



Appeal Decision

Site visit made on 28 March 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2023

Appeal Ref: APP/D1265/W/22/3299430

**The Laurels, Blandford Forum Bypass To Gorcombe Farm Road Lane,
Thornicombe DT11 9AF**

- 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 Goddard against the decision of Dorset Council.
 - The application Ref P/FUL/2021/02992, dated 13 August 2021, was refused by notice dated 28 April 2022.
 - The development proposed is described as 'Erect 2no. dwellings; 2no. garages with parking'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - Whether the appeal site offers a suitable location for housing having regard to the spatial strategy for housing in the development plan;
 - Whether the appeal site is in a suitable location in terms of access to services and facilities; and
 - If harm arises, whether this would be outweighed by other material considerations.

Reasons

Location

3. Policy 2 of the North Dorset Local Plan Part 1 adopted January 2016 (LP) identifies Blandford (Forum and St Mary) as one of four main towns where the vast majority of development should be focussed, with all land outside of those settlement boundaries being defined as countryside with an emphasis on development in these areas meeting local and essential rural needs.
4. There is no dispute between the Council and the appellant that the appeal site lies in the open countryside. Policy 20 of the LP emphasises the need for restraint to protect the intrinsic character and beauty of the countryside and areas of high wildlife value, only permitting development which accords with Figure 8.5 in the LP or where it can be demonstrated that there is an overriding need for it to be located in the countryside.

5. Figure 8.5 refers to rural exception schemes, occupational dwellings, re-use of heritage assets, redundant or disused buildings and sites for Gypsies, Travellers and Travelling Show people. With the exception of 'occupational dwellings' the appellant has not provided evidence to indicate that the appeal proposal is any of the above. Policy 9 permits rural exception affordable housing in the countryside but that is not before me.
6. The appellant has indicated that the proposed dwellings would be occupied by family members in connection with an existing business at the site. The business relates to the sale of used vehicles. However, I have not been provided with details of why further on-site presence is required or any mechanism by which the occupancy of the dwellings could be restricted. In addition, the Council say that they have no record of planning permission for a business premises at the site. As such, I am not persuaded that what is before me amounts to occupational dwellings or that an overriding need for it to be located in the countryside has been demonstrated. Therefore, the proposal would conflict with Policy 20 of the LP.
7. In conclusion, the appeal proposal would introduce new housing into the countryside in a way which would not adhere to the countryside policies of the development plan including Policies 2 and 20. This would harmfully undermine the spatial strategy for the location of housing contained in the development plan.

Access to Services and Facilities

8. The appeal site is located adjacent to a cluster of existing dwellings, known as Thornicombe, which does not appear to offer any day-to-day services and facilities. However, Thornicombe is centred around the junction with the A354, a well trafficked road running between Blandford and Dorchester which both offer a range of amenities.
9. There are bus stops on the A354, within an easy walk of the appeal site with buses serving Blandford, Weymouth and Dorchester. The earliest service leaving at 0824 is likely to reach Blandford before 0900. However, the last bus from Blandford would arrive back at 1552. Occupiers of the appeal site would have the option of using the bus service but I am not persuaded that it provides a reasonable alternative to the car at all times particularly given the lack of an evening service.
10. Blandford is accessible on foot via footpaths and bridleways from the site. However, I observed that this would be along unlit and in places, unsurfaced tracks across the fields or involve walking along the A354 which is busy, unlit and with no footway. The route would not be accessible to all users and neither would it be desirable in the dark or inclement weather. As such, I am not persuaded that walking would be a viable alternative to the car but I accept that cycling using the A354 and the bridleways may be an option for some.
11. To conclude, whilst there would be some opportunities for occupiers of the appeal site to cycle or use the bus, the appeal site is not well placed for most people to conveniently access services and facilities other than by using the car. This would conflict with Policy 2 of the LP which seeks to manage patterns of growth to make the fullest use of public transport, walking and cycling.

Other Considerations and Planning Balance

12. I have found that the proposal would conflict with the development plan. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the National Planning Policy Framework (the Framework) and the benefits of the proposal have been referred to by the appellant as other considerations.
13. The appeal site is located adjacent to the existing cluster of dwellings at Thornicombe but the nearest property to the east would be approximately 150 metres away. For this reason, I do not find that this constitutes infill development, and in any event Policy 7 of the LP only permits infilling on sites within settlement boundaries which the appeal site is not.
14. That said, Paragraph 79 of the Framework states that housing should be located where it would enhance or maintain the vitality of rural communities. Thornicombe is a discernible settlement and thus an identifiable rural community. The proposed dwelling could support the vitality of this community. However, there is nothing of substance before me to demonstrate what this would mean in practice. In any event, the development plan provides a mechanism for enhancing and maintaining the vitality of rural communities by permitting some housing in small settlements with an identified settlement limit, which does not apply here.
15. Paragraph 80 of the Framework seeks to avoid isolated homes in the countryside except in specified circumstances, none of which apply to the proposal before me. I have concluded above that the appeal site would be adjacent to a discernible settlement and that occupiers of the appeal proposal could access the services and facilities in nearby Blandford. In this respect, the appeal proposal is not 'isolated'. That said, the Framework does not state that a proposal must be approved if it is not isolated. The Framework needs to be read as a whole including the section on promoting sustainable transport, which requires the planning system to actively manage patterns of growth to promote walking, cycling and public transport and I have found that opportunities for these would be limited.
16. The appeal site has a Certificate of Lawful Existing Use as a residential garden. Paragraph 85 of the Framework encourages the use of previously developed land to meet local business and community needs where suitable opportunities exist. However, a local business or community need has not been demonstrated and nor does the appeal site represent a 'suitable opportunity' given that future occupiers would be largely car reliant.
17. The Council's five-year housing land supply position statement published January 2022 indicates a supply of 5.17 years. However, the Inspector in a subsequent appeal decision¹ dated June 2022 rigorously tested the Council's position and concluded that the Council could demonstrate 4.35 years' worth of supply. I accept that this is a snapshot in time but in the absence of evidence to the contrary, this would appear to me to be the most up to date position. In such circumstances Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly

¹ Ref: APP/D1265/W/21/3284485 Station Road, Stalbridge.

and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole².

18. Two dwellings that could be constructed quickly would assist the Council towards remedying the apparent housing deficit. Given the modest scale of the proposal, the benefit would be of moderate weight. There would be economic benefits arising from the construction and subsequent occupation of two dwellings. However, given the appeal sites location within a cluster of dwellings with no apparent local services, I am not persuaded that the benefits to local businesses and services would be anything more than limited.
19. I accept that no harm has been identified in terms of the impact on the character and appearance of the area, design, highway safety, flood risk, trees or heritage assets but rather than weighing in favour of the proposal, these are matters which are neutral in the planning balance.
20. As an adverse impact, the location of the appeal scheme relative to services and facilities would do very little to promote regular walking, cycling and public transport use, even when accounting for its rural location. I have found that harm would result from the failure to promote sustainable transport and realise the health benefits associated with such modes of travel. These are important aims of the Framework. Moreover, Policies 2 and 20, although out of date overall, outline a spatial strategy that chimes with these objectives.
21. Taken together, the other material considerations do not indicate that the appeal should be determined otherwise than in accordance with the development plan.

Other Matters

22. The Council refer to the requirement for a financial contribution to be secured in respect of the Dorset Biodiversity Compensation Framework. No further details have been provided and no signed planning obligation has been received. However, given my findings on the main issues, it is not necessary for me to consider this further.

Conclusion

23. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Alison Fish

INSPECTOR

² In this instance there are no policies in the Framework that give a clear reason for refusing the proposal