



## Appeal Decision

Site Visit made on 27 October 2020

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

**an Inspector appointed by the Secretary of State**

**Decision date: 10 November 2020**

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**Appeal Ref: APP/D1265/W/20/3255994**

**Land at Yew House Farm, Marnhull, Sturminster Newton, DT10 1PD**

- 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 and Mrs M and G Espley against the decision of Dorset Council.
  - The application Ref 2/2019/1461/OUT, dated 18 October 2019, was refused by notice dated 17 January 2020.
  - The development proposed is for five residential dwellings with garages and access improvements.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The proposal is for outline planning permission with all matters reserved except for access. Whilst not formally part of the proposed development, the details submitted with the appeal include an illustrative layout for the scheme.

### Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

### Reasons

4. The appeal site comprises an irregular shaped field at the periphery of Marnhull. Land in the southern section of the site is relatively level with land in the northern section of the site sloping uphill from west to east. A public footpath is located close to the western boundary of the site. Whilst the appeal site is located adjacent to the built form of Marnhull, the evidence before me indicates that the site is located outside of the settlement boundary.
5. The appeal site has an intrinsic attractiveness albeit not significant in landscape terms. Nonetheless, the site reflects the appearance of the surrounding more open countryside to the north and west of the site, and the immediate area has a far from urban quality despite the presence of development to the south and southeast of the site. In my assessment, it forms a distinctive part of the countryside and its undeveloped rural characteristics make a significant contribution to the pleasant rural landscape setting of Marnhull.
6. The appeal scheme would represent an encroachment into a currently undeveloped area of countryside. However, the indicative layout of the

proposed development submitted with the appeal, would seek to reflect the density of housing to the south of the site. By reason of the encroachment noted above, and the loss of what is an attractive open space forming part of the setting of Marnhull, there would be harm arising out of the proposed development with regards to the character and appearance of the surrounding area and to the setting of the settlement.

7. The level of change introduced by the proposal would be significant, as the appearance of the undeveloped open field currently located on the edge of the settlement would be permanently altered. The site's contribution as a transitional area between the developed area of Marnhull and the surrounding countryside to the north and west of the site would therefore be lost, resulting in a scheme which would extend the settlement further into the countryside.
8. Whilst additional planting could be provided to soften the effect of the proposal, the appeal scheme would include new buildings and domestic gardens, as well as areas of hardstanding, which would significantly alter the undeveloped character of the site. Furthermore, given the sloping nature of the northern section of the site and its prominence in views from the north and west, additional planting along the western boundary of the site would not sufficiently screen the site from views from within the wider surrounding area.
9. Policy 1 of the North Dorset Local Plan Part 1 (2016) (the Local Plan) sets out the presumption in favour of sustainable development. Policies 2 and 20 of the Local Plan identifies Marnhull as one of the larger villages which is the focus for future growth outside a number of named larger towns within the District. Policies 1, 2 and 20 of the Local Plan are consistent with the provisions contained within the National Planning Policy Framework (the Framework), as they seek to promote sustainable development and seek to protect the character and appearance of the countryside from inappropriate development.
10. Policy 20 of the Local Plan provides that proposals outside of the settlement boundary of the larger villages will only be permitted if there is an overriding need to be at that location or where the proposal represents one of the exemptions to development within the countryside. The appeal scheme does not accord with these exceptions to development within the countryside and would, therefore, conflict with Policies 2 and 20 of the Local Plan.
11. Within their reason for refusal, the Council has also cited conflict with Policies 7 and 24 of the Local Plan which concern housing mix and design. However, the application is in outline and, as such, these are matters which would be considered at the reserved matters stage. Consequently, consideration of these matters is not applicable in relation to the appeal proposal.
12. Notwithstanding the identified conflict with the above Policies of the Local Plan, it is common ground between the main parties that the Council cannot currently demonstrate a five year housing land supply. In such circumstances, footnote 7 of the Framework confirms that the relevant housing policies of the development plan should be considered out of date. Paragraph 11d) of the Framework states that where the relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole, or where policies in the Framework that protect areas or assets of particular importance provide a clear reason for

refusing permission. In this instance none of the considerations contained within footnote 6 of the Framework apply to the appeal scheme.

13. The proposed development would provide social benefits in terms of five new homes which would contribute to the Council's supply of housing, in an area where there is convenient access to the services and facilities contained within Marnhull. Whilst I note the Appellants' submissions and intention that the proposed housing would be restricted to those aged over fifty five, there is no mechanism before me which would secure such a restriction. Given the absence of a suitable mechanism, the proposal would be considered to be open market housing for the purposes of this appeal.
14. There would be also economic benefits, both from the construction of the homes and subsequent occupation, with future occupants of the scheme likely to contribute to the viability of local businesses. However, the identified social and economic benefits associated with the proposal are limited by the scale of development and, when combined, they carry limited weight in favour of the development.
15. Weighed against these benefits, I have already found that the impact of the scheme on the character and appearance of the area would be significantly harmful and, in my view, would significantly and demonstrably outweigh the identified limited benefits of the scheme. I find that the proposal is therefore not a sustainable form of development and the provisions of paragraph 11 of the Framework would not outweigh the harm I have identified.
16. The Appellants have put it to me that the appeal proposal would have less of a landscape impact than the scheme which was recently approved at Kentisworth Road located east of the site. In this regard, whilst I would concur that that development also extends the built form of Marnhull out into the countryside and has some similarities to the appeal proposal, I do not agree that that development would be more harmful to the character and appearance of the surrounding area or to the setting of the village.
17. The two sites, while being adjacent to each other, exhibit different characteristics, with a significant portion of the appeal site being on sloping land which faces a predominately open area of agricultural land to the west and which gives the site significant prominence. This position is not replicated by the site at Kentisworth Road which, given its location, would not be as prominent in views from within the wider area outside of Marnhull. Therefore, I am not satisfied that the circumstances of the recent approval for development at Kentisworth Road are sufficiently similar to the appeal scheme, such that it would warrant me reaching a different conclusion on the main issue. In any event, I have determined the appeal case on its own merits, whilst having regard to the evidence submitted.
18. In summary of the above, I conclude that the appeal proposal would cause significant harm to the character and appearance of the area in a sensitive location that marks the transition between the built form of Marnhull and the countryside. For the above reasons, the proposal would conflict with Policies 1, 2 and 20 of the Local Plan which seek to promote sustainable development and protect the character and appearance of the countryside from inappropriate development. Whilst the current absence of a five year housing land supply reduces the weight that can be applied to these policies, I assess

that the adverse impacts arising from the proposal would significantly and demonstrably outweigh the limited benefits that would arise in this case.

### **Other Matters**

19. Interested parties raise additional objections to the proposal on the grounds of flooding, highway safety and potential adverse effects in relation to the living conditions of nearby residents. These are important matters and I have considered all of the evidence before me. However, given my findings in relation to the main issue above, these are not matters that have been critical to my overall decision.

### **Conclusion**

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

*Mr A Spencer-Peet*

INSPECTOR