



Appeal Decision

Site visit made on 10 March 2025

by D R Kay BA Dip.Arch RIBA

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/D1265/W/24/3351408

East Luccombe Farm Cottages, Luccombe Holiday Park, Milton Abbas, Dorset, DT11 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Murray Kayll against the decision of Dorset Council.
 - The application Ref: P/FUL/2023/00950, dated 9 February 2023, was refused by notice dated 19 March 2024.
 - The development proposed is 'removal of garage, construction of single storey side extension, construction of first floor extension, construction of a porch, subdivision of dwelling to create two dwellings'.
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Decision

1. The appeal is allowed, with the effect that planning approval is granted for 'removal of garage, construction of single storey side extension, construction of first floor extension, construction of a porch, subdivision of dwelling to create two dwellings', at East Luccombe Farm Cottages, Luccombe Holiday Park, Milton Abbas, Dorset, DT11 0BD, in accordance with the terms of the application ref: P/FUL/2023/00950, dated 9 February 2023, subject to the attached schedule of conditions.

Preliminary Matters

2. Whilst the Local Plan is more than 5 years old, evidence before me identifies that the Council can currently demonstrate a 5.02-year housing land supply in accordance with paragraph 233 of the National Planning Policy Framework (the Framework). Accordingly, paragraph 11(d) of the Framework is not engaged.
3. The appeal has also been subject to an Environmental Impact Screening Assessment and the Secretary of State, in exercise of powers conferred by Regulations 14(1) and 7(5) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, has directed that this development is not Environmental Impact Assessment development.
4. During the application process, by agreement between the parties, the scope of the scheme was amended by the applicant, the two-storey side extension being reduced to a single storey extension. However, the description of development had remained unchanged. Following agreement between the parties, the description has now been brought in line with the

scope of the proposals, and the appeal has been determined based on the agreed amended scope and description of the scheme.

Main Issues

5. The main issues are i) whether the appeal site is in an acceptable location having regard to local and national policy, and ii) the effect of the proposals on the character and appearance of the host building, and iii) whether they would provide acceptable living conditions for future occupiers of house 2 with regards to overbearing, light and privacy.

Reasons

Location of Development

6. The appeal site is situated outside of the settlement boundary of Milton Abbas as defined in both the Local Plan and the Milton Abbas Neighbourhood Development Plan (2020) (Neighbourhood Plan). In accordance with Policy 2 of the Local Plan, the proposals would be classed as development in the countryside and would therefore be subject to Policies 20 and 28 of the Local Plan.
7. Policy 20 of the Local Plan does allow development in the countryside outside defined settlement boundaries subject to meeting certain criteria, whilst Policy 28 of the Local Plan supports alterations and extension to existing dwellings in the countryside subject to certain criteria, one of which being that it does not create additional dwellings.
8. The appeal proposals do not meet any of the specific criteria identified in Policy 20. As the appeal proposals do create an additional dwelling by alteration, extension, and subdivision of an existing residential building, they also do not meet the criteria of Policy 28 of the Local Plan.
9. The appeal proposals therefore conflict with the identified criteria of Policies 2, 20 and 28 of the Local Plan, and with Policy 1 which states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.

Character and Appearance

10. The appeal property is a large single residential unit which is located adjacent to and takes vehicular access from a private lane which connects Chescombe Lane to the east and Milborne Lane to the west. The property is predominantly two-storey in height but has a single storey shallow-pitched asbestos sheeted roof to a garage at its western end, and a single storey, pitched roof kitchen to its northern side. The roof, which has several feature gables and dormers, is steeply pitched and finished in natural slate. The walls are a mix of brick, stone and render, all of which have been finished in masonry paint, visually coalescing the mix of materials.
11. The property is situated to the west of a large agricultural shed, which itself is to the west of a series of stone barns which have been converted to house various business units, a craft and tearoom and a specialist school. The Luccombe Riding Centre, which provides stabling, indoor and outdoor riding schools, is situated to the east. As a result, the appeal site is read as one of

a group of buildings within the landscape, the whole grouping sitting within the Dorset National Landscape (formerly Area of Outstanding Natural Beauty).

12. The proposals would remove the existing garage, replacing it with an element of building of equivalent footprint, but with a steeper pitched roof finished in slate to match the main roof. To the northern elevation, the first-floor extension above the existing kitchen would be finished in a steep pitched roof finished in slate. This element would follow the pattern of the existing gables on the southern elevation, in common materials. Both the existing and new elevations to the first floor would be finished in a cladding material. The eaves and ridge height of the rear extension would be subservient to the main roof, which together with the use of matching materials, would result in the form of the two extensions and the existing property being visually coherent, improving its visual appearance. This is supported by part 12 of the Framework, particularly paragraph 135 which amongst other things, encourages development to be visually attractive and to add to the overall quality of the area.
13. It follows therefore, that I find that the appeal proposals would not harm the appearance of the host property, and consequently, that they would accord with the requirements of policy 24 of the North Dorset Local Plan Pt 1 (2016) (Local Plan) which, amongst other things, requires development to be designed to improve the character and quality of the area within which it is located.

Living Conditions

14. The proposed first-floor extension above the existing kitchen is located on the northern side of the appeal property. The proposed windows to the dining area and to bedroom 2 of house 2, which are specifically referred to in the second reason for refusal, would be north facing and would not receive direct sunlight, nor do they do so at present. The ground floor plan of the proposals identifies that the wall currently separating the lounge from the dining area of house 2 would be removed. This, coupled with the increased area of glazing in the new double doors, would increase the amount of light within the dining area, over that which is currently experienced. The floor area of the new bedroom 2 at first floor is small by comparison to the area of the window. As a result of this ratio of window to floor area, I find that the level of light provided by the window would be both adequate and acceptable for the size of room.
15. The first-floor extension above the kitchen of house 1, whilst potentially extending the shadowing effect for direct sunlight, would only do so for a short time in the early morning period of the day, before the mass of the existing house becomes the determining factor. This, in my opinion, would have little impact on the levels of light experienced by the future occupants, over and above that which currently exists, and would provide both adequate and acceptable levels of natural daylight within the appeal proposals and its external areas, as required by Policy 25 of the Local Plan. It follows, therefore, that I do not find that the proposals would be contrary to Policy 25 of the Local Plan.

16. In relation to the issue of overbearing effect, the height of the proposed extension above the kitchen of house 1 would be consistent with that of the existing property. The external patio and garden spaces provided for both houses 1 and 2 would be extensive, and coupled to the proximity of the building would, in my opinion, lead to a feeling of being protected by the building whilst having an open aspect to the large space of the gardens beyond. This would be positive for future occupiers using the patio and garden areas, rather than being overbearing. It follows, therefore, that in this regard, I find that the proposals would not conflict with policies 24 and 25 of the Local Plan which require, amongst other things, that development be designed to improve the character and quality of the area within which it is located, and to provide private open space in the form of gardens with adequate levels of daylight and sunlight.
17. In relation to the privacy of future occupiers of house 2, because of overlooking from the west facing window of the kitchen of house 1, this is a common issue which would be easily remedied by the imposition of a suitably worded condition, requiring provision of obscure glazing and restricting the operation of opening lights below 1.7m to this window. This would not restrict the amenity of future occupiers of house 1, as there are two further windows in the kitchen. It follows, therefore, that I find that the proposals would not conflict with policy 25 of the Local Plan which requires, amongst other things, that development is designed to protect the privacy of its occupants and those of neighbouring properties.

Planning Balance

18. The appeal proposal conflicts with Policies 20 and 28 of the Local Plan, as it seeks to create an additional separate dwelling in the countryside. In addition, the site is located outside of any defined settlement boundary and future occupants would therefore have to rely on the private car to access services and facilities. Evidence in relation to access to public transport identifies that even if the proposals were situated inside the settlement boundary of Milton Abbas, the restricted nature of the public transport system in the area is such, that they would still be reliant on the private car to access services and facilities.
19. The Local Plan predates the Framework by several years. Policies 20 and 28 of the Local Plan conflict with paragraph 84(d) of the Framework, which states 'Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply: d) the development would involve the subdivision of an existing residential building'.
20. The restriction on creating an additional separate dwelling in the countryside in the Local Plan is therefore not consistent with the Framework, which only seeks to avoid isolated homes in the countryside. The new dwelling would not be isolated as it would involve the sub-division of an existing residential building, which the Framework supports. Therefore, the appeal proposals' conflict with policies 20 and 28, and the reliance of future occupiers on private transport attracts little weight.

21. The development would create an additional dwelling which would support the government's objective of significantly boosting the supply of homes. However, as the proposal is only for a single home, this therefore attracts little weight.
22. As policies 20 and 28 of the Local Plan are not consistent with the Framework, it states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
23. I have already found that the appeal proposals would accord with the policies of the Local Plan in relation to character and appearance and living conditions. Therefore, on balance, any adverse impacts of approving the proposals would not significantly and demonstrably outweigh the benefits of doing so, when assessed against the policies of the Framework as a whole.

Conditions

24. Condition 1 is required to comply with the requirements of Section 91 of the Town & Country Planning Act 1990. Condition 2 is required for the avoidance of doubt and in the interests of proper planning. Condition 3 is required to ensure a satisfactory visual appearance of the development. Condition 4 is required to ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon. Condition 5 is necessary to ensure the privacy of the future occupants of house 2.

Conclusion

25. For the reasons set out above, I conclude that whilst the appeal proposals may be contrary to certain policies within the North Dorset Local Plan Pt1 2011- 2031 (January 2016), there are material considerations, including policies in the Framework, that would justify determining other than in accordance with it. Therefore, the appeal should be allowed.

D R Kay

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin no later than three years from the date of this approval.
2. The development permitted shall be carried out in accordance with the details shown on the following approved plans: Site Location Plan 1601/1A, Site Plan 1601/2, Proposed Ground Floor Plan 1601/6, Proposed First Floor Plan 1601/7B, Proposed Elevations 1601/8A and Existing and Proposed Roof Plans 1601/9A.
3. Prior to the commencement of any development hereby approved, above damp-proof course level, details of all external facing materials for the walls and roofs shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.
4. Prior to the occupation of the development hereby approved the parking and manoeuvring areas shown on approved plan 1601/2 must have been constructed. Thereafter, these areas must, in perpetuity, be maintained, kept free from obstruction, and made available for the turning and parking of vehicles.
5. The dwellings hereby permitted shall not be occupied until the west facing windows to the kitchen and WC of house 1 have been fitted with obscured glazing, and no part of those windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.