The Planning Inspectorate

Appeal Decision

Site visit made on 11 November 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2020

Appeal Ref: APP/D1265/W/20/3255976
Land to the North of Lorton Lane, Weymouth DT3 5DJ

- 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 Malcolm Curtis of Koori Ltd against the decision of Dorset Council.
- The application Ref WP/19/01002/FUL, dated 11 December 2019, was refused by notice dated 16 June 2020.
- The development proposed is the erection of 9 detached and semi-detached two storey dwellings with garaging, surface parking and formation of vehicular access.

Decision

1. The appeal is allowed and planning permission is granted for the erection of 9 detached and semi-detached two storey dwellings with garaging, surface parking and formation of vehicular access at Land to the North of Lorton Lane, Weymouth DT3 5DJ in accordance with the terms of the application Ref WP/19/01002/FUL, dated 11 December 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:

   - the effect of the proposal on the character and appearance of the area, with reference to (i) the Broadwey Conservation Area (the CA) and the setting of the Grade II listed Lorton Farmhouse and Dairy (Lorton Farm) and (ii) the Important Open Gap (IOG) between Broadwey and Redlands; and,

   - the suitability of the site for the proposal having regard to local policy for the supply of housing.

Reasons

Character and appearance - Heritage assets

3. The appeal site comprises a large rectangular field at the south edge of the settlement of Broadwey. Dorchester Road adjoins the site to the west, beyond which is Lorton Farm and the countryside around the River Wey. To the north, and to the south on the other side of Lorton Lane, is housing, and to the east is the modern housing development Lorton Park. The housing to the south forms part of a distinct residential area called Redlands.

4. The site is within the setting of Lorton Farm and within the CA. I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and a duty to consider the impact on the special architectural and historic interest of the listed building.

5. The significance of the CA is drawn not just from its buildings but also by Broadwey's relationship with the surrounding countryside, particularly around the River Wey, and where the open land sweeps around to the south of the settlement. Indeed, the Broadwey Conservation Area Appraisal considers the open land around the settlement to be one of its most significant assets.

6. The site, as open and verdant land at the edge of Broadwey, makes a clear contribution to this significance. However, this is drawn principally from the more exposed and prominent south part of the site. The north part is altogether more enclosed by neighbouring housing, which leads it to have a greater affinity with Broadwey's built form.

7. The proposed housing would be confined to the north part of the site, in line with Lorton Park, appearing effectively as infill. The design and finish materials would offer a deferential nod to the local vernacular. Whilst the layout would not be characteristic of the CA's historic pattern of development, this would lead the proposal to be seen as an honest, modern extension of the settlement. The houses fronting Dorchester Road would have a slightly elevated position, but this would be consistent with the adjoining property to the north. The car parking would be sympathetically integrated into the site. For these reasons, the character and appearance of the CA would be preserved.

8. The significance of Lorton Farm is largely attributable to the aesthetic and architectural quality of its farmhouse architecture, in contrast to the later urban form which has somewhat subsumed it. It also draws a degree of significance from the remaining open land around it, which evokes its formerly isolated, pastoral environs. Lorton Farm has an enduring relationship with the trading route of Dorchester Road, adjacent to which it was likely purposefully placed.

9. That said, Dorchester Road is a more active, developed and noisier environment today, and this corridor of busy urbanity visually and sensorially disconnects Lorton Farm from the appeal site. Moreover, when one looks across to the site from the front of the listed building, it is the continuous backdrop of housing, and again particularly the render walls and the roof profiles of Lorton Park, which most strongly define the urban fringe character around the site.

10. As such, it is not the appeal site, but rather the open land to the south, and the drowned meadows around the meandering River Wey to the west, which offer the paramount contribution to Lorton Farm's open setting. On this basis, the proposal would not harm the significance of Lorton Farm.

Character and appearance - Important Green Gap

11. The land to the south of Broadwey provides spatial and visual separation between Broadwey and Redlands. This space, including the site, is designated by the West Dorset, Weymouth & Portland Local Plan 2011-2031 (adopted 2015) (the Local Plan) as an IOG. Policy ENV3 of the Local Plan states that development that would cause harm to the green infrastructure network (which includes IOGs) or undermine the reason of an area's inclusion within the network will not be permitted unless outweighed by other considerations.

12. For the reasons already expressed, the north section of the site does not contribute significantly to the openness of the area nor therefore the IOG. The more open and sensitively placed land to the south does contribute to the IOG, particularly as it is read together with the open land directly on the other side

of Dorchester Road, which creates a strong separating effect. This part of the site, and therefore the integrity of the IOG, would be retained by the proposal as open space. Any scheme for its development in the future would be subject to a planning application which would be assessed on its own individual merits.

13. Going further, the concentration of housing at the north end of the site may well add a sense of completeness to Broadwey and, it follows, greater emphasis to the retained areas of IOG. As such, rather than coalescence, I find it more likely that the proposal would add a degree of consolidation to the sense of separation between Broadwey and Redlands.

Conclusions on main issue

14. Drawing my findings together on this issue, the proposal would preserve the character and appearance of the CA, would not harm the significance of Lorton Farmhouse derived from its setting, and would not have an unacceptable effect on the IOG. The proposal would therefore have an acceptable effect on the character and appearance of the area, in accordance with the landscape and heritage aims of Policies ENV1, ENV2 and ENV3 of the Local Plan.

Suitability of the site

15. Policy SUS1 sets out the Local Plan's strategic approach to delivering growth, including the level of housing required over the plan period. Policy SUS2 establishes a settlement hierarchy in order to guide development to the largest and best serviced locations. It states that, in rural areas, housing must meet local needs and be within specified settlements, the extents of which are established by defined development boundaries (DDBs). Outside of the DDBs housing is strictly controlled and restricted to that which meets one or more of a number of circumstances set out within the policy. The site is outside of the Broadwey DDB and the proposal would meet none of the given circumstances.

16. There is no dispute between the main parties that the Council cannot demonstrate a five-year supply of deliverable housing sites and that, within this context, Policy INT1 of the Local Plan applies an inbuilt 'presumption in favour of sustainable development'. In practice, and in regard to this appeal, this means that the decision maker can take into account the extent to which the proposal would positively contribute to the strategic objectives of the Local Plan, and whether or not the adverse impacts of granting planning permission would significantly outweigh the benefits.

17. The scheme would contribute towards addressing the shortfall in housing within the area, providing a reasonable mixture of housing types, in a location with adequate access to services. Biodiversity enhancements can be delivered as part of the scheme. As such, its social, economic and environmental benefits would positively contribute to meeting the Local Plan's strategic objectives. The proposal would provide these benefits without identifiable adverse impacts.

18. The Council has also referred to the site's unfavourable consideration within the Dorset, Weymouth and Portland Strategic Housing Land Availability Assessment (SHELAA). However, given my findings above relate to a detailed development proposal at the site, the findings of the broader SHELAA exercise have had only limited influence within my reasoning.

19. Consequently, whilst the scheme would conflict with Policy SUS2, it would accord with Policies SUS1 and INT1 of the Local Plan. I therefore conclude on

this issue that the site would be suitable for the proposal, having regard to local policy for the supply of housing.

Other Matters

20. The Transport Statement submitted with the appeal anticipates that the proposal would generate 16 additional two-way trips daily, and this has not been disputed. This level of increase would not have severe residual cumulative impacts on the road network. There is no substantive evidence before me that the site could not be appropriately drained of surface water, nor that the scheme would lead to increased risk of flooding elsewhere. Any disruption due to the construction phase would be modest and ultimately time limited.

Conditions

21. In the event that I was minded to allow the appeal, the Council requested conditions to be applied, which I have assessed with regard to the tests set out in the Framework and the Planning Practice Guidance. I have amended them where appropriate for the sake of clarity and precision.

22. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. In the interests of highway safety, conditions are necessary to ensure that parking and turning areas and the visibility splay are delivered and retained. A condition is also required to ensure that the site access does not cause flooding within the highway.

23. In the interests of the character and appearance of the area, details of the finish materials are required for agreement prior to their installation. The siting of the approved buildings is shown on the layout plan, and their respective heights are fully specified or obtainable through reference to the sections, and, if necessary, cross reference with the street elevations. As such, I do not consider further information necessary on this subject.

24. Conditions are required to ensure that the built form is successfully assimilated into this environment through appropriate hard and soft landscaping, and that trees of amenity value which are proposed for retention, are retained. It is necessary to secure the proposed biodiversity mitigation and enhancement measures. In the interest of health and safety and the protection of infrastructure, a Construction Environment Management Plan must be submitted to and approved in writing by the Local Planning Authority, before construction work begins.

Conclusion

25. The proposal would accord with the development plan when read as a whole. It follows that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

Schedule of Conditions

1) The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

2) The development hereby permitted shall be carried out in accordance with the following approved plans: KOOR1611011 LP.01 A, KOOR1611011 CSL.01 A, KOOR1611011CSE.01 A, KOOR1611011 DBML.01 A, KOOR1611011 P1.e A, KOOR1611011 P1.p A**,** KOOR1611011 P2-3.e A**,** KOOR1611011 P2-3.p A, KOOR1611011 P4-5.e1 A**,** KOOR1611011 P 4-5.e2 A, KOOR1611011 P4-5.p A, KOOR1611011 P6.e A, KOOR1611011 P6.p A, KOOR1611011 P7.e A, KOOR1611011 P7.p A, KOOR1611011 P8.e A, KOOR1611011 P8.p A, KOOR1611011 P9.e A, KOOR1611011 P9.p A, KOOR1611011 CP01 A, KOOR1611011 GAR.01 A, KOOR1611011 GAR.02 A, KOOR1611011 GAR.03 A, KOOR1611011 SS.01 A, KOOR1611011 SS.02 A**,** KOOR1611011 PP.01 A, KOOR1611011 WFG.01 A.

3) Before the development hereby approved is occupied, the geometric highway layout, turning and parking areas shown on the submitted plans Refs 194810_G_001 Rev C and 194810_G_004 must be constructed and thereafter retained and kept free from obstruction.

4) Before the development hereby approved is occupied or utilised the visibility splay areas as shown on the submitted plan Ref 194810_G_001 C must be cleared/excavated to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.

5) Before the development hereby approved is occupied or utilised provision must be made to ensure that no surface water drains directly from the site onto the adjacent public highway.

6) Prior to installation details of all facing and roofing materials shall be submitted to, and approved in writing by, the Local Planning Authority and the development shall be completed in accordance with these details.

7) No development shall commence until there shall have been submitted to and approved in writing by the Local Planning Authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees on the land and identify those to be retained throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of a dwelling or the completion of the development, whichever is the sooner, or in accordance with a programme agreed in writing by the Local Planning Authority; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

8) Trees which are retained in accordance with the approved plans shall be protected by fencing in accordance with British Standard 5837 before any ground clearance works, equipment, machinery or materials are brought onto the site for the purposes of the development, and this fencing shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any fenced area

and the ground levels within those areas shall not be altered.

9) The development shall not be occupied until the mitigation measures detailed in the approved biodiversity mitigation plan dated 13th February 2020 have been completed in full, unless any modifications to the agreed mitigation plans as a result of the requirements of a European Protected Species Licence or the results of subsequent bat surveys, have first been submitted to and agreed in writing by the Local Planning Authority. Thereafter approved mitigation measures shall be permanently maintained and retained in accordance with the approved details.

10) No construction work shall commence until a Construction Environment Management Plan, incorporating safety clearance measures for the nearby overhead electricity line and gas pipeline, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall therefore be constructed in accordance with the agreed details.