



Appeal Decision

Site visit made on 19 July 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2024

Appeal Ref: APP/D1265/W/24/3336664

3 Bingham's Farm Cottages, Brook Barn Annexe, Access to Bingham's Farm, Melplash, Dorset DT6 3TT

- 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 Herbert against the decision of Dorset Council.
 - The application Ref is P/FUL/2022/08005.
 - The development proposed is change of use of residential annexe/office to self contained residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would be in a suitable location for an unrestricted dwelling, having regard to the relevant provisions of the development plan.

Reasons

3. The appeal site comprises a detached single storey building with its own garden close to 3 Bingham's Farm Cottages in open countryside. The building is approached via a long unmade private track adjacent to some other dwellings. I have been advised that the building has been recently used as holiday accommodation. The proposal to occupy the building as a dwelling for general residential purposes would not involve any alterations to the building.
4. Policy INT1 of the West Dorset, Weymouth & Portland Local Plan (2015) (LP) states that there will be a presumption in favour of sustainable development that will improve the economic, social and environmental conditions in the area.
5. In this regard, the spatial strategy for residential development is set out in LP Policy SUS2. The strategy is based on the needs and size of the area's settlements, and the benefits of concentrating most development in locations where homes, jobs and facilities will be easily accessible to each other, and there is a choice of transport modes. The policy therefore dictates that most development will be located in the larger and more sustainable settlements. Development in rural areas will be directed to settlements with defined development boundaries. As the appeal site does not fall within a development boundary, it lies in open countryside where development is strictly controlled and is limited to specified categories. The only scope for new unrestricted housing is through the re-use of existing rural buildings.

6. LP Policy SUS3 addresses the adaptation and re-use of buildings outside defined development boundaries. In the case of unrestricted housing, the buildings to be adapted or re-used must adjoin a settlement with a defined development boundary, be within or adjoining an established settlement of more than 200 population or adjoin an existing serviced residential building and be tied to the wider holding/main property.
7. With regard to the first of these criteria, the nearest settlement, Melplash has a population of less than 200, and the site is separated from the settlement by a wide expanse of countryside. With regard to the second criteria, while the outdoor space associated with the appeal building adjoins No.3 Bingham's Farm Cottages, the building itself is not joined with the main dwelling and would not be tied to it or the wider holding. Consequently, the use of the building for unrestricted residential accommodation would not be supported by LP Policy SUS3, so would be contrary to the spatial strategy of the development plan.
8. My attention is drawn to Paragraph 84 of the National Planning Policy Framework (the Framework) that post-dates the LP and states that planning decisions should avoid the development of isolated homes in the countryside, other than where certain circumstances apply. There is no dispute between the parties that the site occupies an isolated location and given its physical separation from a settlement, I have no reason to disagree.
9. With regard to paragraph 84(c) of the Framework, I acknowledge that the applicant states that the appeal building is redundant and no longer needed. However, given that it has been advertised for let for holiday use, given that the building comprises ancillary accommodation to the main house, was fully furnished, appeared to be in use and capable of use at the time of my site visit, I am not convinced that the building is redundant or disused. Even if I were to conclude that it was redundant or disused, as the building has already been sympathetically converted with no external alterations proposed, the development would have a neutral impact upon its immediate setting and on the National Landscape (previously named Areas of Outstanding Natural Beauty). As a result, the proposal would not enhance its immediate setting as required by paragraph 84(c).
10. Turning to paragraph 84(d) of the Framework, unlike LP Policy SUS3, this allows the subdivision of existing residential buildings without the need to be tied to the wider holding/main property. However, the judgement in *Wiltshire Council v SSHCLG & Mr W. House* [2020] EWHC 954 (Admin) established that the subdivision of an existing residential dwelling under paragraph 80(d), now paragraph 84(d), should be taken to mean the dwelling as one physical building rather than a wider residential unit encompassing other buildings. The judgement established that the sub-division of residential units by allowing separate buildings to become separate dwellings is beyond the limited exception allowed for in national policy. As a result, paragraph 84(d) does not allow the sub-division of separated detached outbuildings and does not provide support for the proposal.
11. The site lies approximately 0.8 miles by road from the limited services and facilities in Melplash. The site is located further from Bridport than is the next largest settlement with a wide range of services and facilities. However, the routes to Melplash and Bridport are via the busy A3066, which is unlit and has no footways. As a result, the routes to Melplash and Bridport are not conducive

to walking or cycling. While I have been advised of the availability of a bus service that can be hailed on the A3066, I have limited information with regard to its frequency and there are no formal bus stops within easy or safe walking distance. Residents would, therefore, be dependent on the private motor vehicle for the majority of their journeys to and from the site. When compared to the existing ancillary use with dependence on the main house, and when compared to holiday accommodation that would be unlikely to be occupied all year round, the inaccessibility of the site to a range of services and facilities would result in an increase in the use of non-sustainable transport modes.

12. Therefore, in light of the above, I conclude that the proposal would not be in a suitable location for an unrestricted dwelling, having regard to the relevant provisions of the development plan. Consequently, the proposal is contrary to Policies INT1, SUS2 and SUS3 of the Local Plan, the aims of which I have outlined above. For the same reasons, the proposal is also contrary to the provisions of the Framework that promotes sustainable transport and seeks to avoid the development of isolated homes in the countryside unless limited circumstances apply.

Other Considerations

13. My attention has been drawn to three other consents. The first relates to an appeal¹ that was allowed for the removal of a holiday use condition. The second relates to the conversion of a barn into a dwelling approximately 500m north of the current appeal site². The third relates to consent for use of another barn at Bingham's Farm Cottages for permanent residential use³. However, from the information before me in relation to these consents, the first was close to a village with a 200+ population, with all three decisions determined at a time when the Council could not demonstrate a five year supply of deliverable housing sites. The Council also considered at the time of the decision that the second consent provided a significant visual enhancement to the area and wider National Landscape. As a result, these proposals are not directly comparable to the current appeal proposal. Moreover, I am required to consider the current appeal on its merits.
14. Given the small scale of the proposal, the benefit to the supply of open market housing in the area and income from additional Council Tax would be limited. Furthermore, given the small scale of the proposal, and as the site is not located within a village, any support from it towards the vitality of the rural community or support for services in nearby villages as detailed in paragraph 83 of the Framework would also be limited.

Conclusion

15. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, the appeal should be dismissed.

C Rose

INSPECTOR

¹ APP/D2165/W/20/3250955

² WD/D/20/001482

³ P/VOC/2021/03726