



Appeal Decision

Site visit made on 18 October 2022

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2022

Appeal Ref: APP/D1265/W/22/3296012

Land at Watton Lane, Bridport DT6 5JY

- 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 M Langley of Langley Construction against the decision of Dorset Council.
 - The application Ref P/FUL/2021/01762, dated 14 May 2021, was refused by notice dated 3 March 2022.
 - The development proposed is "erect of 3 dwellings".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Through its statement the Council advised that an up-to-date assessment of the housing land supply in the West Dorset, Weymouth and Portland Local Plan (the LP) was published in May 2022. The Council in its officer report and appeal statement said the development would conflict with Policy SUS2 of the LP. In its officer report the Council considered this conflict was outweighed by its failure to have a five-year housing land supply. Subsequent to its decision the Council can now demonstrate a 5-year housing land supply, and hence as set out in the Council's appeal statement, the conflict with Policy SUS2 is now a concern. The appellant has had the opportunity to comment on the Council's statement, including the issue of housing land supply. I am, therefore, satisfied that no interest would be prejudice if I consider this matter as a main issue.
3. During my site visit I observed that the single storey dwelling granted planning permission at "plot 1" has been completed and is occupied. I also observed that building works have been carried out, although partially completed, on the appeal site. I understand that planning permission has been granted for two dwellings on the site, and I have no reason to consider that the development being carried out is not within the terms of the existing planning permission.

Main Issues

4. The main issues are (i) whether the proposed development would be in a suitable location having regard to the development plan policies; and (ii) the effect upon the character and appearance of the surrounding area, having particular regard to the location of the site within the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

Location of development

5. Policy SUS2 of the LP provides a spatial development strategy for the local plan area, which focuses most new development on the larger settlements and strategic allocation sites. Bridport is a settlement that, in accordance with Policy SUS2 is a focus for new development within its defined development boundary.
6. The appeal site would be in a location outside of the defined development boundary for Bridport. In such locations, in accordance with Policy SUS2, residential development is strictly controlled, including with new housing being restricted to affordable housing, rural workers' housing, open market housing through the re-use of existing buildings or sites for gypsies, travellers and travelling show people. The proposal would not comprise any of these forms of development.
7. My attention has been drawn to the previous appeal¹ and the recent planning history with planning permission having already been granted for two dwellings within the site. From the evidence submitted, the proposal before me would be a variation of that already granted planning permission, most notably in relation to the number of dwellings proposed, which would also involve change to the siting of the southernmost approved dwelling to accommodate an extra dwelling within the site. The proposal therefore is considerably different to the permitted development. I am also cognisant that the previous appeal decision found that the site would provide convenient and safe access to a range of services without requiring unacceptable levels of reliance on motor vehicles.
8. However, as mentioned earlier, the evidence before me indicates that subsequent to the previous appeal decision and the Council's decision to refuse the planning application, which is subject of this appeal, the Council can demonstrate a five-year housing land supply. This is a significant material change to the circumstances at the time of the Council's decision to refuse planning permission and the evidence upon which the previous appeal was determined.
9. Therefore, with regard to this issue, when judged against local policies there would be conflict with Policy SUS2 of the LP.

Character and appearance

10. The site is part of a field that lies adjacent to Watton Lane, which is located on the western side of Bridport. Low density residential development lies to the northern and western boundaries of the site with access from Broad Lane, and to the east side on the opposite side of Watton Lane. The site lies within the context of residential development of a variety of styles and comprising dwellings of one and two storeys set within large garden plots. The site slopes down in a southerly direction and there are open views towards the hills and coastline at West Bay.
11. Given the location within the AONB, consistent with Paragraph 172 of the National Planning Policy Framework (the Framework), great weight should be given to conserving and enhancing the landscape and scenic beauty of the

¹ APP/D1265/W/20/3254861

area. The AONB is valued for its special qualities, which include its undeveloped rural character, exceptional undeveloped coastline, tranquillity and dark night skies.

12. Whilst the proposal would be set out with a somewhat regular plot arrangement either side of a central aligned access road, which is a slightly more formal layout when compared against the layout of the scheme previously granted permission, I find this generally in keeping with the character of the local pattern of development. In reaching this view I have had particular regard to those properties adjacent to the site and noting that properties to the west sit behind other residences along Broad Lane, with straight access roads.
13. In respect of the context of the existing residential development and the recent planning history, the site makes a very limited contribution to the landscape and scenic beauty of the surrounding area and of the AONB. Additionally, in my view the proposed development, having regard to its density, design, scale and layout would respect and respond to the local character and vernacular of the existing development within Broad Lane and Watton Lane. The proposal would not be read as isolated or irregular dwellings in the countryside, because they would be seen as forming part of the existing residential development around the site.
14. Concern has been raised with regard to the effect of lighting on the character of the dark night sky of the area. However, a condition could be drafted to secure a scheme of external lighting for the development, together with a management plan for its use to ensure that any external lighting is appropriate to its setting and the character of the dark night sky.
15. Within the context of the existing residential properties, the proposed development would conserve the character and appearance of the surrounding area and the AONB. Consequently, with regard to this issue, the appeal scheme would not conflict with the provisions of paragraphs 130, 174 and 176 of the Framework and the proposal would comply with policies ENV1 and ENV12 of the LP, which amongst other things, seek high quality sustainable and inclusive design, and to protect and enhance local landscape character.

Other Matters

16. Set against the harm identified there would be limited social and economic benefits associated with the proposal. The additional units would make little difference to the overall supply of housing and the support the extra households would provide to the local economy would also be minimal.

Conclusion

17. Although there would be no harm to the character and appearance of the surrounding area and the AONB, I have found conflict with Policy SUS2 of the LP. There is conflict with the development plan as a whole. The benefits outlined above, and the previous permissions do not outweigh that conflict. Accordingly, for the reasons given, the appeal should be dismissed.

J White

INSPECTOR