



Appeal Decision

Site visit made on 25 August 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/D1265/W/20/3250576

Land adjoining Applewood, Halstock, Yeovil BA22 9SN

- 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 C Peach against the decision of Dorset Council.
 - The application Ref WD/D/19/000618, dated 18 February 2019, was refused by notice dated 11 November 2019.
 - The development proposed is 2 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for 2 dwellings at Land adjoining Applewood, Halstock, Yeovil BA22 9SN in accordance with the terms of the application, Ref WD/D/19/000618, dated 18 February 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural matter

2. The appeal relates to an application for outline planning permission. A plan has been provided that suggests a layout for the site. With the exception of details of access, for which approval is sought at this stage, I have treated the plan as illustrative.

Main Issue

3. The main issue is whether the site is in an appropriate location for the development with regard to accessibility to services and facilities.

Reasons

4. Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 (LP) sets out a settlement hierarchy for the distribution of development throughout the development plan area. It indicates that in locations outside defined development boundaries, such as the appeal site, development will be strictly controlled having particular regard to the protection of the countryside and environmental constraints. Certain types of development are permitted in such locations, but general housing of the type proposed is not. Therefore, the proposal is contrary to Policy SUS2.
5. However, Halstock has a limited range of facilities that include a shop and village hall. Development could help to maintain the vitality of the settlement and its facilities and thereby gains support from Paragraph 78 of the National Planning Policy Framework (the Framework).

6. The highway between the site and the main built up part of Halstock is fairly narrow, unlit and does not have footways. While this may deter some people from walking, a number of accesses provide refuges from passing traffic and the distance to the shop is not large. In this context I do not find that future residents would be wholly reliant on private cars to meet all of their day to day needs. Moreover, the Framework, at paragraph 103, recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and that this should be taken into account.
7. Although the site is outside the settlement's relatively high density core, there is no significant break between that area and the site, which is also seen alongside a lower density group of buildings beyond. Therefore, even if the adjoining Applewood was originally permitted for an agricultural worker, the site is not isolated from other development.
8. The lower density group beyond the appeal site has a more rural loose-knit character than the main part of the settlement. However, the gap between those character areas is not large and the development would occupy much of it. As such, the proposal would not be a sporadic intrusion into the countryside. In this way, it would appear as part of the settlement and not harm the character and appearance of the countryside, landscape or scenic beauty of the Area of Outstanding Natural Beauty.
9. The Council has confirmed that it is unable to identify a 5 year supply of deliverable housing land. In this context, Framework Paragraph 11(d) indicates that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
10. The benefits associated with the provision of housing would be limited, due to the small number of dwellings proposed. However, even though some local residents consider that greater benefits would arise from a development of affordable housing, given the Framework's desire to boost significantly the supply of housing generally, and the shortfall of housing land supply, I attribute these benefits moderate weight.
11. I note comments in the representations about the presence of dormouse populations in the area, but there is no substantive evidence that protected species or other biodiversity interests would be harmed by the development. This matter is, therefore, neutral in the planning balance.
12. Moreover, for the reasons given above, there is support for the development from the Framework, considered as a whole, in terms of the location of the site and the delivery of housing. I, therefore, find that the Framework indicates that any adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits and the proposal benefits from the presumption in favour of sustainable development set out in Framework Paragraph 11. As Government policy, I attribute the support from the Framework significant weight.
13. I have identified a conflict with the development plan in terms of the location of the site. However, given the shortfall in housing land supply, I attribute only limited weight to the conflict with LP Policy SUS2. LP Policy INT1 sets out a similar presumption in favour of sustainable development but requires consideration of the objectives of the local plan as well as the Framework. As I

have attributed only limited weight to the conflict with Policy SUS2 and significant weight to the Framework, I find that there is no overall conflict with Policy INT1. Nevertheless, the conflict with LP Policy SUS2 results in a conflict with the development plan, read as a whole.

14. Concluding, I find that the relative weight that I have given to the conflict with the development plan and the Framework means that material considerations indicate a decision should be taken otherwise than in accordance with the development plan. The site is, therefore, in an appropriate location for the development.

Conditions

15. In addition to conditions controlling the submission of reserved matters a condition is required to secure appropriate visibility splays at the access. Notwithstanding the alignment and width of the highway, such will ensure that the development would not harm highway safety.
16. The Council has suggested a condition that the development is carried out in accordance with the approved plans. However, as the application is in outline with all matters other than access reserved for subsequent consideration, and the access and visibility condition makes reference to a specific plan, an additional condition is not necessary.

Conclusion

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

M Bale

INSPECTOR

Schedule

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Before the development is occupied the access to the highway and visibility splays shown on Drawing Number 19/1730/01 must be constructed. Thereafter, these must be maintained and kept free from obstruction.