



Appeal Decision

Hearing held on 10 and 11 January 2024

Site visit made on 11 January 2024

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th May 2024

Appeal Ref: APP/D1265/W/23/3314801

Land West of 86-126 Wakeham, Portland, Dorset DT5 1HP

- 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 Betterment Properties (Weymouth) Ltd against the decision of Dorset Council.
 - The application Ref P/FUL/2021/04113, dated 7 October 2021, was refused by notice dated 9 September 2022.
 - The development proposed is erection of 33 no. dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Amended plans were submitted with the appeal¹. In comparison with the plans the Council considered when they determined the planning application, they alter internal layouts and window provisions and details in relation to some of the proposed plots. The Council raises no objection to the acceptance of these amended plans and they consider part of the fourth reason for refusal, concerning the unacceptable effect on the living conditions of the occupiers of 86A, 94 and 96 Wakeham, would be addressed.
3. The proposed amendments would be relatively minor in nature and would not change the external layout and position of the buildings as originally proposed. Whilst interested parties were not formally consulted on the amended plans, they had the opportunity to set out their concerns in relation to the original scheme, which is similar in overall composition. Irrespective of the Council's revised position, in accepting the amended plans, I address the implications for my decision in my reasoning.
4. Following the Hearing, written evidence was submitted pertaining to the Council's recently updated Local Development Scheme (LDS) concerning the emerging Local Plan. Comments were sought from the main parties on the implications for this appeal. I deal with this in my reasoning.
5. In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), I wrote to the nature conservation body, Natural England, seeking their views on the likely impact of the proposed development on two European Sites. The appellant was given the opportunity to address Natural

¹ HD2

England's response. As far as is necessary, I deal with this later in my decision.

6. Copies of other documents were provided during the Hearing². I accepted each of the documents having regard to the tests set out in the *Holborn Studios Ltd* Judgment³ and am satisfied that procedural unfairness would not arise.

Main Issues

7. The suitability of the appeal site for the proposed development having regard to development plan policies and the Council's spatial strategy, including the effects on:
 - The Bottom Coombe Quarries Site of Nature Conservation Interest.
 - The character and appearance of the area including Portland (Easton, Reforne, Straits and Wakeham) Conservation Area, and whether the scheme would be well-designed.
 - The living conditions of existing occupiers and future occupiers of the development.

Reasons

Spatial Strategy

8. The appeal site lies outside the Defined Development Boundaries (DDB) of Easton and Wakeham. For the purposes of planning policy, it lies in the countryside, with the majority of the site also being covered by the Bottom Coombe Quarry Site of Nature Conservation Interest (SNCI) designation⁴.
9. Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan 2015 (Local Plan) guides that development should be located according to the settlement hierarchy. It goes on to say that, outside DDBs, development will be strictly controlled and restricted to limited types of development whilst having regard to the need to protect the environment and countryside. This is generally reflected in Policy Port/EN6 of the Neighbourhood Plan for Portland 2017-2031 (2021) (NP).
10. Notwithstanding that the scheme would include a proportion of affordable housing, one of the permissible development types set out in Policy SUS2, most would be private housing which would not be an appropriate development type. In this respect the proposal would be out of step with the Local Plan's focus on prioritising development in settlements, in conflict with Policy SUS2 of the Local Plan and Policy Port/EN6 of the NP.

Nature Conservation

11. Policy ENV2(iv) of the Local Plan sets out a hierarchical approach to assessing impacts on local wildlife sites. Paragraph 186(a) of the Framework also indicates that planning permission should be refused where a development cannot satisfy the requirements of the mitigation hierarchy.

² See 'Submitted Hearing Documents' at the end of this Decision

³ *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin)

⁴ In various documents this is also referred to as 'Bottomcombe Quarries SNCI'

12. In this regard, Planning Practice Guidance (PPG) is clear⁵. It sets out that mitigation should be adopted where 'significant harm cannot be wholly or partially avoided' and that compensation should be adopted 'where, despite mitigation, there would still be significant residual harm'. Therefore, the general steps of the hierarchy set out in paragraph 186(a) of the Framework should be implemented sequentially, in the following sequence: *avoid, mitigate, compensate*.
13. The appeal was accompanied by an Ecological Impact Assessment (survey) which was authored by a suitably qualified ecologist. I have no reason to question the suitability of the adopted methodology, or the results of the survey undertaken, particularly as the veracity of the survey in respect of habitats and species identification has not been challenged with any rigour by the Council.
14. The survey reveals that most of the appeal site comprises species poor semi-improved grassland along with ruderal flora and dense scrub. However, areas of CG3 limestone grassland (calcareous grassland) are present within the appeal site⁶. It is these areas of calcareous grassland, identified as habitats of principal importance⁷, which are key characteristics of the SNCI.
15. The SNCI covers a much larger area than that which falls within the appeal site. Within the wider SNCI, the appellant has nominated a receptor compensation site (offset site), which would be subject to various enhancements and management measures. I address the specifics in detail later. Returning to the qualitative aspects of the SNCI which falls within the appeal site; it is generally the southern portion, which contains two blocks of calcareous grassland, which make the most significant contribution to this part of the SNCI.
16. Nevertheless, the appeal site's biodiversity interest is under threat. My site visit confirmed that this part of the SNCI is used for the purposes of informal recreation, with limited physical barriers to prevent deviation from footpaths and encroachment into the areas of rich biodiversity value, particularly by walkers and dogs. I am also conscious that the appellant's survey reveals that present, non-native species such as buddleia and cotoneaster represent a further unmanaged threat to the integrity of part of the SNCI.
17. However, the suggestion that future loss is inevitable is not borne out by the survey evidence. The original survey of the site was carried out in August 2021 and subsequently updated in November 2023. The appellant confirmed that there had been no significant change in site characteristics between the two survey dates, albeit that non-native species and scrub growth threat had likely increased. Therefore, degradation of the important habitat mosaic, including CG3 grassland, does not appear likely at least in the short-term.
18. Furthermore, if this planning appeal was to fail, potential loss of habitats due to accidental or deliberate acts or other activities within the appeal site remains no more than a theoretical possibility, particularly as the CG3 grassland has remained in situ for years and throughout the application and appeal process. Furthermore, I am aware that active management of the SNCI was in place

⁵ Planning Practice Guidance - Paragraph: 019 Reference ID: 8-019-20240214

⁶ Specifically, this is CG3 *bromus erectus* grassland

⁷ Listed under S41 of the Natural Environment and Rural Communities Act 2006 (as amended)

until relatively recently, administered by a local conservation group. Whilst that arrangement has since been terminated, it indicates some measure of interest in ensuring conservation management of the SNCI.

19. Nevertheless, I accept that even if the site is left in its current state, there is potential for further ecological deterioration in the longer term without future intervention or active management, a likelihood increased due to additional pressures from population growth owing to recent local housing schemes. However, whilst the Council were unable to provide any assurance that this part of the SNCI will be managed and protected in future, this cannot be ruled out either.
20. The same cannot be said if this appeal scheme was to succeed, as the prospect of managing important habitats within the appeal site would be lost, and significant adverse biodiversity effects would be an inevitable consequence.
21. Therefore, in relation to the first step of the mitigation hierarchy, avoidance, I am not satisfied that the scheme has been designed so as to avoid the calcareous grassland in the first instance. On the contrary. The proposal would result in the removal of the entire 0.07ha of calcareous grassland within the appeal site⁸, to be replaced with roads, buildings and gardens associated with the development proposal.
22. If I was to accept the appellant's proposition, that the Council's housing land supply is deficient, the resultant lack of available alternative housing sites in Dorset would not negate the appellant's responsibilities in relation to the mitigation hierarchy. In short, the scheme lacks an iterative design response to avoid biodiversity loss in the first instance, at odds with the mitigation hierarchy. As such, the proposal would result in significant harm in this respect.
23. In relation to mitigation, the proposal would include close-boarded fencing to gardens to protect the wider SNCI, as well as ensuring the retention of existing trees along with new native tree planting. However, these measures would do nothing to reduce the consequential loss of an important area of the SNCI.
24. The appellant's case largely revolves around the wider benefits associated with the compensation measures proposed within the offset site. Indeed, the conservation and enhancement measures would provide significantly more calcareous grassland planting, as well as ensuring active long-term management, giving an opportunity to arrest the decline of habitats of principal importance, and significantly enhancing the quality of the SNCI overall.
25. Furthermore, there are larger species rich areas within the offset area in comparison with the appeal site. It is also threatened by invasive species and there is no mechanism or arrangement currently in place to secure long-term management and arrest further decline of this habitat. In this regard, the proposal would provide significant benefits.
26. However, whilst it is put to me by the appellant that compensation would secure more habitat in the long-term than retaining habitat within the appeal site, this would not address the scheme's failure to adopt a hierarchical approach, by considering options to avoid impacts in the first instance.

⁸ According to the appellant this is 9.5% of the appeal site

Moreover, I find that the consequential loss of part of the SNCI due to the development would constitute significant harm.

27. Consequently, I find that the proposal fails to properly address the mitigation hierarchy and would result in significant biodiversity harm. The proposal would therefore conflict with Policy ENV2 of the Local Plan and paragraph 186 of the Framework which require, amongst other matters, that significant harm should be avoided or mitigated and only compensated for as a last resort.

Character and appearance

28. The appeal site's undulating landform is partly derived from previous quarrying activity, which is now largely shrouded by grassland, vegetation and scrub. Combined with taller vegetation generally located close to the site's boundaries, the site itself has a verdant character.
29. In relation to its immediate context, whilst part of the site retains a rural backdrop, it is partially encircled by modern housing, visible to varying degrees depending on precise location, but generally located beyond the north/north western boundaries of the site⁹. Combined with the presence of older housing stock located off Wakeham road¹⁰, a large part of the site's setting is urban. As a result of its interface between urban and rural, the appeal site exhibits an overall character which is semi-rural.
30. The absence of built form within the site is one of its distinguishing attributes and it also lies within an Important Open Gap as depicted by the Local Plan. Policy ENV3 of the Local Plan confirms that the Green Infrastructure Network fulfils a number of roles, including functioning as an Important Open Gap.
31. However, just as the presence of the surrounding modern housing has eroded the area's rural character, it has also significantly diminished the spatial extent of the Important Open Gap, in turn distorting the once eminently linear layout of Wakeham. This is evident in plan form and on the ground, where Easton and Wakeham have partially converged to create a more homogenous urban form. Therefore, the anti-coalescence function of the Important Open Gap has largely been compromised. The proposal would appear as a modest encroachment into the gap, set against the backdrop of existing built form.
32. Nevertheless, I accept that there would be some localised impacts due to the proposal. Public Rights of Way (PRoW) currently run through the gap and provide formal recreational routes. In reality, these paths lack meaningful demarcation and containment such that most of the appeal site is used in an informal manner by dog walkers and the like. However, whilst the proposal would retain the PRoWs, their alignment would be altered so that they would partly route along the proposed residential streets.
33. Insofar as the impacts on these public footpaths is concerned, part of PRoWs S3/24¹¹ S3/97 and S3/98 currently experience relatively open views of the appeal site. The proposal would result in the routing of part of all three of these footpaths along, or close to, built form associated with the proposal. The result would be a notable deterioration of open views of the gap, replaced with

⁹ In particular the 'Windmills' development phases 3 and 4

¹⁰ I refer to the street named 'Wakeham' as 'Wakeham road' to avoid confusing with the settlement of the same name

¹¹ Visual receptor 2 in LVIA

views of mainly urban form. However, views of existing built form are already obtainable along these routes. Moreover, landscaping would be proposed as part of the development to soften the impacts of proposed housing and to filter obtainable views of the development.

34. Furthermore, localised visual impacts are just one aspect to consider. Aside from the public footpaths and potential views from residential properties, longer distance views would be limited, as would the effect on the prevailing character of the wider landscape. Additionally, the relative openness of the Important Open Gap has been reduced significantly by recent housing.
35. Taking all these factors into consideration, I find that the physical encroachment of built form into the Important Open Gap and consequent loss of openness would be tempered by the contextual considerations set out, such that there would be limited harm to the character and appearance of the area, including the Important Open Gap. Nevertheless, there would be conflict with Policies ENV3, ENV10, ENV15 and COM7 of the Local Plan and Port/EN7 of the NP which requires development to maintain the prevailing open character of the site including the Important Open Gap and the quality of existing footpaths.

Design

36. In relation to the scheme's design, it is intended to closely follow the design language expressed as part of earlier phases of the recently constructed Windmills development¹². A prominent three-storey building¹³, much larger and taller than the nearest dwellings associated with phase 4, would be proposed towards the north-western corner of the appeal site.
37. However, this building would be angled away and at an appreciable distance from phase 4, whilst also facing highway and open space beyond. The massing of the building would be broken due to its angled wings, designed to turn through 90 degrees, aligning the building with the bend in the road. Furthermore, it would generally face a bespoke 'windmill' type unit of similar height, at an edge-of-site location which would be able to accommodate these larger buildings without them overbearing their surroundings. Taken together, these buildings would create a focal point, providing contrast with the more standard house types, and promoting the scheme's distinction and legibility. It is also noted that the proposed building style would be similar to that utilised elsewhere in the wider Windmills development.
38. In relation to the proposed rear garden boundary treatments, the close boarded fencing would provide an uncharacteristic hard edge in places. However, planning conditions could be imposed requiring details of boundary treatments to be agreed with the Council, with alternative fencing types or climbing plant species on fences representing feasible alternative options which would acceptably mitigate the impacts. In relation to other aspects, the scheme would utilise local architectural detailing characteristics and locally source building materials, which would assimilate the scheme with its built surroundings.
39. Overall, in respect of design matters, the proposal would achieve a well-designed place, in accordance with Policies ENV12 and ENV15 of the Local Plan, Policy Port/EN7 of the NP and paragraph 135 of the Framework which require,

¹² HD4

¹³ Proposed units 9-14

amongst other matters, that development complements the prevailing size, height, scale, mass and materials of existing surrounding development, creates well-defined streets and makes efficient use of land which respects local character.

Conservation Area

40. The appeal site lies outside but adjacent to the Portland (Easton, Reforne, Straits and Wakeham) Conservation Area (CA). It lies generally to the west of properties which face Wakeham road, a wide street with an array of building styles. Many of them exhibit traditional materials and architecturally pleasing facades which, when combined with their consistent alignment relative to the street, results in an architecturally rich and distinctly linear arrangement of buildings which focus on the main street. Insofar as they relate to this appeal, it is these characteristics which contribute to the significance of the CA.
41. The appeal site comprises an undulating landform, its verdant appearance and the presence of nearby mineral workings indicative of a restored minerals site. Historically, the stone industry had an important functional association with the CA and was instrumental in shaping the layout and appearance of some of the historic streets within it, including Wakeham road. As part of its setting, the appeal site's contribution to the CA evolved, becoming an area of open space, yet retaining a contrast with the dense built form of Wakeham, in turn emphasising the historic linear plan form of the CA.
42. However, the setting of a heritage asset is not fixed and the area surrounding the CA has further evolved. This includes the former quarried land immediately surrounding the appeal site, including areas developed for housing associated with the Windmills development. Moreover, beyond the eastern boundary of the CA, housing has recently been built off Bumpers Lane. Collectively, these developments have contributed to the general expansion of housing outwards from the CA, encroaching into land which lies outside its boundary.
43. Therefore, the degree to which the CA's setting remains legible as an area of open space has diminished, as has the historic ribbon layout of the Wakeham part of the CA, at least in plan form. Be that as it may, this has not significantly detracted from the significance of the CA, which has an inward-looking core, where the historic and architectural attributes are very much focussed on the street. Collectively, these buildings create a robust street frontage. Where gaps do exist between buildings, open views of land to the rear from the street are limited, with a number of buildings, including occasional 'backland' housing, being intermittently visible from within the CA.
44. Whilst obtainable views of the proposed housing from Wakeham road cannot be ruled out, the scheme would be set back, and modest in height and overall scale. It would be barely discernible from the street, nor detract from its sense of spaciousness and linearity, nor its traditional style.
45. I accept that views of the development would be achievable from the PRowS which link the appeal site and its immediate surroundings with the CA, and from the rear of a number of properties which fall within the CA. However, the proposal would be seen in the context of earlier phases of housing associated with Windmills and would appear as a modest addition to previous phases. In addition, most of the proposed properties would be set away from existing rear boundaries with a green space buffer in between. Therefore, for these reasons,

I do not accept that the scheme's alternate design style and the lack of direct vehicular access to Wakeham would be detrimental to the CA's character and appearance.

46. Given the above I conclude that, on balance, the proposal would preserve the character and appearance of the Portland (Easton, Reforne, Straits and Wakeham) Conservation Area. This would satisfy the requirements of paragraph 205 of the Framework and would not conflict with policies EN4 of the Local Plan and Port/EN4 of the NP that seeks, among other things, to maintain or enhance the character and setting of heritage assets.

Living Conditions

47. The amended plans¹⁴ would alter the internal layout of proposed plot no's 1-3 so that no rear facing windows associated with habitable rooms would directly face the rear of no's 86A, 94 and 96 Wakeham road. Similarly, as a result of amendments, the potential for overlooking within the site based on the relationship between plot no's 4,5,6 and 15 would be reduced. Like the Council, I find that there would be no significant overlooking leading to unacceptable loss of privacy for occupiers/future occupiers of these properties.
48. However, the Council maintains that an unacceptable impact would remain for future occupiers due to the relationship between proposed plots 16-17 and 4-5. In this respect, the rear ground floor windows of plots 16 and 17 would be approximately 16m from the facing buildings at plots 4 and 5. This would be below the 20m distance advocated by the West Dorset Design and Sustainable Development Planning Guidelines Supplementary Planning Document (2009) (SDSPD), which it states is indicative of a 'good' relationship.
49. The distance, orientation and the facing nature of habitable room windows in this case means that the relationship would be sub-optimal, rather than significantly harmful to living conditions of future occupiers. Moreover, consideration is also given to the inter-relationships of other plots within the scheme, which would meet the standards set out in the SDSPD, ensuring a high standard of living conditions for future occupiers.
50. In the round, therefore, I find that the limited conflict with the SDSPD in relation to privacy concerning a small number of plots does not equate to a significant adverse effect on the living conditions (privacy) of future occupiers of the appeal scheme taken as a whole.
51. Finally, a representation was received from an interested party alleging unacceptable impacts due to the proposal's consequential reduction in the amount of daylight which would be received in specific rooms at no 86A Wakeham road¹⁵. However, the plans referred to in appendix A of the submitted document do not appear to reflect the layout of the scheme that is before me. Therefore, I cannot be sure that the way the assessment was undertaken was robust. No information was provided to me during the hearing explaining the methodology or findings of the document to me in detail. Therefore, I attribute limited weight to its findings, insufficient to alter my conclusions, that overall living conditions would not be unacceptably compromised.

¹⁴ HD2

¹⁵ HD6

52. Overall, therefore, I find that the proposal would have an acceptable impact on the living conditions of existing and potential future occupiers. It would, therefore, comply with Policy ENV16 of the Local Plan and paragraph 135 of the Framework which requires, amongst other matters, that places with a high standard of amenity for existing and future users are created.

Other Matters

53. The proposal would potentially affect the Chesil and The Fleet Special Protection Area and Portland to Studland Cliffs Special Area of Conservation. As the competent authority, in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), if I had been minded to allow the appeal, it would have been necessary for me to complete an Appropriate Assessment, taking into account the mitigation measures included in the S106 agreement. However, as I am dismissing the appeal for other reasons, I have not pursued this further.

Planning Balance and Conclusion

54. In the interests of clarity, in ascribing weight to the benefits and harm I have used the following scale: limited, moderate, significant and substantial.
55. I have been referred to a recent appeal which confirms that the Council are required to demonstrate a five-year supply¹⁶ as opposed to a four-year supply. As per the details set out in preliminary matters [4], the LDS indicates that the Regulation 18 stage version of the emerging Plan is unlikely to progress in anything like its current form. To all intents and purposes, the LDS indicates that a new plan making process will be commenced. In any event, the Council now accepts that the 'four-year' provision set out in paragraph 226 of the Framework does not apply in this case¹⁷.
56. The aforementioned appeal decision also confirms that the Council's housing land supply (HLS) is deficient¹⁸, although the Council's position in the case of this appeal is that a HLS exceeding 5 years can be demonstrated. Conversely, the appellant's position is that the HLS is 4.36 years, equating to a shortfall of over 700 homes and significant past under-delivery.
57. If I was to adopt the appellant's position for the purposes of this appeal only, paragraph 11d)(ii) of the Framework would apply, indicating 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.
58. The main harmful effects in this case relate to the proposal's significant impact on biodiversity interests and an area of SNCI. It has not been demonstrated that the scheme's significantly harmful impacts could not be avoided or successfully mitigated, in accordance with the mitigation hierarchy. The proposal has adopted a compensation-first approach. In such circumstances, paragraph 186 of the Framework states that planning permission should be refused. The associated conflict with Policy ENV2 of the Local Plan carries substantial weight in this appeal.

¹⁶ HD11 – appeal ref APP/D1265/W/23/3323727

¹⁷ HD10

¹⁸ HD11 – para 51 – '...at best, a 4.83 year supply...'

59. The proposal would lie outside the settlement boundary and in the countryside. However, recent housing development has urbanised the character of the immediate surroundings. The Important Open Gap has been rather diminished both quantitatively and qualitatively as a result. Visual impacts associated with the development would be contained and localised. Assuming the appellant's HLS position, the DDB boundary would comprise a constraint to achieving the housing numbers required in Dorset. Therefore, the weight afforded to policies restricting housing outside of DDS' should also be reduced. As a result, the proposal's conflict with associated Local Plan and NP policies in respect of character and appearance and location carries limited weight.
60. All other matters relating to design, heritage and living conditions have been satisfactorily address thus there would be no policy conflict as a result. However, due to the foregoing policy conflicts identified, I find conflict with the development plan when read as a whole.
61. In respect of benefits, the proposal would result in 33 high quality homes. Assuming an HLS deficiency and undersupply in accordance with the appellant's position, the relatively modest number of market houses proposed attracts significant weight in favour of the appeal.
62. Turning to affordable housing, past delivery within Dorset has been poor and the already high numbers of households on the housing register are forecast to increase further. Whilst the nine affordable homes proposed represents a modest number, against the backdrop of ever increasing and significant need for affordable housing within Dorset, I attribute significant weight to the provision of affordable housing.
63. The proposal would create construction jobs, many of which would be local. There would be clear local supply chain benefits, particularly as materials would be locally sourced. The extent of these benefits would be limited due to their largely temporary nature. There would be indirect benefits to the local community due to the purchase of local goods and services by future occupiers of the housing, commensurate with the moderate scale of the development, along with local infrastructure benefits through any CIL monetary contributions made. Significant weight is attributed to these economic benefits in line with paragraph 85 of the Framework.
64. The proposal would provide a Landscape and Ecological Management Plan (LEMP) in order to compensate for the habitats which would be lost within the SNCI, due to the development. The offset site would benefit from a net increase in CG3 grassland as set out in the LEMP, with active and long-term management of this area. Furthermore, the submitted S106 includes a 'Habitat Compensation Scheme' requiring a final scheme of compensation to be agreed with the Council, along with suitable management, which could address any outstanding concerns relating to the precise details of the submitted LEMP.
65. I also recognise that the scheme would include ecological benefits associated with landscaping, as well as bee-bricks within dwellings, bat boxes and bird boxes. Biodiversity net-gain would exceed 10%. Overall, the combined ecological benefits carry significant weight in favour.
66. Nevertheless, as a result of the overall harm to biodiversity interests and the substantial weight attached, along with the other lesser harms identified, I find that the harm in this case would be overriding, and would significantly and

demonstrably outweigh the benefits outlined. The proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

67. Therefore, this decision should be taken in accordance with the development plan, and no material considerations indicate otherwise. This leads me to conclude that the appeal should be dismissed.

M Woodward

INSPECTOR

Hearing Documents – received during or after the Hearing (listed in no particular order)

- HD 1 – Representation received from interested party 'Shelley'
- HD 2 – Amended plans - Drawing numbers – 2021135 - 10C and 11B and 13B
- HD 3 – Isle of Portland Heritage and Character Assessment
- HD 4 – Maps showing SNCI and appeal site/proposal relative to and surrounding 'Windmills' development
- HD 5 – Plan 07D Public Rights of Way plan
- HD 6 - Impact on 86A Wakeham letter/assessment by 'Right of Light' consulting dated November 2021
- HD 7 – E-mail from affordable housing partner 'East Boro' to appellant
- HD 8 – Appellant socio-economic statement
- HD 9 – Council shadow Habitats Regulation Assessment
- HD 10 – e-mail from Council dated 8th May 2024 confirming NPPF para 226 does not apply
- HD 11 - Appeal Ref: APP/D1265/W/23/3323727

APPEARANCES

FOR THE APPELLANT:

Paul Cairnes KC – Counsel

Andy England BSc BTP Dip DBE MRTPI – Chapman Lily Planning Ltd

Bronwen Bruce, BSc (Hons), CIEEM - Ecology

Philip Easton CA, RIBA – Heritage and Landscape

Mr Saunders - Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Pochin-Hawkes - Planning

Dr James Weir – Senior Conservation Officer

Ecologist – *name not stated*

Various interested parties