



Appeal Decision

Site visits made on 29 June 2020 and 13 July 2020

by **S Edwards MA MRTPI**

An Inspector appointed by the Secretary of State

Decision date: 11 August 2020

Appeal Ref: APP/D1265/W/20/3249261

Martleaves House, 41 South Road, Weymouth DT4 9NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Keith Smith against the decision of Dorset Council.
 - The application Ref WP/19/00827/OUT, dated 19 September 2019, was refused by notice dated 27 February 2020.
 - The development proposed is described as outline application for the erection of 4 dwellings on land fronting Ryemead Lane. Resubmission with revised access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, with all matters reserved for subsequent determination. There is however agreement between the parties that the proposed access was considered as part of the determination of the planning application. I shall therefore consider the appeal on this basis, and treat the submitted plans as illustrative, other than in respect of the extent of the appeal site and the proposed access arrangements.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, having particular regard to the site's location within the Heritage Coast.

Reasons

4. The appeal site is located immediately adjacent to the defined development boundary (DDB) for Weymouth, which is identified as one of the highest priority locations for new development. Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan¹ (LP) states that outside DDBs, development will be strictly controlled, having particular regard to the need for protection of the countryside and environmental constraints, and restricted to specific types of development.
5. The appeal site is located outside the World Heritage Site, but lies within the Heritage Coast, a non-statutory designation protecting the finest stretches of undeveloped coastline, which are managed to conserve their natural beauty

¹ Adopted October 2015.

and, where appropriate, to improve access for visitors². Whilst they are not afforded the same level of protection as Areas of Outstanding Natural Beauty (AONB), Heritage Coasts are nevertheless defined, valued landscapes.

6. The site comprises a mostly undeveloped area of land, which currently forms part of the garden of Martleaves House and is screened by overgrown hedges and shrubs, notably along the Ryemead Lane frontage. It presently acts as an important area of transition between the adjacent settlement which primarily extends to the east and north-east, and the open and largely undeveloped nature of the coastline. To the west of the appeal site, the land associated with Martleaves House is notably used by touring caravans and tents throughout the year.
7. By reason of the permanence of the proposed built forms, the adverse effect of the appeal scheme on the landscape is not considered comparable to the caravan site, which appears of a more transient nature. The proposal would result in a significant increase in built development along Ryemead Lane and encroach into the defined Heritage Coast. Although it would be to some extent screened by the existing landscaping along Ryemead Lane, the appeal scheme would remain inevitably noticeable, notably from the access points which would be provided for the new dwellings.
8. The harm caused by the proposed dwellings would be exacerbated by the domestic paraphernalia associated with the residential nature of the development and the proposed forms of boundary treatments which would in all likelihood be erected to delineate individual plots. As a result, the appeal scheme would lead to an urbanisation of the site and extend the built form along Ryemead Lane, whilst incrementally and harmfully eroding the open landscape character and distinctive qualities of the Heritage Coast. In that regard, I find that the advice contained within the Weymouth and Portland Landscape Character Assessment (2013), which warns against creeping urbanisation in this area and its effect on the incremental decline in strength and unity in landscape character, is of particular relevance to the appeal proposal.
9. The proposal would unacceptably harm the character and appearance of the area, and would fail to protect the existing landscape character of the Heritage Coast. It would subsequently be contrary to LP Policy ENV1 which, amongst other things, seek to prevent development causing harm to the character, special qualities or natural beauty of the Dorset AONB or Heritage Coast. Additionally, the appeal scheme would not accord with LP Policy ENV10, as it would not be informed by the character of the site and its surroundings. Furthermore, it would conflict with paragraph 173 of the National Planning Policy Framework (the Framework), which requires planning decisions to be consistent with the special character of the Heritage Coast and the importance of its conservation.
10. According to the Council's submissions, the site also lies within an Area of Local Landscape Importance (ALLI), which recognises the networks of open spaces that separate the settlements of Weymouth with the more open undeveloped area between the DDB and the coast including the Fleet. Having regard to the information before me, I am unable to ascertain whether ALLIs are protected

² National Planning Practice Guidance, Paragraph:043 Reference ID: 8-043-20190721.

as part of the current local plan, and whether the site forms part of the Green Infrastructure Network which LP Policy ENV3 seeks to develop. Accordingly, and in the absence of substantive evidence to the contrary, I find no conflict with Policy ENV3.

Other Matters

11. The appellant questions the appeal site's exclusion from the Defined Development Boundary which, I understand, was established at a time when Martleaves House was operating as a farm. My attention has also been drawn to the boundaries of the Heritage Coast which, the appellant argues, do not follow landscape features and ignore urban features. It is however not the purpose of this appeal to review the extent of settlement boundaries or the Heritage Coast. I am required to give due consideration to the fact that the site lies outside the Defined Development Boundary, but forms part of the Heritage Coast.
12. My attention has been drawn to the positive pre-application response which the appellant received from the Council. Although I understand the appellant's frustration in that regard, I am also mindful that such discussions are informal and not binding upon any formal determination the Council may make.

Planning Balance

13. The Council is presently unable to demonstrate a five-year supply of deliverable housing sites. In that regard, my attention has been drawn to a recent appeal decision elsewhere in the West Dorset, Weymouth and Portland plan area, where the Inspector found that the Council could demonstrate more than 4.12 years of deliverable housing sites, but less than 4.88 years. Whilst I note the comments made by the appellant regarding the housing land supply issues currently experienced in the area, I have been presented with limited substantive information which would suggest that the extent of the shortfall is greater than alleged by the Council.
14. In such circumstances, paragraph 11 d) of the Framework states that planning permission should be granted, unless the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 advises that such areas and assets include land defined as Heritage Coast. As I have found that the proposal would cause harm to the special character and qualities of the Heritage Coast, the application of policies in the Framework provide a clear reason for refusing the proposal in this particular instance. Consequently, the presumption in favour of sustainable development does not apply in this case.
15. I note that the appeal site lies in an accessible location, as it is within proximity to a number of facilities and services and is served by public transport. However, and despite the proposal's contribution to housing supply and choice, and support to the local economy, the modest benefits derived from the appeal scheme would be outweighed by the harm which I have identified. There are no material considerations which indicate that the appeal should be determined, other than in accordance with the development plan.

Conclusion

16. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR