
Appeal Decision

Site visit made on 19 November 2019

by S Shapland BSc (Hons) MSc CMILT

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

Appeal Ref: APP/D1265/W/19/3236208

Blossom Cottage, Common Lane, Kington Magna SP8 5EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Stephen Martin against the decision of Dorset Council.
 - The application Ref 2/2019/0504/OUT, dated 5 April 2019, was refused by notice dated 17 July 2019.
 - The development proposed is develop land by the erection of 1 No. dwelling, form vehicular access (Outline application to determine access).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline form with all matters apart from access reserved for future approval. I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the site is a suitable location for housing having regard to the development strategy for the area and accessibility to services and facilities.

Reasons

4. Policies 2 and 20 of the North Dorset Local Plan Part 1 (LP) set out the Council's spatial strategy, guiding development to the four main towns, Stalbridge and the larger villages. Outside of the defined boundaries of these settlements and villages the remainder of the district is subject to countryside policies where development is strictly controlled unless it is of a type appropriate to the countryside or it can be demonstrated that there is an overriding need for it to be located there.
5. The appeal site forms the side garden of Blossom Cottage, and is located to the south west of the village of Kington Magna. This is a small village and is not one of the larger villages identified in the development plan, and as such is considered to be in the countryside. The development does not meet any of the listed types of exceptions referenced in Policy 20. The proposal would not accord with the Council's spatial strategy.
6. Kington Magna contains a village hall and church but does not offer all the facilities that would be sufficient to meet the daily needs of new occupiers of

the proposed dwelling. The nearest town is Gillingham and this offers a range of services and facilities as well as public transport links. However, the distance to this town and with the routes being rural in nature with no formal footways and being unlit is unlikely to encourage walking. Therefore, future occupiers of the proposal would be largely reliant on a private vehicle to access services and facilities.

7. The appellant has stated that the Council has failed to take into account that the proposal would replace an existing derelict garage on the site. Whilst the proposal would result in the demolition of this garage, I do not find that this meets the criteria of re-using a redundant or disused building as stated in Policy 20 of the LP. I have had regard to the comments made by the Parish Council that the increase of the number of cars from a single dwelling would have an insignificantly small impact on the environment. Be this as it may, the development plan is clear that development should be located within areas which reduces the need to travel.
8. I understand that a neighbourhood plan is being developed for the village, and the appeal site would fall within the settlement boundary of this plan. In accordance with paragraph 48 of the National Planning Policy Framework (The Framework), weight may be given to policies within emerging plans. The weight given is determined by the stage of preparation of the emerging plan, the extent of unresolved objections and the degree of consistency of relevant policies to the Framework. I have not been provided with any substantive details of the status of this emerging plan, and therefore I attribute them very limited weight.
9. Consequently, I find that the development is not located in a sustainable location. As such it conflicts with policies 1, 2 and 20 of the LP. These seek, amongst other things, to achieve sustainable development in focussing new homes towards the towns and larger villages where there is ready access to services and facilities.

Planning Balance and Conclusions

10. The Council acknowledges that it is unable to identify a five year supply of housing. Paragraph 11 and Footnote 7 of the National Planning Policy Framework (the Framework) states that relevant policies for the supply of housing should not be considered up to date where a five year housing land supply cannot be demonstrated. Where relevant policies are out of date, 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.
11. In the context of the development plan I have found that the proposal would be contrary to policies 1, 2 and 20 of the LP. For this appeal, in the absence of a five year supply of housing the policies most relevant to the determination of this appeal should be considered out of date.
12. The proposal would provide an additional dwelling which would contribute towards the housing land supply. However, a single dwelling would not make a significant contribution towards this. There would be minor economic benefits through the construction of the dwelling, and future occupiers would support local services in nearby settlements. However, the proposal would result in the likelihood of dependency on the use of the private car for access to services. As

such it is not considered to be sustainable development and would be contrary to the aims of the framework which seeks to minimise the need to travel and to support the transition to a low carbon economy.

13. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.
14. For the reasons given above the appeal is dismissed.

S Shapland

INSPECTOR