Mitigation	Opportunities
Financial Exposure N/A		
Exposure to challenge N/A		
Innovation N/A		
Reputation N/A		
Achievement of outcome N/A		
Property N/A		
Community Support N/A		
Timescales N/A		
Project capacity N/A		
Other N/A		

11 SUPPORTING INFORMATION:

Total Number of all Appeals 14

11.1 This report provides a summary of appeal decisions in relation to planning cases received during 1 January – 31 March 2026,

Planning Appeal Cases in Total 10

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	0	0%	0	0
Dismissed	9	90%	1	Appellant's Costs Refused
Part Allowed/ Part Dismissed	0	0%	0	0
Invalid – Out of Time	1	10%	0	0
Withdrawn	0	0%	0	0

11.2 This report provides a summary of appeal decisions in relation to enforcement notice cases received during 1 January – 31 March 2026,

Enforcement Appeal Cases in Total 4

APPEAL DECISION TYPE	NUMBER	PERCENTAGE	COSTS APPLICATIONS	COSTS DECISION
Allowed	0	0%	0	0
Dismissed	4	100%	0	0
Part Allowed/ Part Dismissed	0	0%	0	0
Invalid – Out of Time	0	0%	0	0
Withdrawn	0	0%	0	0

12 OTHER OPTIONS CONSIDERED AND REJECTED

12.1 NONE

BACKGROUND DOCUMENTS: -

Previous Committee Reports:

Appeals Summary Report Q3 – Oct to Dec 2025

The previous Appeal Summaries were presented at the March 2026 Planning Committee Meeting.

APPENDICES

APPENDIX 1
APPENDIX 2

Planning Appeals – Summary of Decisions
Enforcement Notice Appeals – Summary of Decisions

PLANNING APPEALS – SUMMARY OF DECISIONS**REPORT FROM SERVICE LEAD: BUILT ENVIRONMENT**

A summary of planning appeal decisions received during the period 1 January – 31 March 2026

Item No: 1			
Date of Inspector's Decision:	13th March 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Informal Hearing	Costs	No Application for Costs
Case No:	22/02916/FUL		
Case Officer:	Rose Chapman		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/L1765/W/23/3334198		

Proposal:	Full planning application for the construction of an Equestrian Manager's Dwelling, to be tied to Shedfield Equestrian Centre.
Location:	Shedfield Equestrian Centre, The Gatehouse Botley Road Shedfield Hampshire SO32 2HN
Planning Officer's Synopsis	<p>Application was for an equestrian workers dwelling. The application was refused due to a lack of information provided as well as design issues regarding the layout and amenity provisions of the dwelling and Tree impacts.</p> <p>During the appeal process the nature of the business changed completely from a riding school to livery. The Inspector found that the closure of the riding school and opening of the liver equated to a new business. As such there was insufficient information regarding the viability of the new business. The Inspector also noted a number of dwellings on the site that were in the applicant's ownership and that the manager was already housed within 2 miles of the site.</p> <p>In terms of design the Inspector found that the building was to readily visible in the street scene however was silent on the amenity issues raised.</p> <p>The inspector noted a plethora of development around existing trees on site that were causing a number of harms to the trees on site and therefore found that there would not be additional harms generated by the proposal.</p>

Item No: 2			
Date of Inspector's Decision:	13th February 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Informal Hearing	Costs	No Application for Costs
Case No:	24/00193/TPO		
Case Officer:	John Bartlett		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/TPO/L1765/10637		
Proposal:	Carry out routine maintenance (primarily crown reduction by 2-3m from the top of the trees) of the two yew trees subject of the provisional TPO 2345 of 2023: 2345G1 to ensure the safety of people and vehicles and to prevent ongoing light blockage to the property. (see original application)		
Location:	93 Old Kennels Lane Olivers Battery Winchester Hampshire SO22 4JT		
Planning Officer's Synopsis			

Item No: 3			
Date of Inspector's Decision:	2nd February 2026	Inspector's Decision:	Appeal Invalid
Appeal Procedure	Householder	Costs	No Application for Costs

Case No:	24/01599/TPO		
Case Officer:	John Bartlett		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	APP/TPO/L1765/10649		

Proposal:	Holm oak - remove as causing damage to boundary wall and pillar supporting electric gate.
Location:	Oak Lodge Bank Street Bishops Waltham Southampton Hampshire SO32 1AN
Tree Officer's Synopsis	

Item No: 4			
Date of Inspector's Decision:	23rd March 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	24/02377/FUL
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Case Officer:	Cameron Taylor
Original Decision Type:	Committee Decision
Was Decision Overturned at Committee?	Yes
PINS Ref:	APP/L1765/W/25/3371345

Proposal:	(AMENDED) Application for demolition of all buildings, and the construction of 48 dwellings, formation of a new access onto Kilham Lane, provision of landscaping, public open space and drainage (phased development)
Location:	Pitt Manor Romsey Road Winchester Hampshire SO22 5PR
Planning Officer's Synopsis	<p>The appeal against refusal of planning permission for the demolition of existing buildings and construction of 48 dwellings was dismissed by the Planning Inspector on 23 March 2026.</p> <p>The Inspector accepted that on-site affordable housing provision would render the scheme unviable and found that a £2.1m off-site financial contribution would satisfactorily deliver equivalent affordable housing provision, in accordance with policy.</p> <p>However, the scheme failed on environmental grounds. The Inspector was not satisfied that biodiversity net gain could be achieved, due to a lack of secured off-site mitigation and uncertainty over delivery mechanisms.</p> <p>Furthermore, insufficient evidence was provided to demonstrate that the development could achieve nutrient neutrality, resulting in potential adverse effects on the integrity of the Solent Special Protection Areas. No secured mitigation strategy or confirmed nutrient credit solution was in place.</p> <p>These harms were considered to conflict with development plan policies relating to biodiversity and protection of internationally designated sites. The Inspector concluded that this provided a clear and overriding reason for refusal, irrespective of housing land supply considerations.</p>

Item No: 5			
Date of Inspector's Decision:	16th January 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	25/00937/FUL
Case Officer:	Liz Young

Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No
PINS Ref:	6000567

Proposal:	Detached two storey dwelling; access alterations
Location:	Land Abutting Curdrige House Botley Road Curdrige Hampshire
Planning Officer's Synopsis	<p>The Inspector found that the application site was located within a significant gap within the village's morphology and therefore did not comply with the provisions of MTRA3 and MTRA4. Further to this the Inspector found that the location of development would be contrary to the character of the area and would erode the spacious and verdant character of the road contrary to DM15, DM16 and DM23.</p> <p>The inspector found that while the site was within the setting of a listed building (Wollams) it would note result in harm to the buildings setting and therefore would not amount to a reason for refusal.</p> <p>Amended plans were submitted during the course of the appeal in regard to the proposed access however these were not accepted by the Inspector. The Inspector found that the proposed access would be harmful as appropriate visibility splays could not be demonstrated or secured. Therefore, the proposal was contrary to DM18.</p> <p>No harm was found in regard to ecology, trees or noise.</p>

Item No: 6			
Date of Inspector's Decision:	23rd January 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Householder	Costs	No Application for Costs

Case No:	25/01329/HOU		
Case Officer:	Matthew Rutledge		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	6000706		

Proposal:	SINGLE AND TWO STOREY EXTENSION AND ALTERATIONS TO DWELLING
Location:	24 Francis Gardens Winchester Hampshire SO23 7HD

Planning Officer's Synopsis	<p>Substantial front extensions including two storey with dormer.</p> <p>Refused due to size/design and impact on host dwelling and character of the area.</p> <p>Inspector agreed citing additions at odds with form of the host dwelling, results in loss of host dwelling's original structure being discernible, due to design and position of host dwelling proposal would introduce an incongruous form of development into the street scene, at a key location, that would harm the character of the area.</p>
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Item No: 7			
Date of Inspector's Decision:	28th January 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs
Case No:	25/00079/LIS		
Case Officer:	Cameron Finch		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	6000715		

Proposal:	<p>Basement alterations include re-instate access to the basement which has been closed off and bricked up, basement steps removed and replaced, new basement windows, new opening in basement wall adjacent to spine wall (NB spine wall will remain intact) and reduction in depth to one basement pier; Ground floor alterations include removal of WC, part of floor, alteration to rear entrance and landing, open up doorway from hall to reception room, opening of boxed-in chimney breast to kitchen; Third floor (attic) alterations include new ensuite bathroom</p>
Location:	14 Eastgate Street Winchester Hampshire SO23 8EB
Planning Officer's Synopsis	<p>The Inspector found that the alterations proposed would carry less than substantial harm to the listed building. The application also had insufficient detail relating to the basement windows. Whilst the proposal would increase the useability of the basement, the inspector concluded that any public benefits of the proposed alterations to the listed building were outweighed by the harm to the historic fabric of the listed building.</p>

Item No: 8

Date of Inspector's Decision:	24th March 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	25/01031/FUL		
Case Officer:	Joe Toole		
Original Decision Type:	Delegated Decision		
Was Decision Overturned at Committee?	No		
PINS Ref:	6000788		

Proposal:	Temporary variation of Condition 2 of planning permission 17/01092/HOU to allow independent occupation of the annexe for a period of one year (retrospective)
Location:	Annexe Oakridge Fontley Road Titchfield Hampshire
Planning Officer's Synopsis	<p>It concerned the unauthorised independent residential use of an annexe originally approved only for ancillary use to the main dwelling.</p> <p>The appellant sought to vary the occupancy condition to allow independent occupation, including a temporary one-year permission, after the use had already commenced.</p> <p>Key reasons for dismissal:</p> <ul style="list-style-type: none"> • The site lies in the open countryside, where new dwellings are tightly controlled under Policy MTRA4 • Independent residential use does not fall within permitted countryside exceptions (e.g. rural employment, tourism, community use, or affordable housing). • The annexe was not demonstrated to be redundant or disused, nor would its use enhance the setting, failing NPPF countryside tests. • The location has poor access to services and facilities, making it unsustainable and car-dependent. • A temporary or personal permission was not justified, as it would not overcome the policy conflict and the use had already occurred for a significant period.

Item No: 9			
Date of Inspector's Decision:	26th February 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	Appellant's Costs Refused
Case No:	25/00629/PNDMCD		
Case Officer:	Joe Toole		

Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No
PINS Ref:	6001817

Proposal:	The proposed demolition and construction of a purpose built detached dwellinghouse
Location:	Class Clips Dog Grooming Woodlands Greenwood Lane Durley Hampshire
Planning Officer's Synopsis	<p><u>Appeal Decision</u></p> <p>It related to a proposal to demolish an existing building and replace it with a dwelling under permitted development rights (Class ZA, GPDO).</p> <p>The key issue was whether the building qualified as Class B1(a) office use on 12 March 2020, which is a legal prerequisite for Class ZA rights.</p> <p>Inspector's findings:</p> <ul style="list-style-type: none"> • The evidence did not clearly demonstrate that the building was established as a Class B1(a) office on the relevant date. • The use appeared to be a dog grooming business with regular client visits, combined with open areas unsuitable for office use. • This suggested a mixed or sui generis use, not a primary office use. <p>The building did not meet the Class ZA criteria, so the replacement dwelling could not proceed under permitted development rights. The appeal was therefore dismissed.</p> <p><u>Costs</u></p> <p>The appellants did not demonstrate that the building was in Class B1(a) use on 12 March 2020, so Class ZA PD rights did not apply.</p> <p>The refusal was correct and lawful. As a result, the Council's behaviour did not cause unnecessary or wasted expense in the appeal process.</p>

Item No: 10			
Date of Inspector's Decision:	24th March 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Householder	Costs	No Application for Costs

Case No:	25/02101/HOU
Case Officer:	Rob Callow
Original Decision Type:	Delegated Decision
Was Decision Overturned at Committee?	No
PINS Ref:	6003929

Proposal:	First floor extension over existing garage
Location:	6 Burstall Gardens Winchester Hampshire SO22 6SU
Planning Officer's Synopsis	<p>Proposed first floor extension over the garage. The application was refused as it did not comply with the Kings Barton Design Code, which stated the need to maintain regular gaps between the houses. The first-floor extension would have significantly narrowed the gap between 6 and 8 Burstall Gardens, thus not complying with the Design Code.</p> <p>The appeal was dismissed. The inspector cited paragraph 9.1.2 of the Kings Barton Design Code which outlined the design principles that the proposal failed to comply with.</p>

ENFORCEMENT NOTICE APPEALS – SUMMARY OF DECISIONS**REPORT FROM SERVICE LEAD: BUILT ENVIRONMENT**

A summary of enforcement notice appeal decisions received during the period
1 January – 31 March 2026

Item No: 11			
Date of Inspector's Decision:	26th March 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs
Case No:	22/00238/WKS		
Case Officer:	Madelaine Clavey		
PINS Ref:	APP/L1765/C/23/3327152		
Proposal:	Without planning permission, the erection of a structure on the roof terrace.		
Location:	2 Calpe Yard St Thomas Street Winchester Hampshire SO23 9HE		
Enforcement Officer's Synopsis	This related to the erection of a pergola style structure with wiring on a roof terrace in central Winchester. This had been erected and was justified by the owner as being a 'Catio' ie a play area for domestic cats. The council served the notices as a result of the location in central Winchester and the impact on the historic Winchester street scene and listed buildings. The Planning Inspectorate whilst feeling that the area was beneficial for the health of cats upheld the view of Winchester City Council that the impact on heritage assets including Listed Buildings was significant and dismissed the appeal.		

Item No: 12			
Date of Inspector's Decision:	19th January 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs
Case No:	21/00168/COU		
Case Officer:	Madelaine Clavey		
PINS Ref:	APP/L1765/C/23/3328885		
Proposal:	EN 11 Without planning permission, the material change of use of the Land to B8 (known as 2 Brothers Concrete Pumping); together with operational development which facilitates the change of use of the Land.		
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN		
Enforcement Officer's Synopsis	This appeal relates the change of use of land to B8		

Item No: 13			
Date of Inspector's Decision:	19th January 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	21/00168/COU		
Case Officer:	Madelaine Clavey		
PINS Ref:	APP/L1765/C/23/3328886		

Proposal:	EN 11 Without planning permission, the material change of use of the Land to B8 (known as 2 Brothers Concrete Pumping); together with operational development which facilitates the change of use of the Land.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN
Enforcement Officer's Synopsis	

Item No: 14			
Date of Inspector's Decision:	19th January 2026	Inspector's Decision:	Appeal Dismissed
Appeal Procedure	Written Representation	Costs	No Application for Costs

Case No:	21/00168/COU		
Case Officer:	Madelaine Clavey		
PINS Ref:	APP/L1765/C/23/3331896		

Proposal:	EN 11 Without planning permission, the material change of use of the Land to B8 (known as 2 Brothers Concrete Pumping); together with operational development which facilitates the change of use of the Land.
Location:	Shedfield Equestrian Centre Botley Road Shedfield Southampton Hampshire SO32 2HN
Enforcement Officer's Synopsis	