
Appeal Decision

Site visit made on 23 September 2020

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2020

Appeal Ref: APP/D1265/W/20/3255342

**Wears Farm, Wears Farm Holiday Cottages, Ashley Chase Lane,
Abbotsbury DT3 4JZ**

- 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 M Scrace (ilchester estates) against the decision of Dorset Council.
 - The application Ref WD/D/19/001105, dated 1 April 2019, was refused by notice dated 24 March 2020.
 - The development proposed is use of existing dwellings tied by condition as holiday units as unfettered dwelling for general occupation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description from the planning application form. However, it is clear from the Planning Statement and drawings that the proposal relates to three existing dwellings that are restricted by a holiday occupancy condition, and that the development would result in three unrestricted dwellings. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the unrestricted occupation of the dwellings is acceptable, having regard to the spatial strategy of the development plan, and the accessibility of the site to services and facilities.

Reasons

4. The appeal site comprises a courtyard of three stone barns in open countryside, about 1.6 kilometres to the northwest of Abbotsbury. The buildings are approached via a long unmade private track and, apart from a pair of semi-detached cottages immediately to the west, there are no other buildings in the vicinity. The buildings are in use as holiday accommodation following a grant of planning permission in 2009 which, according to the evidence, was part of a scheme of farm diversification and landscape enhancement. The proposal to occupy the dwellings for general residential purposes would not involve any alterations to the buildings.
5. The spatial strategy for residential development is set out in Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) (the Local Plan). The

strategy is based on the needs and size of the area's settlements, and the benefits of concentrating most development in locations where homes, jobs and facilities will be easily accessible to each other, and there is a choice of transport modes. The Policy therefore dictates that most development will be located in the larger settlements. Development in rural areas will be directed to settlements with defined development boundaries. As Abbotsbury does not have a development boundary, and the appeal site lies in open countryside, development is strictly controlled, and is limited to specified categories. The only scope for unrestricted housing is through the re-use of existing rural buildings.

6. Policy SUS3 of the Local Plan addresses the adaptation and re-use of buildings outside defined development boundaries. In the case of unrestricted housing, the buildings to be converted must adjoin a settlement with a defined development boundary, or be within or adjoining an established settlement of more than 200 population. Abbotsbury has a population of more than 200, but the site is separated from the settlement by a wide expanse of countryside. Consequently, the use of the buildings for unrestricted residential accommodation would not be supported by Policy SUS3, so would be contrary to the spatial strategy of the development plan. Planning law¹ requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
7. The National Planning Policy Framework (the Framework) has been issued since the adoption of the Local Plan and is a material consideration. Paragraph 79 says that planning decisions should avoid the development of isolated homes in the countryside, other than where certain circumstances apply. In view of the physical separation from any other development, the buildings occupy an isolated location in the countryside.
8. The buildings are not redundant or disused, so the circumstances described in paragraph 79 c) do not prevail. In any event, this paragraph also requires the development to enhance its immediate setting. The buildings have already been sympathetically converted, and are in attractive open countryside, that is interspersed with blocks of woodland. The setting of the buildings does not, therefore, require enhancement. The planting shown on the submitted drawings would have a neutral impact on the setting of the buildings. Paragraph 79 c) of the Framework does not therefore offer support for the development.
9. Paragraph 79 b) of the Framework allows for isolated homes where the development would represent the optimal viable use of a heritage asset, or would be appropriate enabling development to secure the future of heritage assets. The appellant has submitted a Heritage Assessment, which concludes that the buildings date from the mid-19th century and have a heritage value based on their history, architecture and landscape setting. However, the term "heritage asset" is defined by the Framework's glossary to include designated heritage assets and assets identified by the local planning authority (including local listing). Consequently, the buildings are not heritage assets for the purposes of the Framework. Paragraph 79 b) does not therefore offer support for the development.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

10. In any event, the future of the buildings has already been secured through the previously permitted scheme. Furthermore, although unrestricted residential use would be likely to achieve increased rents, and therefore improve viability, the evidence shows that the holiday use has resulted in a profit for two of the last three years, and for the three-year period as a whole. There is no evidence to suggest an immediate likelihood of the buildings falling into disuse or disrepair.
11. A Preferred Options document for the review of the Local Plan was approved for public consultation in July 2018. This included a revised Policy SUS3, which takes account of the more recent national advice in the Framework. The revised policy states that, where residential re-use is proposed and the building lies in an isolated location, special circumstances as set out in national policy would be necessary. I have already concluded that the site lies in an isolated location, and that the special circumstances set out in paragraph 79 of the Framework do not support the development. Consequently, the proposal would not comply with the revised policy. In any event, work on the review has not progressed further, so in view of its early stage of preparation, it only carries limited weight in my decision.
12. The site lies approximately 3.25 kilometres by road from the services and facilities in the centre of Abbotsbury, which include a village shop/Post Office, pubs, tearooms and a church. The first part of the route to the village is via a narrow unlit road, which is steeply sloping in places and has no footways. The remainder is via the B351, which is a busy road, with fast moving traffic, and is without lighting or footways. The route is not, therefore, conducive to walking or cycling. Although there are bus stops on the B351, the length and nature of the route to them is such that it is unlikely occupants of the dwellings would walk to them to access the higher-level services in more distant settlements. Residents would, therefore, be dependent on private motor vehicles for virtually all their journeys to and from the site.
13. The buildings are already in use as holiday accommodation, and holidaymakers will be dependent on the use of private vehicles to obtain provisions, and to access visitor attractions. There is, therefore, an existing level of private transport generation from the site. However, the use as unrestricted dwellings would lead to a more regular need to travel to higher order centres for work, education, healthcare and other domestic services. A full residential use is also likely to generate an increase in visitors and deliveries, all of which would require the use of private transport. Whilst it may be argued that the level of traffic would not be significantly different for each dwelling, in this case there would be three unrestricted dwellings in a very remote location, so the cumulative increase in non-sustainable travel modes would be significant.
14. Therefore, on the main issue, I conclude that the unrestricted occupation of the dwellings would not accord with the spatial strategy of the development plan, and the inaccessibility of the site to services and facilities would result in an increase in the use of non-sustainable transport modes. Consequently, the proposal would be contrary to Policies SUS2 and SUS3 of the Local Plan.

Planning Balance

15. I have found that the proposal would conflict with the policies of the Local Plan relating to the settlement strategy and the re-use of rural buildings. My attention has not been drawn to any policies that would provide particular

support for the development that would weigh against these policies. I therefore conclude that the proposal would be contrary to the development plan as a whole. However, the Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites. As a result, Paragraph 11 d) of the Framework advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

16. The Framework seeks to achieve sustainable development across overarching economic, social and environmental objectives. The proposal would have an economic benefit to the appellant, through the increased rental that could be achieved. However, this would be at the expense of the support for tourist and leisure businesses that is generated by the existing holiday use. The overall economic impact is, therefore, likely to be neutral.
17. In terms of social benefits, the development would result in three unrestricted dwellings, which would contribute towards addressing the shortfall in housing sites. It would also support the Framework's objective of significantly boosting the supply of homes. However, in view of the modest number of dwellings, and the fact that they would not be located where they will enhance or maintain the vitality of rural communities, the social benefits of the additional housing are limited.
18. The location of the development, in remote countryside far removed from services, facilities and employment opportunities, would result in a reliance on non-sustainable transport modes. This would be contrary to the Framework's aims to promote sustainable transport and would fail to meet its environmental objective of moving to a low carbon economy.
19. As the benefits of the development are limited, the harm caused by the inaccessibility of the site to services significantly and demonstrably outweighs them, when assessed against the policies in the Framework taken as a whole. The advice at paragraph 11 (d) of the Framework does not, therefore, indicate that my decision should be otherwise than in accordance with the development plan.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR