
Appeal Decision

Site visit made on 18 October 2021

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2021

Appeal Ref: APP/D1265/W/21/3277811

Thatchways, Blandford Road, Iwerne Minster DT11 8QN

- 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 Quest Estates (UK) Ltd against Dorset Council.
 - The application Ref P/FUL/2020/00473, is dated 19 December 2020.
 - The development proposed is erect four no. dwellings with garages; modify vehicular access; and demolish existing garage (revised scheme following appeal).
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Decision

1. The appeal is allowed and planning permission is granted to erect four no. dwellings with garages; modify vehicular access; and demolish existing garage at Thatchways, Blandford Road, Iwerne Minster DT11 8QN in accordance with the terms of the application, Ref P/FUL/2020/00473, dated 19 December 2020, subject to the conditions set out in the attached schedule.

Application for costs

2. An application for costs was made by Quest Estates (UK) Ltd against Dorset Council. This application is the subject of a separate decision.

Procedural Matters

3. The Council did not determine the application. However, it has confirmed that, had it been in a position to do so, it would have refused planning permission for reasons relating to the size of the dwellings and the impact of the scheme on the character and appearance of the area.
4. Subsequent to the appeal being lodged, a revised National Planning Policy Framework ('the Framework') was published. The parties have had an opportunity to comment on the implications for the appeal.

Main Issues

5. The main issues are:
 - a) whether the proposal would be acceptable with regard to the size of the dwellings; and
 - b) the effect of the development on the character and appearance of the area, including the Iwerne Minster Conservation Area (CA) and Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (AONB).

Reasons

Background

6. The proposed development would be located within a grass paddock to the rear of dwellings on the east side of Blandford Road (A350) at the southern end of Iwerne Minster. A new access would be created and this would follow the alignment of the existing driveway for Thatchways; the garage belonging to that property would need to be demolished.
7. The majority of the site lies outside of Iwerne Minster's settlement boundary. Policy 20 of the North Dorset Local Plan Part 1 (2016) (LP) defines land beyond settlement boundaries as lying within the countryside. Development in the countryside is restricted to those categories set out in Figure 8.5 which are appropriate in the countryside, and where it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. Rural exception schemes are acceptable, subject to compliance with LP Policy 9, but new-build market housing is not (unless the proposal is for an occupational dwelling).
8. The proposal is not being promoted as a rural exceptions scheme and there is no substantive evidence to demonstrate an overriding need for the development to be located in the countryside. However, the site has already been granted planning permission¹ for the erection of three, 3-bedroom dwellings. I do not know the background to this case, but the permission is still extant. The existence of a genuine fallback position means that I have attached limited weight to the conflict with LP Policy 20.

Size of dwellings

9. The site has recently been the subject of appeals for schemes of three and four 4-bedroom dwellings. In dismissing both appeals², the Inspector cited a housing needs survey from 2016 which identified no need for housing of this size here. Reference was made to evidence of interested parties and the AONB Officer pointing to an unmet local need for affordable housing and/or 2/3-bedroom units. It was concluded that the extant scheme of three smaller, 3-bedroom units would likely offer greater affordability, and therefore a more effective use of land in the circumstances.
10. I have not had sight of the detailed evidence presented to the last Inspector and do not know the full context to that decision. However, there is nothing before me to indicate that the LP contains relevant policies concerning the size or affordability of market dwellings. It is important not to conflate 'affordability' with 'affordable housing' which has a specific meaning within Annex 2 to the Framework.
11. The proposal before me is similar, if not identical, to the previous scheme for four, 4-bedroom dwellings in terms of physical unit size. However, the appellant has responded to the Inspector's comments by modifying the internal layouts to provide three bedrooms. The master bedroom within each unit would benefit from a dressing area and larger en-suite bathroom. The gross internal floor area³ (GFA) of each dwelling would be around 150 m².

¹ Council Ref. 2/2018/1522/FUL

² APP/D1265/W/20/3253365 & APP/D1265/W/20/3257248

³ The individual unit sizes range from 148.9 m² to 151.8 m²

12. It is contended that there has been no reduction in house sizes compared with the previous appeal scheme, and that the houses would be viewed as 4-bed units. This is incorrect as a matter of fact – the submitted plans clearly show the proposed dwellings as being 3-bedroom. The internal accommodation would be relatively modest and the layout does not strike me as being particularly unusual. Similar sized dwellings⁴ have been permitted recently⁵ at nearby Talbot Courtyard. Whilst I note the point about affordability, there is no relevant development plan policy and no substantive evidence to demonstrate that the proposal would be out of kilter with the local housing market.
13. The Council states that the proposed dwellings are materially larger than the 3-bedroom units already permitted. However, the appellant points out that the extant permission features larger 3-bedroom dwellings with a GFA of 180 m². As such, based on floorspace alone, the appeal scheme is likely to prove more affordable than under the fallback position.
14. I therefore conclude that the proposed dwellings would be acceptable in terms of the size of the dwellings. There would be conflict with LP Policy 20 due to the site's position outside of the settlement boundary, but this relates only to the principle of market housing and not affordability. LP Policy 9 is not relevant as the proposal is not a rural exceptions scheme; it is entirely inappropriate to translate its provisions onto a market housing scheme.

Character and appearance

15. The character of the local area is set out in the appeal decision from December 2020. The Inspector in that case described the site as innocuous and found that it made a negligible contribution to the significance of the CA and the landscape and scenic beauty of the AONB. Based on my observations, I concur with this assessment. The land is largely hidden from Blandford Road and it is read against a backdrop of housing in views from the south and east, with boundary vegetation filtering views of the site and drawing it into the village. There are views from a public footpath adjacent to the local playing fields, but the site is seen in close association with the existing built form of the village.
16. The Inspector commented that the scale and domestic design of the proposals would not be incongruous and would have an acceptable effect on the character and appearance of the area. The application before me is almost identical to the four unit scheme in terms of its layout and the scale of the individual buildings. There are some differences in the design, notably in relation to the positions of dormer windows and rooflights, and the use of brick instead of timber boarding for the walls. However, the concept of a farmstead style development still holds true. The variations in design and materials from the dismissed scheme would not significantly alter the visual impact in views from outside of the site. The development would be discreetly located and well-contained by boundary hedging, and there would be no harm to the character or appearance of the area, the setting of the CA or the scenic qualities of the AONB.
17. The Council has expressed particular concerns regarding the cumulative visual impacts, having regard to the fact that a detached bungalow has been permitted on appeal⁶ on land immediately to the north. This is yet to be built

⁴ The largest units within this scheme have a gross internal area of 145.6 m²

⁵ Council Ref. 2/2019/0268/FUL

⁶ APP/D1265/W/20/3265438

but the Inspector determined that appeal on the basis that the permission for the bungalow may be implemented together with the extant permission for three, 3-bedroom dwellings. Substituting the current scheme into the equation, the outcome would not be materially different. There would be some increase in the combined mass of buildings, but the developments would co-exist without appearing cramped or discordant with one another.

18. Accordingly, I conclude that the proposal would not cause material harm to the character or appearance of the area. There would be no conflict with the heritage and landscape aims of Policies 4 and 5 of the LP or the Iwerne Minster Village Design Statement Supplementary Planning Document.

Other Matters

19. The proposed access would provide visibility splays onto Blandford Road and its specification would be adequate to serve Thatchways, the four dwellings being proposed and the bungalow with planning permission. Each dwelling would be provided with two parking spaces in addition to garaging. The Highway Authority raised no objection to the scheme and in my opinion there is no basis to dismiss the appeal on highway grounds.
20. The parish council states that it is in the process of having Iwerne Minster designated as a small village. However, the settlement is classified in the development plan as a larger village and there is no compelling evidence to persuade me that it is unable to accommodate the number of dwellings being proposed in this case, particularly bearing in mind that this would amount to one dwelling over and above the extant permission.
21. I have taken into account all other concerns raised, but none is so significant as to lead me to a different overall conclusion.

Unilateral Undertaking

22. The appellant has supplied a completed Unilateral Undertaking (UU) dated 10 October 2021 which secures an offsetting fee to compensate for the loss of poor semi-improved grassland. This payment accords with the Dorset Biodiversity Compensation Framework and the requirements of Policy 4 of the LP. The Council has confirmed that the monies will fund The Dorset BAP Partnership Project. Based on the information provided, I am satisfied that the planning obligation contained within the UU is necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. It therefore meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010.

Conditions

23. I have considered the list of suggested conditions against the tests set out in Paragraph 56 of the Framework and the Planning Practice Guidance (PPG). Where appropriate, I have amended the condition wording to improve precision and enforceability.
24. In addition to the standard commencement condition, I have attached a condition specifying the approved plans for certainty. The suggested condition to prevent implementation with the extant permission is not necessary as the schemes are mutually exclusive.

25. Conditions are suggested to secure details of materials, windows and other architectural features. Conditions are also requested in relation to landscaping, boundary treatments and tree protection. I have imposed these conditions in the interests of achieving high quality design and protecting the character and appearance of the area.
26. In the interests of highway safety, conditions are necessary to ensure the construction, prior to first occupation of the development, of the access, parking and turning areas, including the visibility splays onto Blandford Road.
27. To secure biodiversity mitigation enhancement and to prevent harm to bats, conditions are needed to ensure compliance with the submitted biodiversity plan. A further condition is necessary to require the submission of a surface water drainage scheme. The Council's suggested wording seeks these details before the buildings have progressed to eaves level, but drainage should be agreed at the outset of development and should be the subject of a pre-commencement condition. The appellant has indicated that they would have no objection to making this amendment.
28. The Council has suggested a condition to remove permitted development rights for means of enclosure. The reason given for the condition is in the interests of amenity, but there is no evidence to suggest that the exercise of permitted development rights would be harmful. The PPG states that conditions restricting the future use of permitted development rights or changes of use may not pass the test of reasonableness or necessity. That is the case here and therefore I have not imposed the condition.

Planning Balance and Conclusion

29. The Council concedes that it is unable to demonstrate a five year supply of deliverable housing sites. Paragraph 11 d) of the Framework explains that in such circumstances permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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.
30. The proposal would not give rise to any harms to the CA or AONB and consequently the location of the site in relation to these designations does not provide a clear reason for refusing permission. The only other harms would be a notional conflict with Policy 20 of the LP for the development being outside of the settlement boundary, but I must take into account the fact that there is an extant permission for market housing on the site. Overall, there are no adverse impacts that would significantly and demonstrably outweigh the social and economic benefits of housing delivery. The proposal would benefit from the presumption in favour of sustainable development.
31. For the reasons given above I conclude that the appeal should be allowed.

Robert Parker

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 approved shall be carried out in accordance with the following plan nos: 9288/400, 401 rev B, 402, 403, 404, 405, 406 and 407.
- 3) No development shall take place until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The approved drainage works shall be carried out before first occupation of any part of the development to which they relate and retained in good order for the life of the development hereby permitted.
- 4) No development shall take place above damp-proof course level until details of all external materials, which shall include road and path surfaces, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) No development shall take place above damp-proof course level until detailed drawings (at a scale of not less than 1:5) showing the design, materials and specifications of all external doors and windows, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such for the life of the development.
- 6) No development shall take place above damp-proof course level until details of the construction and finish of eaves, verges, dormers, chimneys, plinths, sills and lintels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such for the life of the development.
- 7) No development shall take place above damp-proof course level until a sample panel measuring at least 1 x 2 metres using the approved facing materials and demonstrating the proposed coursing, mortar mix and pointing have been constructed on site. The development shall not recommence until the details have been approved in writing by the local planning authority and the panel shall remain on site until all external walls have been completed.
- 8) No development shall take place above damp-proof course level until details of the colour, profile and siting of all rainwater goods along with details of the location of any vents, flues, letter boxes and meter boxes to be installed externally have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 9) No development shall take place above eaves level until details of all proposed boundary treatments and means of enclosure have been submitted to and approved in writing by the local planning authority. The approved details shall be in place before first occupation of any part of the development to which they relate and be retained as such for the life of the development.

- 10) No development shall take place above eaves level until a native species landscaping scheme (including details of its long-term maintenance) has been submitted to and approved in writing by the local planning authority. The approved landscaping scheme shall be carried out in the first planting season following first occupation of any part of the development hereby approved or the completion of the development, whichever is sooner. Any specimens forming part of the landscaping scheme becoming dead, dying, diseased or removed with 5 years of planting shall be replaced with specimens of the same size and species and in the same location.
- 11) Before first occupation of any part of the development hereby approved the first 15 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing) shall be laid out and constructed to a specification which has been first submitted to and approved in writing by the local planning authority.
- 12) Before first occupation of the development hereby approved the access, highway layout, parking and turning areas shown on Drawing Number 9288/400 shall be constructed in accordance with the approved details. They shall thereafter be retained with no impediment to their designated use for the life of the development.
- 13) Before first occupation of the development hereby approved the visibility splays shown on Drawing Number 9288/400 shall be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. They shall thereafter be retained and kept clear of obstruction for the life of the development.
- 14) The tree protection measures specified in the Gwydion Tree Consultancy Arboricultural Impact Assessment and Method Statement dated 08/01/2021 shall be carried out as specified and maintained as such for the life of the development.
- 15) The wildlife mitigation and enhancement measures described in the submitted biodiversity plan carried out by ABR Ecology Ltd and signed by Steve Tapscott on the 13/01/2021 shall be implemented in full as specified.
- 16) No internal and external lighting shall be placed in any building or anywhere on site unless it complies with the details described in the submitted biodiversity plan carried out by ABR Ecology Ltd and signed by Steve Tapscott on the 13/01/2021.

*** END ***