



Appeal Decision

Site visit made on 16 June 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th July 2021

Appeal Ref: APP/D1265/W/21/3269271

Land at E 388783 N 106219, Langton Road, Blandford Forum DT11 7EN

- 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 Gary Abbott against the decision of Dorset Council.
 - The application Ref 2/2020/0530/FUL, dated 19 March 2020, was refused by notice dated 8 January 2021.
 - The development proposed is a new contemporary dwelling on the bank of the river and associated parking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. On 1 April 2019, North Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies of the North Dorset Local Plan Part 1 2016 (Local Plan).
3. During the course of the appeal, the Blandford + Neighbourhood Plan 2011-2033 (B+NP) was made following a referendum on 6 May 2021. In accordance with section 3 of the Neighbourhood Plan Act 2017, it now forms part of the development plan for the area. As such, any planning decision should be made in accordance with policies contained within a Neighbourhood Plan that has passed referendum, along with the Local Plan policies unless material considerations indicate otherwise in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, with particular regard to its effect on the Cranbourne Chase and West Wiltshire Area of Outstanding Natural Beauty (AONB);
 - the setting of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area;

- protected trees; and
- ecology.

Reasons

Character and appearance

5. The appeal site is a rectangular area of land on a plateau within the steeply sloping, wooded northern bank of the River Stour, accessed off Langton Road. The site is clear of vegetation but surrounded by trees. An adjacent area within the woodland to the west where planning permission has been granted for a house to be constructed on the riverbank, is similarly clear. A road bridge carrying the A350 over the River Stour is located a short distance to the east of the site. A cycle path runs close to its boundary. On the opposite side of Langton Road and upslope of the appeal site, there is a modern housing development.
6. The appeal site and surrounding area along the riverbank has a sylvan and natural character. The opposite bank of the river, facing towards the appeal site, has a similar character, with Stour Meadows, an area of semi-natural publicly accessible open land beyond.
7. The appeal site lies within the Cranbourne Chase and West Wiltshire AONB. The AONB is a landscape of outstanding value, protected for its national significance. The National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The AONB is also an International Dark Skies Reserve.
8. The wooded riverbank contributes to the visual qualities and landscape setting of the AONB through its verdant and natural character, visible in views along the A350 and from the opposite side of the River Stour.
9. The proposal is for a single-storey property of a contemporary design that would be raised on stilts with an associated terrace and parking area. It would share the access for the approved dwelling. The proposed building would be cut into the bank against a brickwork retaining wall to the rear. It would be clad in timber with a flat, green sedum roof. Due to the difference in ground levels would extend approximately 1.6 metres above the road level on Langton Road.
10. The proposed house would be relatively low in height on its elevation to Langton Road. However, the submitted drawings indicate that the boundary trees along Langton Road would be removed and the building enclosed on this elevation by fencing and hedge planting. Whilst this would provide some screening to the building, it would have a domestic appearance that would have an urbanising effect on what is currently a natural area of woodland.
11. The other sides of the proposed house would be enclosed by a number of retained trees within the woodland. However, these would not entirely screen the proposed house which would be visible from the adjacent A350 and cycle path. This would be more significant during winter months when trees would be bare. The use of natural materials, whilst helping the development to blend into its surroundings, would not mitigate the harm that would arise from the location of a house within the woodland.

12. Furthermore, the proposal would also introduce a building with extensive areas of glazing which would emit light pollution making it more prominent. The use of vertical timber louvres and internal blinds may help to reduce light emissions, it would not entirely prevent this. Some harm to the dark skies may arise from this.
13. The proposed dwelling would be constructed on the site of three thatched cottages which previously occupied the site. These were demolished in 1949. As acknowledged in the supporting Planning, Design & Access and Heritage Statement, that whilst the site was once previously-developed, the permanent remains (footings) of those cottages have now blended into the landscape with the passage of time. I therefore give this very limited weight.
14. The appellant has suggested that the construction of a second house along this riverbank would provide symmetry to the site. To my mind, the development before me, in combination with that already permitted, would amplify the urbanising effects of residential development, reducing the sylvan and natural character of the space. There would be no merit in creating a symmetrical form of development in this location.
15. I appreciate that the Council allowed a contemporary development of one dwelling along this riverbank. The appeal proposal, unlike the approved scheme, also lies within the AONB which adds further weight to the harm it causes. Due to its proximity to the A350 and the cycle path, it would be more visually prominent. This previous permission does not therefore justify the scheme before me.
16. The restriction of permitted development rights to limit the extent to which the proposed house could be further developed, whilst helping to reduce domestic paraphernalia, would not overcome the harm that would arise from the construction of a dwelling in this location.
17. I conclude that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It would also conflict with the Framework as referred to above and I attach great weight to that harm.

Conservation Area

18. The appeal site is also on the edge of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area (CA). The CA is extensive, encompassing the historic core of the town with the River Stour running to its south and west. The open land, including Stour Meadows opposite the appeal site, and verdant banks around the river form an important part of the setting of the historic settlement and contribute to the significance of the CA.
19. As part of the verdant riverbank within the setting of the CA, the appeal site makes a positive contribution to its significance. The loss of a number of trees and the urbanising effect of the proposal on the riverbank, would harm the setting of the CA. This would, at certain times of year, be visible from the CA on the opposite side of the river.
20. The proposal would lead to less than substantial harm to the significance of a designated heritage asset, namely the CA. As required by paragraph 196 of the

Framework harm needs to be weighed against the public benefits of the proposal.

21. The scheme would deliver one dwelling, within a reasonably accessible location. It would provide local economic and social benefits during the construction phase and subsequent occupation of the property through use of local services and facilities as well as a contribution to Council tax revenues. These would be a benefit of the scheme but as a single dwelling this contribution would be very limited and they therefore carry limited weight in the balance. The harm to the significance of the CA, due to the adverse effect on its setting, carries great weight, and it is not outweighed by the combination of public benefits which would arise from the proposed development.
22. I conclude that the proposed development would fail to preserve or enhance the character or appearance of the CA due to the adverse effect on its setting. It would therefore conflict with Policy 5 of the Local Plan which requires development affecting the setting of a heritage asset to be assessed having regard to the desirability of sustaining and enhancing the significance of that asset and for any harm to be weighed against the public benefits of the proposal. It would also conflict with the Framework which recognises that heritage assets are an irreplaceable resource and harm to them should require clear and convincing justification.
23. The proposal would also conflict with Policy B14 of the B+NP which sets out proposals that are likely to have an adverse impact on the character or appearance of the River Stour Meadows will not be supported.

Effect on protected trees

24. There are a number of trees on and around the appeal site, both along the boundary with the road and the river. These trees, including younger specimens, make a valuable contribution to the verdant character and visual amenity of the area, providing screening between the open water meadows and the more modern development on Langton Road.
25. The riverbank woodland area is covered by an Area Tree Preservation Order. The area is also designated as an Important Open or Wooded Area due to its high amenity value.
26. The appellant has submitted a Tree Survey and Arboricultural Impact Assessment¹ and Arboricultural Method Statement². These reports relate to the proposed development for a dwelling granted to the west of the appeal site and not the appeal site itself.
27. It is not evident from the report how the appeal proposal would affect the trees forming part of the woodland including a number of trees on the northern boundary of the site adjacent to the road that sit within a bank at the rear of the site, although the submitted drawings indicate that these would be removed.
28. Neither of the submitted reports provide details of the trees on site nor any indication of their root protection areas. It also does not indicate how the

¹ Hellis Arboriculture & Landscape Design, Tree Survey & Arboricultural Impact Assessment, Revised November 2017

² Hellis Arboriculture & Landscape Design, Arboricultural Method Statement, September 2018

proposed development would affect these. In the absence of adequate information about the impact of the proposal on the protected trees, I cannot be sure that the proposal would not lead to harm to the protected trees and that it would not reduce their contribution to the visual amenity of the area.

29. This leads me to conclude that the proposed development would adversely affect protected trees. It would therefore conflict with Policy 5 of the Local Plan which requires developments to respect the natural environment so that it enhances its benefits. It would also be contrary to the Framework which supports development that enhances the local environment by recognising the wider benefits from trees and woodland.

Ecology

30. The appellant has submitted an Ecology Report³ and Biodiversity Mitigation Plan (BMP)⁴. These were submitted in support of the house approved to the west of the appeal site. The BMP, which was approved by the Council, remains valid for three years and remains as such until the end of 2021.
31. Whilst these reports did not specifically relate to the appeal proposal, they did include the land within the wider ownership of the appellant which includes the appeal site. However, mitigation set out in the BMP included that areas of open grass and the woodland would be sowed with wildflowers appropriate to the location. The appeal proposal would be sited on part of that land identified for mitigation. Consequently, the scheme would potentially reduce the mitigation proposed in respect of the approved house. I also find that it does not set out any mitigation for the increase in development along the riverbank that forms the appeal proposal.
32. For this reason, I am not satisfied that the proposed development would not adversely affect the ecology of the site and that it would provide ecological enhancements. It would therefore conflict with Policy 4 of the Local Plan which seeks to enhance the natural environment and supports development that enhances its benefits. It would be contrary to the Framework which minimises impact on and provides net gains for biodiversity.

Other Matter

33. The Council cannot demonstrate a five year supply of deliverable housing sites. This is not disputed. However, as I have identified harm to a designated heritage asset and to an AONB, paragraph 11 of the Framework and the presumption in favour of sustainable development does not apply in this case.

Conclusion

34. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

³ Kpecology – Ecology Report, updated 12 November 2018

⁴ Biodiversity Mitigation Plan, Version 3, 12 November 2018