



Appeal Decision

Site visit made on 12 May 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2021

Appeal Ref: APP/D1265/W/21/3267248

Elsworth Court, Crouch Lane, Holwell DT9 5LP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Dr David Giaretta against Dorset Council.
 - The application Ref WD/D/20/002217, is dated 10 September 2020.
 - The development proposed is erect a new single storey barn-style dwelling in a 0.4 ha plot at the North end of a 1.7 ha field which has an existing house at its South end.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Procedural Matter

2. The Council failed to give notice of its decision within the prescribed period. An assessment of the proposal's merits is now included within the Council's appeal evidence. I have used this evidence to formulate the main issues of this appeal.

Main Issues

3. The main issues are therefore: (i) the suitability of the site for the proposal, having regard to local policy for the supply of housing; and (ii) the effect of the proposal on the character and appearance of the area.

Reasons

Suitability of the site

4. Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted 2015) (the Local Plan) seeks for housing to be distributed based on a hierarchy of settlements. Housing in rural areas is directed to settlements with defined development boundaries (DDB) but settlements with no DDB may also provide growth where it would meet their local needs.
5. Holwell is a rural village without a DDB, with a broadly linear character. Whilst this does become somewhat fragmented where housing becomes dispersed at its edges, the site is quite distant from the nearest dwelling Elsworth Court, has an open and overtly undeveloped character, and a largely agricultural context. Elsworth Court itself appears quite separate from the village in terms of distance, its siting within its large grounds, and its quasi-agricultural design.
6. The site is further still from Nightingale Cottage, the village nursery and the fourteen houses under construction to the south¹, which are more tangibly set

¹ Granted planning permission on appeal under Ref APP/F1230/W/16/3154493

at the village frontier. Although there are houses further along Crouch Lane in the opposite direction to the north, these read as being entirely away from the village in plainly remote, countryside locations. As such, the site is part of the open countryside clearly beyond the village envelope.

7. Policy SUS2 also allows for housing in the open countryside, but this is restricted to that which would meet one of a number of given circumstances. None of those listed by the policy would be met in this case. In terms of what is meant by a rural worker, the Planning Practice Guidance refers to those who work in relation to an agricultural, forestry or similar land-based rural enterprise. In my view this does not include someone who works rurally in an incidental way, such as someone working from home due to the pandemic.
8. The Holwell Neighbourhood Plan (HNP) was made in 2019 and, despite ongoing plans for its review, remains as part of the development plan. In terms of the amount and location of housing within the plan area and across the plan period, Policy H1 of the HNP allocates four sites for the development of single open market dwellings. Whilst this indicates a local need for open market housing at Holwell, the appeal site does not fall within any of these allocations, which are all within the village itself.
9. The appellant considers that a precedent has been set by the granting of planning permission for the dwelling at Elsworth Court². However, the circumstances upon which that decision were based have not been explained to me in any substantive detail. Likewise, the reasons for the permission granted for the nearby fourteen dwellings scheme have not been provided to me. I understand though that the latter scheme is for wholly affordable housing and, as I have already found, occupies a site which relates very closely to the village. These matters have therefore had little influence on my assessment.
10. Reference has also been made to the emerging Holwell Neighbourhood Plan Review and the emerging Local Plan Review. Given the stage of preparation of these two documents, and their consequent likelihood to change, they have had limited weight in my reasoning.
11. Consequently, I conclude on this issue that the site would not be suitable for the proposal, having regard to local policy for the supply of housing. It would conflict with Policy SUS2 of the Local Plan and Policy H1 of the HNP.

Character and appearance

12. With its verdant, undeveloped and open character and treed, luxuriant roadside hedgerow, the site is a component of what is an attractive rural section of Crouch Lane before Holwell village is reached. The dwelling would be visible along the highway above the site's roadside boundary hedge, in particular from the lower section of Crouch Lane on approach from the north, and also potentially in passing through its proposed access.
13. The dwelling's finish materials are intended to take reference from both barns and houses in the area. However, in doing so, and in seeking a barn style design for a new build house, the dwelling would cast a confused and discordant aesthetic in my opinion. The incongruity of its design would be exacerbated by the large scale of the building, its undulating roof profile, and

² Ref WD/D/17/000081

the domestic paraphernalia and parked vehicles that would likely populate its extensive grounds, to the detriment of the site's undeveloped rural character.

14. Given the need to provide adequate visibility, the site access is also likely to remove and reduce a significant section of hedge bank and possibly a tree along Crouch Lane, which would be a further, harmful urbanising intervention.
15. This leads me to conclude on this issue that the proposal would have an unacceptable effect on the character and appearance of the area. It would conflict with the landscape aims of Policies ENV10 and ENV12 of the Local Plan. As the site is not major development nor within or adjoining the settlement of Holwell, Policy ENV11 does not apply in this case.

Planning Balance

16. Planning law requires proposals to be determined against the development plan unless material considerations indicate otherwise. The unsuitability of the site for the proposal and the harm to the character and appearance of the area draw the scheme into conflict with the development plan when read as a whole.
17. There is no dispute between the main parties that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. Given that the HNP is now more than two years old, this means that paragraph 11 d) ii. of the National Planning Policy Framework (the Framework) should be applied and the most important policies in relation to this appeal, Policies SUS2, H1, ENV10 and ENV12 are deemed to be out-of-date.
18. Even so, Paragraph 213 of the Framework is clear that weight should be given to policies according to their degree of consistency with the Framework. In terms of Policies SUS2 and H1, Paragraph 77 states that in rural areas planning policies should be responsive to local circumstances and support housing that reflects local need. It seems to me, given the modest allocation of open market housing sites by the HNP, that the proposed dwelling would meet a local need, albeit it would not be within the village in an allocated place. This means that, in the current circumstances, the conflict with Policies SUS2 and H1 attracts limited weight.
19. Nonetheless, in terms of ENV10 and ENV12, the countryside is not protected for its own sake by the Framework, but its intrinsic character and beauty is recognised. On this basis, the harm to the character and appearance of the area and the ensuing conflict with these policies attracts significant weight. Accordingly, even taking account of the Council's housing land supply position, the conflict with Policies SUS2, H1, ENV10 and ENV12, taken together, is attributed significant weight in relation to this appeal.
20. The government is seeking to significantly boost the supply of housing and set against the harm identified would be limited social and ecological benefits respectively associated with the provision of a single dwelling and a new hedgerow. The dwelling would make little difference to the overall supply of housing and the ecological enhancements provided by the section of hedgerow would be modest.
21. Consequently, the adverse impacts on the housing strategy and the character and appearance of the area would together significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the

Framework taken as a whole. As a result, the presumption in favour of sustainable development does not apply here.

Conclusion

22. Drawing my findings together, the proposal would conflict with the development plan when read as a whole and there are no other considerations, including the Framework, which outweigh this conflict.
23. For the reasons given above, and taking into account all other matters raised, I therefore conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR