The Planning Inspectorate

Appeal Decision

Site visit made on 12 February 2020

by S. Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/D1265/W/19/3240487
Land at Wood Lane, Stalbridge, Dorset DT10 2QZ

- 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 M Junge against the decision of Dorset Council.
- The application Ref 2/2019/0361/FUL, dated 8 March 2019, was refused by notice dated 3 July 2019.
- The development proposed is the erection of a detached dwelling with an associated vehicular access, parking area and curtilage.

Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues are the effect of the development on (1) the character and appearance of the area, including the setting of the adjacent Conservation Area (CA), and (2) the living conditions of future occupiers.

Reasons

Character and Appearance

4. The site is currently a relatively small area of enclosed agricultural land with no buildings currently present. The site is to the west of the centre of Stalbridge village, although it is in very close proximity to the edge of the defined settlement boundary of the village to the north. The site is also adjacent to the Stalbridge CA, which has its boundary to the opposite side of Wood Lane.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. However, in this case the site is outside of the setting of the CA, although paragraph 194 of the National Planning Policy Framework (the Framework) states that - *"Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification."* Furthermore, paragraph 193 states that *"When considering the*

impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation."

6. The position of the proposed dwelling so close to the boundary of the CA is such that I would regard it as being within the setting of the CA. I am not aware of any CA appraisal for Stalbridge, but I would regard the significance of this heritage asset to derive from the historic layout and some of the traditional older listed buildings of significant architectural qualities within the village.

7. The patch of land where the house is proposed to be sited is an irregular shaped plot which appears as a corner of a much larger field. I understand that there was once a building on this plot, but it appears that this has not been the case for many years. It is therefore a largely open piece of land which relates well to the open countryside it is adjacent to. The dwelling as proposed in this location would erode what is a clear gap between the clusters of houses to the north and south. This gap allows for clear views into and out of the CA from the adjacent countryside. Whilst this site may not come under any particular restrictive landscape designation, the site forms part of a landscape which provides a visual connection between the CA and the pleasant rural backdrop.

8. The proposed development of this plot would not result in an isolated dwelling, as it would be near dwellings to the north, which are within the settlement boundary. However, the proposal would be the introduction of a dwelling into this largely rural setting, thereby having an urbanising effect, albeit on a small scale. It would be just one dwelling and much of the gap would remain, but it would be very noticeable as a new addition beyond the current envelope of the village and an intrusion into the countryside and this existing gap, rather than a logical continuation of development along Wood Lane.

9. The plot itself has little depth, extending along the road frontage. The proposed dwelling, within such a confined strip of a plot and with very little garden space, would appear cramped within its boundaries when compared to the surrounding dwellings, which are characterised by spacious plots of substantial depth and good sized gardens. This would add to the incongruous character and arrangement of the proposed development.

10. The proposed development, for the reasons set out above, would be harmful to the character of the area. Being that this rural area forms a positive setting for the adjacent CA then the proposed development would neither preserve nor enhance the setting of the CA, as the dwelling would be a development introduced into an area and a gap between housing which benefits from its openness as a rural backdrop to this heritage asset. This openness and the views into and from the CA would diminish, if only to a small extent. Nonetheless, the significance of the CA would not be preserved.

11. The proposal would therefore have a harmful impact to both the character and appearance of the area and the setting of the CA. Nevertheless, the harm to the significance of the CA would be less than substantial and in accordance with the Framework that harm should be weighed against any public benefits of the proposal. The benefits would be limited primarily to the provision of a new dwelling towards local housing supply and the potential economic benefits of the construction process for example. However, these benefits arising from the proposal would not offset the identified harm, to which I must attach considerable importance and weight.

12. The proposal is therefore contrary to policies 1, 4, 5 and 24 of the North Dorset Local Plan Part 1 (2011-2031), which seek to, amongst other things, safeguard heritage assets and ensure good design. The proposal is also in conflict with the Framework as the harm to the significance of the heritage asset from the proposed development in its setting is not outweighed by public benefit and there are no justifications which override this harm.

Living Conditions

13. The proposed dwelling, as described above, would be on a tight plot with little space for garden/amenity space. The plan does show an area of garden, which is to be screened from the road by landscaping. Although a small area of garden space compared to other properties in the area, for the future occupants of this proposed house it would provide sufficient space and be private to some degree.

14. On this basis the amenity space provision would be acceptable, in accordance with policy 25 of the North Dorset Local Plan Part 1 (2011-2031), which seeks to ensure sufficient private amenity space for future occupants, amongst other things.

Planning Balance

15. The Council has included mention of the proposed house being outside of the settlement boundary and within the countryside, with a lack of justification for this. This has been linked with the environmental impact of the proposed house being built on a greenfield site. For clarity, it is my view that the house as proposed, being immediately adjacent to the settlement boundary and within a short distance to the village centre that the location of the site is not in itself inaccessible. However, based on the effects of the proposals to the CA and the character and appearance of the area in general I have concluded the development would be harmful.

16. The Council state that it is unable to demonstrate a five year supply of deliverable housing sites. This apparent housing supply shortfall triggers paragraph 11 of the Framework which states that where the development plan is out of date, permission should be granted unless there are specific policies in the Framework that protect areas and assets of particular importance, including conservation areas, which provide clear reasons for refusing development. As the proposal would fail to preserve the character and appearance of the Stalbridge Conservation Area there is clear conflict with the policies relating to heritage assets set out at chapter 16 of the Framework.

17. In terms of benefits, the proposal would provide a new dwelling in a relatively accessible location towards local housing supply, with there being an expectation for new dwellings within the Stalbridge area. I also recognise the importance of small sites to help deliver housing. Future occupiers could support the local economy and community. There would be the economic benefits from the construction process and possible New Homes Bonus for example. I also note there were no objections from the Council on issues such as impact to neighbour living conditions or some other potential issues.

18. I understand that issues to do with the layout and plot size of the site were not originally included by the Council as a reason for refusal with a previous planning application at the site. However, I have considered the proposal on its

merits based on the details before me and the statements and other supporting information submitted to me by the Council now.

19. Overall, even if the tilted balance was engaged under paragraph 11 of the Framework, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole and would be contrary to policies of the Development Plan.

Conclusion

20. For the reasons given above, the appeal should be dismissed.

S. Rennie

INSPECTOR