



Appeal Decision

Site visit made on 18 July 2023

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2023

Appeal Ref: APP/D1265/W/22/3311756

24A North Street, Charminster, Dorchester DT2 9QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Byrne against the decision of Dorset Council.
 - The application Ref P/OUT/2021/02144, dated 15 June 2021, was refused by notice dated 31 May 2022.
 - The development proposed is the erection of 1 No. dwelling (outline application but layout, access and scale to be considered and not reserved for subsequent approval).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was originally submitted as an outline proposal with all matters reserved. During the processing of the application by the Council, it was agreed with the appellant that the proposal should be amended, and outline matters to be considered at this stage should include layout, access and scale. The reserved matters would, therefore, be landscaping and appearance. I will consider the proposal accordingly.
3. While not a reason for refusal, there is commentary from both the Council and the appellant on the potential impacts of the development on the Poole Harbour Special Protection Area (SPA) and Ramsar site. This concerns the effect of increased nutrients entering this habitat from the waste water from the additional residential accommodation. I will consider this issue within the other matters section of this decision.

Main Issue

4. The main issue is whether or not the development plan would support the development in this location.

Reasons

5. The development plan for the area includes the West Dorset, Weymouth and Portland Local Plan 2011-2031 (the Local Plan). The Local Plan sets out the settlement hierarchy for the provision of new residential development. Policy SUS2 of the Local Plan directs the greater proportion of development to the larger and more sustainable settlements. Outside these main centres the Policy explains that development in rural areas will be directed to the settlements with defined development boundaries. Within the defined development

boundaries residential, employment and other development to meet the needs of the local area will normally be permitted.

6. Policy SUS2 of the Local Plan also explains that, outside the defined development boundaries, development will be strictly controlled and is restricted to specified types of development, including affordable housing and rural workers' housing.
7. Charminster is identified in the Local Plan as a settlement with a defined development boundary. In the broadly northern section of Charminster, the defined development boundary includes the properties in the vicinity of and alongside North Street. The undeveloped more open and verdant land beyond these properties is generally excluded from the settlement area.
8. In the broad area of the appeal site, there are properties fronting and close to the road, and some dwellings set back behind those properties, all of which are included within the defined development boundary. The boundary extends back and includes the property at 24A North Street and its immediate garden area and also Little Mead, a dwelling further to the north on this side of the road. However, the boundary excludes the undeveloped land to the south and north of 24A, as well as the open land to the immediate west.
9. The appeal site includes the open grassed land to the north of 24A North Street, which is located beyond the defined development boundary. Part of the access would be located within the settlement, but the majority of the site and the proposed location for the dwelling would fall outside the defined development boundary and on land within the countryside for planning purposes. The proposed open market, new build dwelling would not meet with any of the exceptions for development as listed in Policy SUS2 of the Local Plan for development beyond the defined development boundary, where development is to be strictly controlled. It would, therefore, not meet with the requirements of Policy SUS2 and the associated strategy for the location of new housing.
10. In the light of the above analysis, I conclude that the development plan would not support the provision of an open market dwelling on the appeal site and, in particular, the scheme would conflict with Policy SUS2 of the Local Plan which sets the approach to the provision of development across the plan area.

Other Matters

11. The Charminster Conservation Area boundary runs along the eastern boundary of the main part of the appeal site and includes the properties alongside the road. The majority of the land for the proposed dwelling would be outside the Conservation Area, although the first section of the access off North Street would fall within the boundary.
12. The significance of the Conservation Area in this general location includes the appearance of buildings and terraces of cottages, their age and character, and their linear association with the road such that they create an attractive street scene. The proposed dwelling would be visually and locationally separate from the Conservation Area and it would be set back from the boundary within a fairly sizeable plot. The height difference of the land and screening provided by the boundary hedge would mean that the proposed dwelling would have a lack of association with the terrace alongside the road. The open area of the appeal

site makes very little contribution to the setting of the Conservation Area and a suitably designed dwelling at the reserved matters stage could ensure that it would not look out of place in its plot and the dwelling should not be especially noticeable from the road. Given the character difference of the appeal site in comparison with the Conservation Area, and that it is more visually associated with the open verdant land in its surroundings, the appeal proposal, subject to suitable details at the reserved matters stage, would preserve the setting of the Conservation Area and its significance.

13. I have taken into account all the representations including from the Parish Council and local residents. The objections from the Parish Council include because the site would fall outside the defined development boundary, which I have considered above. Some of the other substantive issues include flooding and highways. In terms of potential flooding and run off from the site, drainage details at the reserved matters stage should ensure that water from the roof, drive extension and parking areas could be accommodated on site to soak away such that there was no additional water that would run on to the road. I do not consider that the addition of the appeal dwelling would, therefore, exacerbate the existing run-off and drainage issues in North Street.
14. In terms of highway issues, the access onto North Street has restricted sight lines but the road is reasonably narrow which slows traffic. The Highway Department has not raised objection in respect of the traffic resulting from an additional dwelling passing through the existing access. I have found no substantive reason to disagree.
15. The issue of the increased nutrients from the development impacting on the Poole Harbour SPA and Ramsar site has been highlighted at the application and appeal stages. The Council raise the uncertainty at the appeal stage as to how the increased phosphates resulting from the development would be mitigated. The appellant refers to the submitted calculations and argues that this issue could be addressed by Community Infrastructure Levy payments, a suitably worded Grampian condition and/or landscaping on the site. I have taken into account all this information, however, given my overall conclusion I have not needed to consider this matter further and undertake an appropriate assessment.
16. I have also noted the concerns raised by the appellant with regard to the time taken and the approach of the Council when it was dealing with the application. The Council was minded to approve the application at one point, including on the basis that, at that time, it could not demonstrate a 5 year housing land supply. However, the Council delayed determination of the proposal because of the potential effects on the Poole Harbour SPA and Ramsar site. When it did determine the application, after it had been before the Authority for about a year, the Council indicated that it could demonstrate a compliant supply of housing, and this led the application to be refused. The appellant feels aggrieved about how the Council processed the application. While I can understand the frustration, the conduct of the Council at the application stage is not a matter which materially affects the planning issues at the appeal stage, and I have determined the appeal based on its planning merits and the latest evidence before me.

Planning Balance and Conclusion

17. The Council sets out information to demonstrate a Framework compliant supply and delivery of housing. I have found no substantive evidence to disagree with this conclusion. Consequently, the presumption in favour of sustainable development as set out in paragraph 11d of the National Planning Policy Framework (the Framework) is not engaged. The appeal falls to be considered in accordance with a normal planning balance such that the proposal should be determined in accordance with the development plan, unless material considerations indicate otherwise¹.
18. The proposed dwelling would fall beyond the defined development boundary in land that is, in planning terms, defined as countryside. For the reasons explained above, the scheme would fail Policy SUS2 of the Local Plan and, in turn, the strategy for the delivery of housing across the plan area. As a consequence, I consider the proposal would conflict with the development plan when considered as a whole. This is a matter to which I attach substantial weight.
19. The proposed dwelling would adjoin the settlement boundary on three sides and would be accessed off an existing driveway. Occupants of the proposed dwelling would have the same accessibility to services and facilities as adjoining residents within this part of Charminster. Charminster is a settlement identified with a defined development boundary as suitable for some development. However, the road in front of the access is reasonably constrained and without footways until near to the Public House when travelling south. While this is similar to much of the village, the lack of footways and reasonably narrow section of the road near the site does not encourage walking to services and facilities in the village. Cycling may be an option, but I consider that the private vehicle, because of the footway situation, is likely to be the predominant means of travel to access services and facilities.
20. At my site visit I saw the new estate of houses which had been constructed on the land to the generally western section of the village and the further construction work that was taking place. This development had access by footways to some local facilities including the First School and Community Hall, as well as the cross roads with North Street. The Council in its submissions indicate that the supply of housing in this area includes this major development at Charminster Farm² which the Council explain has direct access onto segregated footways and cycleways offering safe access to the settlement's facilities as well as to Dorchester.
21. While this is on land beyond the settlement boundary and, therefore, I understand the argument that development has been necessary beyond the defined development boundaries to provide the necessary housing supply, it appears to me that the evidence from the Council is that the Charminster Farm site has suitable connectivity for walking on footways to access some local services and facilities. The Council is now able to demonstrate a five year supply of housing land and, therefore, this reduces the case for the provision of

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

² Referred to in the Council's supply report as Land West of Charminster Farm, between Wanchard Lane and A37, Charminster.

- an additional dwelling at the appeal site which would be located where walking would be sub-optimal to access local services and facilities.
22. The Framework advises that the planning system should actively manage patterns of growth to support opportunities to promote walking, cycling and public transport. In this case, with the other developments for housing in the village which do appear to maximise these opportunities, the provision of a dwelling on the appeal site with the accessibility circumstances I have identified, and located beyond the defined development boundary, should be considered to afford only limited weight.
23. Reference is made to the emerging Local Plan for the area which has identified land to the broadly west of the appeal site as a Dorset Council Preferred Site (2020) for development. This would leave the appeal site located between the settlement boundary and this proposed development, if the allocation was to be agreed. The emerging Local Plan appears to be at a reasonably early stage and therefore the weight to be attached to this plan, and the effect of the potential allocation, is limited.
24. In terms of the benefits of the scheme, there would be a small boost to housing supply on a windfall site, making effective use of the land. The development could be delivered by a small builder adding to the overall mix and offer of housing in the area. There would be economic and social benefits to the area during construction and in subsequent occupation. It would be possible to design an energy efficient property with high levels of amenity. Furthermore, the site could be landscaped to provide a meaningful net gain to biodiversity. There would be no harm to the character and appearance of the area. However, as only one additional dwelling would be provided, and in a Council area that can now demonstrate a Framework compliant supply of housing land, I attribute the cumulative benefits of the proposal limited weight.
25. Drawing all these matters together, the harm that would result from the conflict with the development plan is a matter that I attach substantial weight. The cumulative benefits resulting from an additional dwelling in this location afford limited weight. It follows that the harm would outweigh the benefits of the development.
26. Consequently, material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR