
Appeal Decision

Site visit made on 9 August 2022

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/D1265/W/22/3294736

Land adjacent to Loves Lane, Morcombelake, Dorset DT6 6DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Heggs against the decision of Dorset Council.
 - The application Ref P/OUT/2022/00343, dated 19 January 2022, was refused by notice dated 9 March 2022.
 - The development proposed is erect detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application was submitted for outline planning permission, with all matters reserved. The submitted plans show details that are reserved for future consideration as they depict the location, footprint, and access of the proposed dwelling. Such details are referred to on Drawings GJH/OPLV/01 Rev 2 and GJH/OPLV/02 Rev 1 as being "indicative only", and the Council have treated the application on the basis that all matters are reserved. For the avoidance of doubt, I am considering the appeal on the basis of all matters being reserved whilst noting that certain details have been submitted for indicative purposes.

Main Issues

3. The main issues are firstly, whether the location of the site is suitable for residential development, with particular regard to the accessibility of services and facilities by means other than the private motor vehicle; and secondly, the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Dorset Area of Outstanding Natural Beauty.

Reasons

Location of Development

4. Positioned upon a steeply sloping hillside to the northern side of Loves Lane, the appeal site comprises a plot of land that is currently being utilised as a garden. Part of the site is a grassed area within which there

are a few fruit trees and ornamental shrubs, a log cabin and a shepherd's hut. Next to this area is a greenhouse and a well-maintained terraced planting area, within which are growing an assortment of vegetables and flowers. There is a further area of vines, more young fruit trees, and two small paddocks, and a variety of small sheds and stores. There is a dwelling adjacent to the western boundary of the site, but this is the last residential property along Loves Lane and it is at the end of the row of large, detached houses positioned in generous plots that characterise the upper end of the lane. There is an isolated house at the top end of Verriott's Lane, but apart from these houses, the surrounding area is heathland and fields.

5. Both Loves Lane and Verriott's Lane could be used to gain access to the village, albeit the former would be a more direct route. These lanes are of single carriageway widths, and the upper sections of both, including that near the appeal site comprise rough gravel and grass, with the tracks being deeply rutted in places. Lower down the hillside Loves Lane is surfaced, with the gravel beginning close to the property known as Hardown Lodge. The lane is neither lit, nor are there any footways or vehicle passing places, and it is narrow, being frequently constricted by buildings, walls, and fences. It might be that the absence of footways is typical of rural settlements in Dorset, but in this case given the constraints of the lane, any users would have to utilise private drives to avoid each other. The appellant has referred to there being no accident incidences recorded for Loves Lane. Nevertheless, the nature of the lane is such that anyone using it, including those familiar with it, would have to be highly alert at all times to the presence of other users so as to avoid conflict.
6. Of those services and facilities that exist in the village, including bus stops and a farm shop, most are positioned on the lower slopes of the hillside close to the A35. Even noting the level of bus service provision and the presence of a bus stop approximately 380m away, the proposed dwelling would be close to the top of a steep hill. Whilst the appellant considers the use of a private motor vehicle to be a matter of personal choice, in this case the extremely steep nature of both Loves Lane and Verriott's Lane would be such that access to nearby facilities on foot or by bicycle would not be options for some future residents. The Manual for Streets advises that the propensity to walk or cycle is influenced not only by distance, but also by the quality of the experience. Pedestrians and cyclists would experience the attractive views whether they used the nearby rights of way or the lanes, but such benefits would be limited given the physical demands necessitated by the nature of the topography, and particularly so during hours of darkness, and in the winter during adverse weather.
7. The existing use of the site would generate journeys, although it is unlikely that the number of trips would be at the same level as would arise from the residential occupancy of the site. The appellant may

choose to walk and use public transport to access services and facilities, but it cannot be assumed that other occupiers could or would be able to do the same. Having regard to the particular circumstances of the location of the dwelling, it is likely that future occupants would be reliant on motor vehicles with the consequential environmental harm resulting from increased journeys and associated pollution. Whilst there are a few, limited services within the village, the residential development of the site would increase the number of trips as future occupants would need to avail themselves of basic services and facilities on a frequent basis, including education and healthcare.

8. The main parties have cited other application and appeal decisions in support of their cases. The appellant has referred to other planning permissions in the village (referenced WD/D/15/000829 and WD/D/15/000467). However, both of these cases are within very different parts of the village, and much lower down the hillside. In addition, the appellant has referred to the reduction in the level of services present within the village since these applications were decided. The appeal decision referenced APP/D1265/W/20/3255970 is concerned with the erection of six dwellings in a countryside location near to a village where there are limited services and facilities. The proposal before me is for a single dwelling in an Area of Outstanding Natural Beauty, and so the differences that arise from this case and the others are such that none forms a binding precedent for approving the appeal scheme.
9. The dwelling would provide the appellant an opportunity to settle into a permanent residence, rather than rented accommodation, and reference has also been made to the appellant having a local business. Development in rural areas is strictly controlled by both national and local policy. Policies INT1 and SUS2 of the West Dorset, Weymouth and Portland Local Plan (2015) (LP) seek amongst other things, sustainable development through it being directed towards larger settlements with the strict control of development outside defined development boundaries, and the need to protect the countryside and environmental constraints, thereby reflecting objectives of the National Planning Policy Framework (the Framework). In this instance, local support for the dwelling and the personal circumstances of the appellant do not warrant the provision of a dwelling in the countryside. Nor has the proposal been supported with evidence to demonstrate what business requirements of the appellant justify the erection of a dwelling at this particular site, as required by both the Framework and LP policy SUS2.
10. For these reasons, the dwelling would not be in a suitable location for residential development, and the conditions suggested by the parties would not overcome the harm arising from the proposal. The dwelling would therefore be contrary to LP Policies INT1 and SUS2 and to objectives of the Framework.

Character and Appearance

11. The site is within the Dorset Area of Outstanding Natural Beauty (AONB), and part of the landscape and scenic beauty of the Morcombelake area is the abundance of conical shaped hills separated by steeply incised valleys. From high land there are views of the hills and valleys, with the sea forming a backdrop to this striking topography. The impressive, expansive panoramas available from high land contrast with the enclosed and intimate views that exist when within the valleys. Settlements are concentrated on the lower slopes, as is the case with Morcombelake, with some development stepping up the hillsides alongside the narrow lanes, as occurs with both Loves Lane and Verriott's Lane. The hilltop near the appeal site is undeveloped, having a remote character and appearance. These qualities are distinct elements of the landscape and scenic beauty of the AONB.
12. Towards the upper end of the lanes the development pattern becomes sporadic. The appeal site shares a boundary with the house at Quarry Gate, and this dwelling reinforces the pattern of detached houses in large plots. This gives a loose-knit and verdant appearance to the upper part of the lane, and creates a transitional appearance between the denser grain of the village lower down the hillside with that of the open countryside. Despite the variety of buildings on the appeal site, they are mostly of a modest size. The use of the land has a domestic garden appearance, but the open nature of the site contributes to the attractive landscape qualities of the area. Given this, the site is more closely related to the countryside with regard to physical position and visual impact.
13. An additional dwelling at the end of the lane would extend the scatter of residential development further up the hillside and into an area characterised by its open appearance. Whilst the appellant would seek to work with the Council as regards addressing reserved matters, the presence of a further dwelling in such a prominent location would harmfully erode the special landscape qualities of the AONB. Even a single home, with its vehicular access, parking provision, and the associated domestic paraphernalia that comes with a dwelling, would harmfully detract from the scenic, open nature of the area.
14. Furthermore, a feature of the AONB is that the hilltops are largely free from residential development, and given the elevated position of the dwelling it would be visible to users of the lane and also from long distances away. The erection of a dwelling would not only erode the sense of tranquillity that is evident, but would also harmfully intrude into the stunning panoramic views that are such a feature of the area. Whilst the appellant considers the development would be seen against a backdrop of hedges and trees, those that are present are mainly to the southern and western sides of the site, with surrounding land being dominated by bracken and fields. Trees cannot be relied upon to screen development in perpetuity. Although there are a few trees within and

near the site, they would be very close to the dwelling and its access, and whether the trees would survive the works has not been demonstrated. Irrespective of this, the trees would obscure the views of future residents over the stunning landscape, and it cannot be assumed that they would be retained.

15. It appears that there was a dwelling on the site in the early 1950s, although there is now no longer any visible evidence of it. Since that time there have been refused applications for a dwelling, including one dismissed at appeal. There are a variety of sheds, a greenhouse and a wooden hut currently on site, the latter of which is described as being for equipment storage. Despite these buildings and the carefully maintained appearance of the site, the modest scale of these buildings is such that they make a discreet intrusion into the area.
16. Having regard to the elevated position of the proposed dwelling and that it would extend urban development further and higher up the hillside, the proposal would be an unsympathetic encroachment into the countryside. The Framework requires that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs, and an additional dwelling in this prominent location would harmfully erode the special qualities of the Dorset AONB. Even though the appellant seeks to construct the dwelling as a self-build dwelling, the benefit of such a home would not mitigate the significant and unacceptable harms that would arise from the proposal.
17. For these reasons the development would unacceptably harm the character and appearance of the surrounding area, and would neither conserve nor enhance the landscape and scenic beauty of the AONB. This harm would not be overcome by the suggested conditions. The proposal would therefore be contrary to objectives of the Framework, and would also fail to accord with LP Policy ENV1, which seeks amongst other things, the protection of exceptional landscapes, including their characteristic landscape quality and diversity, panoramic views, sense of tranquillity, and remoteness.

Other Matters

18. Local residents and the appellant have raised a number of matters, including minerals safeguarding, the impact of the proposal on wildlife, light spill, and bringing the site back into use. However, following my findings on the main issues, I have no need to consider these matters further.
19. Concerns regarding the Council's handling of the application relate to procedural matters and have no bearing on my consideration of the planning merits of the case.

Planning Balance

20. When the Council considered the original application, a five-year supply of deliverable housing sites could not be demonstrated. Since that time, the Council have explained that there is such a supply, albeit the appellant considers the Council to have a persistent inability to meet their targets for deliverable houses.
21. The appellant considers the proposal would accord with the Framework's presumption in favour of sustainable development. The provision of an additional dwelling would make a very modest contribution towards the supply of housing. There would also be a small, time-limited economic benefit arising from the construction phase of building an additional home, and future occupiers would make a contribution to the local economy. These social and economic benefits carry weight. However, weighing against these benefits would be the significant environmental harms. The proposal would deliver a home in an area that would not be suitable for additional residential development, particularly with regard to increased use of motor vehicles, and in addition it would cause significant harm to the distinct character and appearance of the area.
22. Whilst a key aim of the Framework is to significantly boost the supply of housing, when read as a whole the Framework does not suggest this should happen at the expense of other considerations. The adverse environmental impacts in this case amount to cumulative environmental harm which carries substantial weight, and this thereby significantly and demonstrably outweighs the social and economic benefits when assessed against the policies in the Framework as a whole. Moreover, in this case the site is located within an AONB, and there are clear reasons for refusing the development as the Framework accords great weight to conserving and enhancing their landscape beauty. Even if I were to conclude there is a shortfall in the five-year housing land supply as suggested by the appellant, in this case the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusion

23. Thus, the proposed dwelling would not be in a location suitable for residential development, and it would cause significant harm to the character and appearance of the area, neither conserving nor enhancing the landscape and scenic beauty of the AONB. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

J J Evans

INSPECTOR