



Appeal Decision

Site visit made on 10 November 2020 by Christian Ford BA (Hons) BTP MRTPI

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/D1265/W/20/3256082

Land east of 1A Fleet Lane, Chickerell, Weymouth DT3 4DQ

- 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 & Mrs Royston Mowlam against the decision of Dorset Council.
 - The application Ref WD/D/19/002536, dated 12 October 2019, was refused by notice dated 16 June 2020.
 - The development proposed is erection of dwelling house.
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Decision

1. The appeal is allowed and planning permission is granted for erection of dwelling house at land east of 1A Fleet Lane, Chickerell, Weymouth DT3 4DQ in accordance with the terms of the application Ref: WD/D/19/002536, dated 12 October 2019 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan; 16/047/010.
 - 3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 4) No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of the dwelling or in accordance with a programme agreed with the local planning authority.
 - 5) The dwelling shall not be occupied until the vehicular parking, turning and access has been constructed in accordance with the approved plans. These areas shall thereafter be retained at all times for those purposes.
 - 6) The dwelling shall not be occupied until the sewage disposal/drainage works have been completed in accordance with the approved plans.
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- 7) The development shall be carried out in accordance with the recommendations of the Abbas Ecology Biodiversity Plan Certificate of Approval dated 23 March 2020.

Appeal Procedure

2. The site visit was undertaken by a Planning Decision Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is whether the location of the site, which is countryside and within the Heritage Coast, is suitable for the proposed development.

Reasons for the Recommendation

4. The appeal site forms part of an agricultural field which is located between a row of 8 residential properties to the west and Chickerell Road to the east. To the north is a similar larger field while to the south, on the opposite side of Fleet Lane, is an Army Camp.
5. Policy SUS2 of the 2015 adopted West Dorset, Weymouth and Portland Local Plan (LP) sets out the Council's strategy for where new development is expected to be focussed. Weymouth (of which Chickerell forms an outlying part) is one of two main towns defined as being the highest priority locations for new development. The policy goes on to specify that within defined development boundaries (DDBs), residential development will normally be permitted. However, outside DDBs, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints, and be restricted to, amongst other things, open market housing but only through the re-use of existing rural buildings. The appeal site is outside the DDB and does not involve the re-use of an existing rural building, and as such it would conflict with the policy.
6. However, the site is in close proximity to the junction of Fleet Road and Chickerell Road, on the other side of which is a supermarket and other retail and commercial premises which are seemingly contiguous with the rest of Weymouth. Bus stops are also located nearby. Consequently, I consider the site is closely related to that settlement and its facilities.
7. Furthermore, although the site forms part of the Heritage Coast and the upper part of the dwelling would be visible in the distance from the South West Coast Path, it would primarily be observed amongst the existing urban development of the Army Camp in the foreground and the row of residential properties found to the west. Due to its siting and the limited scale of the development, it would therefore have a negligible impact on the countryside, or the landscape character, natural beauty and enjoyment of the Heritage Coast.
8. The Council further considers the development would create undesirable ribbon development. However, it would be a limited continuation of the existing pattern of residential development already found immediately to the west and would thereby be consistent with the character of the locality.
9. The Council raises the concern the development could make it difficult to resist further housing development along Fleet Lane. However, progressing

westwards the land makes an increasingly important contribution to the qualities of the Heritage Coast. Although this does not apply in respect of the land to the east, the cumulative effect on local character of additional development in this direction would be one matter for future decision makers to assess.

10. In conclusion, despite the site being closely related to Weymouth, its development would not accord with the development strategy of the LP and would conflict with Policy SUS2, as set out above. Therefore it is not a suitable location for the proposed development. However, it would not conflict with Policy CNP 9 of the draft Chickerell Town Neighbourhood Plan which seeks to protect the landscape quality and enjoyment of the Heritage Coast.

Other Matters

11. The Council confirm that despite the fact that the Chickerell Urban Extension (site CHIC2 in the LP) is due to come forward, they can currently only demonstrate 4.83 years supply of deliverable housing sites. On this basis, paragraph 11 d) of the National Planning Policy Framework (the 'Framework') should be applied. The first part sets out that planning permission should be granted unless the application of policies in the Framework which protect areas of particular importance provides a clear reason for refusing the development. Footnote 6 clarifies the protected areas include the Heritage Coast. However, for the reasons already expressed above, the development would not be harmful in this regard.
12. The second part of paragraph 11 d) requires an assessment of the proposal against the policies in the Framework taken as a whole. Also, paragraph 213 of the Framework makes it clear that due weight should be given to existing development plan policies according to their degree of consistency with the Framework.
13. The Framework indicates that the planning system should actively manage patterns of growth to promote sustainable transport. It therefore generally supports the Local Plan's housing delivery strategy (Policy SUS2), which focuses the majority of new development on the larger settlements. However, while the proposal conflicts with Policy SUS2, this is only insofar as it is located outside of the DDB. It would be closely related to the large settlement of Weymouth and would therefore promote sustainable transport. The development is also supported by the Framework's objective of significantly boosting the supply of homes, the acknowledged important contribution that small sites can make to meeting the housing requirement and the Council's housing land supply situation. Therefore, in this regard, the conflict with policy SUS2 should be given limited weight.
14. Consequently, when assessed against the policies in the Framework taken as a whole, it is considered the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits. The presumption in favour of sustainable development therefore applies and, further, the development would not conflict with Policy INT1 of the LP which seeks to secure sustainable development.
15. Accordingly, although it is concluded the proposed development would conflict with the development plan, the presumption in favour of sustainable

development is a material consideration which indicates that the decision should be taken otherwise than in accordance with the development plan.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Conditions

17. Both parties have suggested a number of conditions. These are generally consistent with each other.
18. The standard time limit condition is imposed, as is a condition specifying the approved plans to ensure certainty. Conditions requiring the submission and approval of details in respect of the external materials and the landscape works are imposed to ensure the development harmonises with the character and appearance of the area. Conditions concerning the construction of the vehicular access, turning and parking and the completion of sewage/drainage works are required to ensure the safe development of the site. Finally, a condition to secure the implementation of the approved Biodiversity Plan is imposed in the interests of nature conservation.

Christian Ford

PLANNING DECISION OFFICER

Inspector's Decision

19. I have considered all the submitted evidence and the Planning Decision Officer's report, and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR