



Appeal Decision

Site visit made on 17 October 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal Ref: APP/D1265/W/23/3320929

3 Pond End, Pymore, Dorset DT6 5SB

- 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 Charles Forsey against the decision of Dorset Council.
 - The application Ref P/FUL/2023/00176, dated 6 January 2023, was refused by notice dated 14 March 2023.
 - The development proposed is change of use of agricultural land to residential curtilage.
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Decision

1. The appeal is allowed and planning permission is granted for change of use of agricultural land to residential curtilage at 3 Pond End, Pymore, Dorset DT6 5SB in accordance with the terms of the application, Ref P/FUL/2023/00176, dated 6 January 2023, subject to the conditions in the attached schedule.

Main Issues

2. The main issue is the effect of the proposal on the character and appearance of the area including the Dorset Area of Outstanding Natural Beauty (AONB).

Reasons

3. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB's. This guidance is reflected in Policy ENV1 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) that states that development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character.
4. The site lies outside any defined development boundary within the AONB which in this location is characterised by a patchwork of small open fields enclosed by hedgerows and trees either side of the river and its associated valley and settlements. In contrast to the agricultural fields, river and valley landscape, the appeal site is a mowed grassed parcel of land with an appearance more akin to a garden. The appeal site is not physically separated from No.3 Pond End but is separated from the associated/adjointing field roughly to the north by a post and rail fence. The site is partly visible from some surrounding properties with a small section visible on approach from the public domain along Pond End. As well as seeking the change of use of the land, the proposal comprises a replacement fence to the western site boundary and new tree and hedge planting to the north boundary.
5. There is no clearly defined regular boundary size or shape to the agricultural fields close to the site. With regard to the built form, the semi-detached and terraced dwellings generally have rear gardens of varying sizes parallel in

planform to the dwelling, whilst the detached dwellings generally benefit from more irregular shaped larger gardens that include garden space wrapping around one side of the dwelling.

6. No.3 Pond End benefits from outdoor space of a usable size at present and the appeal proposal would result in No.3 having outdoor space larger in size and width than other properties off Pond End and Morbae Grove. However, the proposal would continue the existing plot and boundary pattern of detached properties benefitting from larger irregular shaped gardens including garden space wrapping around one side of the dwelling. Moreover, there are very limited views of the appeal site from the public domain such that the proposal would adequately reflect the visible plot and boundary patterns.
7. In light of the grassed appearance of the appeal site separated from the adjoining field by a fence, and subject to the removal of permitted development rights to adequately restrict the built form on the site and ensure that it is not overly domesticised by buildings, the proposal would not result in an uncharacteristic urbanisation of the site or extension into the countryside. Although the removal of permitted development rights would not prevent all residential paraphernalia on the site, it would acceptably limit its extent and prevent larger buildings therefore minimising any uncharacteristic urban extension.
8. Tree and hedge planting could be carried out at any time to the site boundary further enforcing the existing difference in character between the appeal site and adjoining field. However, the tree and hedge planting also represent appropriate treatment to the boundary with the field and could be secured by condition should I be minded to allow the appeal.
9. By virtue of the provision of new hedge and tree planting, and with little change to the grassed nature of the site, there would be some limited biodiversity benefit from the proposal.
10. As a result of the above, the proposal would adequately reflect the existing plot and boundary patterns and avoid an uncharacteristic urban extension into the countryside. Moreover, it would include appropriate landscaping and would not detract from the local landscape character of the area or AONB.
11. I therefore find that the proposal would not harm the character and appearance of the area including the Dorset AONB to which I have given great weight. As such, the proposal would not conflict with the requirements of Policies ENV1, ENV10, ENV12 and HOUS6 of the LP and Policies D1 and D8 of the Bridport Area Neighbourhood Plan (2020-2036) and the Framework. Amongst other things, these stipulate, that development proposals will only be allowed where they do not harm the character, special qualities or natural beauty of the AONB, contribute positively to local identity and distinctiveness, reflect existing plot boundary patterns, avoid uncharacteristic urban extensions into the countryside, do not harm visual amenities or the rural character of the area, include appropriate landscaping proposals, and are of a high-quality design.

Other Matters

12. I have considered the concerns related to the proposal being a step towards further built development on the site and to it setting a precedent for similar proposals. However, the proposal is limited to changing the use of the land to

outdoor space associated with No.3 Pond End with any similar proposals to other sites requiring separate consideration. In addition, I am required to consider the proposal on its merits.

13. The proposal does not comprise a solar array and as such this is not determinative in relation to this appeal.
14. I have taken into account concerns regarding the loss of the site from agricultural use. However, the area is relatively small, and not currently in active agricultural use. As a result, there would be no significant harmful loss of agricultural land.

Conditions

15. I have considered Paragraph 56 of the Framework and the National Planning Practice Guidance in relation to conditions. I have also considered the conditions suggested by the Council and the comments on them from the appellant. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
16. In light of the record of the potential for contaminated land at the appeal site, a pre-commencement condition requiring the submission of a desk study report documenting the site history, ground conditions and any remedial works is required in the interests of protecting the living conditions of future users of the site.
17. Conditions are also necessary to secure the additional landscaping proposed and to remove permitted development rights for outbuildings and structures in the interests of protecting the character and appearance of the area.
18. A condition is also reasonable and necessary to ensure that the use of the land is restricted to that associated with No.3 Pond End only in the interest of protecting the living conditions of the occupiers of No.3 and in the interests of protecting the character and appearance of the area.

Conclusion

19. For the reasons given I conclude that the appeal should succeed.

C Rose

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: drawing number 22/073/D1 Location Plan, drawing number 22/073/D2 Site Plan, and drawing number 22/073/D3 Part Site Plan.
- 3) Prior to the commencement of the development hereby approved the following information shall be submitted to and agreed in writing by the Local Planning Authority:

- 1) a 'desk study' report documenting the site history.
 - 2) a site investigation report detailing ground conditions, a 'conceptual model' of all potential pollutant linkages and incorporating risk assessment.
 - 3) a detailed scheme for remedial works and measures to be taken to avoid risk from contaminants/or gases when the site is developed.
 - 4) a detailed phasing scheme for the development and remedial works (including a time scale).
 - 5) a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of time. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented before the development hereby permitted first comes in to use or is occupied. On completion of the development written confirmation that all works were completed in accordance with the agreed details shall be submitted to the Local Planning Authority.
- 4) The planting as shown on approved plan 22/073/D3, shall be carried out in full in the first planting season following granting of this planning permission. In the five year period following planting, any trees or plants that are removed without the written consent of the Local Planning Authority or which die or become (in the opinion of the Local Planning Authority) seriously diseased or damaged, shall be replaced as soon as reasonably practical and not later than the end of the first available planting season, with specimens of such size and species and in such positions as may be agreed with the Local Planning Authority.
 - 5) The development permitted shall not be used at any time other than for purposes ancillary to the residential dwelling known currently as 3 Pond End, Pymore, Bridport DT6 5SB.
 - 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) (with or without modification) no development, permitted by Class E, F or H of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed within the extended domestic curtilage hereby approved.

*****END OF SCHEDULE*****