



Appeal Decision

Site visit made on 7 September 2022

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2022

Appeal Ref: APP/D1265/W/22/3296500

Park View, Fore Street, Thorncombe TA20 4PP

- 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 S Briggs against the decision of Dorset Council.
 - The application Ref P/FUL/2021/01114, dated 6 April 2021, was refused by notice dated 17 November 2021.
 - The development proposed is described as demolish existing former residential unit and ancillary building. Erect dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since determining the application, the Council has published an updated five-year housing land supply assessment¹. Whilst this information was provided by the Council after the appeal was submitted, it represents a material change in circumstances that is directly relevant to the appeal. As I am satisfied that the appellant has been given sufficient opportunity to respond to the assessment, I do not consider that any party would be unfairly prejudiced by my taking it into account in my decision.
3. The site is located within the influence of the River Axe Special Area of Conservation (the SAC), a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017. Although not an issue raised by the Council, it is incumbent upon me as the competent authority to consider whether the proposed development would be likely to have a significant effect on the integrity of the SAC. I have set this out in the Other Matters section of this decision.

Main Issue

4. The main issue of this appeal is whether the location of the proposed development is appropriate, having regard to local and national planning policies on the location of housing.

Reasons

5. There is no dispute between the main parties that Thorncombe does not have a defined development boundary. Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan 2015 (the Local Plan) sets out the strategy for the distribution of development across the area. This includes the strict control of

¹ West Dorset, Weymouth and Portland Five-year housing land supply – April 2021 (published May 2022)

development outside defined development boundaries. In the case of open market housing, new development is restricted to the re-use of existing rural buildings. Further to this, Policy SUS4 of the Local Plan specifies that a replacement of a building outside a defined development boundary should be permitted where the existing building is of permanent and substantial construction, and it's continuing use would otherwise be consistent with other policies in the plan.

6. Policy HOUS6 of the Local Plan expands upon the exceptions to the restriction of residential development outside defined development boundaries. Of relevance to the proposed development includes the replacement of an existing lawful dwelling-house on a one-for-one basis, provided that several criteria are met.
7. Based on the evidence before me and my observations during my visit, the site currently comprises a series of structures and the remains of a building, or buildings, that have not functioned as a dwelling, or dwellings, for some time. Given this, combined with the limited substantive evidence before me regarding the lawfulness of use, the proposed development does not meet any of the exceptions for new housing outside settlement boundaries as set out within policies SUS2, SUS4 and HOUS6 of the Local Plan.
8. As the Council are now able to demonstrate a housing land supply between 2021-2036 in excess of 5 years, I have no substantive evidence before me to conclude that the most important policies are out of date. Therefore, paragraph 12 of the National Planning Policy Framework (the Framework) is clear that the development plan is the statutory starting point for decision making. Moreover, where a planning application conflicts with an up-to-date development plan, permission should not usually be granted unless material considerations indicate that a plan should not be followed.
9. Although Thorncombe has some services and facilities which would provide the opportunity for future residents to meet daily needs, such as a village shop and café, primary school with swimming pool and church, they are small in scale. Other facilities, such as a sports and social club, are located outside the village and not as easily accessible. Whilst a bus route connects the village to Axminster, this is a weekly service. Therefore, there is a high likelihood that future residents would need to leave the village to access many other services and facilities. As a result, any social and economic benefits from the net gain of single dwelling on the site would be small.
10. I conclude that the location of the proposed development is not appropriate for housing, and there are no exceptions or identified policies that would permit additional dwellings in this location. As such, the appeal site would conflict with policies SUS2, SUS4 and HOUS6 of the Local Plan. Additionally, the proposed development would not accord with the principles and guidance set out in the Framework.
11. On the decision notice the Council also refers to Policy INT1. This policy sets out the Council's presumption in favour of sustainable development, particularly where there are no policies relevant to an application or policies are out of date. As I have found that the development plan is not out of date, Policy INT1 is not determinative in this case.

Other Matters

12. It is not disputed by the main parties that the appeal site is located within the West Dorset Area of Outstanding Natural Beauty (AONB). Therefore, in considering the proposed development, I have had regard to Chapter 15 of the Framework which requires that great weight should be given to conserving or enhancing the natural beauty of the area, and that the AONB has the highest status of protection in relation to these issues. Whilst the position of the proposed development, its split-level design and use of sympathetic materials would conserve the natural beauty of the area, this does not outweigh the development plan conflict I have identified above.
13. I note that the appellant, plus a third party, considers the existing structures on the site unsightly, and that the proposed development would enhance the setting of the Stonelake Brook River and the wider AONB. However, I see no reason why the existing structures could not be removed, regardless of my decision. In addition, whilst new planting would strengthen existing landscape features on the site, these would take time to establish.
14. Even if I were to consider that the proposed development would not harm the living conditions of occupiers of neighbouring dwellings and the proposed development, or increase vehicle movements, these would be neutral factors that weigh neither for nor against the proposed development.
15. Whilst the site is not located in a conservation area, or close to any listed or non-listed heritage assets, these are not reasons in themselves to allow development contrary to the development plan. Similarly, the previously developed land status or the perceived location within the built-up area of a settlement do not overcome the development plan conflict.
16. I acknowledge that the proposed development would provide a large enough house for the appellant's family. However, these personal circumstances do not address or outweigh the harm I have identified above.
17. Third parties have raised health concerns about the presence of rats and pigeons. Based on my observations during my site visit and the information before me, I have limited evidence that these animals are present on the site or that they represent a danger to health.
18. As I have found that the development is unacceptable for other reasons, it is not necessary for me to further consider the implications on the SAC.

Conclusion

19. The proposed development would conflict with the development plan as a whole and there are no material considerations, either individually or in combination, which would suggest a decision should be made other than in accordance with the development plan. Therefore, the appeal is dismissed.

Juliet Rogers

INSPECTOR