



# Appeal Decision

Site visit made on 24 July 2024

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

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**Appeal Ref: APP/D1265/W/24/3338395**

**71 Burnbake Road, Verwood, Dorset BH31 6ES**

- 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 Dorset Developments J and R Limited against the decision of Dorset Council.
  - The application Ref is P/FUL/2023/05621.
  - The development proposed is to sever the plot and erect 4 detached dwellings.
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## Decision

1. The appeal is allowed and planning permission is granted to sever the plot and erect 4 detached dwellings at 71 Burnbake Road, Verwood, Dorset BH31 6ES in accordance with the terms of the application, Ref P/FUL/2023/05621, subject to the conditions in the attached schedule.

## Procedural Matters

2. It is noted the description of development was altered during registration of the planning application. This change in description from the application form is reflected in this decision.
3. The appellant has submitted amended floor plans and elevations for all 4 proposed units. These correct drafting errors, add some dimensions and propose locations for bat tiles and bird boxes. The new plans do not physically alter the proposed development but rather seek to clarify elements of that proposed. Therefore, their inclusion as part of the submission would not be prejudicial to any other parties so I have made my decision with consideration of them.
4. Since the decision notice was issued The National Planning Policy Framework (the Framework) was updated. The sections pertinent to this appeal have not changed to such an extent as to affect the matters raised by the main parties. However, the revised version has been referenced in this decision.

## Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of Bugdens Lane.

## Reasons

6. It is noted that the Council do not refer to any local development plan policies within the decision notice. Nevertheless, within the officer report Part 1 - Core Strategy (CS) Policy HE2 is referred to which seeks to guide the design of new development. Accordingly, I have taken this into account.

7. The appeal site is located at the junction between Burnbake Road and Bugdens Lane. The donor dwelling is to the front of the site facing Burnbake Road and would be retained. The rear portion of the site would be redeveloped to provide 4 detached, single storey dwellings which would face onto Bugdens Lane.
8. Bugdens Lane is unmetalled and vehicles can only travel part of its length as it turns into a footpath which provides access to the woodland beyond. There are dwellings on either side of the lane, mainly detached and single storey, with a regular cadence to the space between them. The properties are generally set back behind front gardens, often with mature planting and hedges or low-level front boundaries which creates a more verdant character to the lane than its immediate residential, suburban surroundings.
9. Although the 4 proposed units would be of a form and finish which would be similarly designed to the existing properties along Bugdens Lane, their proximity to each other would be at odds to the regular cadence of space between buildings. Accordingly, I find the proposal would provide a cramped layout and the lack of space between each unit would intensify the visual impact of the development on the verdant setting of Bugdens Lane to the detriment of the lane's character and appearance.
10. It is noted that there are some existing properties which are situated more closely together and do not fit the overall pattern of development along the lane. However, I do not find them to be so impacting or abundant to instruct the overall character and appearance of Bugdens Lane. Accordingly, their existence does not overcome the harm found in relation to the proposal which would be situated in a more visually obvious location at the entrance into the lane.
11. I am satisfied my findings align with the conclusions of the Inspector in the previous appeal<sup>1</sup> on the appeal site. I note the scheme they considered was for 4 two-storey dwellings and that the appellant considers the proposal before me a betterment of that scheme, but that does not overcome the harm identified.
12. The examples of other nearby approved schemes are noted but do not alter my findings in this specific case. They simply serve to confirm that each case should be considered carefully on its own merits.
13. For the reasons above I find the proposal would harm the character and appearance of Bugdens Lane and would fail to comply with CS Policy HE2 as far as it seeks new development to be compatible with or improve its surroundings.

### **Other Matters**

14. Concerns have been raised in relation to parking and increased road usage. However, the proposal would provide policy compliant off-road parking and with no technical details to the contrary I am in agreement with the Council's Highways officer who considers the increase in vehicle movements to not be harmful to the safety or function of the highway.
15. That Bugdens Lane is a private road, and access may need to be agreed with third parties is acknowledged. Nevertheless, this does not impact the planning merits of the case.

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<sup>1</sup> APP/D1265/W/22/3311619

## **Planning Balance**

16. The Council cannot demonstrate a 5-year housing land supply. It states its current land supply is 4.15 years, whilst the appellant considers it to be 3.9 years. As such it is necessary to apply paragraph 11 of the Framework.
17. It is noted that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide a net increase of 4 homes in an accessible location. Along with the associated economic and social benefits, this would contribute to the Council's 5-year housing land supply and would attract moderate weight based on the number of houses involved even when considering the Council's own land supply position.
18. The Council consider the approved 3 dwelling scheme<sup>2</sup> to be the appellant's "fall-back" position and so in its mind the proposed development would only constitute a net increase of 1 dwelling. However, I am bound to consider the proposal before me independently to that approved as both schemes are mutually exclusive.
19. The lack of harm in relation to highways, biodiversity, flooding, and the living conditions of neighbouring or future residents, cannot, by definition, weigh for or against the proposal.
20. I have found harm in relation to the character and appearance of Bugdens Lane. However, as this is limited to site layout, in this case, the harm is marginal. Accordingly, the conflict with CS Policies HE2 in this regard, carries limited weight.
21. I also find that although paragraph 135 of the Framework, requires new development to be sympathetic to local character, the harm identified would be limited to Bugdens Lane and not the wider area, therefore this conflict also carries limited weight.
22. Consequently, I find the limited adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal should be approved.

## **Conditions**

23. The Council have suggested several conditions, and these have been reviewed by the appellant. As such I have considered them against advice in the Framework and Planning Practice Guidance and have amended them for consistency and clarity.
24. In addition to the standard time limit condition (1), I have imposed condition 2 to require that the development is carried out in accordance with the approved plans as this provides certainty.
25. Condition 3 and 6 have been imposed to ensure the impact on biodiversity is appropriately mitigated against and to align with the extant permission P/FUL/2022/07443 on this matter. Condition 4 and 5 are necessary to ensure the character and appearance of the development and the surrounding area.

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<sup>2</sup> P/FUL/2022/07443

Condition 7 has been imposed in the interest of highway safety and to ensure the provision of appropriate parking.

26. Condition 4 needs to be pre-commencement due to the necessity to secure details relating to the boundary hedging. As the appellant proposed a similarly worded condition, it shows their acceptance of this.

### **Conclusion**

27. For the reasons given above the appeal is, therefore, allowed.

*RJ Redford*

INSPECTOR

### **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FB8610/100 Revision A; FB8610/101 Revision B; FB8610/102 Revision B; FB8610/103 Revision B; and FB8610/104 Revision B.
- 3) The development hereby permitted shall be carried out in accordance with (1) Sections E and F of the Dorset Council Natural Environment Team approved Biodiversity Plan and (2) the Recommendations set out in the Preliminary Ecological Appraisal undertaken by Phlorum Ltd and dated 7 November 2023.
- 4) No development shall take place until details of both hard and soft landscaping works have been submitted to and approved in writing by the local planning authority. These details shall include but are not restricted to:
  - i) means of enclosure and any retaining structures;
  - ii) hard surfacing materials;
  - iii) details of boundary planting;
  - iv) planting plans including where necessary plant species, plant sizes, numbers and planting density; and
  - v) a programme of implementation;
  - vi) a maintenance schedule for 5 years including the replacement of any trees and plants which are removed, die, are seriously damaged or defective.

The hard and soft landscaping works shall take place in accordance with the programme of implementation and maintenance shall be carried out in accordance with the approved schedule.

- 5) No construction above ground level shall commence until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall then be carried out in accordance with the approved details.

- 6) The development hereby permitted shall not be occupied until details of the Enhancements, as set out within (1) Section H of the Dorset Council Natural Environment Team approved Biodiversity Plan and (2) the Recommendations section of the Preliminary Ecological Appraisal undertaken by Phlorum Ltd and dated 7 November 2023, have first been submitted to and approved in writing by the local planning authority. The details shall include a schedule of implementation and on implementation in accordance with that schedule the Enhancements will thereafter be maintained.
- 7) The development hereby permitted shall not be occupied until space has been laid out within the site in accordance with drawing no FB8610/100 Revision A for the turning and parking of vehicles. That space shall thereafter be kept available for the turning and parking of vehicles in perpetuity.

**END OF SCHEDULE**