



Appeal Decision

Site Visit made on 21 September 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2021

Appeal Ref: APP/D1265/W/21/3276179

Duncliffe Home Farm, Green Lane To Foyle Hill, Stour Row SP7 0QW

- 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 querk Landscape Architecture against the decision of Dorset Council.
 - The application Ref P/FUL/2020/00383, dated 8 December 2020, was refused by notice dated 27 April 2021.
 - The development proposed is change of use from small paddock (agricultural) to garden/recreational use for private use with the addition of a proposed tennis court for family use.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's reason for refusal refers to the National Planning Policy Framework (2019). During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework), which represents the Government's up-to-date planning policies for England and how they should be applied. The appeal timetable has allowed both parties the opportunity to make comments relating to the updated Framework.

Main Issues

3. Whether the site is suitable for the development, bearing in mind development plan policy and the effect of the development on the character and appearance of the countryside.

Reasons

4. The appeal site is part of a roughly square-shaped paddock, that is adjacent to the residential curtilage of Duncliffe Home Farm. It lies to the north of the largely linear pattern of buildings that front the main road through the village of Stour Row. It is contended that the site is part of the settlement, rather than the wider countryside. However, the supporting text to Policy 20 of the North Dorset Local Plan Part 1 (January 2016) (the Local Plan), states that, for the purposes of the Local Plan, the countryside is defined as all land outside the settlement boundaries of the District's four main towns, Stalbridge, and the eighteen larger villages. Stour Row is not one of the larger villages and does not have a settlement boundary. Consequently, for the purposes of the Local Plan, the site lies in the countryside.
5. Policy 20 states that development in the countryside will only be permitted if:

- (a) it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, summarised in Figure 8.5; or (b) for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. The proposal would not fall within any of the categories of development described in Figure 8.5, therefore the development would only comply with the policy if an overriding need for its countryside location could be demonstrated.
6. The supporting text to the Policy sets out the types of development and circumstances that may lead to an overriding need being demonstrated. These include the provision of formal and informal outdoor facilities for sport and recreation and other uses, such as allotments, that are important elements of a green infrastructure strategy, especially where they are important to facilitate access to the countryside for the residents of towns and villages. Whilst the proposal would provide an outdoor recreational facility, it would be for private use, so it would not form an important element of green infrastructure strategy, or provide access to the countryside for residents of the village. There would not, therefore, be an overriding need for it to be located in the countryside. Consequently, the proposal would conflict with Policy 20 of the Local Plan.
7. Policy 28 of the Local Plan addresses proposals relating to existing dwellings in the countryside. The supporting text notes that the encroachment of domestic gardens into open countryside (and their associated structures) can have a significant impact on the rural landscape. It goes on to say that any development associated with an existing dwelling in the countryside should, therefore, take place within the existing residential curtilage, and the proposed extension of an existing residential curtilage into the countryside will not be permitted. The Policy itself, however, only addresses three categories of development, which are not relevant to the appeal proposal, so it is not directly applicable. Nevertheless, it is clear that the Policy does not offer support for the extension of the residential curtilage into the countryside.
8. The paddock is enclosed to the west and north by dense boundary hedges. It is also screened from Dover Street by the roadside vegetation and buildings. Whilst part of the surrounding mesh fence may be visible through the entrance gate to the site, it would not be a prominent feature in the street scene. Furthermore, additional landscaping is proposed to further soften any impacts from the development. Consequently, views of the tennis court would be restricted to the upper floor windows of houses to the south, and the very distant hills to the southeast. The visual impact of the development on the countryside would, therefore, be limited. In this regard, I see no conflict with Policy 24 of the Local Plan, which relates to design. However, this Policy does not provide any particular support for the proposal either.
9. In summary, the proposal would conflict with Policy 20, which seeks to restrict development in the countryside. Although the visual impact of the development would be limited, this is a neutral factor in determining compliance with this policy. No support is provided by Policy 28, which relates to existing dwellings in the countryside. As no other policies provide positive support for the proposal, I conclude that it would be contrary to the development plan when taken as a whole. Planning law¹ requires that applications for planning

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

permission be determined in accordance with the development plan unless material considerations indicate otherwise. The Framework's presumption in favour of sustainable development does not change this. Paragraph 12 says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

10. The Framework recognises, at paragraph 98, that a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. Furthermore, paragraph 130 advises that planning decisions should ensure that developments create places that are safe, inclusive, and accessible, and which promote health and well-being. The tennis court would provide a facility for physical activity, which would be beneficial to users. However, these benefits would be private to the appellants, so I afford them limited weight in my decision.
11. I have found that the proposal would have a limited visual impact on the appearance of the countryside. The lack of harm in this respect is a matter that attracts moderate weight. However, it does not outweigh the conflict with the development plan when taken as a whole.

Conclusion

12. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR