



Appeal Decision

Site visit made on 27 September 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2022

Appeal Ref: APP/D1265/W/22/3300583

1 The Buildings, Pymore Road, Pymore DT6 5PN

- 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 Mark Haseman against the decision of Dorset Council.
 - The application Ref P/FUL/2022/00547, dated 24 January 2022, was refused by notice dated 27 May 2022.
 - The development proposed is addition of 1 no. dwelling to land adjacent to Jasmine Cottage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the site is suitable for a dwelling having regard to the settlement policies of the development plan.

Reasons

3. The appeal site is a garden at the southern end of a terrace of houses that lie to the north of Pymore. The Bridport Area Neighbourhood Plan 2020 - 2036 (made in May 2020) (the Neighbourhood Plan) describes Pymore variously as a village and a hamlet, and also as a settlement of some 100 dwellings that has a particular character. It is separated from Bridport by a tract of open agricultural land, so retains its identity as a separate settlement. The terrace, however, is somewhat detached from the cluster of houses and industrial buildings that form the main part of the settlement, and is surrounded by open countryside. The road passing the site has no pavements and is lined by hedges, giving it the appearance of a country lane. The only other buildings that are readily visible from the site are the pub and its garden building, which lie on the other side of the road. Consequently, the site lies in a location that has a rural character.
4. The settlement strategy for the area is set out in Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan (adopted 2015) (the Local Plan). The strategy is based on a settlement hierarchy, whereby the main towns of Dorchester and Weymouth will be the highest priority for new development, with six market and coastal settlements being a secondary focus. In rural areas development is directed to settlements with a defined development boundary (DDB). Outside DDBs, development is strictly controlled, and will be restricted to specified types of development. Pymore does not have a DDB, and the appeal site lies some 200 metres outside the DDB that encircles Bridport. The proposal does not fall within any of the specified types of development that are

acceptable outside DDBs. Consequently, the proposal would conflict with Policy SUS2 of the Local Plan.

5. The supporting text to Policy SUS2, at paragraph 3.3.27, indicates that rural communities have the opportunity, through neighbourhood development plans, to allocate sites, extend DDBs or develop criteria-based policies to allow development to take place outside the locations identified by the settlement strategy. The objectives of the Neighbourhood Plan include maximising the provision of affordable housing and supporting measures that encourage younger people to live in the area. Policy H7 is supportive of the provision of custom-build and self-build homes. However, no additional sites are allocated, and the DDB has not been extended to include Pymore. Consequently, although the Neighbourhood Plan is more recent, it does not contain policies that alter the overarching strategy of the Local Plan regarding the location of new housing development. The proposal would, therefore, conflict with the settlement policies of the development plan when read as a whole.
6. Planning law¹ requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.
7. It is contended that the site is not isolated, or in open countryside, as it lies within Pymore, which already has a diverse range of development. Additionally, it is stated that there is a primary school within easy walking distance, and a pub directly opposite. My attention is also drawn to the close proximity of a safe pedestrian and cycle route to Bridport town centre. However, I saw that the site is somewhat detached from the settlement, so reaching this route from the appeal site involved a walk of about 450 metres along a road that has no separate footway, is poorly lit, and carries quite fast-moving traffic, some of which comprises commercial vehicles from the industrial buildings to the south. Consequently, there is not a safe pedestrian route to any of these facilities.
8. Nevertheless, primary and secondary schools, and employment opportunities, are located relatively near to the site. Furthermore, other facilities and services in Bridport are accessible by bicycle. In the light of this evidence, and from my own observations, I find that the site is reasonably accessible to a range of services and facilities by sustainable means of transport.
9. Nevertheless, the site is not unique in this regard, the same argument could be made for any site in or around Pymore, or close to, but outside the DDB for Bridport. Consequently, while the accessibility of the site weighs in favour of the proposal, it does not amount to a material consideration that indicates that the settlement policies of the development plan should not be followed.
10. It is contended that the site is previously developed land (PDL), based on case law² that held that residential gardens outside built-up areas fall within the definition of PDL within the National Planning Policy Framework (the Framework). Consequently, my attention is drawn to paragraphs 85, 119 and 120 of the Framework, which encourage the effective use of PDL and give substantial weight to its use within settlements for homes. However, there is some tension in the appellant's case here, as it is also argued that the site lies

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

² Dartford BC v Secretary of State for Communities and Local Government [2017] EWCA Civ 141

within Pymore, which is said to be a settlement of some size and significance. That being the case, the site would be within a built-up area, so would not be PDL. I saw, however, that the terrace of houses and pub are physically, and visually, detached from the core settlement, and appear as a cluster of buildings in the countryside. Consequently, the site is PDL, as it is not in a built-up area. However, this also means that the proposal does not attract the substantial weight given by the Framework to the use of land in settlements for homes.

11. It is not disputed that the scale, layout, and design of the proposed dwelling would not harm the character and appearance of the area, the setting of the listed pub, or the scenic beauty of the Area of Outstanding Natural Beauty. The lack of harm in these regards is, however, a neutral factor in the planning balance, so does not amount to a material consideration that would indicate that a decision should be made contrary to the settlement policies of the development plan.
12. The development would provide some benefits. Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The proposal would provide an additional dwelling, which would assist with this aim. However, as the site does not lie within a settlement, this benefit does not attract the great weight applied by paragraph 69 of the Framework. Consequently, and in view of the small scale of the proposal, this benefit attracts limited weight in my decision.
13. Paragraph 62 of the Framework advises that the size, type, and tenure of housing needed for different groups in the community, including those who want to build their own homes, should be assessed, and reflected in planning policies. Footnote 28 highlights the duties imposed on Councils by the Self Build and Custom Housebuilding Act 2015, including the requirement to have regard to the register of those seeking to acquire serviced plots in the area for their own self-build and custom house building, and to give enough suitable development permissions to meet the identified demand. The proposal is for a self-build dwelling, so would contribute towards these aims. Additionally, the development would provide a larger home that would enable a local family to remain in the locality. These benefits weigh in favour of the proposal.
14. However, neither the Framework nor the development plan contain policies that indicate that self-build housing is acceptable in locations where residential development would not normally be permitted. Consequently, whilst the small contribution that the proposal would make towards meeting the need for self-build plots in the locality would be a benefit, it would not outweigh the conflict with the settlement policies of the development plan. Moreover, it has not been demonstrated that the increased accommodation required by the growing family could not be achieved through enlargement of their existing dwelling. I therefore give these benefits limited weight.
15. The proposal would also provide economic benefits through the creation of employment during the construction process, and the continued contribution of the family to the local economy. However, as the proposal is only for one dwelling, these benefits would be limited.
16. In summary, the proposal for a dwelling outside the DDB would be contrary to the settlement policies of the development plan. It would, nevertheless, be in a reasonably accessible location with regard to services and facilities, and would not harm the character and appearance of the area. The provision of a self-

build dwelling would bring social and economic benefits. However, the scale and location of the development means that these benefits are limited. Consequently, they do not outweigh the conflict with the development plan. Paragraph 12 of the Framework makes it clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making, and says that, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.

Other Matters

17. My attention has been drawn to housing development that took place some years ago outside the DDB at Pymore Mills. However, I have not been provided with details of the planning circumstances relating to that development, so can draw no meaningful comparisons with the case before me. It does not, therefore, carry any weight in my decision.

Conclusion

18. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR