



Appeal Decision

Site visit made on 13 May 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 May 2020

Appeal Ref: APP/D1265/W/19/3237293
Melvelawns, West End, Cattistock DT2 0JA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Pip Summers against Dorset Council.
 - The application Ref WD/D/18/002687, is dated 20 October 2018.
 - The development proposed is to erect and install a single timber garage and an annex style garden lodge into the garden of the house.
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Decision

1. The appeal is dismissed and planning permission to erect and install a single timber garage and an annex style garden lodge into the garden of the house is refused.

Main Issues

2. The appeal arises from the Council's failure to make a decision on the application. As part of the appeal process, the Council has submitted a statement setting out how it would have determined the application. Based on this statement and the other evidence before me, I consider that the main issues are:
 - a) Whether the site is suitable for the development, having regard to the nature and location of the proposed annex building and the policies of the development plan; and,
 - b) The effect of the development on the character and appearance of the area.

Reasons

Suitability of the site and development plan policies

3. The appeal site comprises a bungalow in the village of Cattistock, which lies in a largely rural area to the north west of Dorchester. The proposal comprises two distinct elements: a detached garage in the south west corner of the garden; and a larger "garden lodge" alongside it. The Council's putative reason for refusal, and supporting appeal statement, do not identify any development plan policies that would weigh against the principle of a garage building within the residential curtilage of the existing dwelling. Therefore, this first main issue relates solely to the garden lodge.
4. The lodge would be 7 metres wide X 7.42 metres in depth, with a covered veranda extending a further 1.5 metres across the full width of the building.

The internal floor area would therefore be just over 50 square metres. The floor plan shows that it would accommodate a living area, bedroom, kitchen and shower. The appellant states that the building would be occupied by the parents of one of the occupants of the existing dwelling, and that there is no intention to divide the plot. Furthermore, the appellant has indicated that a condition limiting the occupation of the building to ancillary accommodation would be acceptable.

5. I have no reason to question the appellant's intention to accommodate elderly relatives, so that care can be provided in the medium to long term. Nevertheless, evidence has not been provided to demonstrate an immediate need for such care. I am mindful that circumstances and intentions can change over time, and that the stated purpose for the building may not materialise, or it could only be required for a relatively short period. However, the building would be permanent, and it would provide self-contained living accommodation that would be located a considerable distance from the host dwelling. Consequently, it could not be subsumed back into the host dwelling when it was no longer required for its original purpose.
6. In view of the scale, self-contained nature of the accommodation, and its distance from the main dwelling, a condition requiring it to be occupied only for purposes ancillary to the main dwelling would be unreasonable, and difficult to enforce, once the particular circumstances that justify the building cease to prevail. It is therefore likely that, in the longer term, it would be occupied separately from the host dwelling. The proposal should therefore be considered against planning policies relating to new residential development.
7. Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) (the Local Plan) sets out the Council's approach to the distribution of residential development. The strategy is based on the needs and size of the area's settlements, and the benefits of concentrating most development in locations where homes, jobs and facilities will be easily accessible to each other, and there is a choice of transport modes. The Policy therefore dictates that most development will be located in the larger settlements. Development in rural areas will be directed to settlements with defined development boundaries. The strategy indicates that any growth in settlements that do not have a development boundary should be achieved through community-based neighbourhood planning.
8. Cattistock has limited facilities, including a Post Office/shop, church, public house, hall and children's play park. I did not see any significant employment buildings, or evidence that there is a range of transport options. Consequently, it does not have a development boundary. Policy SUS2 states that development outside defined development boundaries will be strictly controlled, and restricted to certain specified categories. The proposed self-contained lodge would not fall within any of the categories. I therefore conclude that, based on the settlement policy of the development plan, the site is not suitable for a building of a scale, nature and location that makes it capable of occupation as a separate dwelling.

Character and appearance

9. Melvelawns is one of a row of residential buildings on the eastern side of the road leading into Cattistock from the north. The dwellings are well-spaced, and set back from the road behind high roadside hedges, which are only

punctuated by fairly narrow vehicular accesses. Although the buildings on the opposite side of the road are nearer to the highway, there is, nevertheless, a balance of buildings to greenery that results in the vicinity of the appeal site having a pleasant edge of village character. The set back of buildings, high continuous hedges and green front gardens on the eastern side of the road are important to this character.

10. The proposed timber garage and lodge would be substantial buildings that would intrude into the green space in front of the row of buildings. Although they would be well-screened by the existing boundary hedging from southerly views, this would not be the case when approaching the village from the north, where they would be visible through the new access opening. From this viewpoint, however, the garage building would be seen against the backdrop of another large outbuilding that is situated in front of Netley House, to the south, so its impact would be limited. Another timber garage to the north, at 2 Netley Wall, demonstrates that a suitably designed utilitarian building, tucked behind the roadside hedge, can be accommodated without significant harm to the green, edge of village character of the area. Subject to suitable materials, finishes and landscaping, therefore, I conclude that the proposed garage would not harm the character and appearance of the area.
11. The proposed lodge, however, would be much further from the roadside boundary hedge, and it would therefore be more readily visible through the new access. Its wide front elevation, and overall scale, would make it a prominent feature that would intrude into the characteristic green frontage on this side of the road. The timber log chalet design, with its overhanging veranda and timber shingle roof would be entirely out of keeping with its edge of village context, resulting in it being an incongruous feature in the street scene. I therefore conclude that the garden lodge, by reason of its scale, position and design, would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policy ENV12 of the Local Plan, which seeks to ensure that the design and positioning of buildings complements and respects the character of the surrounding area.

Planning Balance

12. I have found that the proposal would conflict with the settlement and design policies of the Local Plan. My attention has not been drawn to any policies that would provide particular support for the development that would weigh against these policies. I therefore conclude that the proposal would be contrary to the development plan as a whole. The legislation¹ requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. However, the Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites. As a result, Paragraph 11 d) of the National Planning Policy Framework (the Framework) advises that 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.
13. The Framework seeks to achieve sustainable development across overarching economic, social and environmental objectives. The development would have an economic benefit through the provision of employment in the manufacture

¹ Section 38(6) of the Planning and Compulsory Purchase Act (2004)

and construction of the buildings. However, this would be limited in scale and duration. The occupation of the lodge by the appellant's parents would have social benefits for both parties and may result in a reduced reliance on public social care services in the future. However, the extent of these benefits is unclear, and would not necessarily be secured. If occupied as a separate dwelling in the future, the unit would contribute to the Framework's aims of delivering a sufficient supply of homes and maintaining the vitality of rural communities. However, the benefit of a single dwelling would be small.

14. To weigh against these benefits, the location of the development, in a village with limited facilities and employment opportunities, would be contrary to the Framework's aims to promote sustainable transport and accessible services. The proposed lodge would also cause significant harm to the character and appearance of the area, which would conflict with The Framework's aim to achieve well-designed places. As the benefits of the development are very limited, the harm caused by the inaccessibility of the site to services, and the impact on the appearance of the area, significantly and demonstrably outweigh them, when assessed against the policies in the Framework taken as a whole. The advice at paragraph 11 (d) of the Framework does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR