
Appeal Decision

Site visit made on 22 September 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/D1265/W/20/3254861

Land West of Watton Lane, Bridport DT6 5JY

- 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 J Norman against the decision of Dorset Council.
 - The application Ref WD/D/19/002178, dated 23 July 2019, was refused by notice dated 17 January 2020.
 - The development proposed is to erect 2 dwellings (outline application – access and layout).
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Decision

1. The appeal is allowed and planning permission is granted to erect 2 dwellings (outline application – access and layout) at Land West of Watton Lane, Bridport DT6 5JY in accordance with the terms of planning application Ref: WD/D/19/002178, dated 23 July 2019, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matters

2. The proposal is for outline planning permission with all matters reserved for future approval except for access and layout. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the site within the Dorset Area of Outstanding Natural Beauty (the AONB); and,
 - Whether the proposed development would be in a suitable location for housing having regard to the proximity of services and to National Planning Policy.

Reasons

Character and Appearance

4. The appeal site comprises part of an undeveloped grassed field, located on the western side of Watton Lane. The northern section of the appeal site is relatively flat, with the land in the southern section of the site falling away downhill towards the south. The appeal site is situated outside of Bridport,

- within an area of low density residential development which is referred to, collectively, as Watton.
5. The site is bordered to the north by residential development which is located on the southern side of Broad Lane towards the top of the hillside, to the west by existing residential development which is set back from Broad Lane and to the east by Watton Lane and the existing residences which occupy land on the opposite side of that lane. The evidence before me indicates that planning permission for a single storey dwelling has been approved in the north eastern section of the field, with further residential development having been recently permitted adjoining the site to the west.
 6. The appeal site is located within the AONB. Paragraph 172 of the National Planning Policy Framework (the Framework) provides that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs. This paragraph further provides that planning permission should be refused for major development, other than in exceptional circumstances and where it can be demonstrated that the development is in the public interest.
 7. The West Dorset Landscape Character Assessment (the LCA) places the site within the Brit Valley section of the AONB. Broadly, the LCA describes the landscape characteristics of this area as being small woodlands on rolling valley sides, large fields enclosed by hedgerows, with long open views along the valley floor and a patchwork of small, open fields on valley bottoms.
 8. As noted above, the proposal would be located in an area which is predominately enclosed by residential development, both existing and recently permitted. While the site is undeveloped, given that the site is bordered to the north, east and west by substantial amounts of residential development, which include dwellings of modern design with domestic gardens which adjoin the field, the site makes a very limited contribution to the landscape and scenic qualities of the AONB.
 9. The proposed development would not result in visually isolated or sporadic dwellings within the countryside, as they would be seen, both from close to the site and from more distant views, as forming part of the existing development at Watton and specifically in the context of the nearby residences that are located within Broad Lane and which, by reason of their location at the top of a hillside, would be more prominent within the wider surrounding landscape than the proposed dwellings. Consequently, the proposal would not disrupt any long distance views of this section of the AONB, from within the wider surrounding landscape.
 10. The scheme proposes a low density of housing at the site which, in my view and subject to matters of design and landscaping which can be controlled at the reserved matters stage, would reflect the pattern of development located within Watton Lane and Broad Lane. Consequently, the proposed dwellings would not appear cramped within the site, when considered in the context of the pattern of development in the immediate area.
 11. Moreover, the staggered arrangement proposed would result in a degree of informality that would be in keeping with the character and appearance of Watton. The proposal would be viewed against the backdrop of those residences which are located within Broad Lane and in the context of the surrounding built environment. In view of the modest scale of development and

its particular location, subject to matters of design and landscaping, I consider that the development would not result in harm to the character and appearance of the surrounding area or would fail to conserve and enhance the landscape and scenic beauty of the AONB. Consequently, the appeal scheme would not conflict with the provisions of paragraph 172 of the Framework.

12. Interested parties have put it to me that the appeal scheme amounts to major development within the context of paragraph 172 of the Framework. Footnote 55 within the Framework explains that whether a proposal is considered to be major development is a matter of judgement for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined. The proposal is for two housing units in a location which is predominately surrounded by residential development and which, for the reasons given above, would not have an adverse impact on the character and appearance of the surrounding area or would be harmful to the landscape and scenic beauty of the AONB. I therefore conclude that the proposal would not amount to major development as defined within the context of paragraph 172 of the Framework.
13. It is further maintained by interested parties that the appeal proposal would set a dangerous precedent for further development within the AONB. However, the particular circumstances of the appeal proposal and the particular characteristics and appearance of the appeal site would be unlikely to be repeated elsewhere within the AONB and, given that I have concluded that the proposal would be acceptable for the above reasons, it cannot be said that this conclusion would result in unacceptable and harmful developments on other sites within the AONB.

Location of Development

14. The appeal site is situated outside of the defined development boundary (the DDB) of Bridport. The West Dorset, Weymouth and Portland Local Plan (the Local Plan) focuses growth in named larger settlements within the area. Policy SUS2 of the Local Plan provides that outside the DDB, development will be strictly controlled and restricted to certain types of development. The proposal does not accord with the criteria or restricted forms of development as provided under Policy SUS2 of the Local Plan and, therefore, would fail to strictly comply with this policy of the Development Plan.
15. Whilst it is acknowledged that the proposed location for the appeal scheme would be outside of the DDB and would not strictly accord with Policy SUS2 of the Local Plan, the site is nonetheless situated close to, and within convenient walking distance to, the built up area of Bridport town and the wide range of services and facilities, such as schools, supermarkets and a leisure centre, that that settlement provides.
16. In order to access those facilities contained within Bridport, future occupants of the appeal scheme may have to walk on a short section of highway without lighting or footways. However, this short section of highway provides good levels of visibility for pedestrians and vehicles alike in both directions and, as was observed on my site visit, is wide enough to allow for cars to safely pass pedestrians. Furthermore, there do appear to be public footpaths close to the site, towards the end of Watton Lane, that provides alternative pedestrian access into Bridport.

17. With regards to the accessibility of services and facilities, by reason of the very short distance between the site and Bridport town and given that the nature of the highway connecting the site to Bridport would be unlikely to deter the use of sustainable transport options, overall I consider that the appeal scheme would appear to be adequately located, benefiting from good access by means of walking or cycling, which would thus help reduce the reliance on motor vehicles. This position would not be altered by the additional traffic that would be generated from nearby sites which have been permitted for development.
18. In summary of the above, whilst the appeal proposal would not strictly accord with the provisions of Policy SUS2 of the Local Plan, the appeal scheme would, for the reasons given, provide convenient and safe access to a range of services which would not require unacceptable levels of reliance on motor vehicles. The proposal would, therefore, accord with the provisions of paragraph 108 of the Framework.
19. The proposal is in outline, with matters regarding landscaping and design reserved for a later stage. By reason of the site's convenient location where access to services and facilities can be achieved without the need to travel by car, and given that efficient use of water and energy resources could be included within the design of the proposed units at the reserved matters stage, I find that the appeal scheme would not fail to accord with the provisions, aims or objectives of paragraph 149 of the Framework. Notwithstanding this conclusion, the conflict with Policy SUS2 of the Local Plan weighs against the proposal. I shall return to these considerations in the planning balance section below.

Other Matters

20. Interested parties raise additional concerns with regards the appeal scheme, in respect of highway safety, the living conditions of nearby residents, biodiversity loss and drainage. With regards to highway safety and the point of access onto Watton Lane, it will be seen from the below that I have included a condition with regards to visibility that would overcome any concerns in this respect. It is noted that the Highways Officer confirmed that such a condition would be necessary, and I have no reason to disagree with their assessment regarding highway safety. Furthermore, there is no substantive evidence before me that demonstrates that the proposal would have an adverse impact with regards to flooding or that which could not be adequately controlled during consideration of the design of the proposed units at the reserved matters stage.
21. I acknowledge that the submitted plans and drawings did not include a section through the site which included the proposed dwelling at plot 1 and its physical relationship with the dwelling known as The Croft. However, the plans submitted do provide an adequate and accurate proposed layout of the site and did include a cross section which included the proposed dwelling at plot 2 and its relationship with the nearest building located on Broad Lane. In these respects, I conclude that the plans submitted are sufficient. Furthermore, with regards to biodiversity, it is noted that the Council's Officer confirmed there would be no impact from the proposal and it is noted that biodiversity enhancement could be achieved through careful consideration of design at the reserved matters stage.
22. In respect of the effect of the appeal scheme on the living conditions of nearby residents, particular reference is made to loss of privacy, light spill, noise

disturbance and loss of views. In terms of light spill and noise disturbance, I conclude that appropriate landscaping of the appeal site would be adequate to sufficiently mitigate any harmful effects in these respects.

23. Whilst I acknowledge that the proposal may result in some loss of long distance views for residents of The Croft towards the hills and coastline at West Bay towards the south of the appeal site, planning is concerned with land use in the public interest so that private loss of view would not constitute a significant material planning consideration.
24. There would be sufficient separation distance between the proposed dwellings and the Croft to ensure that there would be no harm to the outlook for residents of The Croft. I am satisfied that the design of the proposed units could be adequately controlled at the reserved matters stage to ensure they reflect the height and mass of nearby dwellings, both existing and recently permitted, thereby preserving the character and appearance of the area and, given the separation distance between the proposed dwellings and The Croft and following appropriate landscaping at the appeal site, the proposal would not result in unacceptable levels of overlooking or loss of privacy for nearby residents.

Planning Balance

25. The evidence before me indicates that the Council cannot currently demonstrate a five year housing land supply and, in this regard, it appears that the shortfall is not significant. Paragraph 11(d) of the Framework provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), 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.
26. I have found that the proposal would not be harmful to the character and appearance of the surrounding area and would not be harmful to the landscape and scenic beauty of the AONB. Whilst the appeal scheme would be conveniently and suitably located with regards to access to services and facilities by means other than private motor vehicle, the proposed development would be outside the DDB and would conflict with the development plan in this regard. However, Policy SUS2 of the Local Plan does provide that some growth outside of the DDB could be permitted to meet local needs and given the shortfall in housing supply and that Watton could be considered to be a settlement without a DDB, I attach only limited weight to the proposal's conflict with Policy SUS2 of the Local Plan.
27. In the context of assessing the three objectives of sustainable development identified in the Framework, the economic benefits of the proposal would be limited in terms of employment during the construction phase and in terms of the additional spend of future occupants with local businesses which will contribute to the vitality of Bridport and to the viability of existing services.
28. In terms of social and environmental benefits, the proposal would make a contribution towards the acknowledged shortfall in housing land supply and would be located in very close proximity to Bridport where there would be opportunities to access local services and facilities without the need of a car.

Further environmental benefits could arise given that efficient use of water and energy resources could be included within the design of the proposed units at the reserved matters stage. Cumulatively, I attach moderate weight to these considerations in the determination of this appeal.

29. In summary of the above considerations, I find that the cumulative benefits associated with the proposal would be moderate and the harm arising from the proposal's conflict with Policy SUS2 of the Local Plan would not significantly or demonstratively outweigh the benefits of the appeal scheme when assessed against the provisions of the Framework when taken as a whole.

Conditions

30. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. Other than the standard outline conditions dealing with reserved matters, time limits and plans, it is reasonable and necessary to include a condition which requires that access, visibility splays, parking and turning be constructed prior to occupation of the proposed dwellings and kept unobstructed and maintained thereafter.
31. Where necessary, and also in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance. In this respect I have combined the suggested conditions with regards to commencement of reserved matters, in the interests of accuracy and consistency.

Conclusions

32. The Framework supports a plan-led approach to development. However, in my opinion, allowing this appeal is in line with the approach set out in the Framework and would not undermine the purposes of the development plan.
33. For the reasons given above, the appeal succeeds and planning permission is granted subject to the conditions identified.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall in all respects accord strictly with drawing numbers: Location Plan 18/009/01C received by the Local Planning Authority on 1 October 2019 and drawing number: Proposed Site Plan and Section 18/009/03B received by the Local Planning Authority on 25 September 2019.
- 2) Approval of the details of the scale and appearance of the building(s) and the landscaping of the site (hereinafter referred to as the Reserved Matters) shall be obtained from the Local Planning Authority in writing before any development is commenced.
- 3) The development hereby approved shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the latest.
- 4) Before the development is occupied the access to the highway, visibility splays, internal drive layout, parking and turning areas shown on Drawing Number: Site Plan & Section As Proposed 18/009/03 Rev C must be constructed, unless otherwise agreed in writing by the Local Planning Authority. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.