

# Appeal Decision

Site Visit made on 25 May 2021

**by Nick Davies BSc(Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 July 2021**

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**Appeal Ref: APP/D1265/W/20/3265438**

**Thatchways, Blandford Road, Iwerne Minster DT11 8QN**

- 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 P Moore against the decision of Dorset Council.
- The application Ref 2/2020/0821/FUL, dated 21 June 2020, was refused by notice dated 26 August 2020.
- The development proposed is to erect 1 No. dwelling and create 2 No. parking spaces.

## Decision

1. The appeal is allowed and planning permission is granted to erect 1 No. dwelling and create 2 No. parking spaces at Thatchways, Blandford Road, Iwerne Minster DT11 8QN in accordance with the terms of the application, Ref 2/2020/0821/FUL, dated 21 June 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The description of the development used on the Council's decision notice differs to that on the planning application form. The appellant has agreed that the appeal can proceed on the basis of the amended description, so I have used it in my decision.
3. The site, and adjoining land to the south, are subject of an extant planning permission for 3 dwellings<sup>1</sup>. The appeal site would form garden land within that development. The appeal scheme is presented as development which would take place in addition to the extant permission, rather than as an alternative. The footprints of the dwellings proposed under the two developments would not overlap, so it appears that both could be implemented together, or that the previous permission could still be implemented in isolation. I have determined the appeal on this basis.

## Main Issues

4. The main issues are:
  - a) Whether the site is a suitable location for the proposed development, having regard to its effects on the character and appearance of the area, including the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (the AONB), and Iwerne Minster Conservation Area (the Conservation Area); and,
  - b) The effects of the development on the living conditions of occupants of adjacent dwellings, having regard to outlook and disturbance.

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<sup>1</sup> Local Planning Authority reference: 2/2018/1522/FUL

## Reasons

### *Suitability of location/character and appearance*

5. The spatial strategy for the area is set out in Policy 2 of the North Dorset Local Plan Part 1 (adopted January 2016) (the Local Plan). Four main towns are identified as the main focus for growth for the vast majority of housing and other development. Stalbridge and 18 larger villages, including Iwerne Minster, are identified as the focus for growth to meet local needs outside of these main towns. Outside the defined boundaries of these settlements, the remainder of the district is subject to countryside policies where development is strictly controlled, unless it is required to enable essential rural needs to be met. The site is located outside the settlement boundary, and is therefore subject to strict control under Policy 2 of the Local Plan.
6. Policy 20 of the Local Plan sets out that, outside settlement boundaries, development will only be permitted for specified categories of housing that are appropriate in the countryside. These include affordable housing, rural workers' dwellings, and re-use of redundant buildings. The proposal for a new-build open market dwelling would not fall within any of these categories, so would conflict with Policies 2 and 20 of the Local Plan. However, in view of its acknowledged inability to demonstrate a 5-year supply of deliverable housing sites (5YHLS), the Council's reason for refusal on this issue centres on the impact of the development on the character and appearance of the area, rather than the principle of residential development.
7. The appeal site is a level area of rough grassland, which lies behind the houses that front the A350 to the west. It is separated from the open countryside to the east by a robust boundary hedge and trees. Domestic gardens to the north and south of the site extend back to this boundary hedge, so the site is part of an enclave of land that is largely enveloped on three sides by existing residential buildings and curtilages. Implementation of the extant permission would see the site enclosed on three sides by dwellings. Therefore, although it is outside the settlement limit, the site is closely related to the built form of the village.
8. The site lies within the AONB, so I have had regard to Paragraph 172 of the National Planning Policy Framework (the Framework), which says 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. The site borders the wider AONB countryside to the east, but it is visually separated from it by the boundary hedge. Furthermore, the close presence of buildings and domestic curtilages results in the site having a closer visual relationship with the built settlement than the surrounding countryside. It does not, therefore, play an important role in maintaining the landscape quality of the AONB.
9. The site would be glimpsed through the hedge from the footpaths to the east, and would be more generally visible from higher land to the south east (Viewpoint G in the Iwerne Minster Village Design Statement). However, these views would be from considerable distance, and the dwelling would be seen in the context of the existing houses that border the site. It would not, therefore be a prominent feature in the landscape. It would be even less so if the extant planning permission proceeded, as it would lie behind the approved buildings when viewed from the higher land. The dwelling would occupy a central

position on a large plot, with gardens to the front and rear, so would not look cramped in these long-distance views, but would appear as a logical transition between the more dense urban form on one side, and the open countryside on the other.

10. The existing houses around the appeal site are of a variety of scales, designs, and eras. Whilst the extant permission may have been designed to resemble a farmstead, Orchard House and Beechdown have a somewhat suburban character. The proposed dwelling would, therefore, be seen in close association with a range of building styles. In the absence of any uniformity, or particular architectural language in the surrounding development, the simple low-profile bungalow proposed would not appear as a discordant feature on the edge of the settlement. The development would not, therefore, result in any harm to the landscape and scenic beauty of the AONB.
11. The Conservation Area boundary runs along the west and north boundaries of the site. The significance of this heritage asset lies in the historic village layout and its surviving historic buildings. In this part of the Conservation Area this is manifested in the line of historic buildings that front the A350. Paragraphs 193 and 194 of the Framework advise that great weight should be given to the conservation of heritage assets, and any harm to their significance, including through development within their settings, should require clear and convincing justification.
12. The appeal site, being largely hidden behind the frontage development, makes little contribution to the setting of the Conservation Area. Furthermore, the evidence does not indicate that the site itself has any particular historic importance. The single storey dwelling would be an unobtrusive building behind the taller houses that front the road, and it would be constructed of materials that would draw on surrounding buildings. In particular, the roof would be covered in natural clay plain tiles, which would complement the existing roofscape in distant views from elevated land, or when glimpsed over the hedges and between buildings along the A350. In view of these factors, the development would not harm the setting of the Conservation Area.
13. I therefore conclude on this issue that the proposal for a dwelling on the site would conflict with the spatial strategy of the Local Plan as set out in Policies 2 and 20. However, notwithstanding this conflict, the site would be suitable for the development having regard to its impact on the character and appearance of the area, the landscape and scenic beauty of the AONB, and the setting of the Conservation Area. In these respects, the development would accord with the design, heritage and landscape aims of Policies 4, 7 and 24 of the Local Plan. It would also accord with Policies IM1, IM2 and IM4 of the Village Design Statement, which seek to maintain the countryside setting of the settlement, protect important views, and ensure that development respects the character and appearance of its context.

#### *Living conditions*

14. The dwelling to the north, Orchard House, is at a slightly lower level. It is roughly L-shaped, and has several windows, a conservatory, and a patio looking towards the appeal site. The boundary between the properties is marked by a post and wire fence, with low hedges, so the occupants of Orchard House have open views over the land to the south, towards the countryside beyond. These would, to some extent, be affected by the extant permission.

The appeal scheme would introduce a building much closer to this boundary. However, the dwelling would be set further back on its plot than Orchard House. Consequently, a relatively open southerly outlook would be maintained for occupants of the house and conservatory, and from the patio.

15. The dwelling would be visible from Orchard House and its garden, but it would be single storey, with an eaves height just above ground floor window level. Furthermore, the roof would slope away from the boundary, so the ridge would be a considerable distance away. Therefore, although the side elevation of the dwelling would be fairly close to the boundary, it would not have an overbearing appearance. With suitable boundary treatment and landscaping, which could be secured through a planning condition, it would not have a harmful impact on the living conditions of the occupants of Orchard House.
16. The Old House lies to the west of the site, and is also at a lower level. Its long rear elevation, which contains six windows, lies very close to the boundary, which is marked only by a post and wire fence. Consequently, occupants have unimpeded views across the site towards the open countryside to the east. The proposed dwelling would, therefore, be clearly visible in these views. However, because of its considerable distance from the boundary, and its single storey scale, it would not have an overbearing presence.
17. The proposal would introduce a driveway to the rear of The Old House. It would, however, only serve one dwelling, so vehicle movements would be of limited frequency and duration. Vehicles using the drive would do so at low speed, along a level surface, so engine noise would not be high. Furthermore, the driveway would be set away from the boundary with The Old House, so vehicles using it would not pass close to the windows in the rear elevation.
18. The parking and turning areas would be closer to the garden boundaries of The Old House and Orchard House. However, the potential for disturbance from engines starting, car doors slamming, and headlights shining towards windows would, again, be limited by the small number of vehicle movements that would be generated. Furthermore, any harmful impacts could be effectively mitigated through hard and soft landscaping. A low wall along the western edge of the driveway, and around the turning and parking areas, would contain the glare from headlights and reduce noise disturbance. There is also scope for significant planting between the driveway/parking areas and the adjacent residential boundaries, which would further reduce these impacts to a level that would not be harmful.
19. I therefore conclude that the development would not result in harm to the living conditions of the occupants of adjacent dwellings through loss of outlook or disturbance. Consequently, the proposal would accord with Policies 24 and 25 of the Local Plan, insofar as they seek to ensure a good standard of residential amenity for existing occupants.

### **Other Matters**

20. It has been raised in representations that a garage would be likely to be constructed in the future. This is not a matter that is before me for consideration under this appeal. However, any structure forward of the principal elevation of the dwelling would require planning permission, so would have to be the subject of an application at the time.

## **Planning Balance**

21. The Council cannot currently demonstrate a 5YHLS. The appellant's evidence indicates that the supply is 4 years or less. This shortfall means Policies 2 and 20, which are the most important policies for determining the appeal, are out of date. As a result, Paragraph 11 d) of the Framework advises that permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. The Framework does not protect the countryside for its own sake, but it does recognise its intrinsic character and beauty. I have found that the development would not harm the landscape and scenic beauty of the AONB. Consequently, although it would be outside the settlement boundary, the development would not harm the character and beauty of the countryside.
23. The Framework aims to promote sustainable transport, by directing development to locations which limit the need to travel, and offer a genuine choice of transport modes. The site is located within walking distance of the village with footways, public transport, and facilities. It is not disputed that the site is a sustainable location for a dwelling. Occupants of the dwelling would not, therefore, be reliant on private transport to access essential services, so there would be no harm to the Framework's aims in this regard.
24. The adverse impacts of the development are, therefore, limited to the conflict with Policies 2 and 20 of the Local Plan. Although these policies are out of date, they still attract significant weight, but the addition of one dwelling would result in very limited harm to the overall settlement strategy.
25. In terms of benefits, the development would provide an additional dwelling, which would contribute towards addressing the shortfall in housing sites, and would also support the Framework's objective of significantly boosting the supply of homes. This benefit would be reduced, to some extent, by the lack of evidence to demonstrate that the dwelling would meet an identified local need, which is an objective of Policy 20 and Paragraph 77 of the Framework.
26. The proposal would also provide economic benefits through the creation of employment during the construction process, and the future spend of residents in the local economy. In terms of social benefits, its location, immediately adjoining the village, means it would readily enhance or maintain the vitality of the rural community, in accordance with Paragraph 78 of the Framework.
27. In view of the small scale of the proposal, these benefits would be modest. Nevertheless, the adverse impacts, when assessed against the policies in the Framework taken as a whole, would not significantly and demonstrably outweigh them. Therefore, the presumption in favour of sustainable development applies, and planning permission should be granted.

## **Conditions**

28. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The council has submitted a schedule of suggested conditions to cover other matters. I have considered all the suggested conditions against the advice in the Planning Practice Guidance (the PPG). Where I have agreed that the conditions are

necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.

29. A condition requiring approval of external materials is necessary to protect the character and appearance of the area. The submitted drawings do not clearly indicate how the plot will be enclosed. To protect the character and appearance of the area, and the residential amenity of the adjacent properties, a condition is necessary to ensure that suitable boundary treatments are provided. A condition is also necessary to secure a scheme of hard and soft landscaping that assimilates the development into its surroundings, and protects the living conditions of adjacent occupants from the potential impact of vehicles using the driveway and parking areas. I have incorporated the Council's concerns regarding hard-surfacing materials and external lighting within this condition.
30. The drawings show the design and materials of the external doors and windows. They would not be closely visible from public view, so a requirement for the submission of further construction details is not reasonable or necessary. Similarly, a condition requiring the submission of details of vents, flues, letter boxes and meter boxes would be unreasonable, as they would not have a significant impact on the public domain, the AONB, or the setting of the Conservation Area.
31. The Council has suggested conditions removing permitted development rights for means of enclosure, enlargement of the dwelling, and outbuildings. The reason given for the suggested conditions is to protect amenity and the character of the area, but no evidence has been provided to demonstrate that the exercise of permitted development rights could be harmful in the future. Paragraph 53 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The PPG also advises that conditions restricting the future exercise of permitted development rights may not pass the test of reasonableness or necessity. The evidence does not provide the clear justification required by the Framework, so the imposition of the conditions would be unnecessary and unreasonable.

## **Conclusion**

32. For the reasons given above, I conclude that the appeal should be allowed.

*Nick Davies*

INSPECTOR

## **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2173/4 (Location Plan, Site Plan and Block Plan); 2173/3A (Elevations, Ground Floor Plan and Roof Plan).
- 3) Development shall not proceed above damp-proof course level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to, and

approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.

- 4) Development shall not proceed above damp-proof course level until details of all proposed means of enclosure, boundary walls, gates, and fences to the site, have been submitted to, and approved in writing by, the local planning authority. The dwelling shall not be occupied until the means of enclosure, boundary walls, gates and fences have been completed in accordance with the approved details.
- 5) Prior to building works proceeding above damp-proof course level, details of both hard and soft landscape works shall be submitted to, and approved in writing by, the local planning authority. The hard landscape details shall include all hard-surfacing materials, any external lighting, and shall include provision for mitigating the impact of vehicles using the driveway and parking areas on the residential amenity of adjoining occupants. The soft landscape details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate, and an implementation timetable. The landscaping works shall be carried out in accordance with the approved details and in accordance with the agreed implementation timetable. Any trees or plants which, within a period of 5 years from the completion of the development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.