



Appeal Decision

Site visit made on 23 January 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2024

Appeal Ref: APP/D1265/W/23/3326921

Melrose, Water Lane, Winterborne Houghton, Dorset DT11 0PE

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mrs Lynn Cherrett against the decision of Dorset Council.
 - The application Ref is FUL/2023/02345.
 - The development proposed was originally described as “I have purchased an area of farmland immediately behind my house, with the intention of extending my garden and plant native trees, and keep it as a meadow. I am therefore applying for a change of use from agricultural land to garden/domestic use. The plot has been purchased from the local farmer”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the application form. However, the proposal would be more accurately described as the change of use of agricultural land to domestic land.
3. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. An opportunity was provided to the main parties to make further written comment over these changes. This decision is based on the current Framework and has taken account of the further representations made on this.
4. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONB) in England and Wales became ‘National Landscapes’. However, the Framework continues to refer to them as AONB’s. In this decision I have continued to use the term AONB, consistent with the evidence and the Framework. The legal designation and policy status of such areas is unaffected, whichever term is used.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the Dorset AONB and the setting of the Winterborne Houghton Conservation Area.

Reasons

6. The appeal site is within the Dorset AONB. In accordance with Paragraph 182 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in protected landscapes.
7. The site is a residential property with a detached dwelling that is situated in the village of Winterborne Houghton. The village is positioned at the bottom of a valley. The site is one of a row of detached dwellings of varying styles. The rear garden boundaries of the dwellings abut agricultural land. It is the part of the agricultural land directly to the rear of Melrose that is the subject of this appeal.
8. The appeal site is located outside but near the boundary of the Winterborne Houghton Conservation Area (CA). The site can be seen from within the CA, when stood within the churchyard of the Church of St Andrew and when stood on the track leading to the church.
9. The CA encompasses the historic core of Winterborne Houghton, which includes the church. The significance of the CA is derived in part from its agricultural heritage that is still evident today by the surviving farmhouses and buildings of note adjacent to them. Given the agricultural history of the village, the undeveloped agricultural land around the edges of the CA contribute positively to its setting. As such, the view from in and around the churchyard looking across the agricultural land to the rear of the appeal site and its neighbouring properties is an important view out of the CA and an important part of its setting.
10. In terms of wider viewpoints from within the AONB, having walked the public right of way on the opposite side of the valley to the site, it was notable that the agricultural land to the rear of Melrose rises steeply in the background of the dwelling and its neighbouring residential properties. It is therefore publicly visible as land that forms an important part of the bucolic setting of the village and its verdant appearance helps to retain the tight boundary of the settlement as a ribbon development, which is a key element of Winterborne Houghton's overall character within its rural surroundings.
11. The enlargement of the garden of Melrose would result in the encroachment of domestic land into the undeveloped rural fringe around the village. There would also be the potential for domestic paraphernalia, some types of which could not be controlled by planning condition. The siting of these within the enlarged garden area would exacerbate the harm caused by the sprawl of residential development into greenfield land. As a result, unacceptable harm to the protected landscape would occur and the identified important view from the CA across this undeveloped land would be compromised and the setting of the CA would, in turn, also be harmed by the proposed development.
12. The proposed development would not protect or enhance the landscape and scenic beauty of the AONB, nor would it conserve or enhance the setting of the CA and its historic significance.
13. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation.

14. Given the scale and nature of the proposals, I consider that the degree of harm to the significance of the relevant designated heritage asset in this case would be less than substantial. Paragraph 208 of the Framework indicates that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
15. The appellant's intention to plant native trees, form a wild meadow and keep bees on the land would potentially provide a biodiversity benefit. However, there is nothing to say that this biodiversity benefit could not be achieved without changing the use of the land to a domestic use. This limits the weight I attribute to the public benefits of the proposals to a modest level, which is insufficient to outweigh the less than substantial harm to the relevant designated heritage asset.
16. My attention has been drawn to properties to the west of the appeal site that have gardens that appear to have been extended into agricultural land in the past. The Council argues that these gardens have been in their present size since at least 2005. The appellant does not seem to dispute this and therefore I am content to rely on this information. Additionally, I have not been provided with background to the decisions to allow those gardens to be extended. In fact, the Council states that they have no evidence of permission being granted. These enlarged gardens would appear to be well established and significantly pre-date the adoption of the current development plan and the introduction of the Framework. As such, their presence does not justify the unacceptable harm caused by the appeal development. In any event, I am determining this appeal on its own individual merits based on the evidence before me.
17. For these reasons, I find that the proposed development would have an unacceptably harmful effect on the character and appearance of the area. Furthermore, it would not protect or enhance the landscape and scenic beauty of the East Devon AONB, nor would it conserve or enhance the setting of the Winterborne Houghton CA and its historic significance. Consequently, the proposal would conflict with Policy 4 of the North Dorset Local Plan Part 1 2011 – 2031 (LP), which seeks, in part, to protect the landscape through retention of the features that characterise the area and manage development in a way that conserves and enhances the natural beauty of the AONB. The proposal would also conflict with Policy 5 of the LP, which gives great weight to the conservation of heritage assets when considering any proposal that would have an impact on its significance and requires justification by demonstrating that harm to heritage assets is outweighed by the public benefits of the proposal. Additionally, the proposal would conflict with the natural and historic environment protection policies of the Framework.
18. Policy 28 of the LP is referred to in the Council's decision. The policy permits the replacement of dwellings, the extension or alteration of dwellings or the erection of outbuildings, subject to certain criteria being complied with, including that there is no extension of the existing residential curtilage. For the avoidance of doubt and without prejudice to my above findings, as the appeal proposal does not include any of the aforementioned forms of development, I do not identify conflict with Policy 28.

Conclusion

19. For the reasons given above, the proposed development would conflict with the development plan, when taken as a whole. It also conflicts with the Framework and other material considerations do not indicate that I should make a decision otherwise than in accordance with the development plan. Accordingly, I conclude that the appeal should be dismissed.

K Reeves

INSPECTOR