



Appeal Decision

Site visit made on 19 January 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2021

Appeal Ref: APP/D1265/W/20/3261921

Vidine, Smiths Lane, Piddletrenthide, Dorchester, Dorset DT2 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr David Abbott against the decision of Dorset Council.
 - The application Ref WD/D/20/001486, dated 26 June 2020, was refused by notice dated 18 September 2020.
 - The development proposed is the removal of dilapidated caravan and erection of a dwelling.
-

Decision

1. The appeal is allowed and permission in principle is granted for residential development comprising a maximum of 1 dwelling at Vidine, Smiths Lane, Piddletrenthide, Dorchester DT2 7RA in accordance with the terms of the application, Ref WD/D/20/001486, dated 26 June 2020.

Application for costs

2. An application for costs was made by Mr David Smith against Dorset Council. This application is the subject of a separate Decision.

Procedural matters

3. The proposal is for permission in principle. Planning Practice Guidance (PPG)¹ advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. A full planning permission is only secured when both of these stages have been passed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted. I have determined the appeal accordingly.

Main Issue

5. The main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development.

¹ PPG Paragraph: 012 Reference ID: 58-012-20180615

Reasons

6. The defined development boundary (DBB) of Piddletrenthide appears as two distinct forms, one to the northern end of the village and one to the south. The proposed development site is located between the two, in a garden, amongst other existing residential development of the village. A dilapidated caravan currently occupies part of the site, with its own access.
7. As the appeal site is outside of any DBB it is considered as countryside in accordance with Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan, 2015, which seeks to manage such development through the application of strict criteria. The proposed development would not meet these criteria and therefore would not accord with Policy SUS2.
8. However, services within the village include a post office, also serving as a shop, a garage, pubs and a first school, the latter being the furthest from the appeal site, at around 1km. The site is a short, mainly level walking distance from such facilities. Although there is no streetlighting or footway along the section of main road nearest the appeal site, it is the subject of a 30mph speed limit. A track of limited accessibility also runs north to south adjacent to the site, appearing to provide an alternative to the main road, ending near to the village centre. Therefore, with due care I consider the facilities of the village to be accessible by walking and cycling.
9. Similarly, by virtue of its location in relation to existing village services, the proposed development would contribute to the vitality of the rural community.
10. I understand the village is served by community transport initiatives and have no reason to consider that any future occupants would be unable to make use of such facilities. I accept that future residents may require use of a private car, however any associated harm would be very limited given the proposal is for one dwelling.
11. Notwithstanding that the Council consider the proposal to not accord with the environmental pillar of the National Planning Policy Framework, 2019 (the Framework). I have little substantive reasoning provided as to why this should be the case beyond that addressed above.
12. I understand the site is located within the Piddletrenthide Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision-makers to ensure that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of CAs. The Framework states great weight should be given to the conservation of such assets. The site also sits within the Dorset Area of Outstanding Natural Beauty (AONB), the Framework affords great weight to the conservation and enhancement of such protected landscapes.
13. The main parties agree that the proposal would not harm the CA or AONB. As decision-maker, I am of the view that it would be possible to design a dwelling appropriate to the location that would preserve the character of the CA and AONB given the plot is close to existing development. Such considerations would follow in the 'technical details consent'. Whilst I accept that the dilapidated caravan currently detracts from the setting of the CA, on the evidence submitted, I do not consider the proposed development to be necessary for its removal.

14. Given its location outside the DBB, the proposal would not accord with Policy SUS2 of the LP. However, for the reasons above I do find the proposal broadly accords with Policy INT1 of the LP, which has a presumption in favour of sustainable development. The proposal would in my view also broadly accord with the environmental objective of the Framework.

Other matters and planning balance

15. In addition to various representations in support of the proposal, concern has been raised that allowing the application in principle would set precedent for future decision-making. However, each case must be considered on its own merits and there is no reason why this Decision should fetter the Council's future decision-making process.
16. Representation regarding the future occupancy of the dwelling being limited to individuals with an agricultural tie has also been raised, as too the current occupation of the appellant. However, the application is for permission in principle and such occupancy conditions cannot be applied.
17. Although the Council are attempting to address the situation through granting consents adjoining existing settlements with DBBs, the Council cannot demonstrate an adequate five-year housing land supply. Paragraph 11d of Framework is therefore triggered. As such those policies most important for determining the application are considered out of date.
18. The main policies referred to by the Council do appear broadly consistent with the Framework when read as a whole. The shortfall in housing supply is described as 'very marginal' by the Council, as such even though only one dwelling, the addition to the housing supply is a benefit and it would likely assist in addressing the deficiency, this weighs in favour of the proposed development. There would only be very limited harm further to the likely need for use of a private car given the proposal's proximity to local services. The proposed development would also support such local services in future. The proposal would also accord with the Framework's objectives of conserving and enhancing the historic and natural environment.
19. I do not therefore consider that any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposal therefore represents sustainable development and permission in principle should be granted in accordance with the presumption in favour of sustainable development. As such, on balance, I consider that the other material considerations above outweigh the conflict with the Development Plan.

Conclusion

20. The Council has suggested various conditions to be applied in the event that the appeal were to be allowed. However, the PPG makes it clear that it is not possible for conditions to be attached to a grant of permission in principle.
21. For the reasons above, the site's location for a single dwelling is acceptable and the appeal is allowed.

M Scriven

INSPECTOR