
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: 19 October 2020

Appeal Ref: APP/D1265/W/20/3256414

Land off of Garden Close, Litton Cheney, Dorchester, Dorset

- 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 Ms Janet Lunn against the decision of Dorset Council.
 - The application Ref WD/D/19/001897, dated 30 July 2019, was refused by notice dated 10 March 2020.
 - The development proposed is demolition of double garage and erection of 1 no. dwelling and associated infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of double garage and erection of 1 no. dwelling and associated infrastructure at Land off of Garden Close, Litton Cheney, Dorchester, Dorset in accordance with the terms of the application, Ref WD/D/19/001897, dated 30 July 2019, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - a) Whether the site is suitable for the proposed development, having regard to the spatial strategy of the development plan, and its accessibility to services and facilities; and,
 - b) The effect of the development on the character and appearance of the area.

Reasons

Spatial strategy and accessibility to services and facilities

3. 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, although settlements with no defined development boundary may also have some growth to meet their local needs. The supporting text indicates that this will be community-led, through Neighbourhood Plans and other planning tools.

4. Otherwise, outside defined development boundaries, development is strictly controlled, and is restricted to specified categories. As far as open-market housing is concerned, this is limited to the re-use of existing rural buildings. Litton Cheney does not have a settlement boundary, and, although a housing needs survey in 2018 identified a need for some open market housing, there is no evidence to suggest that the proposed four-bedroomed detached dwelling would be suitable to satisfy any of this local need. The development would, therefore, be contrary to the settlement strategy set out in Policy SUS2.
5. Although it does not have a development boundary, Litton Cheney is a settlement of 200+ population, which has some local services and facilities, including a primary school, village hall, church and pub. There is also a bus service which, although limited, provides a sustainable option for accessing secondary education facilities in Bridport. The appeal site lies within the built form of the village, within easy walking distance of all these facilities. The dwelling would not, therefore, be an isolated home in the countryside, and residents would have access to some services, including education, via sustainable transport modes.
6. Nevertheless, there are no shops or health services within the village, and little in the way of employment provision. Occupants of the dwelling would have to travel to the higher order settlements of Burton Bradstock, Bridport or Dorchester to access these facilities. There is a regular bus service on the A35, to the north, but this is about 1.5 kilometres from the appeal site, and the route mostly comprises a steep, narrow unlit lane with no footways or lighting. It is not, therefore conducive to walking or cycling. Combined with the limited nature of the bus service that runs from the village, this means that occupants of the dwelling would be largely reliant on private motor vehicles to make journeys to the larger settlements. The proposal would, therefore, result in an increase in private vehicle trips.
7. This increase must, however, be considered in the context that all residents of the village are similarly dependant on private vehicles to access these services. Consequently, the addition of one dwelling would represent a very modest increase in the overall number of trips in and out of the village. On the other hand, the occupants of the dwelling would help to support the existing services within the village, which contribute to the sustainability of the rural community, and reduce the need for residents to travel further afield. Therefore, the limited increase in car use would be balanced, to some extent, by a similarly modest increase in the viability of the existing village facilities.
8. To conclude on the first main issue, the development would not accord with the spatial strategy of the development plan. The proposal would therefore conflict with Policy SUS2 of the Local Plan. Furthermore, occupants of the dwelling would be reliant on private vehicles to access some essential facilities and services, so there would be an increase in the use of non-sustainable transport modes, albeit modest.

Character and appearance

9. The appeal site is a level piece of land that lies between houses that front Garden Close to the west, and a village road to the east. To the north are gardens, with housing fronting Chalk Pit Lane beyond. It currently accommodates a double garage, shed/greenhouse and shepherds' cabin, together with some fruit trees and other planting. Although not attached to any

of the surrounding dwellings, it has the appearance of a domestic garden. As it is enclosed by housing and gardens on three sides, and a hedgerow on the other, it is not readily visible from public viewpoints, so does not make an important contribution to the character or appearance of the village.

10. The site is accessed by a driveway that turns eastwards off the end of Garden Close, to give vehicular access to the rear of The Cottage and the garage on the appeal site. Most of the houses in Garden Close front the road, and have ridges that run parallel with it. However, the house at each end has its ridge at right angles to the rest, so that the row of buildings appears to turn the corners. In this way No 1 has a frontage with Chalk Pit Lane, and No 8 has a long side elevation with doors and windows, so the house appears to front the driveway.
11. There is a substantial car-port building in the rear garden of The Cottage, which has a ridged roof on a similar alignment to that of No 8. The proposed dwelling would sit between these two buildings, and would be roughly in line with them. Consequently, it would appear as infill in the gap between the two buildings, rather than as "backland" development. The resultant group would give the impression of a row of three buildings fronting the driveway. The positioning of the dwelling would, therefore, be in keeping with the pattern of surrounding development. The garages to the rear of the site would replace the existing buildings, and would largely be concealed from any public viewpoint. The layout of the development would not, therefore, appear out of character.
12. The site lies within the Litton Cheney Conservation Area (the CA), the significance of which is derived from its coherent historic groups of buildings and boundary walls, built of local materials, within a high-quality landscape setting. The Council does not contend that there would be any harm to the significance of the CA, but the issue has been raised in representations. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
13. The dwelling would not be a prominent feature within the CA, due to the largely enclosed nature of the site. Notwithstanding this, its scale, form, design and materials would be in keeping with the traditional historic architecture of the village. Consequently, where glimpses of it were obtained, it would not harm the significance of the CA.
14. The Cottage, which lies to the east of the site, is a grade II listed building. It is a substantial two-storey stone house that fronts the village road to the east. The importance of its setting is largely derived from the adjacent historic buildings and its extensive garden, which is largely enclosed by high hedges and trees. Although the Council does not argue that the development would harm its setting, the issue has been raised in representations. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the listed building, or its setting, or any features of special architectural or historic interest which it possesses.
15. Only the upper parts of the rear of The Cottage are visible from the appeal site, and there would be a significant distance between the buildings. There are few viewpoints from which the two buildings would be seen in juxtaposition. The

gardens which provide the verdant setting for the building would be unaffected. The development would not, therefore, harm the setting of the listed building.

16. The appeal site lies in the Dorset Area of Outstanding Natural Beauty (the AONB). Paragraph 172 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. The appeal site comprises a domestic garden within the built form of the village, so does not make any meaningful contribution to the character and appearance of the AONB. Although there would be some loss of trees and greenery on the site, this would not be discernible when viewed within the wider landscape. From distant viewpoints the dwelling would be seen as part of the settlement, and its form and materials would be characteristic of the rest of the village. The development would not, therefore, result in any harm to the landscape and scenic beauty of the AONB.
17. I therefore conclude, on the second main issue, that the development would not harm the character and appearance of the area, including the CA, the setting of the listed building and the AONB. I therefore find no conflict with Policies ENV10 and ENV12 of the Local Plan, which seek to ensure that development is informed by the character of the site and its surroundings, with well-defined patterns of streets and spaces.

Other Matters

18. No 8 Garden Close has several windows in its rear gable, facing the appeal site. However, there would be no windows in the west elevation of the dwelling, and there would be a significant space between the buildings. Consequently, there would be no loss of privacy or light for the occupants of No 8. There would be some increase in traffic movements on the driveway, however this route is already used by cars and pedestrians to access the garages on the appeal site and The Cottage. The additional movements from one dwelling would not result in a significant increase in disturbance or overlooking.
19. Garden Close has a pavement, and the carriageway is wide enough to allow on-street parking on one side without obstructing the passage of vehicles. As it is a short cul-de-sac, it carries infrequent and slow-moving traffic. The additional traffic movements from a single dwelling would not, therefore, result in highway danger. The evidence indicates that large vehicles serving the existing houses have difficulty turning at the end of the cul-de-sac. It is unlikely that the dwelling would attract significant levels of heavy traffic, so this problem is likely to remain an infrequent occurrence.
20. Concerns have been raised about the loss of wildlife. However, an expert report was submitted with the application, which concluded that the size and characteristics of the site were such that it was unlikely to be of biodiversity value. The larger trees will be retained, so the development would not be likely to result in harm to wildlife.
21. It has been stated in representations that the dwelling would not be affordable. However, paragraph 63 of the Framework makes it clear that affordable housing should not be sought for residential developments of less than five dwellings.

Planning Balance

22. I have found conflict with Policy SUS2 of the Local Plan, insofar as it acts to restrict new housing outside development boundaries. However, the Council accepts that it cannot currently demonstrate a five-year supply of deliverable housing sites, so the policy is out of date. Paragraph 11 of the Framework states that, where the policies that are most important for determining the application are out of date, permission should be granted, unless:
- i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development; or
 - ii. 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.
23. I have concluded that there would be no harm to the significance of the CA, the setting of the listed building, or the scenic beauty of the AONB. No other areas or assets of particular importance would be affected by the development. It is therefore necessary to assess whether the adverse impacts of the development would significantly and demonstrably outweigh the benefits.
24. The Framework seeks to achieve sustainable development across overarching economic, social and environmental objectives. I have found that occupants of the dwelling would be reliant on private vehicles to access some essential facilities and services, so there would be a modest increase in the use of non-sustainable transport modes. This would conflict with the environmental objective of the Framework to promote sustainable transport.
25. However, the development would deliver social benefit through the provision of an additional dwelling to address the shortfall in housing supply. This would accord with the Framework's objective of significantly boosting the supply of homes. Future occupants would support existing village services, which would accord with the Framework's aim to promote healthy and safe communities. There would also be economic benefits through employment during the construction phase, which would accord with the Framework's aim to build a strong, competitive economy.
26. In view of the small scale of the proposal, the social and economic benefits would be modest. Nevertheless, the adverse impact of additional private vehicle journeys would also be small, so, when assessed against the policies in the Framework taken as a whole, it would not significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development applies, and the proposal accords with Policy INT1 of the Local Plan.

Conditions

27. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested two further conditions. I have considered these against the advice in the Planning Practice Guidance, and agree that they are necessary, although I have altered them, in the interests of clarity and precision, to better reflect the guidance.

28. I have therefore imposed a condition to ensure that there is sufficient off-street car-parking and manoeuvring space to serve the dwelling. This is necessary to avoid an increase in competition for on-street parking in Garden Close, which could lead to inconvenience for other road users. I have also imposed a condition requiring the approval of external materials to ensure that the dwelling is sympathetic to the character and appearance of the area.

Conclusion

29. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

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: LP-001 Rev D - Site Location Plan; SP-001 Rev 0 - Existing Site Plan; SP-002 Rev A - Existing Site Plan with red line; SP-003 Rev 0 - Proposed Site Plan; SP-004 Rev D - Proposed Site Plan with red line; 1-P-001- Rev A - Floor Plans; 1-P-002 - Front and Side Elevations; 1-P-003 Rev 0 - Rear Elevation and Section; QG1 - Garden Close Garages.
- 3) No development above the Damp Proof Course level of the dwelling shall take place until details or samples of all external facing materials for the walls, roof and boundary treatments have been submitted to, and approved in writing by, the local planning authority. The development shall proceed in strict accordance with the approved details.
- 4) The dwelling hereby permitted shall not be occupied until the parking and turning area has been completed in accordance with the details shown on plan number SP-004 Rev D. This area shall thereafter be kept clear of obstruction at all times, and shall not be used other than for the parking and manoeuvring of vehicles in connection with the development hereby permitted.