
Appeal Decision

Site visit made on 18 September 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 14th October 2020.

Appeal Ref: APP/D1265/W/20/3252474
Silver Mead, Firsch Lane, Waldfitch DT6 4LQ

- 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 S Childs against the decision of Dorset Council.
 - The application Ref WD/D/19/000805, dated 15 March 2019, was refused by notice dated 14 November 2019.
 - The development proposed is erection of 1 no dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made in outline with all matters reserved. Although the appellant has provided a site layout, elevations and floor plan during the appeal process, these were not before the Council at the time it made its decision. No request has been made for any of the matters of detail to be included for consideration during this appeal and interested parties have not had the opportunity to comment on the additional plans. Therefore, I have considered them as indicative only, and have dealt with the appeal on the same basis as the Council, namely that access, scale, appearance, layout and landscaping are all reserved for future consideration.
3. Since the application was made, West Dorset Council has become part of the unitary authority of Dorset Council. Therefore, references to West Dorset Council, including the prefix in the appeal reference above, have been altered to reflect this change.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for the proposed development having regard to the settlement strategy and access to facilities and services.

Reason

5. The appeal site is outside of any Defined Development Boundary (DBB) in the West Dorset, Weymouth and Portland Local Plan (LP) or the Lodders Neighbourhood Plan (NP). LP Policy SUS2 seeks to focus development at larger and more sustainable settlements and limits development outside DBBs to specified types. The proposal would not fall within any of those types of development and as such conflicts with Policy SUS2.

6. NP Policy E5 supports development within DBBs and only allows new buildings outside development boundaries in exceptional circumstances. The Council advises that it cannot currently demonstrate a 5-year supply of housing land as required by the National Planning Policy Framework (the Framework), however neither main party has identified the extent of the shortfall. There is no substantive evidence before me that the proposal would meet an identified local housing need. While the appellant proposes that the proposed dwelling would be for a local family, there is no mechanism before me to limit the occupancy or ownership of the dwelling in this way. Consequently, although the proposal would contribute to housing supply, as supported by the Framework, the benefits of one additional dwelling would be limited and therefore attract limited weight. Accordingly, they do not constitute the exceptional circumstances required by Policy E5, and the proposal would conflict with that Policy.
7. Walditch has very little in the way of services and facilities, and as such future occupiers of the proposed dwelling would have to travel to access the facilities needed for day-to-day living, such as shops and schools. Services in Bridport are approximately 25 minutes' walk from the site, which far exceeds the 10 minute 'walkable' distance set out in the National Design Guide. Although within a reasonable cycling distance, the routes are narrow, unlit lanes, and as such would not provide a safe and attractive option for cyclists outside daylight hours.
8. There is a bus stop approximately 200m from the appeal site which provides access to Bridport, Dorchester and Weymouth. However, no details of the frequency or times of the services have been provided, and as such I cannot be certain that it would provide a realistic option for travel to work or school. Furthermore, while the bus stop is relatively close, the routes to it are via a narrow lane or a public footpath across fields, both of which are unlit. The appellant advises that the lane is regularly used by large lorries, and I saw that it offers few opportunities for pedestrians or cyclists to take refuge from traffic. While the footpath would provide an alternative route, it is unsurfaced and as such is unlikely to be suitable for everyday use, particularly in poor weather. As such, neither route is likely to be attractive for pedestrians or cyclists to access the bus stop. Accordingly, the appeal site would not provide occupiers of the proposed dwelling with a genuine choice of transport modes, and they are likely to be heavily reliant on the private car to meet their day-to-day needs.
9. The Framework provides that opportunities to maximise sustainable transport solutions will vary from urban to rural areas, but also seeks to locate housing where it will support local services and limit the need to travel. While existing local residents are likely to be car dependent given the rural nature of the area, the LP specifically seeks to locate new development where it is not dependent on cars and there are a choice of transport modes, in order to avoid increases in carbon emissions and disadvantaging those without a car.
10. Therefore, the proposal would not accord with the sustainable development objectives of LP Policy 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.

Other Matters

11. The appeal site is within the Dorset Area of Outstanding Natural Beauty (AONB), where the Framework gives great weight to conserving and enhancing the landscape and scenic beauty of the area. The proposal would have the potential to intensify the amount of development in this part of the AONB, however the visual and landscape effects would be largely determined by the layout, scale and appearance of the building and the landscaping of the site, all of which are reserved matters.
12. The topography of the area and existing vegetation mean that the appeal site is relatively well screened from public view. It is also adjacent to a small cluster of existing buildings, which are on higher land and are more prominent in views from high ground and the A35 than the appeal site. Given the size and slope of the site and the amount of existing development, I consider that there is potential to devise a suitable design which would conserve or enhance the character of the area and the AONB. I therefore find no conflict with NP Policy E1, which seeks to protect important gaps, key rural views and local green spaces.
13. While the appellant refers to a recent approval for development at Fairways, West Bay, outside the DBB, no details of that scheme have been provided. Therefore, I cannot be certain of the circumstances that led to it being approved, or whether its location and accessibility were comparable to this proposal. As such, that decision does not set a precedent or weigh in favour of allowing this appeal.
14. Although the highway authority did not object to the proposal, from the comments provided I cannot be sure that it considered the availability of sustainable transport options. Therefore, the lack of objection does not weigh in favour of the proposal.

Planning Balance and Conclusion

15. The proposal would conflict with the settlement strategy set out in the development plan and would not be in a particularly accessible location, however due to the lack of a 5-year housing land supply, Framework paragraph 11d) is engaged and the policies which are most important for determining the application are out-of-date. Nevertheless, those policies are highly consistent with the provisions of the Framework in relation to the location of rural housing and access to sustainable transport modes, and as such I afford the conflict with them substantial weight.
16. The proposal would contribute to housing supply and generate some economic benefits through construction and occupation, however given the small amount of development proposed, these would be limited, and therefore carry limited weight.
17. A scheme could be devised that would not harm the character of the area or the AONB and would deliver suitable parking and outdoor space. The additional traffic generated by one dwelling is unlikely to significantly affect the local highway network. These matters are however of neutral consequence in the planning balance.
18. Overall, therefore, although the proposal would comply with some development plan policies, it would adversely affect the ability to achieve the planned

strategy for the delivery of housing and therefore, would conflict with the development plan as a whole.

19. The proposal would boost housing supply as supported by the Framework; however it would not meet the Framework requirements to locate housing where it will enhance or maintain the vitality of rural communities, or limit the need to travel. Consequently, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.
20. Accordingly, for the reasons given above and taking into account all matters raised, there are no other considerations, including the Framework, that outweigh the conflict with the development plan. The appeal is therefore dismissed.

L McKay

INSPECTOR