



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: 7th October 2022

Appeal Ref: APP/D1265/W/22/3298003

Area of land north of Icen Lane, Weymouth DT3 5PY

Grid Ref 367343, 83941

- 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 J Philips against the decision of Dorset Council.
 - The application Ref P/OUT/2021/02032, dated 8 June 2021, was refused by notice dated 17 November 2021.
 - The development proposed is erection of 1 dwelling with associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal has been made in outline, with all matters reserved for future consideration. The Design & Access Statement that accompanied the application includes 3D visualisations showing a two-storey house with a detached home office/garage. However, as scale, layout and external appearance are all reserved matters, I have considered the visualisations solely on the basis that they have been submitted for illustrative purposes.

Main Issues

3. The main issues are:
 - a) Whether the site is suitable for a dwelling, having regard to the settlement policies of the Development Plan; and,
 - b) The effect of the development on the landscape character of the Dorset Area of Outstanding Natural Beauty (the AONB)

Reasons

Settlement policies of the Development Plan

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. It is not disputed that the site lies outside the DDB.

5. It is contended that the supporting text to Policy SUS2 indicates that the DDBs are not immutable, as paragraph 3.3.27 recognises that it would be appropriate for neighbourhood plans to update such boundaries where these were supported by the community. However, there is no neighbourhood development plan for the area. Consequently, as the proposal does not fall within any of the specified types of development that are acceptable outside DDBs, the proposal would conflict with Policy SUS2 of the Local Plan.

Landscape character of the AONB

6. The AONB is a landscape of national importance. Within the overall designation the contrasting and complex geology gives rise to a range of landscapes, including chalk downland, limestone country, greensand ridges and clay vales. The site itself lies in the Osmington Ridge and Vale landscape character area (LCA). The key characteristics of this LCA include a continuous patchwork of fields that become larger towards the ridges; sweeping views towards smooth ridge tops; and an undeveloped rural character away from the conurbation and coast. The West Dorset Landscape Character Assessment (February 2009) (the WDLCA) identifies that, among the features that are detrimental to the AONB, are urban fringe land uses around the edge of Weymouth, which have an urbanising influence.
7. The appeal site lies in the south-eastern corner of a block of agricultural land that is bounded by Icen Lane to the south, the railway embankment to the west, Chapel Lane to the north, and the A354 to the east. Apart from the existing dwelling adjacent to the site, and a bungalow and building plot in the north-west corner, this tract of land is an open patchwork of undeveloped fields that rise up towards the ridge tops to the east. It is, therefore, characteristic of the LCA. The appellant's evidence suggests that this parcel of land is separated from the wider AONB by the A354, which has been constructed since the landscape was designated. However, I saw that, when viewed from Icen Lane and the footpaths to the west of the site, the A354 is not visible, as it is in a cutting. Therefore, the land is seen as part of a continuous sweep of rising fields that is visually linked to the wider AONB, and makes a positive contribution to its character.
8. Although the site contains the remnants of an agricultural building, it is a skeletal structure, which allows views through it. The site is covered in scrubby vegetation, and is partially surrounded by hedgerows. Consequently, it is largely assimilated into the rural landscape on the northern side of the lane. From Icen Lane, there are views over the access gate and through the site to the open patchwork of fields to the north. As there is little vegetation along the northern boundary, the interior of the site is quite open to views from the cycleway adjacent to the A354 and the footpaths to the north. From here, the development on the opposite side of Icen Lane is well-screened by the hedgerows on either side of the road. Consequently, the site has a much closer visual association with the open land within the AONB, than with the urban development to the south. It therefore contributes positively to its undeveloped rural character.
9. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policy ENV1 of the Local Plan says that development which

would harm the character, special qualities, or natural beauty of the AONB will not be permitted.

10. The scale, positioning, and design of the building(s) are not for consideration under this appeal. However, the proposal would result in the construction of a dwelling on the site, and a change in the character of the surrounding land to residential curtilage, with the inevitable car-parking areas, garden, and other domestic paraphernalia. This change in character would be evident from Icen Lane, both through the access gate, and glimpsed through the boundary hedge. The visual impact would be limited, to some extent, by the hedges on the roadside and western boundaries. Furthermore, when viewed from the western end of the lane, near to the railway bridge, the dwelling would be viewed against the backdrop of Kingsam and the larger buildings beyond. Nevertheless, apart from Kingsam, the northern side of Icen Lane is comprised entirely of open fields, which contribute to the sweeping views towards the hills to the east. The presence of an additional dwelling would, therefore, result in some harm to the open, undeveloped rural character at this end of the lane.
11. The site is, however, more easily visible from higher land to the north. I saw that, from a stretch of the cycleway alongside the A354, a dwelling on the site would be readily seen, due to the topography and the lack of enclosure to the northern boundary of the site. In these views, Kingsam is entirely screened by the hedgerow that runs on a north/south alignment between Icen Lane and the cycleway. As a result, the proposed dwelling would be seen in isolation from any other buildings, in the otherwise open swathe of land to the north of Icen Lane. Whilst there are dwellings to the south, they lie beyond the hedgerows to either side of Icen Lane, so that only their roofs are visible. There is, therefore, a clear visual separation between the open landscape to the north of Icen Lane and the settlement beyond. Consequently, from this viewpoint, the proposed dwelling would be an intrusive feature in an otherwise open landscape that is characteristic of the LCA, and contributes positively to the scenic beauty of the wider AONB.
12. The appellant owns the land to the north, and planting is proposed along the northern boundary of the site, adjacent to the cycleway, and along both sides of the footpath that runs across the fields to the north. Whilst this would go some way towards reducing the prominence of the proposed dwelling, the topography is such that it would be unlikely to entirely overcome the harmful impact of the development on the undeveloped character of this part of the AONB.
13. Consequently, I conclude that the proposal would be harmful to the undeveloped rural character of the area, which is one of the key characteristics of the LCA. Furthermore, it would intensify built development on the urban fringe of Weymouth, which is one of the features the WDLCA recognises as being detrimental to the AONB. The proposal would, therefore, conflict with Policy ENV1 of the Local Plan, which does not permit development that would harm the special qualities or natural beauty of the AONB.
14. In arriving at this conclusion, I am mindful that the proposal has been reduced from a previous scheme for up to five dwellings. Nevertheless, for the reasons given, there would still be harm to the AONB. I have also had regard to the planning permission¹ for a dwelling at Chapel Lane, to the northwest. I saw

¹ LPA reference: WD/D/19/001700

that the dwelling was under construction at the time of my visit. Whilst that site lies within the same, largely open swathe of land as the appeal site, in that case the dwelling fills a gap between an existing bungalow and the railway line. It is also well-screened from wider views by established hedgerows to the south and east. Consequently, its impact on the AONB is not directly comparable to the appeal proposal, so carries little weight in my decision.

Planning Balance

15. For the reasons given above, I have concluded that the proposal would not accord with the settlement strategy of the development plan, resulting in conflict with Policy SUS2 of the Local Plan. It would also result in harm to the special qualities and natural beauty of the AONB, contrary to Policy ENV1 of the Local Plan. Paragraph 12 of the Framework says that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted.
16. The Council published the West Dorset, Weymouth and Portland Five-year housing land supply (April 2021) in May 2022. This report demonstrates a supply of 4,835 dwellings between 2021-2036, which equates to a housing land supply of 5.85 years. The Council's statement adjusts this figure to take account of scrutiny of the deliverability of three sites in recent appeals, and arrives at a current supply of 5.73 years. The appellant contends that these figures are out of date in relation to this appeal, as they cover the period from April 2021 – March 2027. It is also argued that the more recent publication of ONS median house price and earnings data is likely to increase the base requirement by about 330 homes. I am also advised that, in another current appeal, the deliverability of sites totalling 688 homes is being disputed.
17. Whilst these matters cast some uncertainty over the Council's figure of 5.73 years, the appellant has not provided a calculation to demonstrate the extent to which the 5-year supply would be affected. Furthermore, I do not have all of the evidence on the sites that are in dispute at the other appeal, so cannot come to a view on their deliverability. Consequently, I do not have sufficient evidence to conclude that any adjusted figure would be below 5 years. As a result, footnote 8 of Framework paragraph 11d) does not apply, and the tilted balance is not engaged.
18. Nevertheless, Paragraph 60 of the Framework seeks to significantly boost the supply of homes. The proposal would provide an additional dwelling, in a reasonably accessible location, 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.
19. 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. It is not disputed that provision is not meeting demand, and the appellant refers to a recent

monitoring report that identified a residual requirement of 186 self-build plots. As the proposal is for a self-build dwelling, it would contribute towards meeting this shortfall, which weighs in favour of the proposal.

20. 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 contribution that the proposal would make towards meeting the need for self-build plots in the locality would be a benefit, it must be weighed against the conflict with the settlement policies of the development plan.
21. The proposal would also provide economic benefits through the creation of employment during the construction process, and the ongoing contribution of the occupants to the local economy. However, as the proposal is only for one dwelling, these benefits would be limited.
22. Set against these benefits is the conflict with the settlement strategy of the development plan, and the harm to the landscape character of the AONB. In accordance with Paragraph 176 of the Framework, the harm to the AONB is a matter that attracts great weight in my decision. Indeed, it provides a clear reason for refusing the proposal. Consequently, even if I had concluded that there was not a 5-year housing land supply, footnote 7 of paragraph 11d) of the Framework would have indicated that the presumption in favour of sustainable development should not be engaged.
23. Overall, therefore, the limited benefits of the proposal do not outweigh the conflict with development plan policies that govern the settlement strategy, and protect the special qualities or natural beauty of the AONB.

Conclusion

24. 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