



Appeal Decision

Site visit made on 24 October 2023

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2023

Appeal Ref: APP/D1265/W/23/3321089

Land adj. Three Acres, Musbury Lane, Marnhull DT10 1JP

- 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 Andy Burke of AMB Developments Ltd against the decision of Dorset Council.
- The application Ref P/OUT/2021/05708, dated 17 December 2021, was refused by notice dated 8 March 2023.
- The development proposed is erection of up to 7 dwellings with associated access, parking and landscaping.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application has been submitted in outline with all matters, except access, reserved for future consideration. I have dealt with the proposal on that basis, treating details such as those on the proposed site plan for illustrative purposes only and as an indication of the dwellings that would likely be erected on the site.
3. Appended to the Council's appeal statement is an updated Housing Land Supply Report dated 19 September 2023. This document contains an up-to-date calculated five year housing supply figure as well as an assessment of predicted Housing Delivery Test results for 2022 and 2023. The appellant has had the opportunity to comment on this additional information and they are therefore not prejudiced by me taking it into account in determining the appeal.
4. My attention has been drawn to an outline planning application for a single dwelling on an adjacent site (reference 2/2018/1303/OUT), which was refused by the Council, but allowed at appeal¹ (the 2019 appeal decision). I shall have regard to that Inspector's decision, insofar as it is relevant to the current appeal before me.
5. Reference has also been made to another allowed appeal² that related to the erection of 72 dwellings and community facilities on a separate site within the same village (the 2022 appeal decision). Again, I shall have regard to that Inspector's decision, insofar as it is relevant to the current appeal before me.

¹ Appeal reference APP/N1215/W/19/3222944

² Appeal reference APP/D1265/W/21/3289314

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

7. The appeal site is located on the edge of the village of Marnhull. Musbury Lane has an increasingly rural feel when travelling further out from the village, with the dwellings becoming more spaced out within progressively larger gardens. The site sits in a transitional area between properties that are positioned near each other and other properties that are considerably more spaced out.
8. The scheme is for five detached dwellings and a single pair of semi-detached dwellings. The illustrative layout shown on the submitted plans indicates that the dwellings would be arranged either side of a spine road constructed through the site. The gardens would emanate from the spine road with the rear boundaries of some properties abutting Musbury Lane. The dwelling furthest along the spine road is shown as having a relatively larger garden, but the garden sizes of the other properties would not be reflective of the increasingly larger gardens seen when travelling out of the village along Musbury Lane. In particular, the gardens of the semi-detached dwellings, one of which would abut the large garden of Three Acres, would be narrow and linear, which would be more akin to a residential property located towards the centre of the village.
9. The density of the proposed development would be readable from Musbury Lane and its comparatively higher density compared to the adjacent Three Acres and the properties further along the lane would be overtly noticeable and jarring within the rural character and appearance of this edge of the village. The incongruent density and likely layout of the development would also be very visible from the public footpath that would pass through the site. The proposal as shown would fail to sensitively carry on the gradual transition of the built environment into the countryside.
10. The private accesses to the properties in the immediate vicinity of the site are, in the main, to serve a single dwelling, with the occasional example of two properties being served by a single access. I note that Musbury Close is a residential street that spurs off Musbury Lane and there are a number of dwellings on this street, but that is located significantly closer to the built-up area of the village.
11. The proposed access into the site would be directly off Musbury Lane, on the opposite side of the lane to existing properties and adjacent to a further residential property. The properties nearest to the proposed access are sited close to the lane and therefore have short drives or parking spaces next to the road. The proposed access spurring off into the site for a considerably distance would be more akin to the length of drives seen further along the lane. However, the illustrative plans show that it would include a pavement along one side and whilst I understand the reason for its inclusion, it would, together with the tarmacked surface and the overall width of the access, create an overly urbanised appearance that would be at odds with the types of residential accesses mentioned above. The indicated design and layout of the access would therefore detrimentally interrupt the increasingly rural character and appearance of Marnhull's fringe when travelling out of the village on this section of the lane.

12. I note that the 2019 appeal decision considered that the adjacent site did not have any significant landscape or countryside value and that proposed dwelling would be located within the domestic surrounds of adjoining properties and would not have any harmful impact on the rural character and appearance of the area. My concerns about the proposal before me are not around the landscape impact resulting from any residential development on this site, but the density and likely layout of the development shown on the submitted plans. Furthermore, the proposal is for seven dwellings, which is a notably larger scheme than a single dwelling in terms of the impact on the character and appearance of the rural fringe of Marnhull.
13. For these reasons, the proposed development would have a harmful effect on the character and appearance of the area. Consequently, the proposal conflicts with Policies 4 and 24 of the North Dorset Local Plan Part 1 (2016) (LP), which collectively seek, in part, for the landscape to be protected and development to be designed to improve the character and quality of the area.

Planning Balance

14. On the basis of the evidence before me, the Council can currently demonstrate a five-year housing land supply (5YHLS). The Council is also confident that, once published by the Government, the next Housing Delivery Test results for the area will show that the so-called tilted balance, as set out in Paragraph 11 of the Framework, is not engaged as a result of recent levels of housing delivery. However, as things stand now, the most recently published results (the 2021 measurement) determine that, in accordance with Paragraph 11 of the Framework, the presumption in favour of sustainable development is engaged. For decision-making this means that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. I have identified conflict with Policies 4 (The Natural Environment) and 24 (Design) of the LP. Both are consistent with the Framework insofar as it seeks to achieve visually attractive development as a result of good architecture, layout and appropriate and effective landscaping, and development that is sympathetic to local character, including the surrounding built environment and landscape setting. Accordingly, I apportion considerable weight to the policy conflicts and associated harm that would be caused as a result of the harm to the character and appearance of the area.
16. Turning to the proposal's benefits, it would make the contribution of seven dwellings towards the housing stock in the district. However, even whilst acknowledging the seemingly fluctuating nature of the housing supply situation in the district and the Council's historically poor housing delivery record, seven additional units would not make a noticeable difference to the housing supply situation and is a benefit that attracts moderate weight. There would also be associated social and economic benefits for the village of Marnhull through providing support to the local economy (including during the construction phase) and local community facilities. However, such contributions would be limited given the small-scale nature of the development under consideration.
17. Consequently, I find that the adverse impacts of the scheme arising from the harm to the character and appearance of the area would significantly and demonstrably outweigh the scheme's benefits when assessed against the

policies of the Framework as a whole. Therefore, the presumption in favour of sustainable development, as set out in the Framework and at Policy 1 of the LP, does not apply.

18. I note the conclusions drawn in the 2019 and 2022 appeal decisions around 5YHLS, benefits and adverse impacts, but those decisions differ from the proposal before me insofar as they either would have resulted in less adverse impact or greater benefits that would carry more significant weight. As such, those decisions do not alter my findings in relation to this appeal.

Conclusion

19. For the above given reasons, and having regard to other matters raised, the proposal would conflict with the development plan, when taken as a whole. There are no other material considerations, including the provisions of the Framework, which outweigh this finding. Indeed, the Framework does not alter the statutory status of the development plan as the starting point for decision-making. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR