
Appeal Decision

Site visit made on 18 September 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/D1265/W/20/3252261

Bracken, Fishpond Bottom Road, Fishpond, Bridport, Dorset DT6 6NN

- 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 Simon Sleigh against the decision of Dorset Council.
 - The application Ref WD/D/19/001952, dated 1 August 2019, was refused by notice dated 28 November 2019.
 - The development proposed is to replace existing double garage and shed with new build 2/3 bed bungalow dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the appeal site is an appropriate location for the proposed development having regard to the settlement strategy and access to facilities and services; and the effect of the proposed development on the character and appearance of the area and the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

Location

3. The appeal site comprises a sloping area of land adjacent to Bracken, a recently completed replacement dwelling on the outskirts of Fishpond Bottom, a cluster of dwellings arranged along two narrow lanes on a steeply sloping valley side.
4. Policies INT1 and SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) (LP) set out a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area, and seek to direct development to the larger and more sustainable settlements. Fishpond Bottom is not a settlement with a Defined Development Boundary (DBB) in the LP, and does not appear to contain any services or facilities. Outside DBB's, Policy SUS2 sets out that development will be strictly controlled and restricted to certain types of development. The appeal proposal would not fall within any of the development types specified, and would therefore conflict with that Policy.
5. The nearest settlement with facilities and services is Marshwood, approximately 1 mile from the appeal site, however those facilities are limited and would not

provide for all of the day to day needs of future residents of the proposed dwelling. Furthermore, the route to Marshwood would be along narrow, unlit lanes with no footway, which would not provide safe or convenient routes for pedestrians or cyclists.

6. The towns of Crewkerne, Axminster, Bridport and Charmouth provide a wider range of services and facilities however they are all several miles from the site, beyond reasonable walking or cycling distance. There is a bus stop close to the site, however this is served by only one bus weekly, and as such would not provide an alternative means of transport to the private car for journeys to work or school, or as a means of travel during evenings or weekends. Consequently, the location of the site would not encourage use of sustainable transport modes and future residents of the proposed dwelling would be reliant on the private car for access to the services and facilities required for day to day living.
7. Paragraph 103 of the National Planning Policy Framework (the Framework) recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. However, both national and local policies seek to locate new development where it will limit the need to travel and promote sustainable transport modes, thereby reducing congestion and emissions and improving air quality and public health, which this proposal would not achieve.
8. Therefore, the proposal would not accord with the sustainable development objectives of LP Policies INT1 and SUS2 or the requirements of Framework paragraph 102 to pursue opportunities to promote walking, cycling and public transport use. Accordingly, the appeal site would not be an appropriate location for residential development having regard to the settlement strategy and access to facilities and services.

Character and appearance of the area and the AONB

9. Framework paragraph 172 sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, and that the scale and extent of development within these designated areas should be limited. LP Policy ENV1 provides that development which would harm the character, special qualities or natural beauty of the AONB will not be permitted.
10. The area around the appeal site comprises a patchwork of fields bounded by hedges, mature trees and areas of woodland. While there are dwellings nearby, they are loosely clustered together, with Bracken at the edge of the group. Along some parts of the lanes, hedges restrict views of the countryside to glimpses through small gaps, however extensive, panoramic views are achievable from the sections of roads and public rights of way leading to high points in the landscape. These include Lambert's Castle to the north of the site, which is on the Wessex Ridgeway long distance walking trail, and Coney's Castle to the south. Consequently, the area has a tranquil and largely undeveloped rural character and a feeling of remoteness, all of which contribute to its landscape and scenic beauty.
11. The site slopes steeply down from the lane and contains a garage and several small sheds, with the remainder mainly laid to grass. Although the existing outbuildings are somewhat dilapidated, they are relatively small and partially screened from public views by vegetation. As such, they are not prominent in

the landscape, and their removal would result in a very limited benefit to the appearance of the area.

12. The proposed dwelling would be smaller than the adjacent dwelling, Bracken, but would nevertheless be significantly larger and bulkier than the existing garage and shed. Although single storey, due to its height the proposed dwelling would nevertheless be seen from the adjacent lane above the hedgeline, and while the use of a sedum roof would soften its appearance, it would not significantly reduce its perceived scale. The rear elevation would also be visible from public viewpoints, and given the concentration of windows on that elevation, it would be particularly evident at night when the interior is likely to be illuminated.
13. Therefore, although the appellant has made efforts to minimise the visual impact of the proposed building through use of natural materials and a low-profile roof, it would be clearly identifiable as a separate dwelling to Bracken, and would have a significantly different appearance to the existing small-scale outbuildings. Consequently, it would extend residential built form out further from the existing group of dwellings, to the detriment of the rural character of the area and the remote and largely undeveloped qualities of the landscape.
14. The appellant suggests that trees have been planted towards Coney's Castle to act as a screen and I saw at my site visit that there were a number of tree guards visible in the south-eastern part of the site. However, due to the slope of the site and the elevated locations from which the site is visible, the trees would need to grow to a substantial height to provide any effective screening. In the absence of a landscaping scheme, I cannot be certain that any trees already planted, or any further planting, could grow large enough to screen the proposal from view, or how many years this would take. As such, it has not been demonstrated that landscaping could mitigate the harm identified.
15. Accordingly, the proposal would harm the character and appearance of the area and the landscape and scenic beauty of the AONB, and this would outweigh the very limited benefits of removing the existing garage. As such, the proposal would conflict with LP Policy ENV1, and with Policy ENV12 which seeks to achieve high quality design that complements and respects the character of the surrounding area. Furthermore, it would conflict with the Framework requirements to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside. Given the great weight that the Framework affords to conserving and enhancing AONBs, I afford this harm significant weight.

Planning Balance and Conclusion

16. The Council advises that it can only demonstrate 4.88 years housing supply against the Framework requirement for 5 years supply. Therefore, Framework paragraph 11d) directs that the policies most important for determining the appeal are out-of-date. In such circumstances, LP Policy INT1 provides that consideration be given to the extent to which the proposal positively contributes to the strategic objectives of the local plan; whether specific policies in the Framework indicate that development should be restricted; and whether the adverse impacts of granting permission could significantly outweigh the benefits.

17. The proposal would deliver an accessible, small dwelling incorporating renewable energy and resource efficiency measures. As such, it would contribute to reducing vulnerability to the impacts of climate change and boost housing supply, as supported by the Framework and the LP. However, while the appellant wishes to downsize, there is no substantive evidence before me of an identified housing need for small dwellings locally. Therefore, although there would be a private benefit to the appellant, the proposal would not demonstrably contribute to meeting local housing needs. Overall, in the context of a relatively small shortfall in supply, the benefits of one additional dwelling would be very limited, and carry very limited weight.
18. The proposal could deliver appropriate parking, and would not harm the living conditions of neighbouring occupiers or highway safety, however these matters are of neutral consequence in the planning balance. While I note that consultees have not objected to the proposal, both the Parish Council and Natural England's comments are based on provision of mitigation, which has not been demonstrated in this case. As such, their lack of objection does not weigh in favour of the proposal.
19. Although the Council has raised concerns that this proposal could lead to other speculative development and cumulative harm, each development must be considered on its own merits. In this case, I have found that the proposal would conflict with the settlement strategy and would harm the character and appearance of the area and the AONB. As such, it would conflict with the strategic objectives of the LP to support sustainable, safe and healthy communities with accessibility to a range of services and facilities, and to protect and enhance the outstanding natural and built environment. Therefore, the proposal would not improve the economic, social and environmental conditions in the area and is development which the Framework directs should be limited. As such, it would conflict with LP Policy INT1.
20. Consequently, the proposal would conflict with the development plan as a whole. The relevant policies are consistent with the Framework in relation to the location of housing and impacts on AONBs, and as such I give this conflict substantial weight. The harm I have identified to the AONB provides a clear reason for refusal and as such the presumption in favour of sustainable development in Framework paragraph 11 d) is not engaged. Overall, the very limited benefits of one dwelling in this location would be comfortably outweighed by the harm I have identified.
21. Therefore, 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. Accordingly, the appeal is dismissed.

L McKay

INSPECTOR