



Appeal Decision

Site visit made on 2 August 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 September 2022

Appeal Ref: APP/D1265/W/22/3291859

Site adjacent Church House, Church Street, West Stour, SP8 5RL

- 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 Julian and Shirley Trim against the decision of Dorset Council.
 - The application Ref P/FUL/2021/02116, dated 14 June 2021, was refused by notice dated 26 October 2021.
 - The development proposed is erect dwelling with 2no. parking spaces.
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Decision

1. The appeal is allowed, and planning permission is granted to erect dwelling with 2no. parking spaces, at Site adjacent Church House, Church Street, West Stour, SP8 5RL, in accordance with the terms of the application, Ref P/FUL/2021/02116, dated 14 June 2021, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. On 1 April 2019 North Dorset District Council merged with East Dorset District Council, Purbeck District Council, West Dorset District Council and Weymouth and Portland Borough Council to become Dorset Council. The development plans for the merged local planning authority remain in place for the former area of North Dorset District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved North Dorset District Council.

Main Issue

3. Whether the site is suitably located for the development proposed, having regard to local and national policy.

Reasons

4. Policy 2 of the North Dorset Local Plan 2016 (LP) sets out the Council's spatial strategy for the former area of North Dorset. This seeks to manage patterns of growth in accordance with the National Planning Policy Framework (the Framework), by requiring development to be located within the area's four main towns or its larger villages. Beyond these areas, development is subject to countryside policies where it is strictly controlled; limited to that required to enable essential rural needs. I have no evidence before me to suggest that the appeal proposal would satisfy the latter criterion. The proposal therefore conflicts with these Policies and the development plan taken as a whole.

5. Although the site is located fairly centrally within West Stour, this is a small settlement with few services and facilities. These are limited to a small Village Hall, Church and Public House which can all be accessed from the site with relative ease on foot. Indeed, the Church and Village Hall are very close to the site. The Public House is a little further away to the south but can easily be accessed on foot from the site via the lightly trafficked main road through the village and a short length of footpath.
6. The site is adjacent to the Dorset Showground. Although this is a large facility it is not clear what day to day services it provides that would benefit the occupants of the proposed dwelling.
7. Beyond this is the Riverside Garage. At the time of my visit significant development was underway at this site to provide a much larger convenience store. Although this would provide a service that could meet some of the day to day needs of the future occupants of the proposed dwelling, it can only be accessed along a busy stretch of the A30, which is tightly bound on either side by mature hedges without footways or verges and would thus be unsafe for walking or cycling. It would appear from this arrangement that the services and facilities on offer here and at M-tech opposite are positioned to make the most of passing traffic, rather than located to be easily accessible to those living at West Stour. Future occupants of the proposed dwelling would need to use a car to access these services safely.
8. Even if I take into account the services provided by the Riverside Garage, M-Tech and the nearby Udder Farm Shop, their combined offer is still limited. It is likely that future occupiers, who would depend on a car to meet their day to day needs, would choose to travel further to larger settlements to benefit from a greater choice of services and facilities.
9. In terms of accessing employment, occupants of the new dwelling would need to rely on a private car to travel locally to a place of employment other than the Public House. Although some opportunities would exist nearby at businesses like Riverside Garage, most employment opportunities would be further away, increasing the need to travel by private means.
10. Paragraph 79 of the Framework establishes that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The proposal has the potential to enhance or at least maintain the vitality of the community, but only by a modest degree as it would deliver a single dwelling.
11. The LP Policies referred to above seek to actively manage patterns of growth in support of the objectives set out at paragraphs 104 and 105 of the Framework, which relate to the promotion of sustainable transport.
12. In summary, the site is not suitably located for the development proposed. The proposal is contrary to the Council's spatial strategy, as set out in Policies 2, 6 and 20 of the LP.

Other Matters

13. The site is within the West Stour Conservation Area (the CA). The council is satisfied that the proposed dwelling would not harm the character and appearance of the CA as long as appropriate conditions are imposed.

14. At my visit to the site I was able to assess the character and appearance of the CA myself, and consider the impact of the proposal upon that character. The proposed dwelling would adopt a traditional massing and incorporate details that would help it to sit comfortably within its agricultural setting outside the village core. The developed area of the site would be fairly compact, with the dwelling positioned close to the access and parking area, thus leaving large open areas to either side to maintain open views across the site and provide opportunities for additional planting. With regard to Section 72 of the LBCA, I am satisfied that the proposal would preserve the character and appearance of the CA.
15. With regard to comments before me relating to the proposal's impact on the highway network, the proposal would have good access onto the main road through the village by utilising the existing access. This access is used by lots of other dwellings and has adequate visibility. Vehicle movements generated by an additional dwelling are likely to be modest in the context of the number of existing dwellings nearby. Furthermore, I note that the highways authority has not objected to the proposal. For these reasons I am satisfied that the proposal would not have a harmful impact on the safe operation of the highway network.
16. The dwelling would generate additional light; however, it would not be isolated, but would be near to other development to the south and associated with existing light pollution arising from other buildings in the village. I am thus satisfied that additional light generated would not harm the character of the area.

Planning Balance

17. The proposal would conflict with the most important policies of the development plan, as it would be contrary to the policies of the LP which set out the Council's spatial strategy.
18. The Council accepts that it is unable to demonstrate a 5 year supply of deliverable housing sites. A figure of just 3.3 years is before me. Additionally, the results of the Housing Delivery Test 2021 show that it delivered just 69% of the number of homes required over the previous three year period. Accordingly, the tilted balance set out in paragraph 11 (d) of the Framework is engaged.
19. The proposal would deliver some economic benefits from the construction process, and as a result of future occupiers of the dwelling making use of local services and facilities. This would accord with the economic objective of sustainable development set out at paragraph 8 of the Framework.
20. Although the dwelling would be large and thus beyond the budget of some, the delivery of a family sized dwelling is a significant benefit of the proposal, particularly in the context of the local housing supply situation. Furthermore, future occupants of the dwelling would add support to the existing community, with the potential to make use of local services and facilities. The proposal would thus accord with the social objective of sustainable development.
21. Unlike other nearby proposals that were dismissed at appeal, the proposal would not harm the character and appearance of the area and would make use of an area of land that is associated with existing development. Whilst future

occupants of the dwelling would not benefit from easy access to a wide range of services and facilities by means other than the private car, such journeys would be limited by the scale of the proposal for a single dwelling. Furthermore, journeys made would be likely to be short owing to the modest distances to nearby larger settlements, recognising that most of the population in the area live in relatively close proximity to a range of services. Taking these matters together, on balance I am satisfied that the proposal would also accord with the environmental objective of sustainable development.

22. As such I am satisfied that the impacts of granting permission would not be sufficient to significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development applies, and the weight I give to the Framework outweighs the conflict with the policies of the LP.
23. The proposal would conflict with the Council's spatial strategy set out in its LP. However, the small scale of the proposal would not undermine its overall objectives. In light of the Council's significant shortfall in housing supply the Framework indicates that a decision can be made that does not accord with the development plan. The presumption in favour of sustainable development is of sufficient weight to indicate that planning permission should be granted notwithstanding the conflict with the LP. Accordingly, I find that the site is suitably located for the development proposed.

Conditions

24. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance.
25. I have imposed a condition to ensure that the trees to be retained are protected appropriately during the construction stage and a condition to secure details of the boundary landscaping, to safeguard the character and appearance of the area and enhance biodiversity.
26. The appellants have suggested that the landscaping condition should only cover boundary treatments. The submitted heritage statement refers to the value of the site as a former orchard and suggests that a landscaping solution could be to plant fruit trees within the site to reinforce its historic character. This is also referred to by the Council in its officer report. The site area is large and would appear to be entirely capable of such whilst still retaining sizeable open areas that would be of use to the future occupiers of the dwelling. I am therefore not satisfied that this condition should be restricted to boundary treatments only. Both of these conditions need to be pre-commencement to ensure that the measures are in place to protect the retained trees for the duration of the construction phase.
27. I have imposed a condition to secure details of external materials to safeguard the character and appearance of the area.
28. I have imposed a condition to ensure that the parking and turning area is provided in a timely manner to serve the dwelling, to ensure that cars can be parked on the site to avoid pressure for additional parking nearby that may harm the safe operation of the highway network. This condition was not

included within the list of suggested conditions provided by the Council. However, it was set out in the Council's officer report as a recommendation from the Council's highways officer.

29. I have imposed a condition to secure the provision of a bird nest box and bat tube to enhance biodiversity at the site.
30. The Council has suggested a condition to restrict permitted development rights for further development within the curtilage of the dwelling and to extend the dwelling. The dwelling would sit within the CA and has been carefully designed to ensure that its form, scale and materials respect the area's character. I consider it necessary to impose such a condition to ensure that any extensions to the dwelling in the future are carefully considered, to safeguard the area's character. Similarly, the curtilage of the proposed dwelling would be sizeable, and easily viewed from the lane to the front and footpath at the rear. The condition would also ensure that any buildings erected within the curtilage would not harm the character and appearance of the CA.

Conclusion

31. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4983 D01 Rev C, 4983 D02 Rev C and 4983 D03 Rev E.
- 3) Prior to the commencement of any development hereby approved, all existing trees to be retained i.e. T1, T2, T3, T4, T7, T8, T9 and T10 identified in the Tree Survey & Arboricultural Impact Assessment prepared by Hellis Solutions Ltd. shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences, and these safeguarding measures shall be retained for the duration of construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zones.
- 4) Prior to the commencement of any development hereby approved a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The said landscaping plan shall include all existing trees to be retained, with reference to condition 3 above, and the new hedge to be planted on the southern boundary as detailed in section 9 of the Preliminary Ecological Appraisal (Revised April 2020) prepared by Abbas Ecology. All new planting identified in the scheme shall be undertaken in full during the first planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 10 years.
- 5) Before any work commences above ground level, details of all external facing materials for the walls and roofs shall have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the agreed details.
- 6) Before the development hereby approved is occupied or utilised the turning and parking area shown on drawing number 4983 D03 Rev E must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified.
- 7) Both the bird nest box and bat tube detailed in section 9 of the Preliminary Ecological Appraisal (Revised April 2020) prepared by Abbas Ecology shall be installed in the locations detailed in the same said section of this Appraisal prior to the first occupation of the dwelling hereby approved. They shall thereafter be retained for the lifetime of the development.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement(s) of the dwellinghouse hereby approved shall be carried out, neither shall any building be erected within its curtilage.

END OF SCHEDULE