



Appeal Decision

Hearing Held on 6 December 2022

Site visit made on 6 December 2022

by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 April 2023

Appeal Ref: APP/D1265/W/22/3305658

Luckford Wood Camp Site, Holme Lane, East Stoke BH20 6AP

- 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 Grant Emms (Channel Camping and Caravan Co) against the decision of Dorset Council.
 - The application Ref 6/2021/0360, dated 18 June 2021, was refused by notice dated 22 February 2022.
 - The development proposed is Erection of New Dwelling House and Ancillary Works at Luckford Wood Camp Site, Holme Lane, East Stoke, Wareham, BH20 6AW.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have referred to the preparation of an emerging Purbeck Local Plan, which was submitted for examination in January 2019. The emerging Local Plan has reached an advanced stage of preparation, but has yet to be found sound. Only limited weight can therefore be ascribed to the policies contained within the plan at this stage.
3. After the Hearing, the appellant submitted a planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990 (as amended). The UU, which was signed and dated 19 December 2022, has been considered for the determination of the appeal. I shall return to this later in the decision.

Main Issues

4. The main issues are:
 - Whether, having regard to national and local planning policies which seek to restrict residential development in the countryside, there is an essential need for a rural worker to live permanently at or near their place of work; and
 - The effect of the proposal on the character and appearance of the area, including the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

Whether there is an essential need

5. Policy LD of the Purbeck Local Plan Part 1 – Adopted November 2012 (LPP1) sets out the Council’s settlement hierarchy, which aims at directing development towards the most sustainable locations. The appeal site is located on land outside of settlement boundaries and therefore lies, for planning policy purposes, within the countryside, where development will be permitted only in exceptional circumstances, as detailed by Policy CO of the LPP1. These include development proposals where a countryside location is essential, or comprising the re-use of a rural building.
6. This approach is generally consistent with paragraph 80 of the National Planning Policy Framework (the Framework), which stresses that planning decisions should avoid the development of isolated homes in the countryside, except in a restricted number of circumstances. Exceptions include situations where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside, or where the development would re-use redundant or disused buildings and enhance its immediate setting. It also makes a clear distinction between the construction of new development and the reuse of rural buildings, which is subject to a distinct policy assessment.
7. Located within an area of rural character, the appeal site comprises a barn and a concrete foundation slab. It forms the south-western part of a wider camping and caravan site, which operates on a seasonal basis, between 1 March and 31 October. There is a lengthy planning history associated with the appeal site, including a planning permission granted on appeal¹ in 2010 for the erection of an amenity building for the camping and caravan site, which I shall subsequently refer to as the ‘2010 permission’. Whilst the concrete foundation slab is in place, the amenity building has not been constructed to date.
8. At the hearing, it was confirmed that the appellant resides in a caravan located on the site on a seasonal basis, to operate the business. There was some discussion to ascertain whether there is a need for the appellant to reside close to the camping and caravan site, particularly given the lack of detailed evidence in that respect, which was highlighted within the Case Officer’s report.
9. Having regard to the written evidence and the discussions at the Hearing, I understand that the proposed dwelling’s proximity to the camping and caravan park is viewed by the appellant as beneficial, though it is acknowledged that there is no need for someone to be there all year round. It has also be made clear that the appellant’s intention is to keep the proposed dwelling separate from the tourist enterprise.
10. There is therefore no essential need for a rural worker to live permanently on the site to justify the proposal. As the appeal scheme would in effect enable the construction of an unfettered dwellinghouse in the countryside, it would not accord with the exceptions envisaged by Policy CO of the LPP1 or paragraph 80 of the Framework.

Character and appearance

11. The appeal site lies within the Frome Valley Pasture Character Area of the Dorset AONB. Key characteristics of this area include its ‘strong undeveloped rural character, with traditional agricultural character, tranquillity and dark

¹ APP/B1225/A/10/2130974.

- night skies largely maintained'. The site shares many of these attributes, in that it forms part of a largely undeveloped rural area with sporadic residential development.
12. The construction of an agricultural barn-style dwelling as proposed would fundamentally change the rural, informal character of the site. It would be noticeably larger than the amenity building approved in this location, as part of the '2010 permission'. Furthermore, the incursion of residential development within this part of the site would be evident, by virtue of the domestic paraphernalia which would inevitably be associated with the proposed use.
 13. I also share the concerns raised by the Council regarding the significant area of curtilage which the proposed dwelling would benefit from if the appeal was allowed. This would exacerbate the domestication of this part of the site and the harm which the appeal scheme would have on the landscape. In the absence of further information regarding the extent of the curtilage, it would not be reasonable to address this matter by condition.
 14. The existing barn is also proposed to be retained for use as an amenity/ancillary building for the caravan site, but with the addition of solar panel and battery storage infrastructure to support both the dwelling and the caravan site. This means that the resulting built forms on the site would be of a greater scale than the presented fallback positions. Though only localised views would be affected, this would still amount to harm to the rural character of the area and AONB.
 15. The impact of the development would to some extent be softened by existing landscaping, though it was agreed at the hearing that the removal of hedging has left the site more exposed, particularly in winter months. And whilst additional landscaping could be added, limited information has been presented in that respect, and would in any event take a long time before providing effective screening. The comments previously made by the AONB team are noted, but I understand that their assessment was carried out at a time when the site appeared less prominent in public views.
 16. The appellant's justification for the appeal proposal also relies on the existence of another fallback position, as in April 2020, the Council granted planning permission² for the conversion of a redundant barn to a dwellinghouse, which would provide accommodation for the appellant and his family. For clarity, I shall subsequently refer to this scheme as the '2020 permission'. The consent remains extant, and I have no reason to doubt that there is a real prospect of it being implemented, should the appeal fail.
 17. As noted above, a signed and dated UU was submitted during the course of the appeal, whereby the '2020 permission' and the scheme subject to this appeal could not be both implemented, thus ensuring that only one dwelling is provided on site. If the scheme subject to this appeal was implemented, the proposed dwelling would be constructed on the existing concrete foundation slab, whilst the barn is proposed to be retained for ancillary purposes, and for the provision of solar panels and battery storage. However, the fallback position resulting from the '2020 permission' would also have a lesser impact than the appeal proposal, as the dwellinghouse would be set further back from

² Local Planning Authority Reference 6/2019/0367.

the road frontage and the effects of the residential use would thus be less prominent in public views.

18. The design of the proposed dwelling includes extensive areas of glazing, which could spill light into the open night sky and surrounding landscape, and thus have a detrimental effect on the Dark Night Skies of the Dorset AONB. The harm in that respect would, in all likelihood, be greater than the fallback of the '2010 permission' which would be limited to the times of the year when the caravan site is in use.
19. Whilst it is suggested that this matter could be addressed by a condition to control lighting, but limited details have been presented in that respect, and I cannot therefore be certain that such a condition would meet the relevant tests set out in paragraph 56 of the Framework. For these reasons, the proposal would, to my mind, have a greater adverse effect on the rural character of the site and the landscape character of the Dorset AONB than the permitted amenity building.
20. I note the appellant's comments regarding the strong likelihood that the amenity building approved in 2010 would be constructed in the event that the appeal is dismissed, though the presented evidence also indicated that there was no longer a need for this amenity building. Notwithstanding this, and as detailed above, it is my view that the construction of the amenity building would have a lesser effect than the implementation of the appeal scheme. Any subsequent developments following the construction of the amenity building remain hypothetical at this stage, and therefore have no bearing on my decision.
21. My attention has been drawn to a number of applications which have been approved by the Council in East Stoke, within relative proximity to the appeal site. Having considered the available information, the circumstances of these particular schemes do not however appear to represent a direct parallel to the appeal before me, notably because they were for different types of development, proposed on sites which may also have different characteristics. For these reasons, very limited weight is afforded to these examples.
22. For the foregoing reasons, the appeal scheme would have a significant adverse effect on the character and appearance of the area and would fail to conserve and enhance the landscape and scenic beauty of the Dorset AONB to which, in accordance with paragraph 176 of the Framework, I ascribe great weight. The proposed development would therefore conflict with Policy LHH of the LPP1 which, amongst other things, seeks to ensure that proposals for development and other works are expected to conserve the appearance, setting, character, interest and integrity of the landscape.

Other Matters

Pre-application advice

23. I have had regard to the pre-application discussions between the main parties, though the Council is not bound to accept the views expressed by its officers. That said, I note that concerns were raised regarding the proposal's compliance with Policy CO prior to the submission of the planning application. In any event, my determination of the appeal must focus on an assessment of the proposal's planning merits, rather than pre-application advice issued by the Council.

Poole Harbour SPA

24. The appeal site lies within proximity to the Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation. These areas are recognised under the Conservation of Habitats and Species Regulations 2017 as being of international importance for supporting significant numbers of overwintering bird species. Furthermore, there are concerns in respect of the high levels of phosphates and nitrates entering the catchment of Poole Harbour, which is also designated as a SPA. These levels of nutrients are notably caused by increased wastewater from additional residential development.
25. The submitted UU would ensure that no more than one dwellinghouse is constructed on the site. It is agreed by the main parties that the appeal scheme would have no likely significant effect on the integrity of the protected sites (either individually or in combination with other plans or projects). As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.

Housing Land Supply

26. The Five-Year Housing Land Supply Assessment for the area covered by the Purbeck Local Plan 2018-2034 published on 23 June 2022 indicates that the Council can only demonstrate 1.23 years of deliverable housing sites, which represents a very substantial shortfall. In such circumstances, paragraph 11d) of the Framework, as directed by Footnote 8, states that the policies which are most important for determining the application are deemed out-of-date, and planning permission should therefore be granted.
27. However, in instances where the application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed, the scheme does not benefit from the presumption in favour of sustainable development. As detailed in Footnote 7 to the Framework, such areas or assets of particular importance include land designated as an AONB, and it is my view that the policies of the Framework in that regard provide a clear reason for refusing the appeal scheme. The tilted balance set out in paragraph 11d) of the Framework is therefore not engaged in this instance.

Planning Balance and Conclusion

28. The appeal scheme would enable the construction of what is described as a highly sustainable home, and the provision of solar panel and battery storage infrastructure to support the caravan site and the new house would weigh in favour of the environmental credentials of the development. Whilst it may be argued that this would also address the Council's Climate and Ecological Emergency Strategy, this would here be outweighed by the conflict I have identified with the development plan, and the harm which the appeal scheme would cause to the rural character of the area and the Dorset AONB.

29. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development plan. For the reasons detailed above, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Nayan Gandhi

Laister Planning Limited

FOR THE LOCAL PLANNING AUTHORITY:

Elizabeth Adams

Dorset Council

Cari Wooldridge

Dorset Council

INTERESTED PERSONS:

Councillor Cherry Brooks

Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Section106 Unilateral Undertaking
2 Letter from Natural England dated 26 August 2022