



Appeal Decision

Site visit made on 7 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 22 June 2022

Appeal Ref: APP/D1265/W/22/3290100

Land adjacent to Upton Cottage, Plantation Farm, Blandford, Dorset, DT11 8BZ

- 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 Nigel Ware against the decision of Dorset Council (the Council).
 - The application Ref P/FUL/2021/00163, dated 28 January 2021, was refused by notice dated 10 November 2021.
 - The development proposed is described as the erection of 1 no. dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the interests of accuracy, in the banner heading above I have used the description of development as provided for on the Council's decision notice.

Main Issue

3. The main issue in this appeal is the suitability of the appeal site for the proposed development having regard to local and national planning policy for the supply of housing and the effect of the proposed development on the character and appearance of the area with reference to the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (the AONB).

Reasons

Location of Development and the AONB

4. Upton Cottage is located within the AONB, adjacent to the A354 highway and outside of the nearest settlement at Tarrant Hinton. The appeal site comprises land to the northeast of Upton Cottage and the access to be taken from the adjacent highway. The site is remote from the very limited level of services and facilities that are found within Tarrant Hinton. A static caravan was positioned within the site as at the date of my visit.
5. The appeal site is located outside of any settlement and, in accordance with Policy 2 of the North Dorset District Council Local Plan Part 1 2011-2031 (the Local Plan), the site is located within the countryside for planning purposes.
6. The appeal site is in a remote location, physically separated from the nearest settlements. Access on foot or by bicycle to the nearest settlements would require using a highway which does not benefit from pedestrian footways or

lighting and, consequently, future residents would likely be entirely reliant on private motor vehicles to access basic services and facilities that could reasonably be required on a daily basis. Whilst dependence on private vehicles may be expected in a rural location such as this, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would cause environmental harm as a result of increased car journeys and hence carbon emissions.

7. Policy 20 of the Local Plan seeks to restrict development in the countryside to that which has an overriding need to be there, or is of an appropriate type as set out in Figure 8.5 to the policy's supporting text. Based on the available evidence before me, the appeal scheme would not fall within the types of development which are considered appropriate in the countryside as provided within Figure 8.5 of the Local Plan.
8. Notwithstanding the above, the Appellant has put it to me that the appeal scheme would fulfil the overriding need to be located within the countryside requirement of Policy 20 of the Local Plan.
9. In that regard, the Appellant maintains that there is an overriding need for the proposal to be located within the countryside and AONB by reason of the need to remove the abovementioned static caravan which is currently positioned within the appeal site. It has been put to me that the appeal scheme would allow for the removal of the caravan and that the proposal would result in an enhancement to the landscape and scenic beauty of the AONB.
10. As I observed on my site visit, the static caravan at the site appeared to be in a dilapidated state and could be seen from the adjacent highway, detracting from the landscape qualities of the AONB. I acknowledge the information supplied by the Appellant within the appeal submissions regarding the siting of that caravan. However, there does not appear to be any evidence that there is existing planning permission or Lawful Development Certificate (LDC) for a caravan to be located at the appeal site. Whilst I acknowledge the information provided in respect of the period of time for which the caravan has been at the site, the Appellant has also confirmed that no current planning permission or LDC exists. Whether the caravan is lawfully sited is not a matter that falls within the scope of a section 78 appeal. As such, in the determination of this appeal, I cannot attach weight to the potential benefits that may arise from its removal from the site.
11. As such, there is no substantive evidence to demonstrate an overriding need for the development to be located in the countryside. The proposal would not be in a suitable location for residential development, having regard to local and national planning policy which seek to restrict residential development in the countryside, particularly as the proposed dwelling would be at some distance from the nearest settlements and the services and facilities they contain. Consequently, the appeal scheme would conflict with Policies 1 and 20 of the Local Plan which set out a presumption in favour of sustainable development and seek to protect the countryside.
12. Policy 4 of the Local Plan concerns the natural environment and, in terms of the AONB, provides that development will be managed in a way that conserves and enhances the natural beauty of the area. For the reasons given above, I cannot attach weight to the potential benefits associated with the removal of the caravan that was at the site as of the date of my visit. The appeal scheme is

for an additional dwelling and would result in the encroachment of built form into the undeveloped countryside and AONB, being detrimental to the character and appearance of the area and failing to conserve or enhance the special landscape qualities of the AONB.

13. In summary of the above, the appeal scheme would be in an unsuitable location where future residents would be heavily reliant on use of private motor vehicles, and the proposal would be harmful to the landscape and scenic beauty of the AONB. Consequently, the proposed development would conflict with Policies 1, 4 and 20 of the Local Plan and would fail to accord with those paragraphs of the National Planning Policy Framework (the Framework) which concern conserving and enhancing the natural environment and rural housing. I attach significant weight to the identified harm and resulting development plan conflict in the determination of this appeal.
14. The appeal scheme would provide benefits in terms of the very limited, short term employment opportunities during the construction phase, and I acknowledge that new housing can contribute to the vitality of rural communities by helping to support local services. As such, I accept that an additional household at the appeal site could play a small part in supporting the viability of services within the wider area. In my view and by reason of the modest scale of the proposed development, the benefits which the appeal scheme would bring are limited in scope.
15. It is not disputed that the Council is unable to currently demonstrate a five year housing land supply, with the Appellant putting it to me that the Council currently has only 3.3 years of supply. Paragraph 11(d) of the Framework provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), 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.
16. However, paragraph 11(d)(i) advises that where the application of policies within the Framework provides a clear reason for refusing a development proposal, the presumption in favour of sustainable development does not apply. Areas of Outstanding Natural Beauty are specifically protected within the associated Footnote 7. The harm to the AONB described above is therefore sufficient reason to dismiss the appeal and the presumption in favour of sustainable development should not apply in this instance.

Other Matters

17. The Appellant has referred me to nearby development which it is maintained were originally for rural workers, but which are now in private use and which it is presumed "have been authorised for market use, following the grant of planning permission". Whilst I acknowledge the Appellant's submissions in this regard, I have not been provided with any information concerning those other developments as referred to by the Appellant and, consequently, I have determined this appeal based on its own merits.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR