
Appeal Decision

Site visit made on 8 September 2020

by Janet Wilson BA (Hons) BTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 30th September 2020

Appeal Ref: APP/D1265/D/20/3252395

Arne House, Arne Road, Arne, Dorset BH20 5BJ

- 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 Styslinger against the decision of Dorset Council.
 - The application Ref 6/2019/0711, dated 20 December 2019, was refused by notice dated 24 March 2020.
 - The development proposed is the construction of a detached garage with ancillary accommodation.
-

Decision

1. The appeal is allowed and planning permission is granted for a detached garage with ancillary accommodation at Arne House, Arne Road, Arne, Dorset BH20 5BJ in accordance with the terms of the application, Ref 6/2019/0711, dated 20 December 2019, and the plans submitted with it, subject to the conditions in annex 1 to this decision.

Preliminary Matter

2. On 1 April 2019, Purbeck 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 or replaced. I shall therefore determine the appeal having regard to the policies set out within the Purbeck Local Plan Part 1 (2012) (Local Plan).

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area and upon the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

4. The garage would be located in a position formerly used as an access to Arne House which is a large detached dwelling set in substantial grounds. The garage would be around 50 metres from the main house and set adjacent to, but on higher ground than the service yard/staff car park to the RSPB premises. The new drive is considerably longer and winds its way around the adjacent RSPB café and visitor facility. As such the location of the garage would be much closer to the house than the entrance to Arne House from the public road, it would be within the curtilage of Arne House though subservient to it.

5. Policy CO of the Local Plan relates to development in the countryside. It states that development should aim to improve sustainability, make a positive contribution to landscape character and enhance biodiversity. It also states that development outside of a settlement boundary will be permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements. That allowance for development applies to small-scale outbuildings within the curtilage of existing buildings as would be the case here. As such there is no objection in principle to the construction of a domestic outbuilding within the grounds of Arne House.
6. Policy D of the Local Plan relates to design and establishes overall expectations for development proposals to integrate with their surroundings. The building would be of simple appearance being much less formal than the main house with oak cladding, an external oak staircase and with a simple gabled construction. It would be located with its rear elevation facing the service area of the adjacent RSPB buildings whereas the public areas of the café are located on the opposite side. The structure would be visible from the service area and would be marginally greater in height, it would be seen against a backdrop of mature trees. Though slightly elevated from the service area and of a height to accommodate a first floor within the roof space it would not, in this context, be visually obtrusive nor harmful to the character and appearance of the area.
7. The surroundings are rural in character. The area around the appeal site comprising mature woodland, much of it is part of the RSPB reserve and part of the Special Protection Area within the AONB. I have had regard to the position of the site within the Dorset AONB, areas which are afforded the highest status of protection and where the National Planning Policy Framework¹ (The Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty. However, I have found there to be no detrimental impact on wider views of the AONB and note that no adverse representations were made on behalf of the Dorset AONB on the basis that the development was to be an outbuilding of limited scale. Indeed, the Council concluded that the proposal would not have a detrimental impact upon wider views in the AONB.
8. Consequently, taking all of the above into account, I find that the proposal would not harm the character and appearance of the area nor would it conflict with Policies CO or Policy D of the Local Plan or with the objectives of the Framework.

Other Matters

9. My attention has been drawn to a number of planning applications which have been allowed in the past, parts of which, the appellants state, have been implemented. I have no detailed information as to what has been permitted or implemented though I note the appellants emphasise that the purpose of referring to them is to demonstrate that outbuildings have been found to be acceptable in the past. That may be so, but these are not material to the appeal before me.
10. It is noted that amendments have been made to an earlier refused scheme including reducing the ridge line and amending the layout. Similarly, to remove

¹ Paragraph 172

any ambiguity regarding the use of the building in relation to the main dwelling. Even so, I have dealt with the scheme on its own merits and not by way of comparison to the earlier refusal of permission. It is nonetheless noteworthy that biodiversity and protected habitats objections have been overcome. Natural England have withdrawn their earlier objection, subject to securing compliance with the appellants Biodiversity Mitigation and Enhancement Plan (BMEP) which was submitted with the application and which has since been issued with a certificate of approval.

Conditions

11. In addition to the standard time limit, a condition requiring compliance with the approved plans is necessary in the interests of certainty; as is a materials condition to protect local character. The Council have requested a condition covering the matter of surface water drainage and in the light of the sensitivity of the area this would ensure appropriate measures are taken to manage drainage. Given that it applies to groundworks it is appropriate for this to be a pre-commencement condition.
12. Finally, Natural England have highlighted the need to secure the BMEP submitted with the application to ensure that duties under Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 and Regulation 9(3) of The Conservation of Habitats & Species Regulations 2017 are met. They also require that it is accompanied by a Certificate of Approval. I have incorporated a condition to secure compliance with the BMEP in the interests of promoting biodiversity. I note that the certificate of approval for the BEMP has already been secured however I have adjusted the wording to omit the tailpiece provisions drafted by the Council.
13. In accordance with Regulation 2(4) of the Town and Country Planning (Pre-commencement Conditions) Regulations 2018, I consulted the appellants on the wording of the condition that relates to matters that I consider should be agreed prior to the commencement of any works on the site. The appellants have agreed to the wording of that condition which relates to surface water drainage.

Conclusion

14. For reasons set out and having regard to all other matters raised, the appeal is allowed.

Janet Wilson

INSPECTOR

Annex 1

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 111-001 rev A, 111-002 rev A, 111-010 rev C, 111-011 rev B, 111-012 rev C & 111-013 rev B and in accordance with the Arboricultural assessment and method statement numbered 18323-AA-GaragePB and the Tree Protection Plan 18323-BT2.
- 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no 111 – 012 Rev C.
- 4) The development shall be carried out in strict accordance with the Biodiversity Mitigation and Enhancement Plan accompanying the planning application dated 23 January 2020 and endorsed by DC Net dated 11 March 2020. All steps contained within that Plan must be completed, in full, prior to the first occupation of the building and thereafter maintained in accordance with the agreed details.
- 5) Before any groundworks start a scheme for dealing with surface water drainage from the development must be submitted to and approved in writing by the Council. This must include details of the on-going management and maintenance of the scheme. The appropriate design standard for the drainage system must be the 1 in 100-year event plus an allowance for the predicted increase in rainfall due to climate change. Prior to the submission of those details, an assessment must be carried out into the potential for disposing of surface water by means of a sustainable drainage system (SuDs). The results of the assessment must be provided to the Council. The approved drainage scheme must be implemented before the first occupation of the building. It must be maintained and managed in accordance with the agreed details.

<<< End of Schedule >>>