



Appeal Decision

Site visit made on 14 May 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 June 2020

Appeal Ref: APP/D1265/W/20/3245852

Chippel Lodge, Chippel Lane, Marnhull DT10 1NN

- 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 Buckley against the decision of Dorset Council.
 - The application Ref 2/2019/1291/OUT, dated 13 September 2019, was refused by notice dated 13 December 2019.
 - The development proposed is an outline application for the erection of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is made in outline with access and scale for consideration at this stage and matters of appearance, landscaping and layout reserved. I have treated the layout plan as indicative of what the appellant has in mind in this respect.

Main Issues

3. The main issues are:
 - whether the location of the development is supported by development plan policies,
 - whether the occupants of the development would have safe and convenient access to local services and facilities having particular regard to sustainable transport options, and
 - the effect of the proposal on the character and appearance of the area.

Reasons

Location of development

4. Policies 2 and 20 of the North Dorset Local Plan Part 1 2011-2031 (January 2016) (the Local Plan) sets out the strategy for housing development across the Local Plan area. Marnhull is one of a number of Larger Villages that have been identified to meet the local needs for development outside of the four main towns. The Proposals Map identifies a settlement boundary for Marnhull, within which Policy 2 indicates is the broad locations for housing and employment growth and regeneration. Outside the settlement boundaries the

areas are subject to countryside policies where the strategy is that development will be strictly controlled unless it is required to enable essential rural needs to be met.

5. In this case, the site for the dwelling lies beyond the settlement boundary and is in a location that is subject to policies for the open countryside. The provision of an open market dwelling would not meet with any of the categories of development which are considered in the Local Plan as appropriate in the countryside. As a consequence, I conclude that the proposal would conflict with the approach to the location of housing in the development plan and, in particular, would not accord with Policies 1, 2 and 20 of the Local Plan.

Access to local services and facilities

6. The site lies broadly south of part of the main body of Marnhull, which is a reasonably sizeable village with a good range of services and facilities, such as a primary school, churches, and public houses within the settlement area. In terms of considering the issue of access to services and facilities, the National Planning Policy Framework (the Framework) sets out that opportunities to promote walking, cycling and public transport are identified and pursued in development proposals and that the planning system should actively manage patterns of growth in support of this and other objectives to promote sustainable transport.
7. In this case, Chippel Lane connects the site to the village. The distance would be walkable for many people, however, there is no street lighting or footway. There are sections of the road where there are some refuges that would enable a walker to step back from approaching traffic. However, there are other sections which are fairly narrow, where there are no refuges and the bank and hedge at the side of the road restricts the ability of a walker to step back out of the way of approaching vehicles. These restricted areas are also close to bends in the road that reduce the intervisibility between walkers and drivers.
8. Chippel Lane also links the B3092 to part of the village. I walked this route at my site visit and, along sections of the road, I felt uncomfortable because of the combination of the narrow road, limited ability to step back out of the highway and the reduced ability to see approaching traffic. Consequently, I am concerned with the safety of walkers that would be associated with the additional dwelling. Walking along the road to the village would, I consider, be particularly problematic for those less able to move swiftly out of the way of an approaching vehicle or for those with pushchairs if they were at a restricted part of the road close to a bend.
9. I saw at my visit the public footpath connections from the site to the village. The footpath that joins near the junction with the B3092 crosses an arable field, has an unmade surface and for many people, particularly in inclement weather, would not be a reasonable alternative to access the village on a regular basis. Users of the footpath via the stile and Butts Close would still require walkers to walk along part of the reasonably narrow road and then negotiate the steps up to the stile and together with the unmade surface of the footpath would not again be suitable, in all likelihood, for all walkers on many occasions.
10. In these circumstances, if future occupants were to walk to the village on most occasions this would be along the road and while it may be convenient in terms

of distance it would result in an unacceptable impact on safety. The location would therefore, to achieve safe access to the local services and facilities, necessitate the use of the private vehicle, in all likelihood, in the vast majority of cases.

11. I appreciate that the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural locations and that this should be taken into account. I also understand that the proposal is for a single additional dwelling and therefore there would be reasonably limited associated vehicle movements. Nevertheless, the reliance of future residents principally on the private car for transport to access all services and facilities, in this countryside location, is a matter that would not accord with the approach to provide opportunities for sustainable transport options.
12. I note the suggestion that increased use of electric vehicles and home shopping deliveries will ensure that travel would be more sustainable for future residents of the development. However, this could not be enforced by a planning condition and the Framework seeks sites that promote opportunities for walking, cycling and public transport. While it may be possible to cycle to the village, given the restricted width of the road, I am not satisfied that this would be a viable and safe alternative on many occasions for future residents in these circumstances.
13. In the light of the above analysis, I conclude that the proposal would not provide a safe route for walkers or provide sustainable transport options for occupants of the dwelling because of the likely dependence on the private vehicle to access services and facilities. The proposal therefore would conflict with Policy 1 of the Local Plan and the Framework in these respects.
14. The reason for refusal refers to a conflict with Policy 13 of the Local Plan which concerns grey infrastructure. The policy appears to be directed at the delivery of infrastructure in conjunction with larger scale development proposals and therefore, on the evidence before me, it would not be directly relevant to the scale and nature of the appeal proposal.

Character and appearance

15. The site lies in a countryside setting, which is predominantly open land with established hedges, belts of trees and a scattering of buildings. The character of this area around the appeal site is visually distinct and separated from the more built up form of the village broadly to the north. The site includes the dwelling and outbuildings, and while much of the main dwelling is screened from the road by the established hedge, the residential presence in this rural setting is still evident.
16. The scheme would use the existing vehicular access and the two garage buildings would be removed. Notwithstanding the details at the reserved matters stage, and even if the building was single storey, it is likely that part of the structure would be visible from the road, through the existing access and/or above the hedge. It is also likely that the increased built form on the site would be visible from the fields to the rear even if an extensive landscaping scheme was proposed. Fairly substantial buildings would then stretch to a greater extent across the width of the site expanding the residential presence and impact of the built form of this site within its rural surroundings. Overall the addition of a further dwelling to the site, with the increase in built presence

together with the residential paraphernalia and the associated car parking, would, notwithstanding the site lies within the residential curtilage and has existing screening, introduce a more intensive suburban appearance. This would detract from the more sporadic rural character of the area. I am not satisfied that a well-designed dwelling and comprehensive landscaping scheme at the reserved matters stage could ameliorate this adverse impact on the rural area that I have identified because of the presence of the additional dwelling on this fairly restricted site.

17. It would be possible under permitted development rights to erect a range of outbuildings in the area of the proposed dwelling. While that may be the case, they would be related to the main dwelling and it would not, in my view, have the same impact and presence as an additional dwelling on the site.
18. There is a proposal for a housing development on the other side of the road and this would, if built, change the character of the area. However, the information indicates that this application is not on an allocated site and is yet to be determined. This proposal therefore carries very little weight in the analysis at the present time.
19. Taking all these matters into account, I conclude that the proposal would harm the character and appearance of the area. As a consequence, the scheme would conflict with Policies 1, 4 and 20 of the Local Plan and the Framework which seek, amongst other things, to protect the landscape character of the area.
20. Policy 25 of the Local Plan concerning impacts on amenity has been referred to in the reason for refusal. However, while I have found harm to the character and appearance of the area, I do not consider that there is harm to amenity in terms of the criteria set out in this policy.

Other Matters

21. The appellant has drawn attention to other appeal decisions which it is argued provide similar examples and interpretation of policy which support the present scheme. However, the appeal proposal at land north of Elmside¹, Marnhull is different from the present proposal because it adjoined the village with the access within the settlement boundary and the site was in proximity to other dwellings within the village. That Inspector found that the proposal would not harm the rural character and appearance of the area. There are clear differences with the present appeal site and therefore I attribute the earlier appeal decision limited weight.
22. In relation to the appeal decision at West Stour² I note the Inspector's approach to the consideration of the likelihood of the car being used. However, the nature of the road network was that there was no safety issues with accessing some of the limited local services by foot. The site was on the edge of the village and there was no concern in terms of character and appearance of the area. These matters differ from the present proposal and therefore the balance of considerations is different and I attribute this other appeal decision limited weight.

¹ APP/N1215/W/19/3222944

² APP/N1215/W/18/3211776

23. The appeal decision at Norton in Suffolk³ for up to 8 dwellings appears to be a site that has different characteristics than the present site, as while there would be a dependence on the private vehicle to access services the nature of the site was an extension to an existing residential group outside the settlement. In that case the Inspector identified harm from the relatively unsustainable location although in the overall balance found in favour of the proposal. That scheme would have been considered under different development plan policies and their application in terms of the nature of the site and the relationship to services and facilities in that area. Consequently, I attribute the appeal decision limited weight.
24. The appeal decision at Bingley⁴ was a scheme with over 400 dwellings and other infrastructure, considered under a different development plan, with different locational characteristics and where the balance of considerations was therefore different from the present scheme. I therefore afford this appeal decision limited weight.

Planning Balance and Conclusion

25. The appeal proposal would be contrary to policies 1, 2, 4 and 20 of the Local Plan for the reasons I have given in respect of the main issues. I consider that it would conflict with the development plan when taken as a whole.
26. It is accepted by the main parties, that the Council is unable to demonstrate a 5 year supply of deliverable housing land. The information is that a supply of only 3.3 years can be shown, which would be a substantial shortfall. In these circumstances, the presumption in favour of sustainable development as set out in paragraph 11d of the Framework is engaged. This 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.
27. Due to the Council's housing land supply position, the location of the site outside the Marnhull settlement boundary is not definitive in this case. On the other hand, the site is not on the edge or immediately adjoining the settlement but some distance away. For the reasons given in the main issues this would have harmful impacts and I therefore attribute considerable weight to the conflict with Policies 2 and 20 of the Local Plan in this case.
28. There would be social and economic benefits to the local economy during construction and in subsequent occupation, although these would be to a limited degree due to the scale of the proposal, and in respect of construction would only be for a limited time. The dwelling would be constructed within the garden of the existing property and therefore would not be judged to be isolated but as the location is outside the built up area the site could be considered to be previously developed land. There would be Framework support for these aspects of the proposal.
29. The Parish Council has not objected to this self-build proposal which would add to the delivery and stock of such dwellings. The construction of the dwelling on this windfall site would deliver a small boost to housing land supply in accordance with Framework policy, although as only a single dwelling would result these benefits would be fairly limited.

³ APP/W3520/W/18/3207786

⁴ APP/W4705/V/14/2228491

30. I have taken into account the personal circumstances of the appellant and had due regard to the Public Sector Equality Duty as to how a purpose built bungalow would assist with providing a suitable property. However, there is no conclusive evidence before me to demonstrate that the appeal development is the only means by which such a need may be met and therefore this is a matter that I afford limited weight, given the permanent nature of the development which would result.
31. Drawing these points together, the proposal would cause harm by reason of the location of open market housing, not providing a sustainable transport option for occupants of the site and in terms of the character and appearance of the area. This harm is a matter which collectively I attach substantial weight. The benefits of the scheme and the related Framework compliance in these respects are matters to which I attribute moderate weight. In the circumstances, I consider that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole. As a consequence, the proposal would not constitute sustainable development and this weighs heavily against the scheme.
32. For the reasons given above, there are no material considerations that indicate the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR