

Appeal Decision

Site visit made on 4 February 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2020

Appeal Ref: APP/D1265/W/19/3238469

Home Farm, Dorchester Road, Winfrith Newburgh DT2 8DD

- 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 Mrs J Gormley against the decision of Dorset Council.
 - The application Ref 6/2019/0384, dated 8 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is described as demolition / conversion of outbuildings to provide a single dwelling and ancillary store / carport.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs Gormley against Dorset Council. This application is the subject of a separate Decision.

Procedural Matters

3. On 1 April 2019, Purbeck District Council merged with a number of other to district and borough councils to become a Unitary Authority, Dorset Council. The development plans for the merged local planning authorities remain in place for the area within the Dorset authority which they relate to, until such time as they are revoked or replaced. It is therefore necessary to determine this appeal with reference to policies set out in the plans produced by the now dissolved district council.

Main Issue

4. The main issue is whether the proposed development would be in an appropriate location with regard to development plan policies.

Reasons

5. The appeal site contains some outbuildings associated with Home Farm. They have an agricultural appearance and were previously used to house animals and farm equipment. The surrounding area contains some built form, including the dwelling and another rural building at Home Farm, the nearby veterinary centre, and some buildings on the opposite side of the highway. However, development in the locality is relatively limited and the surrounding area is predominantly undeveloped with a rural character and appearance. Although not a significant distance away from Wool, the site is located outside of a settlement boundary as defined by the Purbeck Local Plan Part 1: Planning

Purbeck's Future (2012) (Purbeck LP). It is therefore classed as being within the countryside.

6. Purbeck LP Policy LD sets out that development in the countryside will be permitted only in exceptional circumstances. As detailed in Purbeck LP Policy CO, such circumstances include, amongst other aspects, where development comprises the reuse, alteration, extension or replacement of a rural building. It clarifies that the replacement of an existing building in the countryside will be permitted provided that, amongst other things, it is of the same use.
7. The appeal proposal would involve reuse of one of the existing outbuildings and the replacement of one of the other outbuildings. However, in providing a dwelling, the proposed replacement building would not be of the same use as the existing building. As such, the proposed development conflicts with Purbeck LP Policies CO and LD. Accordingly, I conclude that it would not be in an appropriate location with regard to development plan policies.

Planning Balance

8. Planning law requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. This is re-affirmed in the provisions in the National Planning Policy Framework (Framework) in relation to decision-making
9. It has been put to me that the Council's most recent housing supply monitoring report, setting out a 6.8 year supply, is highly questionable, particularly in relation to its inclusion of certain housing allocations and proposed allocations and the Framework's definition of deliverable. The appellant suggests that the Council cannot therefore demonstrate a sufficient supply of housing in relation to the local housing need figure.
10. However, the Council contests the suggestion that it is unable to demonstrate a five-year housing land supply and sets out that there is sufficient five year housing land supply in the area covered by the Purbeck LP. There is little substantive evidence before me which indicates that this is not the case, and no detail has been provided as to the effect on the Council's calculation of housing supply if the allocations and proposed allocations referred to by the appellant were excluded from the calculation. Purbeck Policy SD sets out a presumption in favour of sustainable development. That policy reflects the approach set out in paragraph 11 of the Framework, while the development plan policies that I have referred to above also appear to be broadly consistent with the Framework. Accordingly, it seems to me that there is no reason why the development plan policies that are most important for the determination of this appeal should not, in this instance, be accorded very substantial weight.
11. In 2019, the Council granted planning permission for the conversion of two of the outbuildings on the site to form a dwelling and ancillary store and carport. It has been put to me that the approved scheme has established the principle of residential development at the site and that it has a realistic prospect of being implemented.
12. The appeal proposal is very similar, with the same proposed floor plans and elevations. However, the approved scheme involves conversion of two of the existing outbuildings – in compliance with Purbeck LP Policy CO – rather than the replacement of one of them with a new-build dwelling, as is proposed in

this case. Accordingly, the approved scheme does not indicate that the appeal proposal is acceptable with regard to development plan policies.

13. The appellant has indicated that it has always been their intention to convert the outbuildings. In theory, the approved scheme – which remains extant – could therefore represent a realistic fallback position. However, the appellant has stated that the costs of converting the main outbuilding into a dwelling would be prohibitive. Although the appellant does not consider the cost of converting the other outbuilding to the store/carport would be prohibitive, the evidence before me indicates that development of the approved scheme has not commenced. Accordingly, that scheme does not appear to have a particularly realistic possibility of being implemented and I therefore place only limited weight on it. With the costs of converting the main outbuilding to a dwelling said to be prohibitive, the theoretical implementation of the approved scheme does not lead me to a different conclusion.
14. My attention has been drawn to other developments in the Dorset Council area for new residential accommodation in the countryside. However, the appeal decision (Ref APP/B1225/C/02/1096840) at Langton House related to a new building for holiday accommodation that had already been built and was within a holiday complex. That decision was also made before the current Purbeck LP was adopted. As I do not have full details of the other example at Gupples Farm, I cannot determine whether the circumstances there – including how realistic the fallback position was in that case – are analogous to the appeal proposal. I also note that that development is in an area where a different local plan applies. Accordingly, and based on the evidence before me, it appears that each of the examples put to me have different circumstances to the appeal proposal and are therefore not relevant to its acceptability. It is also a well-accepted principle that each proposal is considered on the basis of its particular circumstances. I have therefore dealt with the appeal on its individual merits.
15. The appeal proposal would provide a new low-density single-storey dwelling with sufficient parking and its own independent curtilage via a windfall development. I note that there is also a local need for single-storey accommodation which meets the needs of an ageing population. However, the provision of one additional dwelling would have a limited effect on the supply and mix of housing in the area.
16. Amongst other aspects, the Council's decision notice alleges that the development would harm the intrinsic character and beauty of the countryside. However, as set out in the Council's Officer Report, the proposed development would have a simple, sensitive design, would utilise suitable external materials, and the reused and replacement buildings would have a similar scale to now. The demolition of the other building would also reduce the amount of built form on the site, while use of the existing access would mean that soft landscaping on the boundary would be maintained. On this basis and on the evidence before me, I find that the appeal proposal would not harm the character and appearance of the site and surrounding area. Accordingly, it would not conflict with local planning policies that seek to conserve the character and appearance of the locality and countryside landscape, nor the provisions in the Framework relating to conserving and enhancing the natural environment.
17. Be that as it may, the agricultural appearance of the existing buildings reflect the site's rural context and I observed on my site visit that, despite their

unused and somewhat dilapidated state, neither they nor the site as a whole are experienced as harmful or incongruous features in the locality. Existing boundary treatment and soft landscaping also provide relatively significant screening from the highway. Consequently, the proposed development would not lead to an improvement on the site to the extent that the character and appearance of the surrounding area would notably and significantly benefit. The fact that the proposed floor plans and elevations are the same as the approved scheme does not lead me to a different conclusion.

18. It has been put to me that the proposed development would result in a net gain for biodiversity compared to the approved scheme due to it retaining the existing orchard, adding a new fruit tree, incorporating features for birds, bats and bees, and including hedgehog-friendly fencing. However, as there is not a realistic prospect of the approved scheme progressing, I place limited weight on this matter.
19. The Council and consultees do not raise concerns in relation to other matters, such as the effect of the development on the living conditions of surrounding occupiers, flooding, highways and biodiversity. However, the lack of harm on such matters is neutral rather than a benefit per se.
20. I have given due consideration to the above factors. However, while the development would add to the supply of housing and be consistent with various local policies and provisions in the Framework, the benefits and material considerations put to me do not override the conflict with Purbeck LP Policies CO and LD. Nor do they provide justification for development that, due to its location, conflicts with the development plan. Accordingly, a departure from the local plan would not be justified in this case.

Other matters

21. The location of the appeal site in relation to European protected nature conservation sites means that the development would be likely, in combination with other plans and projects, to have a significant effect on the internationally important interest features of the designated sites. Mitigation measures are therefore required to make the development acceptable and avoid an adverse effect on the integrity of the sites. I note that such mitigation would be provided by the payment of the Community Infrastructure Levy and that the Council considers that the proposal would not result in unmitigated harm in this respect. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further – including through Appropriate Assessment – because it could not lead me to a different decision.

Conclusion

22. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR