
Appeal Decisions

Site visit made on 22 November 2016

by Martin Whitehead LLB BSc(Hons) CEng MICE

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 December 2016

Appeal A Ref: APP/P1235/W/16/3155942

Land off Plaisters Lane, Sutton Poyntz, Weymouth, Dorset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chesters Commercial Ltd against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/15/00088/FUL, dated 29 April 2015, was refused by notice dated 12 February 2016.
 - The development proposed is residential development comprising of 9 No dwellings of which 4 No are affordable and associated parking and landscaping.
-

Appeal B Ref: APP/P1235/W/16/3155943

Land off Plaisters Lane, Sutton Poyntz, Weymouth, Dorset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Chesters Commercial Ltd against the decision of Weymouth & Portland Borough Council.
 - The application Ref WP/15/00081/FUL, dated 29 April 2015, was refused by notice dated 12 February 2016.
 - The development proposed is residential development comprising of 3 No dwellings and associated parking and landscaping.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The Appeal A application was amended to reduce the number of dwellings from 11 with 5 of them affordable, to 9 with 4 of them affordable consisting of 2 bed terraces; and the Appeal B application was amended to reduce the number of dwellings from 4 to 3. The Council made its decisions on the amended proposals, which I am satisfied, have been appropriately consulted upon. I have therefore determined both the appeals on the basis of the description of the amended proposals.

Main Issues

4. The main issues in both appeals are whether the proposal would represent an acceptable form of development outside a defined settlement boundary and within an Area of Outstanding Natural Beauty (AONB) and Sutton Poyntz Conservation Area (CA), with particular regard to its effect on the character
-

and appearance of the surrounding countryside, its effect on the character and appearance of the CA and the provision of affordable housing.

Reasons

Character and Appearance

5. The appeal sites form parts of a field currently used for grazing, with access to the field from a gate off Plaisters Lane. The Appeal B site is to the north of the field and the Appeal A site to the south, being separated from the Appeal B site by a strip of land. The northern boundary of the field is delineated by a hedge and abuts the residential property of 'Morlands'. The eastern boundary is demarked by a post and rail fence, with further pasture separating the boundary from a listed waterworks building to the east. To the south is a hedge beyond which are residential properties fronting Plaisters Lane and Mission Hall Lane. A hedge runs along the western boundary. The appellant has accepted that both the sites are outside, but adjacent to, the defined development boundary as set out in the West Dorset, Weymouth & Portland Local Plan 2011-2031 (Local Plan), adopted in October 2015.
6. Most of the Borough is subject to AONB designation and both the sites are situated in the Dorset AONB. The Landscape Appraisal carried out for the appellant considered that the developments would result in a moderate localised impact on the landscape character of the area. In terms of the visual impact, it suggests that the ridges to the north and west and the settlement to the south limit the visual envelope, with the most sensitive views being from Plaisters Lane to the west, a public footpath to the east and elevated locations on West Hill to the north and Chalbury Hill and Green Hill to the west.
7. The proposed developments would be clearly visible from the footpaths linking the village to the above viewing points and the South Dorset Ridgeway. The users of these footpaths would be highly sensitive receptors and I do not agree with the findings of the Landscape Appraisal that the appeal developments would be viewed as 'infill' of an existing gap in development along Plaisters Lane, as that existing development currently appears as ribbon development on the one side and sporadic development, separated by open fields on the appeal site side.
8. Whilst the appeal sites would sit between the development within Sutton Poyntz and the dwelling at Morlands, the proposed developments would result in filling a substantial gap which would effectively join Morlands to the other development, when it is at present surrounded on three sides by open fields. As such, the developments would represent an extension to the settlement that would intrude into the open countryside that surrounds it. They would therefore have a major adverse impact on the landscape within the AONB.
9. The proposed access to the Appeal A site, including parking for the 4 terraced houses that would be directly off the road, would involve the removal of part of the hedge along Plaisters Lane between the existing field gate and a point opposite the junction with Sutton Close. The remainder of the boundary hedge along the Appeal A site would be retained and supplemented by additional planting. Part of the hedge would be removed to provide access to the 3 proposed detached dwellings on the Appeal B site. In my opinion, the removal of parts of the mature hedgerow along Plaisters Lane would seriously erode its rural character and appearance in that area, even though there is a line of

generally ribbon development on the opposite side, including the housing within Sutton Close.

10. Local Plan Policy ENV1 refers to the Dorset AONB Management Plan 2014-2019 Objectives. In terms of Objective L1, the proposals would fail to conserve and enhance landscape character and quality, local landscape features and the special qualities of the AONB. They would also not accord with Objective L2, as they would erode landscape character and quality; Objective PH1, as they would not be sensitively sited to conserve and enhance local character; and Objective PH2, as they would represent inappropriate new development.
11. I conclude on this main issue that both the appeal proposals would have adverse effects on the character and appearance of the surrounding countryside and the AONB. As such, they would fail to accord with Local Plan Policy ENV1, as they would harm the character, special qualities and natural beauty of the Dorset AONB and would detract from the local landscape character; Policy ENV10 with regard to their effect on the landscape and local distinctiveness; and Policy SUS2, as they would not represent any of the specified exceptions to the strict control that it provides over new development outside defined settlement boundaries.

Conservation Area

12. Both the appeal sites are within the Sutton Poyntz CA which covers the whole of the village, surrounding fields to the north, east and west and the historic core of Preston. I have considered the Statement of Historic Significance, submitted by the appellant in support of the appeal proposals, and the comments from the Council's Conservation Officer, who has indicated that the developments would enhance the CA, as they would fit in well with the established building pattern to the north and south. I have also taken account of Historic England not objecting to the proposals.
13. The statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is to pay special attention to the desirability of preserving or enhancing the character or appearance of a CA. The National Planning Policy Framework (Framework) includes CAs as designated heritage assets and identifies in paragraph 132 that development within the setting of a heritage asset can harm its significance.
14. I have assessed the impacts of the proposed developments based on the Sutton Poyntz CA Appraisal, which is included in the adopted Local Plan Policies Maps Background Document, April 2015. I agree with the Appraisal in that the fields around Sutton Poyntz, of which the appeal sites form part of and are included within the CA, provide a setting for the CA. The surrounding footpaths provide important views into and across the area with views out of the settlement also being important, including those from Plaisters Lane looking eastwards towards George II and the White Horse. The Appraisal suggests that the character and appearance of the lane needs to be protected from further erosion of its rural qualities by the introduction of vehicular accesses and sightlines or the removal of trees and hedgerows. As such, I consider that these features all make important contributions to the significance of the CA.
15. The Appeal A buildings, and in particular the row of terraced houses near to the lane, would obstruct views that are currently available from the field gate to the south west corner of the site over the open fields to the east and of the

Ridgeway. Although much of the mature hedgerow along Plaisters Lane would be retained and some would be supplemented by new planting, the roofs of the proposed dwellings would be clearly visible above the hedgerow and would break the skyline in places. This would have a significant harmful effect on this important feature of the CA.

16. In addition, the proposed buildings would be clearly visible from the surrounding footpaths, which provide important views into and across the area. Users of the footpath next to the waterworks buildings would be able to see directly across the adjacent field to the line of the proposed development rather than the current views across the field over to the hedgerow that bounds Plaisters Lane with a line of dwellings behind. This would represent a significant erosion of the character and appearance of that part of the CA and any new planting along that facing boundary would take too long to establish to offer any material screen to the development.
17. The Appeal A proposal would provide 4 affordable homes in the form of 2 storey terraced houses with allocated parking to the front directly off Plaisters Lane. There is a general mix of plot sizes in the surrounding area, including the housing in Sutton Close and Sutton Court Lawns opposite the site, and terraced housing in the village. I am satisfied that the design of the proposed terraces would reflect the character of the mature cottages near to the site and would not appear unduly cramped. Also, all the proposed dwellings would be in keeping with the varied style and size of other dwellings in the area and the pattern of the proposed developments would reflect that on the opposite side of the lane. However, the loss of part of the mature hedgerow along Plaisters Lane and the presence of the built development which would obstruct views of the Ridgeway and open fields surrounding the settlement would result in the proposed developments harming the character and appearance of the CA.
18. As the proposals would harm only part of what is a large CA, I consider that the harm that the proposals would cause to the CA would be less than substantial. In weighing this harm to the significance of the heritage asset against the benefits of the proposals, as required in paragraph 134 of the Framework, I have taken account of the economic and social benefits of providing 12 dwellings that include 4 affordable homes. I have found that the proposals would cause considerable harm to the significance of the CA and I have attached great weight to the desirability of preserving the heritage asset's significance. Therefore, the less than substantial harm that I have found that the proposals would cause to the significance of the CA is not outweighed by their public benefits. As such, they would be contrary to the Framework.
19. In conclusion on this main issue, I have found that both the appeal proposals would fail to preserve the character and appearance of Sutton Poyntz CA.

Affordable Housing

20. The appellant has submitted an engrossed Section 106 Agreement, dated 13 October 2016, to secure the provision of 4 affordable dwellings on the Appeal A site and tie the Appeal A and Appeal B sites together to effectively provide 12 dwellings, 4 of which would be affordable. The Council has accepted that the planning obligation would address its grounds for refusal based on the provision of affordable housing as required by Local Plan Policy HOUS1. Whilst the Policy seeks 35% affordable housing in new open market housing developments in the area of the proposal, the affordable housing

provision for the two appeal developments together would be just under this percentage. However, I am satisfied that the provision of affordable housing that would be secured by the planning obligation would be sufficient to ensure that this matter would not on its own justify the refusal of planning permission.

Planning Balance

21. I have considered the proposals in the context of the presumption in favour of sustainable development. The Council has indicated that, since its officer's reports on the proposals, monitoring for 2015/2016 has shown that the housing land supply has slipped to 4.9 years. Therefore, as it can no longer demonstrate a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. In such circumstances, paragraph 14 of the Framework indicates that planning 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.
22. The benefits of the proposals include the provision of 12 dwellings, which would make a contribution towards addressing the overall shortfall in the five-year housing land supply. This includes 4 affordable homes, which would help to address the identified need for affordable housing in the Borough, particularly for 2 bedroom units. However, it would be just under the requirement for the number of affordable homes that the 2 combined appeal developments would be required to provide under development plan policy. I have taken these matters into account in assessing the weight to be attached to these benefits, together with the Framework's aim to boost significantly the supply of housing, the relatively small shortfall in the five year housing land supply, and the modest contribution that the appeal developments would make towards meeting this shortfall.
23. The economic benefits of the proposals include the jobs that would be created during construction, a potential increase in spending to support local businesses and services and the economic activity generated by the increase in the supply of market and affordable homes. The social benefits would be related to the affordable housing and a potential increase in support for local community facilities and services. Whilst the level of these benefits would be relatively small due to the limited number of additional homes that would be provided, they would still represent material benefits, particularly when there is a lack of a demonstrable five-year housing land supply.
24. In support of the proposed developments outside settlement boundaries, the appellant has referred to the Local Plan Examination Inspector's Report, which is based on the Council having demonstrated a 5.1 year housing land supply. The Examination Inspector considers it is 'imperative' that the Councils do not ignore new opportunities which come forward in sustainable locations and are consistent with other policy provisions and recognises that it is difficult to see how some incursions can be avoided if the Councils are to adhere to sustainable development principles and meet the needs of rural communities.
25. With regard to the location of the appeal sites, near to the development boundary of Sutton Poyntz, the village is served by a public house and there are local shops along Preston Road, which are about a kilometre from the sites, reached on narrow roads with no separate footway along them. Although there are bus stops within a reasonable walking distance of the appeal sites, at my

site visit the only service that was shown on the bus stop sign was into Weymouth. The times advertised represent an infrequent service that would not in my opinion be sufficient to have any significant effect on the use of the motor car by future residents of the appeal developments. Therefore, I do not accept that the appeal sites are in sustainable locations and the proposed provision of a 'Travel Plan' would be insufficient to address the resulting likely significant increase in the use of the car due to future residents of the proposed developments accessing necessary facilities and services.

26. The adverse impacts of the proposed developments would not only be as a result of their conflict with development plan policies but also the harm that I have found that they would cause to the character and appearance of the AONB and the resulting harm to the character and appearance of the CA. In considering the weight to be attached to the development plan policies that are relevant for the supply of housing and are therefore not to be considered up-to-date, I have taken account of the recent adoption of the Local Plan. Therefore, I have attached moderate weight to the relevant policies in that Local Plan. In accordance with paragraph 115 of the Framework, I have given great weight to the failure of the proposals to conserve the landscape and scenic beauty in the AONB. I have also attached great weight to the harm that I have found that the proposals would cause to the significance of the CA.
27. For the above reasons, I find that the adverse impacts of the proposed developments would significantly and demonstrably outweigh their benefits.

Overall Conclusions

28. Taking all relevant matters into account, I have found that neither of the appeal proposals would represent acceptable forms of development outside a defined settlement boundary, both would cause significant harm to the character and appearance of an AONB and the character and appearance of Sutton Poyntz CA and both would fail to accord with the development plan as a whole. Also, neither of the proposals would represent sustainable development in accordance with the Framework. Therefore, I conclude that both appeals should fail.

M J Whitehead

INSPECTOR