



Appeal Decision

Site visit made on 2 May 2023

by Juliet Rogers BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2023

Appeal Ref: APP/D1265/W/22/3312047

Lower Sandhills Farm, Fifehead Neville, Sturminster Newton DT10 2AJ

- 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 Ms V Missen against the decision of Dorset Council.
 - The application Ref P/FUL/2022/01114, dated 21 February 2022, was refused by notice dated 9 June 2022.
 - The development proposed is the demolition of modern agricultural building, erect single dwelling and change of use of agricultural land to garden.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of modern agricultural building, erect single dwelling and change of use of agricultural land to garden at Lower Sandhills Farmhouse, Sturminster Newton, DT10 2AJ in accordance with the terms of the application, Ref P/FUL/2022/01114, dated 21 February 2022, subject to the attached Schedule of Conditions.

Background and Main Issue

2. In the banner head and my formal decision above I have removed the text from the description which does not describe an act of development.
3. During the appeal, a Biodiversity Plan was submitted to the Council and considered to acceptably enhance the natural and local environment, in accordance with paragraph 174 of the National Planning Policy Framework (the Framework). Therefore, the Council's respective reason for refusal is no longer in dispute.
4. The appeal site benefits from a Class Q prior approval application¹ which has recently been approved for the conversion of the existing agricultural building to three dwellings. Both main parties agree that there is a greater than theoretical possibility that the prior approval development could be built, irrespective of my decision. Against this background the principle of a new dwelling in this rural location is not contested. Instead, the Council have raised concerns with regard to the character and appearance of the appeal proposal.
5. Consequently, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

¹ Council ref: P/PAAC/2021/04310

Reasons

6. The appeal site comprises a large, double-pitched agricultural building constructed from concrete blocks and corrugated sheet roofs, forming part of the wider landholding of Lower Sandhills Farm. It is located within an undulating landscape characterised by a mosaic of hedged fields with the predominant built form visible comprising the farmhouses and agricultural buildings associated with several isolated farmsteads. Given the rolling topography of the area and the dispersed pattern of built form, where buildings are visible, they are positioned against the backdrop of the sloping landscape.
7. The range of building forms present within the surrounding area, including the variety of architectural features and materials, means no particular vernacular or material dominates. Instead, it is the topography of the landscape, wooded areas and dispersed pattern of isolated farmsteads that define the overall character of the area. Whilst the proposed design comprises multiple gable projections or wings, its overall form would be less bulky than the existing agricultural building. Additionally, by replacing the overtly agricultural and utilitarian monolithic design of the building, the proposed development would enhance the setting of the appeal site within the landscape context.
8. The proposed dwelling would be sited slightly further away from the road than the existing agricultural building, whilst maintaining the perpendicular relationship to the adjacent dwelling of Lower Sandhills Farm. Comprising two-storey accommodation, the proposed dwelling would be taller than the agricultural building and Lower Sandhills Farm. However, given the changes in levels between the appeal site and Lower Sandhills Farm, the eaves of the proposed dwelling would be at the same height as those of the closest part of the adjacent dwelling.
9. Although fleeting views from the highway are possible, given the lower lying level of the site to the road, the proposed development would be largely screened by boundary hedgerows and the two properties located on either side of the access driveway, closer to the road. Similarly, views from a nearby public right of way are limited by the topography of the area and the existing landscape features.
10. The proposed dwelling would be oriented towards the surrounding countryside, creating a courtyard arrangement behind, complemented by the adjacent dwelling. Whilst the new dwelling would have a scale and bulk greater than Lower Sandhills Farm, it would reflect the courtyard layout and arrangement of buildings common to other farmsteads in the surrounding area. As a result, the new dwelling would have the appearance of a main farmhouse building complemented by the hay barn and stable block appearance of the adjacent dwelling, which was converted from a former single-storey barn and attached milking parlour². It would therefore be a sympathetic feature within the landscape.
11. I conclude that the proposed development would not harm the character and appearance of the area and would comply with paragraph 130 of the Framework which seeks to ensure that new development is sympathetic to local character, including the surrounding landscape setting.

² Council ref: 2/2015/1341/AGDWPA

12. On the decision notice, the Council states that the proposed development would be contrary to Policy 28 of the North Dorset Local Plan 2016 (the Local Plan). This policy relates to the replacement of existing dwellings in the countryside. As the proposed development comprises the demolition of an existing agricultural building and the erection of a new dwelling, it does not involve a replacement dwelling. Notwithstanding the extensive prior approval legislation changes implemented since the adoption of the Local Plan, Policy 28 is not determinative in this case.

Other Matters

13. Given that there is a greater than theoretical possibility that the aforementioned prior approval development could be built, irrespective of my decision, it represents a fallback scenario. However, as I have found that the proposed development would not harm the character and appearance of the area, it is not necessary for me to compare the two schemes, irrespective of the fact that the Council is unable to demonstrate a five-year supply of deliverable housing.
14. I am mindful that both permissions could be implemented at the same time. However, the potential for this to occur is restricted given the prior approval comprises the conversion of the agricultural building whilst it would be demolished as part of the appeal scheme. Furthermore, I am content that the partial implementation of both schemes is also unlikely.

Conditions

15. I have considered the Council's suggested conditions in light of advice contained within the Framework and the Planning Practice Guidance (PPG). I have undertaken some minor editing, rationalisation and reordering, in the interests of precision and clarity. Where appropriate, I have also removed the detailed lists of matters to be included from the conditions as they are not necessary to make the conditions precise or enforceable. Additionally, this approach enables the parties to agree on the most suitable method of compliance based on best practices at the time of discharging the conditions.
16. In addition to the standard time condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, for the avoidance of doubt and in the interests of certainty. To avoid drainage problems, including pollution or flood risk, I have imposed a condition requiring details of the surface and foul water drainage works to be approved by the Council. To ensure risks from contamination are minimised and in the interests of the safety and amenity of future occupants of the dwelling, I have imposed a condition requiring development to be suspended in the event of any potential contamination being discovered. I have edited the Council's suggested condition to ensure that any necessary remediation is completed before the recommencement of the affected part of the development.
17. To safeguard the character and appearance of the area, it is necessary to impose a condition requiring the proposed external materials to be approved by the Council. To ensure the long-term establishment, maintenance and landscaping of the site is implemented in accordance with the approved details, I have imposed a condition relating to hard and soft landscape works. This condition requires submission to and approval by the Council to reflect local distinctiveness and landscape character, in accordance with Chapter 12 of the

Framework. Finally, I have imposed a condition to ensure the mitigation, compensation and enhancement strategy set out in the approved Biodiversity Plan is secured.

18. The Council has suggested that conditions should be imposed removing permitted development rights on the site. Paragraph 54 of the Framework states that planning conditions should not be used to restrict permitted development rights unless there is a clear justification to do so. Furthermore, the PPG advises that such conditions may not be reasonable or necessary. Given the lack of substantive evidence regarding the reasons for imposing such conditions, the removal of permitted development rights in this case is not justified and these conditions are unnecessary.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

Juliet Rogers

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
20090-2 rev C – Proposed Site Plan & Location Plan
20090-3 rev B – Ground & First Floor Plans as Proposed
20090-4 rev B – Elevations & Sections as Proposed
20090-9 – North West Elevations: Existing & Proposed
- 3) Prior to the commencement of development details of the surface water and foul drainage schemes shall be submitted to and approved in writing by the Local Planning Authority. The approved schemes shall be completed prior to the occupation of the development and retained thereafter.
- 4) In the event that contamination is found at any time when carrying out the development hereby permitted, it shall be reported immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out, submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development of the affected part of the site is resumed or continued.
- 5) No development above damp course level shall commence until details, including colour photographs, of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The relevant works shall be carried out strictly in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority and thereafter maintained.
- 6) No development above damp course level shall commence until a scheme of hard and soft landscape works is submitted to and approved in writing by the Local Planning Authority. The development shall be carried out prior to the occupation of the dwelling in accordance with the approved details and maintained thereafter. Any planting found damaged, dead or dying within a period of 5 years following planting or seeding shall be replaced in the next planting season with others of a similar size and species unless the Local Planning Authority agrees to any variation in writing.
- 7) Prior to the occupation of the dwelling, the detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 5 January 2023 shall be completed in full and implemented in accordance with the approved details and specified timetable. The biodiversity mitigation, compensation and enhancement/net gain measures shall be retained and maintained thereafter.

End of Schedule