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# Appeal Decision

Site visit made on 29 October 2024

**by C Rose BA (Hons) BTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 November 2024**

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**Appeal Ref: APP/D1265/W/24/3340416**

**Land South East Of Shearstones, Brister End, Yetminster DT9 6NN**

- 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 Simon Nash against the decision of Dorset Council.
  - The application Ref is P/FUL/2023/04305.
  - The development proposed is Erection of a single self build residential dwelling and associated works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The address in the banner heading above has been taken from the appeal form and decision notice as this more clearly identifies the site than that given on the application form.

## Main Issue

3. The main issue is whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy and national planning policy.

## Reasons

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 (DDB). As the appeal site does not fall within a DDB, 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. Policy H1 of the Yetminster and Ryme Intrinseca Neighbourhood Plan 2017-2036 (April 2022) (NP) states that sufficient land has been allocated to meet

the anticipated local housing need within the plan period. In light of this, Policy H1 further states that the release of sites for housing development outside the DDB should be limited to rural workers housing, rural exception affordable housing and the conversion of existing buildings.

7. The proposal is for an open market dwelling in the countryside and as such is contrary to the local development strategy for the location of housing as set out in the LP and NP.
8. I acknowledge that the appeal site is located approximately 0.5km from the DDB, approximately 900m by foot from the railway station and 1km from the village centre. I also acknowledge the availability of an on-request bus serving the area, and the walking distances/times to the railway station, public house and village shop provided by the appellant. However, significant parts of the routes to these facilities are via narrow unlit roads with limited footpaths that would make walking or cycling, particularly in the dark or in colder months, unattractive. This would be the case despite the 30mph speed limit for the majority of the route and lines of sight. In light of this, I find that the site is not in a location that is easily accessible by means other than by the motor vehicle.
9. I have had regard to the appellants use of an electric vehicle and the definition of sustainable transport modes in the National Planning Policy Framework (the Framework). However, I cannot be sure that all occupiers of the dwelling would use electric vehicles. Furthermore, paragraphs 108 and 109 of the Framework encourage opportunities to promote walking and cycling and focusing development on locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. The location of the appeal site would fail to achieve this.
10. It follows that I conclude that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy and national planning policy. Consequently, the proposal is contrary to LP Policies INT1 and SUS2 and NP Policy H1, 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.

### **Other Considerations**

11. I have had regard to the appellants local connection, average local house prices and the desire to build and live in an affordable dwelling. Nonetheless, I have limited information in relation to these matters, they are not uncommon, and I do not have evidence that the proposal meets the definition of affordable housing. As a result, I do not find these matters to be exceptional to an extent that justifies the proposal. Furthermore, as planning permission runs with the land and the Planning Practice Guidance<sup>1</sup> states that personal permission should only be used in exceptional circumstances where exceptional need has been demonstrated, I give these matters little weight.
12. Under the Self-build and Custom Housebuilding Act 2015<sup>2</sup> (as amended by the Housing and Planning Act 2016), the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. The Council must give enough suitable permissions in its district to meet the identified demand for self-build and custom-build housing and should not treat the need as a component of

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<sup>1</sup> Paragraph: 015 Reference ID: 21a-015-20140306

<sup>2</sup> Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

general market housing. These duties are emphasised in Footnote 29 of the Framework. With regard to registers, the appellant provides figures showing that between 2020-2022 there were considerably more entries on the self-build register than plots provided. The Council dispute this, providing figures showing that entries within Part 1 of the register have been met and stating that it only has to have regard to entries under Part 2 of the register. The appellant questions whether the Council are having regard to Part 2 and state that the entries under Part 1 may not all have a local connection.

13. From the evidence I cannot determine with certainty whether a shortfall exists. However, even if it does, the provision of one self-build dwelling would make a limited contribution to demand and given reliance on the use of the car and location outside of a DDB, this does not in itself justify the location of the site.
14. I note the appellant's evidence with regard to the number of windfall sites being eroded, need for dwellings in the NP area, and limited opportunities for infill development, but I have limited evidence in these regards. Given this and as there is no dispute between the parties that the Council can demonstrate the required supply of deliverable housing sites, I give these matters, and the benefit to the supply of housing from one dwelling, limited weight.
15. I have had regard to references to other decisions for residential development<sup>3</sup> outside of the DDB. However, I do not have the full details in relation to these decisions and note that they relate to sites with a fallback position under Schedule 2, Part 3, Class Q of The Town and Country Planning General Permitted Development (England) Order 2015 or were determined at a time when the Council could not demonstrate a 5-year supply of deliverable housing sites. As a result, I cannot be sure they are directly comparable. Furthermore, I am required to consider the appeal proposal on its merits.
16. The proposal would be compatible with the character and appearance of the wider area, avoids overdevelopment of the site, would not harm the living conditions of nearby occupiers or highway safety, would benefit from suitable outdoor space and parking, and would not harm biodiversity. However, as these are requirements of local planning policy and national guidance, they are neutral in my consideration.

## Conclusion

17. The appeal site is not an appropriate location for housing, with particular regard to the local development strategy and national planning policy and the proposal should be regarded as being in conflict with the development plan, when read as a whole.
18. Material considerations outlined above, including the Framework, do not indicate that the proposal should be determined other than in accordance with the development plan. Having considered all other matters raised, I therefore conclude the appeal should be dismissed.

*C Rose*

INSPECTOR

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<sup>3</sup> Myrtle Cottage, Land at Yew Tree Cottage, West Hill Farm, south of Brister End and Stake Ford Barn.