
Appeal Decision

Site visit made on 23 June 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 06 August 2020

Appeal Ref: APP/D1265/W/20/3245198

**Beehive Self Storage, Gold Hill Business Park, Gold Hill, Child Okeford
DT11 8HF**

- 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 Paddock Green Limited against the decision of Dorset Council.
 - The application Ref 2/2018/0595/OUT, dated 27 April 2018, was refused by notice dated 29 October 2019.
 - The development proposed is described on the application form as redevelopment of the site for the erection of 68 No. dwellinghouses with associated access and public highway improvements and open space.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, North Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked and replaced. I shall therefore determine the appeal having regard to the policies set out in the North Dorset Local Plan Part 1 (2016) (LP).
3. The proposal is made in outline with access to be considered now and layout, scale, appearance and landscaping reserved for future consideration. While drawings showing the potential layout of the proposed development have been submitted, I have considered these solely as illustrative, except for the details of the proposed accesses.
4. The proposal was submitted to the Council for 68 dwellings as set out in the description in the header above, which is taken from the application form. During the Council's consideration of the application, the appellant submitted a revised indicative plan for 57 dwellings, however this does not appear to have been formally accepted by the Council. Although the appellant contends that the Council determined the application on the basis of the amended plan, the Council's officer report assesses the proposal for 68 dwellings. The Council gives a slightly different description of development on its decision, as the appellant recognises in Part E of their appeal form, however the decision refers to erection of 68 dwellings and accompanying works. Therefore, from the evidence before me, although the Council had the revised plan for some months, it is apparent that it reached its decision on the basis that the proposed development was for 68 dwellings.

5. The appellant has requested that I determine the appeal on the basis that 57 dwellings are proposed. However, it is important that what I consider is essentially what was considered by the local planning authority, and on which interested people's views were sought. The change from 68 dwellings to 57 would be a significant alteration to the proposed development, and the smaller development could potentially have materially different effects. Although some interested parties have commented on the smaller scheme, from the evidence before me I cannot be certain that all interested parties are aware of the proposed amendment. While some consultation on the amended plan appears to have been carried out within the Council during the application process, from the evidence before me I cannot be certain that all those who should have been consulted on the proposed amendment, including statutory consultees, have had the opportunity to comment. Consequently, accepting the change to 57 dwellings would be likely to deprive interested parties of the opportunity to comment and lead to prejudice.
6. The main parties have suggested that, were I to allow the appeal, I would have the option to limit the number of dwellings permitted to 57 through a planning condition. However, the description of development is for 68 dwellings, not 'up to' 68 dwellings and as such there is no flexibility inherent within it. Therefore, such a condition would set up a fundamental inconsistency between the operative part of the decision, i.e. the description of development, and the conditions in accordance with which the development must be constructed. Although the appellant suggests that I can change the description of development, I have not been directed to any mechanism by which I have the power to do so in determining this appeal, particularly given that both the appellant's and Council's descriptions refer to 68 dwellings. Moreover, as set out above, to make such a change would be likely to prejudice interested parties. Therefore, I will determine the appeal on the basis that 68 dwellings are proposed.
7. During the appeal process a signed and dated section 106 agreement has been submitted including planning obligations relating to affordable housing, community facilities, education and primary healthcare. It is however based on the 57-dwelling scheme and as such does not relate to the development before me. I deal with these matters below.
8. The appellant has also provided an Ecology Report in relation to another development on the same site, to address concerns regarding the impact of the proposal on protected species. I am conscious that this report has not been widely circulated in the context of this appeal, however as it expands on a previously submitted report only in relation to bat emergence surveys, I do not consider that interested parties would be prejudiced by my taking it into account.

Application for costs

9. An application for costs was made by Paddock Green Limited against Dorset Council. This application is the subject of a separate Decision.

Main Issues

10. The main issues are: whether the appeal site is a suitable location for housing development having regard to the settlement strategy and access to services and facilities; the effect of the proposed development on biodiversity and protected species and the character and appearance of the area and the Dorset Area of Outstanding Natural Beauty; whether the proposal makes adequate provision for affordable housing and for any additional need for infrastructure arising from the development; and the effect of the proposed development on the character and appearance of the Child Okeford Conservation Area.

Reasons

Location

11. Policy 2 of the LP sets out the Core Spatial Strategy and defines Child Okeford as one of 18 'larger villages' which, along with Stalbridge, are identified as the focus for growth to meet local needs outside of the four main towns in the plan area. The Policy sets out that in the larger villages, the focus will be on meeting local (rather than strategic) needs, and that outside of these areas countryside policies will apply and development will be strictly controlled unless it is required to enable essential rural needs to be met.
12. The appeal site is outside of the settlement boundary of Child Okeford, and as such is in the countryside as defined in the LP¹. LP Policy 20 sets out that in the countryside, development will only be permitted if it is a type appropriate in the countryside, as set out in the relevant policies of the LP; or, for any other type of development, if it can be demonstrated that there is an overriding need for it to be located in the countryside. The proposal is not a type of development identified in the LP as appropriate in the countryside and as such does not meet the first criterion of LP Policy 20.
13. Turning to the second criterion, the evidence before me is that the Council cannot currently demonstrate a 5-year supply of housing land as required by the National Planning Policy Framework (the Framework). The main parties dispute the extent of the shortfall, with the appellant quoting 3.3 years from a December 2019 appeal decision² based on the Council's figures given in that appeal, which appear to be taken from the Council's 2017-2018 Annual Monitoring Report (AMR). The Council refers to a 4.0 year supply, taken from the 2018-2019 AMR. The Council's figure appears to be the most up-to-date, but nevertheless shows a moderate shortfall.
14. The AMR also shows a noticeable upturn in net completions in 2018/2019 compared to previous years which, although still below the identified annualised housing requirement, is predicted to increase. Indeed, Stalbridge and the larger villages are set to exceed the housing numbers projected in the LP over the plan period. Consequently, the Council has demonstrated some progress towards addressing the shortfall.
15. The proposal would deliver a net increase of 67 dwellings, as an existing bungalow on site is proposed to be demolished. The submitted s106 agreement seeks to secure some as affordable homes with occupancy restricted to those with a local connection. I have not been provided with any evidence that the proposal would contribute to an identified local housing need for Child Okeford and, as such, it would not meet the requirement of LP Policy 2 that the focus of development in larger villages will be on meeting local, rather than strategic, needs. Nevertheless, the proposal would make a modest, but nonetheless valuable, contribution to housing supply, potentially in the next 5 years, and to meeting an identified need for affordable housing in the plan area.
16. Child Okeford has a number of services and facilities which make it one of the more sustainable settlements in the plan area, where the LP supports development. The appeal site is adjacent to existing housing at one end of the village and as such is not physically remote from the settlement. Consequently, the proposal would not result in the creation of isolated homes in the countryside which Framework paragraph 79 seeks to avoid.

¹ Paragraph 8.174

² APP/N1215/W/19/3227559

17. Although the appellant contends that the tightly drawn settlement boundary of Child Okeford constrains housing supply, the AMR gives details of several sites that will contribute to the 5-year supply and as such there is evidently some development taking place. There is no compelling evidence before me to support the appellant's contentions that the definition of settlement boundaries across the plan area, the age of those boundaries or the absence of Neighbourhood Plans or the LP Part 2 have contributed to the shortfall in housing supply. Nor has it been demonstrated that sites outside of settlement boundaries will need to be released to meet the Council's future housing needs or the needs of the village. Consequently, while Child Okeford is a suitable location for new housing development, no need for housing in the countryside outside the village has been demonstrated.
18. Framework paragraph 78 requires that rural housing should be located where it will enhance or maintain the vitality of rural communities. Occupants of the proposed development would be likely to use and support local facilities and services, however there is no substantive evidence before me that any are under threat or that this amount of housing is needed to maintain the vitality of the rural community. Furthermore, the site is some distance from the services and facilities, and residents would need to travel uphill along a relatively narrow lane, negotiating blind bends and with only intermittent footway. As such, while it would be possible to walk or cycle to local facilities and bus stops, it would not be an attractive or safe route, particularly outside daylight hours. In addition, the evidence before me is that buses are infrequent and do not run during evenings and weekends, meaning that they are unlikely to provide a realistic alternative for travel to work and school. Residents are therefore likely to rely on the private car to meet their day-to-day needs.
19. Framework paragraph 103 recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and I acknowledge that existing village residents are already in the same situation. Nevertheless, the location of the appeal site compromises the ability to access such modes and as such, it is not a particularly sustainable location for housing.
20. The appellant proposes to improve accessibility by constructing a length of footway from the site to connect with an existing section outside Bower. However, there are two substantial trees in the verge outside the site which are not identified on the plan of the proposed footway or in the appellant's arboricultural report. Although the appellant suggests that these do not need to be removed and that no-dig construction could be used, one of the trees is so close to the road that it is difficult for a pedestrian to pass without stepping onto the carriageway. I therefore cannot be certain that the footway can be delivered as shown on the plan, and consequently, it would not be reasonable to require its provision by means of a planning condition. It has not therefore been demonstrated that safe and suitable pedestrian access to the site can be provided, which further weighs against the sustainability of its location.
21. Part of the site is in use for self-storage falling within Use Class B8, part contains a workshop and a bungalow, with the remainder comprising vacant agricultural buildings or undeveloped agricultural land. Only the non-agricultural parts of the site and their curtilages would fall within the definition of previously developed land (PDL) in the Framework. Of those, all but the workshop are occupied and in a beneficial use. Therefore, the benefits of re-developing the PDL for housing would be limited.
22. Accordingly, based on the evidence before me I do not consider that, taken together, these matters amount to an overriding need for the proposed

development to be located in the countryside. Consequently, the proposal would conflict with LP Policy 20, and therefore also with Policy 2, and with Objective 4, which seeks to enable a network of sustainable rural communities by focusing on meeting local needs and adopting a general policy of restraint. Furthermore, it would not benefit from the support for sustainable rural development in the Framework. Therefore, the appeal site is not a suitable location for housing development having regard to the settlement strategy and access to services and facilities.

Biodiversity and protected species

23. The appellant's ecology reports identify that the existing bungalow is a summer roost for Common pipistrelle bats. An area in the north-west of the site is also identified as having potential for reptiles. Bats and some types of reptile are protected by law. LP Policy 4 requires that where there is likely to be an impact on protected species, an assessment of the impact on these species should be submitted to accompany development proposals. The Framework requires planning decisions to contribute to and enhance the natural environment, including by minimising impacts on and providing net gains for biodiversity. Paragraph 175 directs that, "if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or, as a last resort, compensated for, then planning permission should be refused".
24. The proposal includes demolition of the bungalow, which would result in the complete loss of, and therefore significant harm to, the bat roost. As such, a European Protected Species Licence (EPSL) would be required. As the competent authority, I must consider whether there is a reasonable prospect of an EPSL being granted and apply the tests set out in the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). While the third test, that of impact on favourable conservation status, is considered through the licensing procedure, the first two tests, of overriding public interest and satisfactory alternatives, must be considered as part of the planning assessment of the proposal.
25. The bungalow is outside of the area of the proposed attenuation basin and as such, it has not been demonstrated that it needs to be demolished to provide drainage for the site. The layout of the proposed development is a reserved matter and, given the size of the site, there is no compelling evidence before me to show that the bungalow could not be accommodated along with the 68 dwellings and open space proposed. Therefore, it has not been demonstrated that there is no satisfactory alternative to demolishing the bungalow, with the consequent harm to the bat roost, or that there are any imperative reasons of overriding public interest for doing so.
26. A Biodiversity Mitigation Plan (BMP) has been submitted, which includes methods of working and compensatory measures to provide bat tubes in a new dwelling on the site of the existing dwelling. This further calls into question the need to demolish the bungalow only to replace it with another dwelling in the same location. If the recommendations of the BMP were followed, the proposal is unlikely to be detrimental to the maintenance of the population of the species at a favourable conservation status. However, while the third test of the Habitats Regulations would be satisfied, the first two would not. I recognise that the BMP has been agreed by the Council's Natural Environment Team (NET) and a 'Certificate of Approval' has been issued, however this relates only to the third derogation test and does not consider the first two. Therefore, I cannot be certain that there would be a likelihood of an EPSL being granted for the development.

27. The BMP also recommends that a reptile survey is necessary, however there is no such survey before me. Although suitable reptile habitat has only been identified in one part of the site, as layout is a reserved matter I cannot be certain, at this stage, that the area would remain undeveloped or unaffected during construction. Circular 06/2005³ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. It goes on to set out that surveys should only be required by condition in exceptional circumstances⁴. As no reptile survey has been provided, there is insufficient information before me to determine whether reptiles would be affected by the appeal proposal. Consequently, as the proposal could potentially harm reptiles, I must take a precautionary approach.
28. There is no information accompanying the NET 'Certificate of Approval' which explains why the BMP is considered acceptable in the absence of a reptile survey, or why a condition to require further surveys would be appropriate in this case. Furthermore, if reptiles were found on site, there is no provision in the BMP to put in place any measures to mitigate impacts on them. Therefore, it has not been demonstrated that compliance with the BMP would result in compliance with the Habitats Regulations, or that an EPSL would be granted. As such I do not consider that this certificate constitutes exceptional circumstances to justify a condition requiring reptiles surveys to be carried out.
29. Although the appellant contends that the proposal would result in a biodiversity net gain, this would be heavily dependent on the retention of existing trees and hedges, landscaping of the site, the provision of open space and the subsequent management of these green spaces, which the BMP states would be done by a management company. While the retention and new provision could be secured by condition, the proposed management arrangements would have financial implications as a management company would require funding. It therefore cannot be secured through a condition. There are however no planning obligations to secure or fund a management company in the submitted s106 agreement, and no other alternative management options are before me. Therefore, there is no mechanism before me to ensure that the BMP would be complied with and green spaces would be managed in such a way that the biodiversity enhancements proposed would be realised.
30. Accordingly, there is an unacceptable risk that the proposal would harm protected species and, in respect of bats, it has not been demonstrated that such harm could not be avoided. Consequently, the proposal would conflict with LP Policy 4 and Framework paragraph 175 and this weighs heavily against the proposal. Furthermore, it has not been demonstrated that the proposal would result in a net gain in biodiversity. It would not therefore benefit from the support for such gains in LP Policy 4 and would conflict with Framework paragraph 170.

Character and appearance of the area

31. The appeal site is identified in the Council's Landscape Character Area Assessment⁵ as being in the Blackmore Vale Character Area. The site is in part a grassed field and is bounded by straight hedgerows dotted with mature Oak trees. As such, it incorporates some of the key characteristics of this Landscape Character Area (LCA). The Council also identifies the site as being within the Clay Vale Landscape

³ ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system

⁴ Paragraph 99

⁵ North Dorset District Council, 2008

Character Type (LCT), where the key land management guidance includes encouraging maintenance and enhancement of boundaries, and conserving the pattern and character of small settlements and associated surrounding tree/copses/woodlands.

32. Child Okeford is a small-scale linear village centred around a historic core and surrounded by agricultural land, typical of the small villages in the area. Although the density of residential development is relatively low, dwellings are set close to the fairly narrow road, with few footways or verges in between, and plots are often bounded by hedges. This gives the village an enclosed and tight-knit character.
33. There is a distinct change in character after the modern development at Bower, as a group of substantial trees to the north of that development largely screen the buildings on the appeal site and the house at Little Meadow from view. This vegetation creates a clear visual break between the site and the settlement, such that little development is visible beyond it. From the appeal site access onwards, Lower Common Road is bounded by largely unbroken hedgerows, with views across the open fields and little development visible, giving it a verdant, rural character. Consequently, although the appeal site is physically close to the village, visually it appears as part of the countryside rather than the settlement.
34. Although the existing buildings are large, they are set well back from the road and partially screened by vegetation, and as such are not prominent features in the street scene. Their colour and scale mean that they are however visible in wider views from Lower Common Road and nearby footpaths, and in longer distance views including from Hambledon Hill. The Hill is in the Dorset Area of Outstanding Natural Beauty (AONB) and offers expansive, and publicly accessible, views across the countryside. Therefore, this landscape makes an important contribution to the setting of the AONB.
35. While some are in different use, the existing buildings have retained their agricultural character, and are seen in the wider landscape which includes polytunnels and other modern farm buildings scattered in the countryside around several villages. Consequently, the existing buildings fit within their rural context and the landscape character of the area and are the type of development that would be expected in that landscape. Their removal would not therefore result in any significant benefit to the character and appearance of the area.
36. Due to the number of dwellings proposed and the need to provide parking, gardens, and suitable separation distances between dwellings, in all likelihood the proposed development would be spread across more of the site than the existing buildings. As such, even with the open space proposed, and although the proposed dwellings are likely to be smaller in scale than the agricultural buildings, the proposal would result in a substantial change to the character of the appeal site and the expansion of built form into the countryside. As there is no other development on three sides of the site, the proposal would create a significant area of new residential development, intruding into the countryside well beyond the extent of the current village.
37. The use of materials sympathetic to those in the village would be likely to have a more muted appearance than the existing buildings. However, by creating a visual link to the village, such materials would also be likely to highlight the residential nature of the development. Therefore overall, even with careful design the proposal is unlikely to be less intrusive in the landscape than the existing buildings, as the appellants contend.

38. Consequently, due to the amount and extent of development proposed, the proposal would be seen in wider and longer distance views as an expansion of the village. Therefore, it would not conserve the pattern and character of the settlement and as such, would harm the landscape character of the area. Given that the existing buildings fit into their rural context, this harm would not be outweighed by their loss. While in the context of the wider landscape the effect would be limited, nonetheless the proposal would not conserve or enhance the natural beauty of the area and, as such, would also result in limited harm to the setting of the AONB.
39. In terms of localised impact, the creation of 5 new vehicular accesses and one pedestrian access onto Lower Common Road would provide views into the interior of the site from the road, revealing the residential nature of the development to those approaching the village. The provision of visibility splays would necessitate the loss of the eastern hedge, which forms a strong boundary to the appeal site and contributes positively to the rural character of the area. Although the hedge would be replaced further into the site, it would take several years to provide any significant screening. Even when mature, the numerous domestic scale accesses through it would give the site a suburban appearance akin to that found within the village.
40. The density of housing, when calculated across the whole of the site, would be around 18 dwellings per hectare, comparable to other developments within the village. While this relatively low density would enable the retention of existing structural landscaping and the inclusion of further planting and open space, the extent and amount of development would, be likely to be apparent from the road, and would have a significant urbanising effect. Consequently, the cumulative impact of the number of dwellings proposed, and the number and location of the proposed accesses, would significantly and harmfully alter the rural character of this part of Lower Common Road.
41. I note that the appellant's Landscape and Visual Impact Assessment (LVIA) identifies that the proposal has the potential to have positive landscape and visual impacts due to the loss of the existing buildings. However, the assessment was based on a scheme of 'up to 68 dwellings' and the appended plan is for the 57-dwelling scheme. The LVIA refers to areas of public open space being provided in the north and south of the site and as such, clearly references the smaller scheme. Consequently, I cannot be certain that its conclusions would apply to the 68-dwelling scheme before me, which I have considered on its own merits. Even if the scheme were for 57 dwellings, I cannot be certain from the evidence before me that this reduction in scale would be sufficient to overcome the harm that I have identified.
42. Accordingly, the proposal would have a detrimental impact on the character and appearance of the area and cause limited harm to the setting of the Dorset AONB. Although the proposal would boost the supply of housing and generate economic benefits, the scale of development has not been demonstrated to be within the needs of those who live and work in the area. Therefore, it has not been demonstrated that this harm is in the public interest as required by the LP. As such, the proposal would conflict with Objective 2 and Policies 4 and 24 of the LP which seek, amongst other things, to conserve or enhance the natural environment and protect landscape character, require that development improve the character and quality of the area within which it is located and seek to resist development which would harm the natural beauty of the AONB and its setting.
43. Furthermore, the proposal would conflict with the Framework which requires that development contribute to and enhance the natural and local environment,

including by protecting and enhancing valued landscapes and recognising the intrinsic character and beauty of the countryside; and that development is sympathetic to local character, including the surrounding built environment and landscape setting.

Affordable housing

44. LP Policy 8 requires developments of 11 or more net dwellings outside the settlement boundaries of specific settlements to provide 40% of the total number of dwellings as affordable housing. Provision should be made on site, with any shortfall met by off-site provision or a financial contribution. The Policy allows for provision below this level where it is justified on the grounds of viability.
45. Although the completed s106 agreement secures 40% of the total number of dwellings as affordable, it is based on the development described in the agreement, which is for 57 dwellings. There is no completed agreement before me that relates to the 68-dwelling scheme. Therefore, the s106 agreement would secure 22 affordable dwellings and a financial contribution in lieu of 0.8 dwellings, which would be less than 40% of the 68-dwelling scheme before me. The appellant is not seeking to suggest that a policy compliant level of affordable housing is not viable. Therefore, the proposal would not make adequate provision for affordable housing and conflicts with LP Policy 8.
46. Nevertheless, although not policy compliant, the proposal would provide some affordable housing which would contribute towards a need identified in the LP. This is a benefit of the scheme to which I afford modest weight.

Infrastructure

47. LP Policies 13, 14 and 15 require the provision of grey, social and green infrastructure (GI) to support development. The LP sets out that grey infrastructure describes the physical works required to support development, including transport, utilities, drainage and waste. Social infrastructure includes education, health, community, cultural, recreation and sports facilities. GI is defined in the LP⁶ as the strategic network of accessible multifunctional sites and features and the linkages between them, that improve quality of life and enhance the environment.
48. In terms of grey infrastructure, the need for a footway along Lower Common Road is identified in the appellant's Transport Assessment in order to provide direct and safe access for pedestrians to the site. However, for the reasons discussed above, it has not been demonstrated that this can be provided. The appellant also refers to creating a link from the site to the public right of way (PROW) to the south, however it is not shown on the submitted drawings. As access is sought for consideration now, it therefore does not form part of the proposal. Furthermore, no provision is made in the s106 agreement to secure public access across such a route, and this cannot be achieved by condition. Consequently, although some sustainable transport measures could be secured through a Travel Plan, it has not been demonstrated that the proposal would meet the requirement of LP Policy 13 to provide and enhance walking facilities in rural areas.
49. The evidence before me indicates some evidence that the appeal site suffers from surface water flooding, including the appellant's topographical survey. The proposal includes an attenuation basin and sustainable drainage systems (SUDS) to address surface water flood risk, which could be secured by condition. However, the

⁶ Paragraph 7.117

- evidence before me indicates that the drainage measures would be privately managed. In the absence of a mechanism to secure a management company or other funding for management and maintenance, I cannot be certain that these drainage features would remain effective for the life of the development, and therefore, that the proposal would not contribute to flood risk on site or elsewhere.
50. Accordingly, while provision for car and cycle parking and waste could be secured by condition, there would be conflict with the requirements of LP Policy 13 to maintain, enhance and provide the grey infrastructure needed to support the development. Furthermore, the proposal would conflict with Framework paragraph 165 which requires maintenance arrangements to be in place for SUDS for the lifetime of the development.
51. LP Policy 14 requires that the level of social infrastructure across the plan area is maintained and enhanced and that development supports this through provision on site and/or contributions to provision off-site, as appropriate.
52. The proposal would generate a need for additional school places and increased demand for health services at the Child Okeford Surgery and as such, financial contributions are necessary to provide additional capacity. The amounts required and where these would be spent have been robustly evidenced by the Dorset Clinical Commissioning Group and the Council's Children's Services team. However, as the agreement relates to a scheme of 57 dwellings, the health contribution has been reduced pro-rata, and is therefore not sufficient to mitigate the impacts of the 68-dwelling scheme before me in respect of health and education contributions.
53. The proposal would generate additional demand for play, sports and community facilities and in the absence of on-site provision, would put additional pressure on existing facilities. The s106 agreement includes contributions which seek to provide both social and green infrastructure through provision of a pump track on the recreation ground and extension and refurbishment of the Child Okeford community centre. The contribution required for 68 dwellings has been briefly evidenced by the Council, however the figure in the s106 agreement relates to the smaller development. While I understand the contribution would enable the Parish Council to secure match funding from Sport England, I have not been provided with details of the cost of the projects or any other funding that has been secured towards them. Therefore, I cannot be certain that the contribution secured would be sufficient to deliver the play, sports and community improvements necessary to mitigate the impacts of the proposal. Consequently, the proposal would conflict with LP Policy 14.
54. LP Policy 15 requires development to enhance existing and provide new GI to improve the quality of life of residents and deliver environmental benefits; and to deliver, or contribute towards the delivery of, a range of measures including open space, enhancement to the functionality, quality and connectivity of GI and area specific packages that achieve multiple benefits. The Framework encourages provision of GI to promote healthy and safe communities, plan for climate change, and improve biodiversity and air quality.
55. As set out above, there is no provision within the appeal proposal for a link to the adjacent PROW, and as such it fails to take the opportunity to enhance the connectivity of the appeal site with the surrounding countryside. While the appellant indicates the provision of significant amounts of open space on site, there is no mechanism before me to ensure that it would be available to the public or to secure its future maintenance and management. The contribution to play and sports facilities would result in wider benefits to the local community and this

would justify such provision being off-site in this case. However, there is no provision made for allotments in line with the requirements detailed in LP paragraph 7.139. There is no evidence before me from either main party to justify the absence of such provision and as such, I am unable to conclude that it is not necessary to meet the needs of future residents.

56. Consequently, it has not been demonstrated that the proposal would secure adequate GI to mitigate the impacts of the additional population generated by the development or to improve the quality of life of residents and deliver environmental benefits, as required by LP Policy 15. Further GI provision could potentially be secured at reserved matters stage as part of the layout and landscaping of the scheme. However, as it is not before me now, I cannot be certain that such provision would be made. As such, the proposal would conflict with LP Policy 15.
57. Accordingly, it has not been demonstrated that the proposal would mitigate the additional need for grey, social and green infrastructure arising from the development. This is not a particularly complex development, and as such, there are no exceptional circumstances that would justify imposing a negatively worded condition to require the appellant to enter into a legal agreement to secure the necessary provision.

Conservation Area

58. The Child Okeford Conservation Area (CA) is split into two parts, one centred around the historic core of the village and the other at the northern end of the village approximately 160m from the appeal site. The CA derives considerable significance from the historic buildings within it, its historic pattern of built development and countryside surrounding the village. Modern developments have in places surrounded the older properties, however the northern boundary of the CA is adjacent to agricultural land and forms the edge of the village. The properties within this part of the CA are seen when approaching the village along Lower Common Road, whereas dwellings on the other side of the road are largely screened by vegetation. Consequently, the largely undeveloped rural setting creates a clear distinction between the countryside and the northern extent of the village, and forms an important part of views to and from the CA.
59. By introducing a considerable amount of residential development clearly visible from Lower Common Road, the proposal would disrupt the historic pattern of development and draw the eye from the historic buildings on the edge of the village. As such, it would significantly change the approach to the village and the rural setting of the CA. Consequently, the proposal would have a harmful impact on views to and from the CA, and thereby on its significance. As the harm would be limited to one part of the CA, the degree of harm to the CA as a whole would be minor and therefore, the proposal would result in less than substantial harm to the significance of the CA.
60. Framework paragraph 196 requires that less than substantial harm should be weighed against the public benefits of the proposal. The proposal would contribute additional housing, including some affordable housing, and given the moderate shortfall in housing supply, I give these modest weight. Part of the development would be on PDL, which carries limited weight. The AMR identifies issues with housing affordability in the area, however as the housing mix is only indicative at this stage I cannot be certain that the proposal would deliver dwellings at the lower end of the market or otherwise contribute towards improving this situation and this carries very limited weight.

61. The proposal would also generate economic benefits through construction and construction employment and from local expenditure from new residents, some of which is likely to remain in the local economy. However, the proposal would also result in the loss of the existing self-storage business on site and the local jobs that it provides, and there is no substantive evidence before me that the business would be reprovided elsewhere. As such, overall the economic benefits carry limited weight.
62. The removal of potential use of the access by numerous HGVs would be a benefit to highway safety but I cannot be certain that the footway and PROW links could be delivered. Nor can I be sure that the proposal would realise biodiversity benefits, and the proposal would adversely affect protected species. The overall environmental benefits would therefore be limited, and carry limited weight.
63. I give great weight to the conservation of the heritage asset and the desirability of preserving or enhancing its character and appearance. Nevertheless, the proposal would result in public benefits, the totality of which would be sufficient to outweigh the less than substantial harm to the CA. Therefore, the proposal would not conflict with LP Policy 5 or the provisions of the Framework in relation to heritage assets.

Planning Balance and Conclusion

64. I have found that the proposal would conflict with the settlement strategy, harm the character and appearance of the area and the setting of the AONB. It would not provide for the infrastructure needs generated by the development and would harm protected species. The proposal would provide housing, including some affordable housing, and would result in limited economic and environmental benefits. However, it would not achieve the high quality, sustainable development required by the LP. Accordingly, the proposal would conflict with the development plan as a whole.
65. In the absence of a 5-year housing land supply, Framework paragraph 11d) provides that the policies most important for determining the application are out-of-date. Paragraph 213 allows due weight to be given to such policies according to their degree of consistency with the Framework.
66. LP Policies 2 and 20 seek to enable sustainable development across a range of settlements, and envisage local needs being met by local planning, including Neighbourhood Plans. They do not set out any blanket restrictions on development, and allow for development in the countryside where it meets rural needs, including supporting housing needs, providing affordable housing, mitigating climate change, supporting economic development and infrastructure. As such, those Policies are highly consistent with the Framework. Furthermore, the Framework emphasises that the planning system should be genuinely plan-led. Accordingly, I afford the conflict with the settlement strategy substantial weight.
67. The requirements of the LP to safeguard protected species, conserve or enhance the character of the area and the natural beauty of AONBs and their setting, and provide infrastructure are also highly consistent with the Framework and as such I also give the conflict with these policies substantial weight.
68. The appellant suggests that the self-storage buildings could be converted to dwellings as permitted development, however the right to do so under Class P⁷

⁷ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 3, Class P

allowed for such conversions only until 10 June 2019. This is therefore no longer an option available.

69. The very limited details before me of a previous permission for Class B1 commercial units indicate that it relates to one of the existing buildings only. In any event such uses would, by definition, be appropriate in a residential area. Therefore, implementing that permission is unlikely to have undesirable impacts. While the appellant also suggests that they could bring the site back into use to house a large number of chickens, with consequent impacts of traffic and odour, there are no substantive details before me of what would be needed to achieve this. As such, I cannot be certain that it is more than a theoretical proposition. Consequently, the potential that the site could be used for other, more harmful uses carries very limited weight.
70. The indicative layout provided shows that 68 dwellings could be achieved with adequate living conditions for existing and future residents while retaining existing structural landscaping. The appellant's Transport Statement indicates that the additional traffic would be within the capacity of the highway network, which the Council does not dispute. Appropriate provision could be made for utilities and to incorporate sustainable construction measures. However, these matters are of neutral consequence in the planning balance.
71. The proposal would boost the supply of housing on a relatively small site, and would make efficient use of underutilised and partially vacant land, part of which is PDL, all of which are supported by the Framework and which I afford modest weight. It would not however provide a policy compliant level of affordable housing, contribute to and enhance the natural or local environment, minimise impacts on and provide net gains for biodiversity, provide appropriate green infrastructure, improve access to the countryside or achieve healthy, inclusive and safe places as required by the Framework.
72. Consequently, even if I were to conclude there is a shortfall in the 5-year housing land supply on the scale suggested by the appellant, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not benefit from the presumption in favour of sustainable development in the Framework or in LP Policy 1.
73. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I find that material considerations do not indicate that planning permission should be granted for the development, which conflicts with the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR