



Appeal Decision

Site visit made on 22 October 2024

by R Kent BA (Hons) MTP DipM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 November 2024

Appeal Ref: APP/D1265/W/24/3347071

Land at Lipgate Farm, Pulham, DT2 7DX

- 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 M Tizzard against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/06628.
 - The development proposed is Erection of single self-build dwelling with associated works, a new access and demolition of existing building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The evidence refers to an appeal decision issued earlier in the year in respect of a proposed development at Marnhull. The Inspector in that appeal found that the Council could demonstrate, at best, 4.83 years' worth of housing supply. However, during the current appeal process, the Council received a report from the Planning Inspectorate on its updated housing land supply draft Annual Position Statement (APS). The Inspector's report dated 26th September 2024 assessing the APS confirms that, subject to revisions, the Council can demonstrate a housing land supply of 5.02 years and can rely on that supply position until 31 October 2025. The Appellants have had the opportunity to make further comment on this and I have determined the appeal on the basis of this updated position.

Main Issue

3. The main issue is whether the proposed dwelling would be in a suitable location having regard to development plan policies concerned with housing in the countryside and the effect of the development on the character of the area; and, if harm arises, whether this is outweighed by other material considerations.

Reasons

4. The appeal site is located beyond the southern edge of the village of Pulham. It is an open field with a small, overgrown structure situated on its northern side. Access is via a field gate to the B3143. It lies in a rural location with open fields to the north west and east. To the south is a group of farm buildings, opposite which is a small business park.
5. Policy 2 of the North Dorset Local Plan: Part One 2016 (NDLP) indicates that all development proposals should be located in accordance with the spatial

strategy for North Dorset. Four main towns and a number of larger villages are identified in the plan as the focus for growth to meet local needs. Pulham is not one of the identified villages and as a consequence is subject to countryside policies where development is strictly controlled unless it is required to enable essential rural needs to be met. Policy 20 sets out the types of development appropriate in the countryside. The appeal proposal does not fall within any of the types of development listed in the table accompanying the policy.

6. Policy 20 does allow for other types of development where it can be demonstrated that there is an “overriding need” for it to be located in the countryside. The proposal would provide for a self-build dwelling. The National Planning Policy Framework (the Framework) highlights the importance of a sufficient amount of variety of land coming forward where it is needed and that the needs of groups with specific housing requirements are addressed. These groups include people wishing to commission or build their own homes.
7. Footnote 29 of the Framework makes clear that “under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing”
8. The Dorset Council self-build register has 2 parts with demand and supply monitored against base periods. Whilst the evidence indicates supply, as monitored through Self Build CIL exemptions, is exceeding demand evidenced by Part 1 of the Register, it is not meeting the full demand when taking into account Part 2. The overall combined demand of both Parts 1 and 2 is 390 plots compared to a monitored supply of 193 plots. I also note that the level of need identified in the register may be artificially low due to a lack of awareness of the register.
9. Whilst the proposal would have the benefit of making a windfall contribution to meeting the shortfall, the evidence does not indicate why there is an overriding need for the self-build dwelling to be in the countryside. Even though the Appellants own the site and have been involved with the design process, this in itself does not demonstrate why the development requires a location outside a defined settlement in conflict with the spatial strategy for the location of new residential development. I have not been provided with a legal mechanism, such as a planning obligation, to secure the self-build status of the proposal if I were minded to allow the appeal. I cannot be sure therefore that its self-build status would be safeguarded, for example if the site ownership changed.
10. Pulham is a small village with few facilities. Whilst it has a pub, village hall, and church, the nearest shop and school would be approximately 3.5km away at Buckland Newton. The business park a short distance to the south west of the site might provide opportunities for employment but I have seen no evidence to demonstrate what jobs may be available to occupants of the proposed dwelling. There is no footway or street lighting along the majority of the route to Buckland Newton or along the short stretch of road between the site and the footway on the northern side of the road into the village.

Combined with the frequency of passing vehicles which I saw on my site visit, it would not be attractive to pedestrians, especially after dark or in poor weather. Whilst there may be other services, employment opportunities and facilities in villages elsewhere, I have seen no details of their nature and location or how the proposal might support them. Nor have I seen evidence to suggest they are accessible by public transport. On the basis of the evidence before me, I therefore consider that the site is not in a sustainable location.

11. Although not expressly referred to in the reason for refusal, the Council's Officer Report suggests that the development would have a ribboning effect encroaching into the countryside which would harm the character of the area. I have therefore taken this, and the Appellants' response to the point, into consideration. The proposal would add an additional dwelling to the existing row of detached houses on the southern side of the road through the village. This would extend development further into the countryside on the south western end of the village. Whilst the existing structure on the site would be removed, it is substantially smaller than the proposed dwelling. Its overgrown state also means it is not obtrusive in the landscape. The proposed dwelling would be much more prominent in comparison and, notwithstanding the proposed planting and proximity to the business park, would cause a moderate level of harm to the rural character of the site and its surroundings.
12. Overall, for the reasons given, the site would not be in a suitable location for the proposed development and would harm the rural character of its surroundings. As a result, it would conflict with NDLP Policies 2 and 20 which restrict new development outside settlement boundaries; and with the Framework's policies to conserve the natural environment.

Other considerations

13. Set against the harms I have identified; the development would contribute a windfall site to the Council's housing supply and would provide a self-build unit to help meet the demand identified in the Council's Self Build Register. These would be significant benefits. The proposal would also provide the benefit of ecological enhancements.
14. On 30 July 2024, the Secretary of State made a written ministerial statement (WMS) entitled "Building the homes we need". The WMS emphasises the need to make sure that building is taking place in "the right places." The spatial strategy in the NDLP identifies where those places are. The WMS also indicates the approach to be followed where local planning authorities are underperforming through either an insufficient land supply or under delivery as measured through the Housing Delivery Test (HDT). The Inspector's report on the APS has confirmed that, subject to specific revisions, the Council can demonstrate that 5.02 years supply of deliverable sites can be achieved. The Inspector's report is the most recent assessment of the Council's housing land supply position. Although North Dorset had a HDT figure of 75% for 2022, overall, the HDT for Dorset would be 102% for 2022 and 106% for 2023. I am therefore satisfied, on the basis of this most recent assessment of the APS, that the proposal does not conflict with the WMS and paragraph 11 d) of the current Framework is not engaged in this appeal.
15. On 30 July 2024, the Government also published a consultation on proposed reforms to the NPPF and other changes to the planning system. However, these

proposals form part of a consultation and could be subject to further change. This reduces the weight that I can give them.

Planning balance and conclusion

16. Whilst the next stage of the Local Plan may have been delayed, the conflict with the NDLP policies for the control of development in the countryside carries substantial weight. The moderate harm caused to the character of the site and its surroundings also has a medium level of weight against the proposal.
17. The contribution to the supply of self-build sites carries weight in favour of the proposal. However, in the absence of a formal mechanism to safeguard the self-build status of the proposal if I were minded to allow the appeal, I give the benefits of the development moderate weight. As the proposed reforms to the Framework could be subject to change. I give them limited weight in favour of the proposal.
18. In conclusion, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

R Kent

INSPECTOR