



Appeal Decision

Site visit made on 10 April 2024

by **D Cramond** BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 May 2024

Appeal Ref: APP/D1265/W/23/3330455

Wards Hill, Church Hill, Stalbridge, Dorset, DT10 2LS

- 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 Mrs Monica Trott against the decision of Dorset Council.
 - The application Ref P/OUT/2023/00127, dated 6 January 2023, was refused by notice dated 21 August 2023.
 - The development proposed is the demolition of Dutch barn & erection of 1no. detached dwelling (outline application to determine access only).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to an outline application. All matters, other than access, are reserved. I shall consider the submitted plans accordingly.
3. At the time of determination of the proposal by the Council the National Planning Policy Framework (The Framework) underlined the need for a 5-year supply of housing land. The most recent Framework has had the effect that the applicable requirement for this area is reduced to a minimum of 4 years. I must determine the appeal within the current regime.

Main Issues

4. The main issues are:
 - the risk of surface water flooding; and
 - the principle of development in the countryside.

Reasons

5. The appeal site is a small open grassed field with hedging, fencing and old agricultural buildings at its boundaries. It lies beyond the settlement boundary at the end of a linear run of properties along the A357 and which project northwest at Stalbridge and, for the most-part, in contrast, are within the settlement boundary. The appeal scheme would share a vehicular access off the A357 with adjoining development.
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Flood risk

6. The Council's case is that the site is within an area at risk of surface water flooding in a 1 in 1000 year event which is likely to be exacerbated by high ground water. Supporting material is submitted on this matter, albeit of a relatively strategic nature.
7. The Appellant provides a Ground and Surface Water Risk Assessment. I found this document to be sufficiently detailed and compelling; I was not surprised by its findings having visited the relatively dry, somewhat-elevated, site during an extremely wet season. The Appellant's report reasonably concluded that after more detailed analysis of the geological and topographic site conditions the risk of groundwater flooding is negligible. Furthermore, while the strategic scale risk of flooding from surface water mapping predicts the site to be at low risk of flooding, at risk during an extreme, 1 in 1,000 year event, the study's more detailed analysis of the local topography and built landscape fairly concludes that this risk is likely to be very low.
8. In all the circumstances I would assess that individually or cumulatively there would not be harm to the surface water and flood regime in the area, there would be no impediment to flood defence or management facilities and no unacceptable risk to any future occupiers of the appeal property. I conclude that on this main issue there would be no breach of Policy 3 'Climate Change' which is the relevant policy within the North Dorset Local Plan (LP).

Principle of development

9. In paragraph 3 above I touch on the relatively recent over-arching Framework-based requirement for a minimum of 4 years of housing land supply in the North Dorset area; a change from the previous 5-year requirement at the time of the Council's determination of the now appealed proposal. The Council in its Appeal Statement sets out that it exceeds the 4-year sum by some margin. The Appellant does not challenge this and I have no reason to not accept the Council's evidence in broad terms. The result of this is that I now have no ambit to introduce the 'tilted balance' – a phrase clearly understood and used by the Council and Appellant. I must determine the scheme under prevailing policy circumstances, not those appertaining in August 2023 when the Council adjudged the planning application.
10. All parties agree that the site lies outside the settlement boundary of Stalbridge. It follows that two LP policies are particularly pertinent. Firstly, Policy 2 which embodies the Spatial Strategy for the North Dorset area. It sets out that Stalbridge is one of the settlements ranking lower than the 4 main towns and identified as the focus to meet local needs. It goes on to explain that outside its defined boundaries countryside policies will apply, development will be strictly controlled unless it is required to meet essential rural needs.
11. The second relevant policy is LP Policy 20 (The Countryside). This explains that development will only be permitted if it is of a type appropriate in the countryside, as set out in the relevant policies of the Local Plan, or for any

other type of development, if it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. Compliance with relevant policies in the plan might be summarised as renewable energy, rural exception housing or other limited specialist homes, some economic development, or appropriate infrastructure schemes.

12. Nothing I have seen or read would point to any compliance with the two relevant development plan policies or convincingly indicate why these policies should be set aside or would be outweighed by other considerations. In all the circumstances I conclude that there would be marked conflict with LP Policies 2 and 20 and hence the appeal proposal would be unacceptable in principle.

Other matters

13. I have reviewed the planning history of nearby development and sites beyond the settlement boundary but given differences in detailed location, applicable planning policy, scheme nature and timing I do not find these as an arguable precedent and, in any case, I must assess this scheme on its own merits.
14. I appreciate that the Parish Council supported the scheme. I agree that there are a number of technical and environmental matters which would not be conflicted and I can see that a single dwelling would bring some economic and social benefits. The site is not overly distant from Stalbridge centre; albeit this is mirrored by areas of other land around the circumference also not within its settlement boundary. I would not see the site as 'rounding off'; it would represent a further projection of residential development, limb-like, into the countryside. I sympathise with the Appellant that 2023 changes in The Framework will not be seen as helpful.
15. Having carefully considered all the points raised by the Appellant I conclude that the matters either individually or cumulatively do not outweigh the concerns which I have in relation to one of the main issues identified above.

Overall conclusion

16. For the reasons given above I conclude that whilst the appeal proposal would not be unduly affected by, nor would materially impact on, flood risk it would not be acceptable in principle at this countryside location. Accordingly, the appeal is dismissed.

D Cramond
INSPECTOR