



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: 11 July 2024

Appeal Ref: APP/D1265/W/24/3338763

Grove Lodge, Osmington, Weymouth, 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 J Ives against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04170.
 - The development proposed is described as the proposed extension of the existing hobbies room above the double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not the development plan would support the proposal in this location.

Reasons

3. The proposed development would provide a self-contained two-bedroom holiday unit following extensions to the existing garage / hobbies building. The appeal site lies outside a defined development boundary. Policy SUS2 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.
4. The Local Plan offers support for open market housing or built tourist accommodation if it adjoins a settlement with a defined development boundary or if it is within or adjoining an established settlement of more than 200 population. Osmington is listed in the Local Plan as a settlement with more than 200 population without a defined development boundary.
5. I note some existing buildings are scattered in the local area, however, the appeal site is a considerable distance from any main built-up areas including the settlement of Osmington. It is separated by expanses of open fields and the A353, while a principal transport route, does not have footpaths or street lighting along this section. For these reasons, the appeal site falls within a less accessible location not within or adjoining an established settlement of more than 200 people.

6. The appellant considers the site is not isolated and draws my attention to the Braintree court decision¹ ("Braintree"). In Braintree it was found that the word "isolated" in the phrase "isolated homes in the countryside" simply connotes a dwelling that is physically separate or remote from a settlement. Whether a proposed new dwelling would, or would not be, "isolated" in this sense would be a matter of fact and planning judgment with regard to the particular circumstances of the case in hand.
7. Even if the appeal site was not isolated, it has not been robustly shown that the restrictions in the Local Plan make specific reference to whether a site is isolated or not for the application of Policy. In addition, the National Planning Policy Framework at Paragraph 84 does not imply that a home has to be "isolated" in order for restrictive policies to apply. There may be other circumstances when development in the countryside should be avoided. In other words, development may not be "isolated" but this does not mean that it would automatically accord with the Local Plan policies that seek to prevent the location of new development outside defined development boundaries.
8. As indicated above the proposed development would be sited outside a defined development boundary and has not been shown to comply with or meet the restrictions as set out in the Local Plan.
9. Policy ECON6 of the Local Plan supports new built tourist accommodation and the appellant indicates that tourist accommodation exists nearby. However, the planning details of these other sites are not before me. The supporting text to Policy ECON6 states that proposals for accommodation in less accessible locations should normally include information on the long-term viability of the enterprise, a clear justification of why such a location would be needed and the benefits to the local economy².
10. There is limited evidence before me justifying an unmet need for tourist development in this location, the long-term viability of the enterprise, or any benefits to the local economy. In the absence of such information the proposed development conflicts with Policy ECON6 of the Local Plan.
11. The parties both refer to the recent approval of development at 1 Grove Hill, Osmington³. While this development did incorporate holiday accommodation, it is in a different location closer to Osmington. As I have found earlier in this decision, the appeal site before me would not be within or adjoining an established settlement of more than 200 people. As a result, this consideration does not alter my overall findings.
12. I have also considered the site at 'Lynwood Lodge', however there are limited details before me surrounding the planning context of this development. In the absence of such information, it is very difficult to make any meaningful comparison between this case and the appeal before me. This therefore has limited bearing on my findings.
13. Consequently, the development plan would not support the proposal in this location. The proposal would unacceptably conflict with the relevant provisions of Policies SUS2 and ECON6 of the Local Plan. These, amongst other things,

¹ Braintree DC v SSCLG, Greyread Ltd & Granville Developments Ltd [2018] EWCA Civ 610

² Paragraph 4.5.14

³ Dorset Council Ref: P/FUL/2023/00461

seek to distribute development to suitable locations while supporting identified needs for appropriate tourist accommodation.

Other Matters

14. The appeal proposal would deliver holiday accommodation and there would be economic benefits during the construction phase. However, the evidence before me justifying an unmet need for tourist development, the long-term viability of the enterprise, or benefits to the local economy is limited.
15. There would be sustainability measures incorporated as part of this proposed development such as ground source heat pumps and rainwater harvesting, amongst other things. Given the national policy seeks to use natural resources prudently, minimising waste and pollution, and moving to a low carbon economy, it is not unusual for development to be designed to high environmental standards. For these reasons, these benefits carry limited weight.
16. The appellant states that the proposed development would not have any major impact upon trees at the site, with limited glimpses from the road. I also note that no changes are proposed to the driveway and the Council has not objected on other grounds beyond those set out above. However, the absence of harm in these other respects weighs neutrally and does not justify the harm I have identified above.
17. I have found unacceptable harm arises from the proposed development's location and this harm would be considerable and long lasting, I attach significant weight to this harm. Accordingly, the material considerations in this case do not outweigh the harm I have identified.
18. It is suggested that the proposed development has evolved following pre-application advice received from the Council. The Council's evidence shows that such advice was given by an individual officer without prejudice, and the written advice states that it cannot guarantee the outcome of any subsequent application. It is not a formal decision of the Council. I have therefore considered the appeal on its own merits as set out above.

Conclusion

19. 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