
Appeal Decision

Site visit made on 17 July 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/D1265/W/20/3250955

The Barn, Park House Farm, Chetnole, Dorset DT9 6HH

- 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 Mr and Mrs Andrew Cooke against the decision of Dorset Council.
 - The application Ref WD/D/19/002478, dated 25 September 2019, was refused by notice dated 23 January 2020.
 - The development proposed is change of use from holiday let to residential dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from holiday let to residential dwelling at The Barn, Park House Farm, Chetnole, Dorset DT9 6HH in accordance with the terms of the application, Ref WD/D/19/002478, dated 25 September 2019, and the plans submitted with it, subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Main Issue

2. The main issue is whether the site is a suitable location for a permanent residential dwelling, with particular regard to whether future occupants would be able to access the site, and services and facilities, by means other than use of private motor vehicles.

Reasons

3. Policy SU2 of the West Dorset, Weymouth & Portland Local Plan 2015 (the Local Plan) sets out the settlement strategy within the applicable part of the Council area. This directs development in rural areas to settlements with development boundaries, and restricts development in locations outside. Policy SU3 of the Local Plan however sets out an exception for proposals involving the adaptation and reuse of buildings outside development boundaries, including where this would provide open market housing. Having principally assessed the scheme against this policy, the Council states that a conflict would arise insofar as the dwelling would not be 'tied' to the wider holding/main property.
4. The supporting text of Policy SU3 explains that the purpose of such a tie, which would be secured by a Section 106 agreement, is to ensure that the development directly benefits a local family/community. There is no prescription of what form a tie should take.

5. The Council has however provided an example from another case. In that case occupancy was restricted on the basis of a connection with the 'locality', with provision made for the locality to be considered on a district-wide basis. It is unclear what the exact relationship between a tie on this basis, and travel is. No explanation is provided. The Council's concern, and reason for refusal in the current case, is nonetheless that future occupants would be dependent on private cars, presumably giving rise to environmental harm.
6. I consider that it is reasonable to interpret the Council's reference to 'private cars' in this case as applicable to private motor vehicles in general, as all would have the broadly similar environmental effects.
7. The site contains a 2-bed self-contained holiday let. This occupies a location adjacent to a farmhouse in the open countryside, on a lane connecting the villages of Chetnole and Leigh. The 2 villages are each a similarly short distance from the site. They contain a limited range of services and facilities, albeit these notably include a railway station on the line connecting Dorchester and Yeovil.
8. The lane is narrow with bends in some places, and there is no footway or lighting. Thus, whilst both villages can be reached fairly quickly on foot, the walk is not risk free. This could be off-putting, but future occupants might nonetheless walk on account of the short distances involved. Future occupants could otherwise cycle to either village, taking no more than a few minutes in each direction, or to the railway station, taking a few minutes more. Future occupants would not therefore be dependent upon private motor vehicles to access services and facilities in either village, or those in other settlements served by the railway. It follows that they would not be dependent upon private motor vehicles to access the site itself. The site is not therefore, 'inaccessible apart from using private cars', as stated in the decision notice.
9. Future occupants might nonetheless favour use of private motor vehicles. This could however be the case regardless of the presence or absence of a tie. Indeed, in the absence of any evidence to the contrary, it is unlikely that any significant variation in the pattern of vehicle use would arise. There would therefore be little if any overall difference in the level of environmental harm likely to be caused by the use of private motor vehicles by future occupants, if the dwelling was tied or not.
10. Moreover, in either case any alleged environmental harm must also be set against that which has arisen or could arise from travel by holiday makers using the let. This could be substantial taking into account the fact that holiday makers could travel to and from the site from much any part of the world.
11. The Council cited paragraph 79 of the National Planning Policy Framework (the Framework) in the decision notice, which states that decisions should avoid development of isolated homes in the countryside. However, regardless of the physical disputation of the site, and the restricted use, the 'home' in question already exists. Even if it didn't, Policy SU3 provides a more flexible approach than that set out in paragraph 79. This is simply demonstrated by the fact that had the appellant sought to tie the dwelling to the wider holding/main property, conflict with Policy SU3 would not have existed.
12. I have also taken into account paragraph 78 of the Framework which states that in rural areas housing should be located where it would enhance or

maintain the vitality of rural communities. Again, the 'house' in question already exists. However, with regard to its particular use permanent occupants would, in my view, be more likely to make a positive ongoing social and economic contribution to the local communities of Leigh and or Chetnole, than do or would occasional short-stay holiday makers. As this would benefit these communities, a key purpose of a tie set out within the supporting text of Policy SU3 would be addressed.

13. Exercising my duty under section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), I find that whilst the proposed dwelling would not be tied to the wider holding/main property as required by Policy SU3 of the Local Plan, no unacceptable environmental harm would arise as a result of private motor vehicle use by future occupants in accessing the site, services and facilities. On this basis the site would be a suitable location for a permanent residential dwelling. Moreover, the proposed use would provide a greater benefit to the rural communities of Chetnole and Leigh than does the current use, thus satisfying a key purpose of a tie. These considerations indicate that planning permission should be granted despite the identified conflict with Policy SU3. Though the Council also cited Policy INT1 of the Local Plan in its decision, this lists a series of considerations rather than specific criteria against which to assess the development.

Other Matters

14. I additionally note the Council's reference to conflict with Policy ECON6 of the Local Plan within the officer report. Amongst other things Policy ECON6 provides some protection against permanent loss of hotels and larger guesthouses. However, as the appeal property is neither, Policy ECON6 is not relevant.
15. I also acknowledge the Council's reference to another appeal regarding a site near Chickerell. However, whilst I have been provided with limited details, the site in question is in a different location whose circumstances are unlikely to identically match those of the current appeal site. I have therefore considered the current appeal on its own merits.
16. As the Council lacks a demonstrable 5-year supply of deliverable housing sites. As no policies which protect areas or assets of particular importance are applicable, the 'tilted balance' set out in paragraph 11(d)(ii) of the Framework is engaged. I have already found that there would be no unacceptably adverse effects of granting permission on the basis claimed by the Council. It inevitably follows that any adverse effects of granting permission would not significantly and demonstrably outweigh the benefits of providing a single permanent residential dwelling when assessed against the policies in the Framework taken as a whole. This is a consideration which lends weight in favour of the scheme, however, in view of my findings above, it is not determinative in this case.

Conditions

17. I have imposed a condition setting a time limit for commencement of the development for sake of certainty. In view of the fact that the scheme involves a change of use, I have referenced the plans in my decision rather than within a condition.

18. The Council has not requested any conditions. The officer report however notes the potential to control permitted development rights within the curtilage of the dwelling. This would be in order to limit the accumulation of domestic paraphernalia. This is however identified as being present already, and, notwithstanding the presence of some agricultural sheds ,the site indeed has a generally domesticated character. Such a condition is therefore unjustified.

Conclusion

19. For the reasons set out above I conclude material considerations indicate that planning permission should be granted despite an identified conflict with the development plan. The appeal should therefore be allowed.

Benjamin Webb

INSPECTOR