
Appeal Decision

Site visit made on 4 September 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/D1265/W/20/3252957

Land at Mullets, White Lackington, Piddletrenthide, Puddletown, Dorchester DT2 7QT

- 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 Mr and Mrs McBride against the decision of Dorset Council.
 - The application Ref WD/D/19/002149, dated 20 August 2019, was refused by notice dated 29 November 2019.
 - The development proposed is erection of two eco holiday homes.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the appeal form refers to West Dorset Council, this became part of the unitary authority of Dorset Council prior to the Council issuing its decision. Therefore, references to West Dorset Council, including the prefix in the appeal reference above, have been altered to reflect this change.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal site is in the AONB and outside of any Defined Development Boundary (DBB) as defined in the West Dorset, Weymouth and Portland Local Plan (LP), and as such is in the countryside. Outside of DBBs, LP Policy SUS2 permits a restricted range of development, including new tourism related development. Policy 7 of the Piddle Valley Neighbourhood Plan 2018 (NP) supports sustainable rural tourism that protects the character of the countryside.
5. The site is also in an area between Piddlehinton and White Lackington which is defined in the NP as Important Gap G2. NP Policy 2 sets out that development that would reduce the openness of the gaps separating the settlements of Piddlehinton, White Lackington and Piddletrenthide will not be supported.
6. The rural character of the area and the gaps between settlements along river valleys contribute to the landscape beauty of the AONB. The gaps offer glimpses of this wider countryside through roadside vegetation, which are

generally blocked by buildings when travelling through the villages. Public rights of way (PROW) also offer an experience of the countryside and lead along the river valley between the villages as well as up onto the ridges either side. As such, the gaps can be readily appreciated by users of both the roads and PROWs and therefore contribute to the public's ability to appreciate this designated landscape.

7. Gap G2 already contains some development, including Mullets and the garden and various domestic outbuildings of Lackington Mill, but also comprises several paddocks and other largely undeveloped fields, of which the appeal site is one of the largest. There is a significant difference between the low key, sporadic domestic development in the gardens in the gap, little of which is visible from the road, and the settlements either side of it, where relatively close-knit development close to the road creates a built-up character. Therefore, despite the existing development, the whole of the area defined as G2 contributes to the space between the two built-up areas and serves to maintain the character of each settlement as a distinct entity.
8. Gap G2 is considerably shorter than the gap between White Lackington and Piddletrenthide to the north (G1) and given its size and the presence of existing development, is highly sensitive to any further development. Because of its undeveloped agricultural character, the field which forms the main part of the appeal site contributes positively to the openness of the gap.
9. Previously approved planting, gates and walls at the site access give it a domestic appearance and consequently detract from the otherwise undeveloped, agricultural character of the site. The proposed reconfiguration of the access would remove most of these features and give the access a more rural character, as well as increasing views across the valley. As such, it would provide a slight visual improvement to the openness of the gap.
10. The position and design of the proposed holiday homes, driveway and parking, combined with the sloping site, existing landscaping and proposed reconfiguration of the access, would mean that most of the proposed development would be screened from view from the road. From the PROW on the opposite side of the river, existing mature vegetation along field boundaries would also provide considerable screening of the proposed holiday homes. However, at night some light would be visible from their south-west facing elevations due to the large expanses of glazing proposed. This would indicate the presence of development in this otherwise undeveloped field, which would have a slight adverse impact on the openness of the gap in visual terms.
11. It would be possible to remove permitted development rights for extensions, alterations, outbuildings and means of enclosure by planning condition, omitting the part of the appeal site occupied by Mullets and its garden so as not to remove existing rights. As such, the potential for enclosure of parts of the appeal site and future alterations and additions to the proposed holiday homes could be adequately controlled.
12. The proposed holiday homes would however be self-contained dwellings with all the facilities of day-to-day living. Even with the more restrictive occupancy condition suggested by the Council, they could still be occupied for several weeks at a time by any one party. Therefore, it is very likely that domestic paraphernalia would be provided for each proposed holiday home as part of the facilities that a visitor would expect in a self-contained, self-catering property.

This might include garden furniture, play equipment, washing lines and, given the limited internal storage proposed, sheds or external stores. These types of item are generally not development, and therefore would not be affected by removal of permitted development rights or be effectively controlled by planning condition.

13. The submitted plans do not attempt to define a garden or curtilage for either holiday home proposed. Nor do they show any of the site as being retained for agriculture, as the appellants suggest. Consequently, there is potential for domestic paraphernalia to be placed anywhere within the existing field, including on the upper parts, for example to take advantage of the extensive views across the valley. Whereas in other gardens in the gap such paraphernalia is screened by vegetation, the more open site access proposed would allow for views down into the site. Therefore, such items would potentially be visible from the road, giving the site a distinctly domestic appearance and significantly and harmfully altering its undeveloped agricultural character.
14. Paragraph 4.5.12 of the LP sets out that permanent built tourist accommodation is likely to be occupied all year, and it is reasonable to assume that the operators would want to have the holiday homes occupied as much as possible. In any event, even if the holiday homes were unoccupied for considerable periods, it is highly unlikely that domestic paraphernalia would be removed during those times. Therefore, I do not agree with the appellants' contention that the intermittent nature of their occupancy would result in less impact on openness than conventional dwellings.
15. Accordingly, although the proposed holiday homes themselves would be well screened, the introduction of domestic paraphernalia would result in a modest reduction in the openness of the gap both spatially and visually. Therefore, although other undeveloped fields would remain in gap G2, the proposal would diminish the undeveloped space between the settlements and contribute to a gradual erosion of the physical separation between them.
16. Taking into account both the beneficial and harmful impacts of the proposal on the openness of Gap G2, I conclude that overall, the proposal would result in a modest reduction in the openness of the gap and as such would harm the character and appearance of the area. Given the contribution of these gaps to the character and pattern of development in this landscape, and the public's experience of it, the proposal would also result in harm to the landscape beauty of the AONB. The visual and landscape impacts would be localised however, and as such the degree of harm to the AONB would be slight.
17. Consequently, the proposal would conflict with LP Policies ENV1 and ENV10 and NP Policy 2, which require developments to contribute positively to local identity and distinctiveness, protect the character of the countryside and conserve or enhance the natural beauty of the AONB. Therefore, it would not benefit from the support set out in NP Policy 7.

Planning Balance

18. The appellants suggest that the NP maps defining the gaps between settlements were not subject to public consultation, however the NP was relatively recently adopted and is part of the development plan, which is the starting point for decision making. The final version of Policy 2 differs from the

draft version submitted by the appellants, having been amended as recommended in the Examiner's report. As such it no longer seeks to prevent development in gaps, but rather does not offer support to those developments that reduce openness. It does not therefore confer the same degree of protection on the gap as Green Belt policy, as the appellants contend.

19. LP Policies ENV1 and ENV10 and NP Policies 2 and 7 are consistent with the policies of the National Planning Policy Framework (the Framework) which require planning policies and decisions to contribute to and enhance the natural environment, protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside, require high quality design, and support rural tourism developments which respect the character of the countryside. Consequently, I give the conflict with them very substantial weight.
20. Framework paragraph 172 sets out that 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. Therefore, while the harm to the AONB may only be slight, it nonetheless weighs heavily against the proposal.
21. LP Policy ECON6 supports the provision of new built tourist accommodation if certain criteria are met, but does not preclude it elsewhere. The appellants suggest that the LP defines White Lackington and Piddlehinton as a joint settlement of more than 200 population, however I have not been provided with the relevant part of the LP. In any event, the appeal site is not within either built up area and in the absence of a DBB for this joint settlement, there is no substantive evidence before me that the site is within the settlement. As such, I cannot be certain that the proposal would benefit from the support offered by Policy ECON6, however neither does it obviously conflict with it. That Policy is therefore of neutral consequence in the planning balance.
22. The proposal would add to tourism facilities in the area and visitors would be likely to contribute to the local economy through construction and then through visitors using local services and facilities. It would also generate one full-time equivalent job. However, there is no compelling evidence before me of a demand for this type of accommodation in this area, and nor has any information on the long-term viability of the proposed enterprise been provided. There is also no substantive evidence before me that the contribution of 2 holiday homes would ensure retention of local facilities. Therefore, even in the context of the economic difficulties resulting from the Covid-19 pandemic, it has not been demonstrated that 2 additional holiday homes would result in any more than limited benefits to the economy. I therefore give the economic benefits limited weight.
23. The proposed landscaping of the site has the potential to result in a net gain in biodiversity, however the landscape mitigation scheme has been superseded by a revised site layout which shows significantly less planting, and therefore the benefits would be slight. The proposal would also potentially result in improvements to drainage in the River Piddle catchment area, and the use of renewable energy and resource efficient design would contribute to meeting the challenges of climate change. However, given the modest amount of development proposed, these environmental benefits carry only limited weight.

24. The proposed holiday homes would provide appropriate living conditions for existing and future occupiers, appropriate car and cycle parking and provision for drainage, and the traffic generated is unlikely to significantly adversely affect the capacity or safety of the local high network. As such, the proposal would comply with some development plan policies. However, given the relatively small number of holiday homes proposed in relation to the size of the site, and the harm that I have identified, the proposal would not make efficient use of the land or optimise the potential of the site while safeguarding the environment, as encouraged by the LP and the Framework.
25. The proposal would contribute to growth of business in rural areas through well-designed buildings, which is supported by local and national policy. However, due to the harmful impact on the character and appearance of the area it would not benefit from the support in Framework paragraph 83 c). Nor would the proposal comply with Framework paragraph 84, as it has not been demonstrated that it would meet local business or community needs, and it would not be sensitive to its surroundings.
26. Overall, having regard to the Framework and the above considerations, I find that the benefits of the proposed development would not outweigh the harm to the character and appearance of the area and the AONB and the resulting development plan conflict. As such, the material considerations set out above do not justify granting planning permission for the proposal.

Conclusion

27. The appeal is therefore dismissed.

L McKay

INSPECTOR