



Appeal Decision

Site visit made on 14 May 2024

by K Jones BA (Hons) DipLA CMLI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2024

Appeal Ref: APP/D1265/W/23/3330949

Land adjacent to Unit 11 Westcroft Business Park, Oakdean Drive, Three Legged Cross, Dorset BH21 6FQ

- 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 G Ward of Westcroft Construction Ltd against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/00236.
 - The development proposed is the erection of an attached single storey commercial unit for Use Class E (former use class B1(a), B1(b) and B1(c)) use together with access and associated parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site was described on the application form as Casa Velha, Ringwood Road, Three Legged Cross, Dorset BH21 6RB. However, I have taken the address in the heading above from the Appeal Form as this more accurately describes the site's location, and is similar to that used on the Council's Decision Notice.
3. The main parties have set out the relevant planning history related to the site, which include two applications¹ seeking an additional industrial unit at the site. I am also aware of the recent appeal decision² at the same site, however I have determined this appeal on its own merits.

Main Issue

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

Reasons

5. The appeal site is a small part of a wider commercial estate at Westcroft Business Park in the suburban area of Three Legged Cross. There is no strong vernacular amongst the localised mix of residential properties and other varied commercial uses in this area. However, within the business park itself there is a clearly defined and consistent character. There is a striking uniformity to the commercial units, each comprising a simple shallow pitch-roofed building with repeated elevational features including large roller shutter doors. This

¹ Application reference 3/20/0983/FUL and P/FUL/2022/02909

² Appeal reference APP/D1265/W/23/3323780

consistency in form and appearance makes an important contribution to the coherence and identity of the business park.

6. The proposed use would be consistent with the wider commercial site, and the proposed unit would continue the materials of the existing buildings. However, the scale, form, and roofline of the single storey unit would represent a marked departure from the simple form and established scale and appearance of the commercial buildings of the business park. The proposal would introduce a visible roofline to the currently blank elevation of Unit 11 and thus provide some visual interest, particularly when seen from the nearby residential area on Woodcutter Close. However, the presence of simple facades and large areas of facing materials is part of the design language of the buildings, indicative of the commercial character of the site.
7. The appellant has referenced the presence of commercial units further to the east, which have varied roof forms including pitched and flat roofs as well as a variety of materials. While I noted the presence of these buildings during my site visit, they are located some distance from the business park. With intervening development, they are generally not visible in the same context as the appeal site. They therefore make a very limited contribution to the character of the business park and do not justify the proposal's departure from the uniform appearance of the existing commercial units on site.
8. While I recognise the appellant's intention to create a 'transition' between the business park and the neighbouring residential uses, there is a clear and defined boundary to the site and a very legible distinction between the two neighbouring uses. The current spatial separation creates a buffer between the contrasting uses and forms an important part of this existing transition, alongside the boundary fence and future landscaping of this area. I see no particular benefit from introducing transitional development in this location. Rather, it would create visual confusion in an otherwise coherent relationship between neighbouring development uses.
9. There is limited information on the approved landscaping of the appeal site as part of the previously approved commercial and residential development. However, reference is made to a landscape buffer strip which is also illustrated on the plans, and the Council refers to the area being laid to turf. Although the appellant describes the appeal site as underutilised, it is evident that the appeal site would make a positive contribution to the overall appearance of the business park once the landscaping has been implemented and established. Even in its current condition, it also reinforces the sense of spaciousness throughout and around the business park. While the new unit would allow for the retention of the boundary planting, alongside the proposed parking, it would substantially erode the sense of spaciousness in this part of the business park, along with the distinct separation between Unit 11 and the neighbouring residential development.
10. While the visual effects of the development would not be far-reaching, there would be a distinct and harmful departure from the locally distinctive character and legibility of the business park. There would also be a significant intrusion into the buffer space at the boundary of the site and a reduction in the overall open and spacious character of the commercial development.

11. I therefore conclude that the proposed development would result in unacceptable adverse effects on the character and appearance of the area. This would conflict with Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014), and saved Policy DES11 of the East Dorset Local Plan (2002). Taken together, amongst other matters these policies require high quality design in layout, site coverage, architectural style, scale, bulk and height, and development which respects or enhances its surroundings. There would also be conflict with Section 12 of the Framework and the National Design Guide where they seek well-designed places, and developments that are sympathetic to local character, including the surrounding built environment.

Other Matters

12. I acknowledge concerns raised by the appellant regarding the way in which advice has been provided by the Council, and the way in which the planning application was handled. However, this has no bearing on the planning merits of the proposal, and I have determined the appeal on the merits of the case and the evidence before me.
13. The appeal site is located within 400m of the Dorset Heathlands, containing several international designations including the Dorset Heaths Special Area of Conservation, the Dorset Heathlands Special Protection Area, and the Dorset Heathlands RAMSAR site. The Heathlands host protected priority habitats, and species including Dartford warblers, nightjars, sand lizards and smooth snakes, as well as other typical species of lowland heathland, wetlands, and dunes.
14. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD) is focussed on the likely significant effects of residential and tourism development on the Heathlands. As commercial development, this proposal does not fall within the detailed provisions of the SPD, however the appellant has identified measures as part of the wider commercial development of the site which seek to avoid likely significant effects on the Dorset Heathlands. The Council raises no objection to these measures. However, as I am dismissing this appeal on other grounds, this is not a matter which needs to be considered further as, even if I were to find that mitigation was necessary, secured and delivered, this would constitute a neutral matter and have no bearing on my decision.

Planning Balance and Conclusion

15. I have found that the proposal would result in harm to the character and appearance of the area, in conflict with the development plan.
16. The additional unit would provide an increase in employment floorspace in an accessible location with associated social and economic benefits. It would also represent an efficient use of land, consistent with the existing commercial use of the site. However, these benefits would be substantially limited by the small scale of the scheme. There would also be some ecological enhancements associated with the landscaping of the appeal site, but landscaping in this area would also be secured through the earlier permissions. I therefore afford these benefits limited weight.

17. The appellant has highlighted a number of other policy areas which are satisfied by the proposal including flood risk, trees, neighbouring living conditions, and highway safety. These issues are not disputed by the council. However, the absence of harm in these matters is neutral in the planning balance and does not outweigh the harm I have identified above.
18. Even taken together, the modest benefits of the scheme would not outweigh the harm I have identified. Accordingly, material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

K Jones

INSPECTOR