



Appeal Decision

Site visit made on 4 June 2024

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2024

Appeal Ref: APP/D1265/W/24/3336570

2 Grove Hill, Osmington, Dorset DT3 6EZ

- 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 Mr and Mrs Lovell against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04651.
 - The development proposed is described as a remodel of current field shelter to create a self-contained dwelling with 2 off-road parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". AONBs have been renamed and rebranded as National Landscapes. I have therefore replaced references to AONBs to National Landscapes.

Main Issues

3. The main issues are:
 - Whether or not the development plan would support the proposal in this location;
 - The effect of the proposed development on the character and appearance of the area including Dorset's National Landscape and the surrounding countryside; and
 - The effect of the proposed development on the living conditions of future residential occupants with particular reference to floorspace.

Reasons

Location

4. The appeal site lies outside a defined development boundary. Policy SUS2 iii) of the West Dorset, Weymouth & Portland Local Plan 2015 ("the Local Plan") states that outside defined development boundaries, development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints.
5. Policy SUS2 iii), however, does allow open market housing through the re-use of existing rural buildings. Policy SUS3 i) of the Local Plan expands on this by identifying that any existing building which is to be adapted and reused will be

- permitted where the existing building is of permanent and substantial construction, makes a positive contribution to the local character, and would not need to be substantially rebuilt or extended. Additionally, the proposed form, bulk and design of the adapted and reused building is required by this policy to make a positive contribution to the local character.
6. There is no compelling reason in evidence to suggest the existing building is not of permanent and substantial construction. It is timber clad under metal roof sheeting, open to one elevation and is of functional design. This is an appropriate design for a field shelter, it is a practical and simple building designed to serve its original purpose.
 7. It is also important to look to the context, history, and the cultural characteristics of a site as contributions to local character go beyond visual impacts. Indeed, the field shelter is a part of the history of this site, it was designed to meet historic needs and reminds the observer of a functional rural building serving the land. Such rural buildings do not need to be attractive or distinctive to make a positive contribution to character. Their history is important and this with the simple design means they can be coherently understood when observed in their rural setting. On this basis, I find that the existing building while functional does make a moderately positive contribution to local character.
 8. Policy SUS3 i) also states that the adaptation and re-use of existing rural buildings will only be permitted where the existing building would not need to be substantially rebuilt or extended. I have not been made aware of any definition in policy as to what constitutes substantial rebuilding or extending, and this, therefore, is a matter of planning judgment.
 9. The proposed extension would extend considerably to the rear, would be reasonably wide and the ridge of the extension would extend up close to the ridge of the existing building. These features of the extension when compared to the relative proportions of the existing building, would not be subservient due to their proposed depth, width, and height. While the roof structure, eaves and ridge beams would be retained, the roof surface material would be replaced. I also acknowledge that three external walls would be retained with a modest cutting in the fourth, however, the existing open elevation would be closed off with a large expanse of glazed doors.
 10. Additionally, there is very limited evidence to suggest the existing structure would benefit from any permitted development rights for these alterations. Therefore, all these alterations when considered in combination would result in substantial rebuilding and extensions conflicting with Policy SUS3 of the Local Plan.
 11. My attention is drawn to other planning applications including The Sly Fox¹. While the details are not before me, the evidence suggests that the development at the Sly Fox, was different, for example a substantial extension was not proposed, and the level of rebuilding was also different. In addition, the Sly Fox development was found to enhance a heritage asset. Whilst consistency is important, each case must be considered on its own merits in the light of the specific circumstances. Overall, I am not persuaded the Sly Fox

¹ Dorset Council reference P/FUL/2023/01223

case or other case considered later in this appeal² are directly comparable to the proposal before me.

12. Policy SUS3 i) also requires the proposed form, bulk, and design to make a positive contribution to the local character and I consider this below. However, I have found that the proposed development would conflict with Policies SUS2 and SUS3 of the Local Plan as it would go beyond an adaptation and re-use of a rural building. As such it would not be appropriately located conflicting with the spatial strategy of the development plan. I ascribe significant weight to the harm arising from this policy conflict.
13. There are some limited local facilities within this part of Osmington including a farm shop which sells locally produced products, village hall and church. However, future occupiers would have to walk along Roman Road and onto surrounding roads which are predominantly unlit with no footway, and this may not be an attractive proposition to walk after dark.
14. There appears to be some availability of local bus services serving the general area but given it has not been shown that main services and facilities such as health, education and employment are close to the appeal site in this rural situation, the private vehicle would be likely to be the predominant means of travel. Even taking into account that sustainable transport solutions will vary between urban and rural areas, the location of the proposed dwellings would not actively manage patterns of growth in support of sustainable transport objectives.
15. I appreciate that there are other dwellings in the locality and these occupants would have the same accessibility to services and facilities as occupants of the new dwelling. However, that is not a justification to allow a further dwelling with the likely dependence on the private vehicle to access services and facilities which would be contrary to the approach for the distribution of development across the plan area. I ascribe significant weight to the harm arising from the proposed development's location.
16. However, before determining the appeal it is necessary to consider what if any other harm would be caused by the proposed development and whether there are any material considerations that may outweigh the conflict with the development plan and identified harm.

Character and Appearance

17. The appeal site comprises open and broadly undeveloped land with partly vegetated boundaries. Land rises from the A353 to the Roman Road and the existing field shelter sits on higher land in a commanding position when viewed from lower land. While there is a scattering of buildings within the local area, the appeal site has an open and rural character with a sense of tranquillity and remoteness. These features contribute positively to the natural beauty and special qualities of the National Landscape.
18. The site would sit on lower land than Roman Road and would be screened by existing vegetation to this boundary. Near and long-range views of the site including the field shelter are possible from lower land including the A353. The proposed development would include substantial rebuilding and extensions to the existing building with the addition of garden, parking and turning areas.

² Mullberry House Dorset Council reference WD/D/16/002580

19. Some parts of the proposed development would have a reduced visual impact as they would be sited to the rear of the existing building facing Roman Road. However, two trees would be removed, reducing this screening somewhat. The replacement of the roof and insertion of significant glazing to the front of the existing building would be visible from both public and private vantage points particularly as land levels fall in the direction of the A353. While some of these views would be long range, they would still have a visual impact particularly when set against the natural beauty of the National Landscape.
20. The insertion of glazed sliding and folding doors to the elevation facing the A353 would draw the eye to this elevation, it has not been clearly shown that any glint and glare would be acceptable from the considerable extent of glazing to this elevation of the proposed development.
21. I appreciate that there would be no roof windows within the proposed development, a canopy extends over some of the glazing and low energy residential lighting is proposed to be installed. Curtains may also be drawn at night, however, it has not been robustly shown that illumination from the proposed development would have an acceptable impact on the special qualities of the dark night skies.
22. The garden areas of residential dwellings are likely to include normal domestic paraphernalia, this would not be unusual or unexpected in private garden areas. These can include children's outdoor play equipment, garden furniture, washing lines and external storage. Such additions would detract from the relatively undeveloped nature of the appeal site and the positive features of the wider National Landscape.
23. Paragraph 182 of the Framework requires great weight to be given to conserving and enhancing the scenic beauty of National Landscapes. As set out above, the proposed development would have a negative impact on the open, rural character. This would be harmful to the sense of tranquillity, remoteness, and beauty of this National Landscape.
24. My attention is drawn to a planning consent at Mulberry House³. While the details are not before me, the evidence suggests that the development at this other site was different. I say this as there is no documented reason in evidence to suggest the level and type of rebuilding was directly comparable to the appeal site. In addition, and from my own observations, it is also not as visible as the appeal site. These circumstances are different to what is before me and as I have indicated earlier in this decision, each case must be considered on its own merits. Overall, I am not persuaded that this other development is commensurate to the current proposal.
25. The proposed development would therefore fail to successfully integrate into the character and appearance of the area including Dorset's National Landscape and the surrounding countryside. It would be contrary to the relevant provisions of Policies ENV1, ENV10 and ENV12 of the Local Plan. These, amongst other things, seek to ensure that development respects the surrounding and distinctive character of the area and conserves and enhances the National Landscape.

³ Dorset Council reference WD/D/16/002580

Living Conditions

26. The technical housing standards – nationally described space standard, state that one-bedroom, two-person dwellings should have a minimum gross internal floor area of 50 sqm with 1.5sqm of built in storage. Policy ENV12 of the Local Plan states, amongst other things, that development will only be permitted where it complies with national technical standards. On this basis there is limited evidence to suggest these standards are optional or should be set aside.
27. The Council state that these standards would not be met, and this is not contested by the appellants. On this basis It has not been clearly shown that the proposed development would avoid a space which would be cramped, oppressive and difficult to fit furniture in or provide general internal circulation space. I ascribe significant weight to the harm arising in this respect.
28. Consequently, the proposed development would not provide acceptable living conditions for future residential occupants with particular reference to floorspace. The proposal would unacceptably conflict with the relevant provisions of Policy ENV12 of the Local Plan. This, amongst other things, addresses the need for high quality design therefore respecting the living conditions of residential occupiers.

Planning Balance

29. The appeal proposal would add one dwelling to housing stock. There would be economic benefits both from the construction phase and the future occupiers. There would also be some social and environmental benefits, and these include high standards of energy performance with reduced embodied energy. Given the modest quantum of housing development proposed, I ascribe moderate weight to these benefits.
30. The proposal would provide further benefits to the appellants such as allowing them to stay in the local area against financial and health constraints. While I fully understand these constraints, I am conscious that these would be private benefits. The appellants have also not clearly shown that there are no alternatives to alleviate these financial and health pressures. Accordingly, I ascribe limited weight to these benefits.
31. I have found unacceptable harm arises from the proposed development's location, its impact on the character and appearance of the area including Dorset's National Landscape, and the living conditions of future residential occupants. I attach great weight to the cumulative total of these harms.
32. The Council suggest that they can demonstrate a housing land supply of 5.28 years. However, limited evidence has been provided to prove this. The appellants have relied on an appeal at Land off Verne Common Road, Portland and to the east of rear gardens of Ventnor Road, Dorset⁴. In this other appeal the Inspector was not satisfied that the Council was able to identify, and thus demonstrate, a five-year housing land supply.
33. Even if paragraph 11d of the Framework were engaged, and the shortfall in housing was acute as suggested, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the moderate benefits resulting from one dwelling.

⁴ Appeal reference APP/D/1265/W/22/3311560

34. Accordingly, the material considerations in this case do not indicate the proposals should be determined other than in accordance with the development plan when taken as a whole. The proposed development would not, therefore, benefit from the presumption in favour of sustainable development.
35. The planning balance above takes into account the benefits and harms which arise from the individual circumstances of this current appeal. While the appellant refers to another balancing exercise elsewhere, the exact details are not before me. Nonetheless, the planning balance is based on the specific circumstances and context of each case and therefore must be considered on its own individual merits as I have set out above.

Conclusion

36. The proposal is contrary to the development plan as a whole and there are no other material considerations of sufficient weight to indicate a decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

N Praine

INSPECTOR