



Appeal Decision

Site Visit made on 19 July 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 26 July 2021

Appeal Ref: APP/D1265/W/21/3271270

Duntish Paddocks, Factory Lane, Duntish DT2 7DR

- 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 Edwards against the decision of Dorset Council.
 - The application Ref WD/D/20/001616, dated 23 July 2020, was refused by notice dated 26 October 2020.
 - The development proposed is the change of use of agricultural building to a self-contained dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) was published on 20th July 2021 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in July 2021.

Main Issue

3. The main issue is whether the proposed development is in a suitable location for housing, with particular reference to the accessibility of services and facilities and to the reliance on private motor vehicles.

Reasons

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning decisions must be made in accordance with the development plan unless material considerations indicate otherwise.
5. The appeal site comprises land and a number of buildings which are agricultural in appearance, set within a rural location. The appeal site is located adjoining the north western side of Factory Lane and close to the junction with the B3143 highway. The submissions in this appeal confirm that the main parties agree that the appeal site is located outside of the Defined Development Boundary (the DDB) for Buckland Newton.
6. Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) (the Local Plan) establishes a settlement hierarchy which guides development to the largest and best serviced locations. The Policy provides that, in rural areas, housing must meet local needs and be within specified settlements, the extents of which are established by the DDB. Outside of the DDB, housing is restricted to that which meets one or more of a number of circumstances set out within the policy.

7. In terms of Policy SUS2 of the Local Plan, within their statement of case the Appellants have put it to me that the appeal scheme would represent rural workers' housing. However, it is noted that the scheme has not been submitted for a rural worker's dwelling but rather is confirmed as being for an open market dwelling as part of the design and access statement which accompanied the planning application, and within the section dedicated to the Appellants' assessment of whether the proposal would accord with any of the circumstances as set out within Policy SUS2 of the Local Plan. Accordingly, the proposal is for an unrestricted dwelling and, consequently, the scheme would only gain support from Policy SUS2 of the Local Plan through its potential re-use of the existing rural buildings.
8. Policy SUS3 of the Local Plan specifically concerns the adaption and re-use of buildings outside of the DDB. In respect of the provisions of this policy, it is common ground between the main parties that the existing building is of permanent and substantial construction, and would not require a substantial rebuild or extension.
9. However, Policy SUS3 of the Local Plan also requires that, in the case of development outside of the DDB, development must accord with one of a number of additional criteria. In respect of unrestricted dwellings located outside of the DDB: the building to be re-used must adjoin a settlement with a DDB or be within or adjoining a settlement with a population in excess of two hundred, or must adjoin an existing serviced residential building.
10. The Appellants have put it to me that the site does 'adjoin' the DDB for Buckland Newton. In this regard there does not appear to be any dispute between the main parties that the appeal site is located approximately 175 metres from the DDB. However, the site is separated from the DDB not only by the abovementioned distance but also in respect of being separated from the DDB by a highway and an intervening, substantially sized parcel of agricultural land. In my view, the appeal site does not adjoin the DDB for Buckland Newton.
11. Consequently, the appeal site does not adjoin a settlement with a DDB and there does not appear to be any evidence before me which indicates that the site is within or adjoins a settlement with a population in excess of two hundred or that the proposed dwelling would adjoin an existing serviced residential building.
12. In light of the above, the proposed unrestricted new dwelling would not be supported by the provisions of Policy SUS3 of the Local Plan. The appeal proposal would conflict with Policy SUS3 of the Local Plan and would thereby be contrary to the spatial strategy contained within the development plan.
13. In addition to the above, the site is located outside of the DDB and access to the very limited services and facilities contained within Buckland Newton would initially require travelling along relatively narrow lanes which do not benefit from pedestrian footways or lighting. Whilst the DDB is located approximately 175 metres from the site, the limited level of services contained within the settlement are located at a greater distance away from the site. Consequently, travelling to the services within that settlement would not be attractive for all, especially during the hours of darkness or during adverse weather conditions.

14. Furthermore, given that the services and facilities contained within Buckland Newton are limited, it is likely that future residents will need to access higher level services, such as healthcare, in more distant settlements. In light of the above factors and in the absence of evidence to confirm that other forms of transport such as regular bus services would provide an alternative sustainable mode of transport, in my view, future residents of the appeal proposal would be likely to be dependent on private motor vehicles for most journeys.
15. Whilst dependence on private vehicles may be expected in rural locations, the appeal scheme would be likely to exacerbate this level of reliance, and would contribute to a pattern of development that could cause environmental harm as a result of increased car journeys and hence carbon emissions.
16. In summary of the above, the appeal proposal would conflict with Policy SUS3 of the Local Plan with regards to the location of development outside of the DDB. Furthermore, given that the site is not suitably located in respect of services and facilities that could reasonably be required on a day to day basis, the appeal scheme would not accord with the environmental dimension of sustainable development and, therefore, would conflict with the provisions of Policy INT1 of the Local Plan which concerns the presumption in favour of sustainable development. For the same reasons, the proposal would not accord with paragraphs 8 and 79 of the Framework.
17. The Appellants have put it to me that the proposed development accords with Policy H2 of the Buckland Newton Neighbourhood Plan 2015-2030 (the NP) with regards to the type and size of housing. However, whilst the type and size of the proposed unrestricted dwelling would be acceptable, the appeal scheme would conflict with Policy H1 of the NP which provides that new housing development may take place within the defined development boundary of Buckland Newton and on sites allocated in this neighbourhood plan. The evidence before me indicates that the site has not been allocated for housing within the NP and, for the above reasons, would be located outside of the DDB. Consequently, the appeal scheme would conflict with the provisions of the NP when taken as a whole.

Planning Balance

18. The Council accepts that it cannot currently demonstrate a five year supply of deliverable housing sites. In the absence of a five year supply of deliverable housing sites, paragraph 11d) of the Framework provides that relevant policies for the supply of housing should not be considered up to date, and further states that where the development plan is out of date, 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.
19. The Framework provides that the concept of sustainable development comprises three mutually dependent objectives – being the economic, social, and environmental elements of the proposal.
20. In terms of social benefits, the appeal proposal would contribute an additional open market dwelling to local housing supply, and I acknowledge that the proposal could be built-out relatively quickly. Economic benefits would arise through employment opportunities during the conversion and construction of the proposed unrestricted dwelling and through the future spend of residents

thereby supporting the local economy. Whilst these benefits are materially positive in nature, these benefits are very limited by reason of the scale of the proposed development.

21. In terms of the location of development, the site is located outside of the nearest settlement and would not be suitably located with regards to access to services and facilities that could reasonably be required on a daily basis. Future residents of the unrestricted dwelling would therefore be likely to rely on private motor vehicles for most trips. This would be contrary to the Framework's aims to promote sustainable transport with the proposal failing to assist in meeting the environmental objective of sustainable development.
22. I attach significant weight to this consideration given the importance which the Framework places on protecting the environment. Consequently, I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework taken as a whole.

Conclusion

23. For the reasons given above, I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR