



Appeal Decision

Site visit made on 13 December 2021

by James Blackwell LLB (Hons) PgDip

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/D1265/D/21/3286003

245 Christchurch Road, West Parley, BH22 8SQ

- 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 Carlos Seaton-Smith against the decision of Dorset Council.
 - The application Ref 3/20/1957/HOU, dated 26 October 2020, was refused by notice dated 3 September 2021.
 - The development proposed is the conversion of existing garage to annexe accommodation.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs has been made by Mr Carlos Seaton-Smith against Dorset Council. This application is the subject of a separate decision.

Preliminary Matters

3. The appeal site is located within 400 metres of the Parley Common Site of Scientific Interest (SSSI). The SSSI forms part of the Dorset Heaths Special Area of Conservation, the Dorset Heathlands Special Protection Area and the Dorset Heathlands Ramsar, which shall collectively be referred to in this decision as the Dorset Heathlands. The Dorset Heathlands are, amongst other provisions, afforded protection under The Conservation of Habitats and Species Regulations 2017 (Habitat Regulations), as they are host to numerous protected priority habitats.

Main Issue

4. The main issue is the effect of the proposal on the integrity of the Dorset Heathlands.

Reasons

5. The Dorset Heathlands Planning Framework 2020-2025 (SPD), which was prepared with advice from Natural England, prescribes certain development that may be permitted within 400 metres of the Dorset Heathlands (Exclusion Zone), without it adversely affecting the integrity of these protected areas. Whilst ancillary residential accommodation, including granny annexes, can be permitted in certain circumstances, the Heathlands SPD is clear that any development which leads to a net gain in residential dwellings is not permitted within an Exclusion Zone. This is because there is no effective mechanism to reduce or mitigate the potential adverse effect of additional residential recreational pressures (or predation from domestic animals).

6. In this instance, the proposed development seeks to convert a detached garage within the appeal site to annexe accommodation. Although the appellant intends for the annex to be used in conjunction with the main dwelling, the garage is located at the rear of a large garden to the main house, which means there is a significant degree of separation between the two buildings. Indeed, a fence has previously separated the garage and associated parking area from the rest of the appeal property, which indicates that the two buildings have functioned somewhat independently from one another in the past. Although the fence has since been removed, there is nothing to indicate that a similar boundary treatment would not be erected in future.
7. The potential for the annexe to be occupied independently would be exacerbated by the access arrangements to and from the appeal property. The garage already benefits from its own separate independent access from Parley Close, together with its own driveway/parking area. Irrespective of the appellant's intended use, this separate access and parking arrangement could again facilitate independent use of the annexe, without any reliance on the main dwelling (noting that under permitted development rights, residential outbuildings must be incidental to the enjoyment of a dwelling house).
8. Moreover, the proposed annexe would be substantial in footprint and would include a bedroom, bathroom and living space. Whilst no kitchen is proposed, works affecting only the interior of a building would not constitute "development", and so nothing would prevent kitchen facilities from being implemented at a later date. Indeed, the footprint of the garage would exceed the nationally described space standards for a single-storey one bedroom dwelling, which means there would be sufficient space within the annexe to accommodate all the facilities typically associated with a standalone dwelling.
9. On account of these factors, the proposed annexe would be capable of functioning independently, and irrespective of the appellant's current intention, would therefore be tantamount to a standalone dwelling. Unfortunately, I do not consider that the risk of such independent use could be properly addressed through the imposition of a condition, as such a condition would be unenforceable given the lack of any readily identifiable action that would denote independent use.
10. On this basis, and as per the provisions of the SPD, the proposal would risk significant adverse effect to the integrity of the SSSI and the Dorset Heathlands, due to the increased intensity of use that is associated with a net increase in residential dwellings. In such circumstances, the Planning Practice Guidance requires me to take an appropriate assessment¹, an approach I have applied proportionately, with regard to Natural England's representations on the proposal and its contribution to the SPD. In this instance, given the location of the proposal within the Exclusion Zone, and in the absence of any mitigation, I cannot conclude that potential adverse effects can be ruled out.
11. On this basis, and having regard to the conservation objectives set out in the SPD, the proposal would risk adverse effects to the ecology of the Dorset Heathlands. The development would therefore conflict with Policy ME2 of the Christchurch and East Dorset Local Plan (2014), which seeks to ensure new development properly safeguards the protection of the Dorset Heathlands. The development would also conflict with the Habitats Regulations and the

¹ Reference ID: 65-001-20190722

provisions of the Framework (2021), both of which afford stringent protections over designated sites.

Other Matters

12. Whilst I acknowledge the development would benefit the appellant in terms of additional living space, this would be a private benefit, and would not outweigh the potential harm it would cause to the integrity of the Dorset Heathlands. Similarly, no alternative solutions, mitigation or other reasons of overriding public interest have been proposed which would outweigh this harm.

Conclusion

13. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR