
Appeal Decision

Site visit made on 1 June 2020

by James Taylor BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2020

Appeal Ref: APP/D1265/W/20/3246140

Land adjacent to 61 Bowleaze Coveway, Weymouth DT3 6PL

- 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 J Eiles-Clarke against the decision of Dorset Council.
 - The application Ref WP/19/00415/OUT, dated 21 May 2019, was refused by notice dated 20 January 2020.
 - The development proposed is the erection of up to 6 nos. holiday units with associated landscaping.
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Decision

1. The appeal is dismissed.

Procedural issues

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis. However, the appellant has submitted a proposed site plan and massing which shows potential details for the development. I have treated such details as illustrative only. As such, I do not afford them full weight and I am mindful that alternative arrangements could be proposed in any subsequent conditional reserved matters submissions.
3. During the course of the planning application the nature of the development was amended reducing the amount from up to 10 units to up to 6 units. Therefore, I have taken the description of the development from the appellant's appeal form as this accurately reflects the nature of the development proposed at the point of the Council's decision.

Main issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site slopes from the west down to the east and currently has a verdant and undeveloped appearance. Although separated from the land to the north and east by a low wire fence that is supported by timber posts, cumulatively the two parcels provide a large area of land that contributes positively, both visually and spatially, to the rural and open character outside of the settlement boundary. Furthermore, albeit to a lesser degree, the site

also relates to the open land to the south on the opposite side of Bowleaze Coveaway.

6. To the west, immediately adjacent to the appeal site is 61 Bowleaze Coveaway. This is a two-storey detached dwelling elevated above the appeal site and separated from it by an access track. Its eastern elevation, whilst rendered, is well articulated with a high number of windows and varied form. It is located within the settlement boundary and is the last in a row of large detached houses along the north side of Bowleaze Coveaway. These properties are clearly residential in character.
7. The proposal is in outline with all matters reserved, and it is described as being for up to six units. However, I am mindful of the indicative layout and massing of the units provided by the appellant to support their proposal. They are indicative of a form and amount of development consistent with the space available within the site having regard to its constraints, including the proposed mitigation for likely significant effects on the Isle of Portland to Studland Cliffs Special Area of Conservation. As such, I afford them some weight.
8. Given its elevated position, there are a number of views of the appeal site from Bowleaze Coveaway, publicly accessible land, and the rights of way that run along the coast and inland through the valley. Whilst some of these views are not in close proximity, they afford an appreciation of the existing undeveloped, open and verdant appearance of the site. Furthermore, from these views the site is generally seen in the context of and against No 61.
9. I note an intention to retain a large proportion of the site as open. This may be landscaped to help reduce the visual prominence of any built form, including through compliance with the appellant's Biodiversity Mitigation and Enhancement Plan. Furthermore, I note the indicative low-profile form shown on the illustrative details. However, these potential mitigation measures would not satisfactorily address the significant erosion of the existing verdant and undeveloped character and appearance of the site. Furthermore, the proposal would erode the link between the open space at Furzy Cliffs and the open rural landscape inland of this. Whilst not subject to any special designations I find that this local landscape character is highly attractive and that the proposal would be likely to have a significant adverse effect on its character and visual quality.
10. Furthermore, whilst the adjacent built form would provide visual screening of the appeal site on approaches from the west, other significant views would remain. Moreover, from these viewpoints the proposal for holiday accommodation would appear incongruous against the context of the adjacent large and detached housing. Even if the number of holiday units were significantly less than six, the amount of space available would not facilitate a development that could successfully assimilate with the adjacent housing's form, scale and massing.
11. I have noted the built-up development within the valley to the east of the appeal site. The proposals would likely have some consistency with the visual and spatial characteristics of this area, in particular the visitor accommodation at the Waterside Holiday Park. However, I do not consider that the appeal site would relate well to this area because of the significant separation that the intervening rural and open land provides. As such, I do not find that this sets any form of precedent for allowing the proposal.

12. Therefore, in conclusion on the main issue I find that the proposal would harm the character and appearance of the area. As such, the proposal would not accord with Policy ENV1 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP). This seeks, amongst other aims to ensure that development is located and designed so that it does not detract from and, where reasonable, enhances local landscape character.

Other matters

13. The appeal site lies approximately 35 metres from the Isle of Portland to Studland Cliffs Special Area of Conservation (SAC). Furthermore, the evidence details that the site forms a part of an ecological corridor that links the SAC to the open countryside to the north. The indicative plans have formed a part of the Council's and Natural England's assessments. They have concluded that the likely significant effects on the SAC can be appropriately mitigated through conditions. Because I am dismissing the appeal for other reasons, in these circumstances, it is not necessary for me to reach a conclusion on this matter. Even if I were to reach a similar conclusion, I find that the proposal would provide mitigation and that this weighs neutrally in any planning balance.
14. The appellant has highlighted that the principle of development is acceptable under Policy ECON6 of the LP. I note that the principle of development is not one of the Council's reasons for refusal and I have no evidence to reach a different conclusion. This policy seeks to secure the economic and social benefits of tourism to the area. However, I attribute limited weight to this given that such benefits would likely be modest from a development of up to 6 units.
15. The appellant also highlights the lack of objection on other planning grounds, including highways, drainage, land stability, and wider ecological considerations. However, I do not find any evidence that these matters, even if taken cumulatively, would provide benefits to outweigh the harm I have identified.
16. Finally, the appellant has highlighted that the Council's decision was by a committee of elected members. I appreciate that they will feel frustration in these circumstances given the lack of objection from Weymouth Town Council to the initial ten-unit scheme, the level of negotiation that the scheme has been through and the positive recommendation made by the Council's professional officers. However, that the committee made a planning judgement contrary to the advice of their officers does not weigh in favour of the proposal. Furthermore, based on the evidence provided, and my own site observations, I have found that the Council's decision has been adequately substantiated.

Conclusion

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

James Taylor

INSPECTOR