



Appeal Decision

Site visit made on 23 October 2025

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

an Inspector appointed by the Secretary of State

Decision date: 1 December 2025.

Appeal Ref: APP/D1265/W/25/3369554

113 Wimborne Road, Corfe Mullen, Dorset BH21 3DU

- 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 Bayview Developments (South) Ltd against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/04192.
 - The development proposed is erection of four detached dwellinghouses and for alterations to the existing dwellinghouse and erect an associated garage outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for erection of four detached dwellinghouses and for alterations to the existing dwellinghouse and erect an associated garage outbuilding at 113 Wimborne Road, Corfe Mullen, Dorset BH21 3DU in accordance with the terms of the application, Ref P/FUL/2024/04192, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Bayview Developments (South) Ltd against the decision of Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The description of development in the banner heading above has been taken from the application form as neither party has provided written confirmation that a revised description has been agreed.
4. The appeal site falls within the catchment of the Dorset Heathland Special Protection Area, Special Area of Conservation and Ramsar site. Although the Council has raised no concerns with regard to this matter, as the competent authority in relation to this appeal, I am required to consider this matter and the related duties under the Conservation of Habitats and Species Regulations 2017 (as amended). As a result, I will deal with this as a main issue.

Main Issues

5. In light of the above, the main issues are the effect of the proposed development on:
 - highway safety with particular regard to the width, length and position of the access; and,

- the integrity of the Dorset Heathland Special Protection Area, Special Area of Conservation and Ramsar site (the Protected Sites).

Reasons

Highway safety

6. The appeal site comprises a detached two-storey dwellinghouse within a predominantly residential area. The appeal site benefits from an existing access directly off Wimborne Road located between a planted strip of land adjacent to Corfe Halt Close and the side of 115 Wimborne Road. The existing access drive is single vehicle in width and approximately 50m in length.
7. The appeal proposal seeks to redevelop the existing site through the construction of 4 detached dwellings alongside alterations to the existing dwelling.
8. The proposal also seeks to utilise the existing vehicular access and driveway but with a traffic calming feature (raised table) added to slow vehicle speeds. The width of the access and driveway can only accommodate a single vehicle entering or exiting the appeal site at a time. It is therefore of insufficient width for two vehicles to pass along the length of the driveway. Details of the proposed access and its width are clearly set out on the proposed plans and within the reports that accompany the planning application and appeal.
9. The Council state that due to the constrained width of the access over a substantial length it limits its capacity to safely accommodate vehicles associated with the development. Furthermore, the Council state that the narrow access would not support the safe and efficient movement of vehicles, pedestrians and cyclists, particularly given the close location to other existing accesses with no safe pedestrian zone and with the proposed traffic calming to the access reducing accessibility for wheelchair users. In addition, the Council state that there is nowhere for vehicles entering the site to wait safely while other vehicles exit.
10. There is a wide and deep pavement/apron crossover adjoining the access that the appellant states is approximately 6.2m in width. Beyond this, the access narrows to roughly 3.7-3.9m in width for 50m. The access would then widen to 5m further within the site allowing for two cars to pass. There is good visibility in both directions at the junction with Wimborne Road that has a speed limit of 30mph at this point.
11. The narrow width of the access would potentially lead to vehicles waiting on or reversing onto Wimborne Road to allow vehicles to exit the site. However, there is a wide and deep pavement to the site frontage where it meets Wimborne Road and Corfe Halt Close where cars could wait with enough additional space for another car to pass. Even if this were to result in the rear of a waiting vehicle overhanging Wimborne Road or Corfe Halt Close, the carriageway to Wimborne Road is fairly wide with good visibility of the site access. The junction of Corfe Halt Close is wide enough to ensure that any waiting cars would not unduly restrict its usage, even if there were on-street parking.
12. Moreover, given the small number of dwellings it would serve, there would be a low level of usage of the access (6 trips per hour across the day as calculated by the appellant and not disputed by the Council). This would limit occasions when vehicles would meet. Collision data history for these junctions does not

- demonstrate an existing highway safety problem. Furthermore, any conflict with users of the pavement or with the other residential accesses nearby would be minimal due to the limited occasions when vehicles are likely to meet.
13. Due to the available space off Wimborne Road for vehicles to wait, and even if this co-insides with vehicles exiting Corfe Halt Close, there would be no harmful conflict with the operation of Corfe Halt Close. As a result, any vehicles waiting at the access would not be hazardous to or cause undue inconvenience for other users of the highway.
 14. With the access being approximately 3.7-3.9m wide, this provides adequate space for vehicles and pedestrians, cyclists or wheelchair users to pass a car in accordance with the guidance in Manual for Streets (MfS). The raised table would reduce the speed of vehicles and as such would enable pedestrians, cyclists and wheelchair users to find appropriate refuge should the access be narrower at some points. As a result, there would be no conflict or harm to pedestrian, cyclist or wheelchair user safety which the appellant has predicted would amount to approximately 5 trips a day. Again, this figure is not disputed by the Council.
 15. The width of the access is also wide enough to accommodate delivery, refuse and emergency service vehicles in accordance with the guidance in MfS. Car parking spaces within the site meet the Council's adopted car parking standards and the width of the internal road would enable some additional on-street parking.
 16. The proposal would not therefore result in a significant increase in the use of the access. Despite it being narrow in respect of width, due to the low levels of traffic associated with the proposal, good visibility at the access and available space to avoid cars stopped at the access causing a dangerous obstruction, the proposal would not be to the detriment of the safety and convenience of those using the highway. The National Planning Policy Framework (the Framework) requires applications for development to provide safe and suitable access to the site and minimise the scope for conflicts between pedestrians, cyclists and vehicles. The proposal would achieve this. The traffic impact associated with the five dwellings would be minimal and would not be severe in terms of paragraphs 115 and 116 of the Framework.
 17. For the reasons given above, the proposed development would not cause harm to highway safety with particular regard to the width, length and position of the access. Hence, it would not conflict with Policies KS11 and HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (April 2024) (LP) or the provisions of the Framework insofar as they seek to provide safe access onto the existing highway network and permit development that is compatible with or improves its surroundings.

Integrity of the Protected Sites

18. The appeal site falls within 5km of the Protected Sites.
19. The Protected Sites are designated on account of the rare and vulnerable wet and dry heathland species rich habitat which support the Southern damselfly *Coenagrion mercurial*, and heathland bird species including nightjar *Caprimulgus europaeus*, Dartford warbler *Sylvia undata*, and Woodlark *Lullula arborea* during the breeding season, and Hen Harrier *Circus cyaneus* and Merlin *Falco columbarius* over winter.

20. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document April 2020 (SPD) seeks to secure a financial contribution and measures towards the mitigation of any effects of development within 5km of the Dorset Heathlands on the integrity of the Protected Sites.
21. The proposal would result in likely significant effects to the Protected Sites by virtue of increased dwelling numbers and associated activity and recreational pressures.
22. The avoidance or mitigation of effects resulting from increased residential development on the Protected Sites would be achieved through a number of measures including the provision of alternative greenspace, to redirect those who would have made use of the area recreationally, and via associated monitoring and management arrangements. The contributions that individual schemes are expected to make in that context are established at a strategic level, being funded by Community Infrastructure Levy (CIL) receipts. The proposed development is liable for CIL.
23. As a result of the above, and given that the development is liable for CIL, the provisions provide the necessary contributions and mitigation towards ecological monitoring and management arrangements, and mitigation consistent with the Council's approach. Natural England has confirmed that the contribution is sufficient to avoid adverse impacts on the integrity of the European Sites and their features.
24. In conclusion on this matter, I am satisfied that with the mitigation measures in place, secured through the CIL Regulations, the development would not have an adverse effect on the integrity of the Dorset Heathland Special Protection Area, Special Area of Conservation and Ramsar site. The development would therefore comply with the Conservation of Habitats and Species Regulations 2017. It would also accord with the SPD and LP Policy ME2 which, amongst other things, seek to ensure that development within 5km of European and internationally protected heathlands provide mitigation in accordance with the SPD.

Other Considerations

25. The site was cleared of shrubbery and trees prior to the submission of the planning application but I have little substantive evidence before me demonstrating that this was not lawfully carried out.
26. The appeal site is located suitably close to a range of services and facilities within the settlement of Corfe Mullen. I therefore have no reason to disagree with the Council that the site is in an appropriate location for a small housing development.
27. I have had regard to LP Policy LN1 that seeks to ensure that the size and type of new dwellings reflect local housing needs identified in the Strategic Housing Market Assessment. In the area the main identified need is for 2- and 3-bedroom houses with a lower requirement for larger homes. Concerns have been raised that the proposed does not achieve this by virtue of comprising one new 3-bedroom dwelling and three new 4-bedroom dwellings. However, given the limited numbers of dwellings proposed, as there is some demand for 4-bedroom properties, and as the policy is subject to site specific circumstances and character of the area with the appeal site adjoined by sizable dwellings, the proposal causes no harm in this regard.

28. Given the small scale of the proposal, there was no legal requirement on the applicant to notify neighbours of the planning application, and I have no substantive evidence before me to demonstrate that the land within the red-line is not owned by the appellant or that neighbours were not adequately notified of the planning application. The presence or otherwise of any legal covenants on the land, party wall, damage to property and structural issues are civil matters falling outside of my remit.
29. The application is supported by an ecological report, flood risk assessment and drainage strategy and would meet the requirements for Biodiversity Net Gain enhancement that do not raise any fundamental concerns regarding development of the site. Furthermore, compliance with these details can be secured by condition should I allow the appeal. It is noteworthy that the Council raise no concerns in these regards, or with regard to any site contamination, flood risk or use of renewable technologies. I have no reason to disagree, and it is noteworthy that matters related to Radon would be dealt with through Building Regulations. Electric car-charging points will also be required under Building Regulations.
30. The site layout, density, scale and boundary treatment to the dwellings are not too dissimilar to those nearby with a planted boundary to the adjacent field. Furthermore, additional internal planting is proposed to soften its landscape impact and impact upon the adjacent Green Belt.
31. The appeal site is adjoined on three sides by residential development and is located back from the main road. As such, it would not harm the character and appearance of the area or living conditions of nearby occupiers subject to the conditions detailed below. It is noteworthy that the Council came to the same conclusion in relation to this matter.
32. A condition could be imposed on any planning permission to ensure that a Construction Method Statement is submitted to the Council for approval to ensure that noise and disruption during construction is kept to an appropriate level.

Conditions

33. I have had regard to the tests in the Framework in relation to conditions. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
34. A condition is necessary to ensure that details of on-site Biodiversity Net Gain and measures outlined within the Landscape Management Plan are submitted to and approved by the Council in the interests of biodiversity.
35. I have used the Appellants suggested wording for a condition relating to surface water and foul water drainage as details were submitted with the planning application and found to be acceptable by the Local Lead Flood Authority and Wessex Water. The condition is necessary to ensure the future maintenance of the drainage system and to prevent the risk of flooding.
36. A pre-commencement condition is necessary to ensure the submission of a Construction Method Statement in the interests of highway safety and to protect the living conditions of neighbouring occupiers.
37. A condition is necessary to ensure that the submitted tree protection measures are provided on site in the interests of protecting the character and appearance of the

area. For the same reason, a condition is necessary to ensure that external materials for the extension match the existing building.

38. Conditions are necessary to ensure that the agreed ecological improvements and on-site landscaping are provided in the interests of biodiversity and in order to protect the character and appearance of the area.
39. A condition is necessary to ensure that the access, parking, garaging and turning areas are provided and kept free of obstruction in the interests of highway safety.
40. A condition is necessary to ensure that the windows proposed in the first floor/roof of the rear elevation of Unit 4 are obscure glazed and fixed shut to a height of 1.7m above floor level in order to protect the living conditions of neighbouring occupiers.
41. Finally, conditions are necessary to ensure that no gates are erected near to the access and to ensure that the garages are not used as living accommodation in the interests of highway safety.

Conclusion

42. For the reasons given above the appeal should be allowed.

C Rose

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos:
PL01 Location Plan
PL07 Unit 3 Floor Plans & Elevations PL08 Unit 4 Floor Plans & Elevations
PL09 Proposed Site Sections
PL02 C Block Plan
PL05 A Unit 1 Proposed Plans and Elevations PL06 A Unit 2 Proposed Plans and Elevations
449 - 2 - R9 Planting Plan
449 - 1 - R10 Landscape Plan
- 3) No development shall be commenced until a timetable for the implementation and maintenance of any proposed on-site (within the red line of the application site) non-significant biodiversity net gain, has been submitted to and approved in writing by the Local Planning Authority. The implementation timetable and maintenance details must be prepared in accordance with the approved Biodiversity Gain Plan and Landscape Management Plan for the site. Thereafter the on-site non-significant biodiversity net gain shall be implemented and maintained for a period of no less than 5 years following the completion of said biodiversity net gain in accordance with the approved

timetable and maintenance details. If within a period of 5 years from the date of the planting of any habitat it is removed, uprooted, destroyed or dies (or becomes in the opinion of the Local Planning Authority seriously damaged or defective) the habitat shall be replaced with the same habitat as set out in the approved biodiversity gain plan in the next planting season, unless the Local Planning Authority first agrees in writing to any variation.

- 4) The development shall be carried out in accordance with the Surface Water Drainage details as set out within "Drainage Report - C3099_P1_Drainage Report" and shown on Drainage Plans: "C3099_P1_101_Proposed Drainage Strategy_Sheet1, C3099_P1_102_Proposed Drainage Strategy_Sheet2 and C3099_P1_201_Contributing area.

The maintenance and management of the surface water sustainable drainage scheme shall occur in accordance with the details set out at Section 6 of the Drainage Report. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

- 5) Before the development hereby approved commences a Construction Method Statement (CMS) must be submitted to and approved in writing by the Planning Authority. The CMS must include:

- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- delivery, demolition and construction working hours

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) Before any equipment, machinery or materials are brought on to the site for the purposes of the development, tree protection in accordance with details set out in appendix B of the Arboricultural Impact Assessment dated 12 July 2024 and Tree Protection Plan RNapc/533/TPP/1 shall be installed. These protection measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the local planning authority.
- 7) Prior to development 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.
- 8) The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements in the ecology report titled Ecology & Biodiversity Net Gain Assessment, by ABR Ecology, dated 3 March 2025, and certified by the Dorset Council Natural Environment Team on 26 March 2025.

The development hereby approved must not be first brought into use unless and until:

- i) the recommendations detailed in section 5 of the approved ecology report have been completed in full, in accordance with any specified timetable, unless otherwise agreed in writing with the Local Planning Authority, and
- ii) evidence of compliance has been supplied to the Local Planning Authority prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.
- 9) No dwelling shall be occupied until the landscaping shown on plan 449-1-R10 Landscape plan has been installed and the planting shown on 449-2-R9 Planting Plan has taken place. Any plants found damaged, dead or dying within the first 5 years shall be replaced and thereafter the scheme shall be retained.
- 10) No dwelling shall be occupied until the access, parking, garaging and turning areas shown on the approved plans have been provided. Thereafter, these areas shall be maintained, kept free from obstruction and available for the purposes specified.
- 11) Prior to first occupation of unit 4 hereby approved, the first floor windows (including the rooflights) on the rear elevation shall be obscure glazed to a minimum industry standard privacy level 3 or equivalent and fixed closed up to a height of 1.7 metres above the floor level of the rooms served with any opening parts more than 1.7 metres above the floor of the room in which the windows are installed; and these windows shall be retained as such thereafter. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, with or without amendment, no additional windows shall be installed on the northern elevation of unit 4 above ground floor level.
- 12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, with or without amendment, there shall be no gates erected at the site entrance within 10m of the highway.
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any subsequent reenactment thereof, with or without amendment, the garaging hereby approved shall not be used as living accommodation.

END OF SCHEDULE