



Appeal Decision

Site visit made on 8 November 2016

by **Stephen Hawkins MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 February 2017

Appeal Ref: APP/F1230/W/16/3154493

Land at Crouch Lane, Holwell, Dorset DT9 5LP

- 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 Stonewater against the decision of West Dorset District Council.
 - The application Ref WD/D/15/002295, dated 14 September 2015, was refused by notice dated 24 June 2016.
 - The development proposed is the erection of fourteen dwellings with associated access, parking and landscaping and the provision of twelve parking spaces for Holwell Nursery School.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of fourteen dwellings with associated access, parking and landscaping and the provision of twelve parking spaces for Holwell Nursery School at land at Crouch Lane, Holwell, Dorset DT9 5LP in accordance with the terms of the application, Ref WD/D/15/002295, dated 14 September 2015, subject to the conditions set out in the schedule at the end of this decision.

Procedural Matter

2. The plans listed on the Council's decision notice do not include landscape strategy drawing number 3507/019 or the proposed site layout drawing number 3507/001/D, both of which were supplied with the appeal- although there is reference in the decision to a proposed site layout drawing number 3507/001/C. I have sought the views of both main parties in respect of these drawings. The appellant says that the drawings were submitted to the Council before the application was determined by the Council. However, the Council does not share that view. Even so, the difference between these drawings and those which the Council say were before them when they determined the application are minimal and would not materially alter the nature of the proposed development. Consideration of the drawings would not disadvantage any other interested parties. Therefore, I have taken drawing numbers 3507/019 and 3507/001/D into account in my decision.
 3. A Planning Obligation signed and dated 2 November 2016 was submitted by the appellant pursuant to the Town and Country Planning Act 1990, to address the provision of affordable housing. I have considered this later in my decision.
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Main Issues

4. The main issues in this appeal are:

- The effect of the proposed development on the character and appearance of the area.
- Whether there is a local requirement for affordable housing which would be provided for by the proposed development.
- Whether this would be a suitable site for housing, having regard to the access to services, facilities and employment opportunities.

Reasons

Character and appearance

5. The appeal site forms part of an area of gently rising open grazing land situated adjacent to the western edge of the built-up part of the village. It is located between a large detached residential property named 'Ash Trees' which fronts onto Fosters Hill, and the Victorian-era nursery school situated on Crouch Lane. Due to the mature hedgerow along the frontage and vegetation on other boundaries, coupled with the low-lying nature of the surrounding open countryside, the appeal site is quite enclosed and it has a limited visual presence in its surroundings. The appeal site and the surrounding countryside is situated within the Blackmore Vale Landscape Character Area¹.
6. Whilst the built-up part of the village contains some properties of traditional appearance, it is mostly characterised by detached housing. This generally appears to date from the 20th Century and consists of a mix of different styles, sizes and materials, usually situated in comfortably sized plots.
7. In terms of the settlement pattern, the built-up part of the village is predominantly arranged in a more or less continuous linear form, extending along Fosters Hill and radiating outwards along Stony Lane, as well as the southern part of Crouch Lane. However, groups of bungalows with cul-de-sac layouts at 'Fox's Close' and 'The Plot' have extended behind the linear frontage with the result that development tends to be more concentrated around the junction of Fosters Hill and Crouch Lane, close to the appeal site. Whilst this cluster of development might be relatively modern and is slightly different from the pattern of development in the remainder of the village, it nevertheless forms a part of the established character of the environs of the appeal site. I also noted the presence of some outlying development in the surrounding countryside beyond the built-up area but in my view this does not play a significant part in defining the character of the village.
8. The proposed development would be laid out in the form of four terraced blocks, each comprising a mix of two and three bedroom, two storey dwellings. The dwellings would all be accessed by a new estate road leading off Crouch Lane, adjacent to the nursery school boundary, with the new parking area for the nursery school provided in the north east corner of the appeal site and parking spaces for the new dwellings at the side and rear of each block. In terms of their appearance, the proposed dwellings would have a simple

¹ West Dorset Landscape Character Assessment February 2009.

- architectural treatment, utilising traditional detailing with a mix of external materials, including natural stone, render, red brick and grey and red tiles.
9. The proposed development would fill most of what is in effect a large gap formed by the appeal site in the built-up frontage between 'Ash Trees' and the nursery school. One of the terraces of four dwellings would be sited parallel to Crouch Lane and would thus be viewed in the street scene as a continuation of the linear pattern of development. The other three terraces would wrap around the new estate road occupying the land at the rear of the frontage terrace. In my view, the development of land behind the frontage would not necessarily be inconsistent with the more expansive areas of residential development at the west end of the village described above and it would therefore not appear at odds with the surrounding development or the edge of the village location.
 10. The Council consider that the number of dwellings proposed would not be of small-scale in relation to the village. I am informed that the Parish contains 168 dwellings, most of which would appear to be located in the built-up part of the village. Holwell Parish Council refers to around 80 homes being located in the existing cluster around the appeal site. To my mind, in the context of the large number of existing houses in the immediate surroundings and the village as a whole, the 14 additional dwellings proposed would not be viewed as an unusually large extension to the settlement and could therefore reasonably be regarded as a small-scale addition.
 11. The design, materials and modest scale of the proposed dwellings would evoke the appearance of traditional rural dwellings located elsewhere in the village. All of the proposed dwellings would be set in reasonably-sized plots and there would be generous spacing between each of the terraced blocks. The parking areas would largely be visually contained at the side and rear of the blocks. Aside from at the new estate road access point, the existing hedgerow fronting Crouch Lane would be substantially retained. Together with the other landscape planting, which includes the planting of a new hedgerow along the eastern boundary, this would greatly assist in softening the appearance of the proposed development in relation to its rural context.
 12. Moreover, whilst there would be some close-up views in the street scene of the proposed housing and the new estate road, due to the predominantly flat landform of the surrounding countryside and the enclosed nature of the appeal site the proposed development would have a limited visual impact on the surrounding landscape. In this respect, I have reached similar findings to that of the Landscape and Visual Impact Assessment (LVIA) submitted by the appellant in support of the application. The Council has not submitted any evidence which would support reaching a contrary conclusion.
 13. As a result of all the above, the proposed development would respect and reflect its rural surroundings and it would not appear substantially more dense or urban in comparison with the pattern of development in the locality. Consequently, I find that that the proposed development would not appear as an alien, urbanising feature in its rural surroundings and as a result, it would not cause unacceptable harm to the character and appearance of the area.
 14. Therefore, the proposed development would accord with one of the requirements of Policy HOUS2 of the adopted West Dorset, Weymouth and Portland Local Plan 2015 (LP), as it would be a small-scale site for affordable housing adjoining the settlement of an appropriate character, scale and design.

It would also accord with LP Policy ENV10, as it would contribute positively to the maintenance and enhancement of local identity and distinctiveness, providing for the future retention and protection of trees and other features and landscaping to integrate with surroundings. Moreover, the proposal would accord with LP Policy ENV12, as it would achieve a high quality of sustainable and inclusive design, complementing and respecting the character of the surroundings. Therefore, the proposed development would also meet the requirements of good design at Section 7 of the National Planning Policy Framework (the Framework).

Affordable housing

15. Although not a reason for refusing planning permission, in its evidence the Council says that the scale of the proposed development exceeds the need for affordable housing in the village and the surrounding parishes, which it considers amounts to 9 units in total. Similar comments regarding the lack of a local need for 14 affordable dwellings in the village are made by the Parish Council and other interested parties.
16. However, information supplied by the appellant shows that in October 2016, there were 23 applications on the Council's Housing Register and that of the adjoining local authority², from persons with connections to Holwell and the surrounding parishes. To my mind, this is evidence of a significant local need for affordable housing, to which the appeal scheme would make a substantial contribution. As a result, the proposed development would therefore accord with the requirement in LP Policy HOUS2 for there to be an identified, current local need for affordable housing within the local parish or group of parishes which cannot otherwise be met.
17. A copy of a completed Planning Obligation making provision for 100% of the units as affordable housing was submitted with the appeal. The Council have pointed out that as worded, the Obligation makes provision for the units as affordable housing only on their initial occupation and it would provide for 35% of the units to remain as affordable in perpetuity. However, the appellant is a Registered Social Landlord (RSL). The appellant suggests that the wording of the Obligation had to reflect a commercial valuation of the appeal site. They also state that they have secured government funding to deliver 100% affordable housing and they intend to let them as such in perpetuity. Taking these factors into consideration, whilst there would be a risk that the Obligation would not secure the provision of all of the units as affordable housing in perpetuity, in practice that risk would be small.
18. In any event, there has been no challenge to the appellant's assertion that the Council currently does not have a five-year supply of housing land. LP Policy SUS2 restricts housing development to within defined development boundaries apart from, amongst other matters, affordable housing and is therefore a relevant policy for the supply of housing. Consequently, in accordance with paragraph 49 of the Framework LP Policy SUS2 cannot be regarded as being up-to-date and the approach to the distribution of development set out therein has to be afforded reduced weight. Under LP Policy HOUS1, the provision of 35% of affordable units would be sought in respect of an open market housing scheme. Accordingly, even if the proportion of affordable housing provided in

² North Dorset District Council.

perpetuity in respect of the proposed development were 35%, it would be in accordance with LP Policy HOUS1.

19. Overall, I am therefore satisfied that the submitted Obligation would be necessary to make the development acceptable in planning terms, it is directly related to the development and is fairly related to it in scale and kind. The Obligation would therefore accord with the provisions of Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 204 of the Framework. I therefore intend to accord the Obligation substantial weight in my decision. Consequently, the proposed development would also accord with the requirement in LP Policy HOUS2 for secure arrangements to be in place to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.

Access to services, facilities and employment

20. Subject to the considerations already dealt with above, LP Policy HOUS2 provides for affordable housing adjacent to settlements which as in the case of Holwell, do not have a defined development boundary. Even so, I acknowledge that apart from the nursery school Holwell has few services, facilities and employment opportunities, with limited access to public transport connections to nearby larger settlements. It would therefore be unrealistic to assume that future residents would not largely be reliant on the private car in terms of most of their transport needs, in particular for shorter journeys.
21. Nevertheless, there are a range of services and facilities in Bishops Caundle including a primary school, public house and restaurant, a garage, a village shop and Post Office as well as a village hall, with public transport links to larger towns. There are also more limited services facilities in King's Stag. Both villages are a relatively short car journey from the appeal site.
22. As a result, future residents' reliance on the private car for most of their shorter journeys would be significantly offset by the valuable role that the proposed development would have in sustaining the local services and facilities in the nearby settlements. In my view, the proposed development would therefore reflect the approach of locating housing where it will enhance or maintain the vitality of rural communities, including locating development in one village to support services in a village nearby, set out at paragraph 55 of the Framework. It would also reflect the guidance in paragraph 29 of the Framework, which recognises that the opportunities to maximise sustainable transport solutions may be more limited in rural areas.

Other matters

23. A number of other matters have been raised by the Parish Council and interested parties, at application stage and in respect of the appeal. These include the alleged adverse effect of the proposed development on highway safety. Whilst vehicles might speed through the village on occasions, it is not unreasonable to expect that most drivers will observe the speed limit. I also acknowledge the risks faced by pedestrians when using rural roads. Provision of two parking spaces per dwelling is not an uncommon level of parking provision for dwellings of the sizes proposed in a rural area and it would not result in an insufficient number of parking spaces being provided. The provision of off-street parking for the nursery school would assist in reducing the acknowledged problems of on-street parking and congestion at drop-off

and pick-up times. Overall therefore, I have no firm evidence before me concerning any unacceptable danger to highway safety that would be caused by the proposed development.

24. I note the concern that there would not be a mix of dwelling types to meet the long-term needs of the local community. However, in my experience of rural situations like this, in general the majority of ongoing demand for affordable housing is likely to be in respect of family-sized accommodation, such as that which would be offered by the appeal scheme. I also note the reference to the absence of a play area in the vicinity of the appeal site. However, I have not been made aware of any requirement to provide play facilities in respect of the proposed development. I have no firm evidence before me to indicate that there would be any harm to wildlife that could not be overcome by imposing a suitable planning condition.
25. I have taken account of the concerns expressed regarding the limited size of the dwellings. However, the internal floorspace provided and the garden sizes would not be unusually small. Overall, I am satisfied that acceptable living conditions would be provided, in this particular case. Given the distance between the proposed dwellings and 'Ash Trees' and other nearby dwellings, there would be no unacceptable overlooking or loss of privacy to the occupiers of adjoining residential properties.
26. Further, I have considered the comments regarding an increased flood risk and the inadequacy of services to cater for fourteen additional dwellings. However, in the absence of any firm evidence concerning the risk of flooding or to indicate that there are problems with the capacity of services, I cannot give significant weight to these matters.
27. I am given to understand that a Neighbourhood Plan (NP) is currently being prepared for Holwell. However, few details have been provided regarding the NP, its implications for the appeal site or its state of preparation. Therefore, I can afford the NP only very limited weight in my decision. I have also noted the comments made regarding whether further consultation should have been undertaken by the Council prior to it determining the application. However, that is not a matter which can have a bearing on my decision, which is based solely on the merits of the appeal scheme.
28. I note the suggestion that alternative sites could be developed to meet the need for affordable housing in the village and in surrounding villages, including a nearby site which, like the appeal site, was included in the Council's Strategic Housing Land Availability Assessment (SHLAA). However, I have not been given details of any schemes to develop other sites and in any event, I have to deal with the scheme before me on its individual merits. The Council did not object to the proposed development in respect of any of the above matters and I have found no reasons to disagree with their assessment.

Conditions

29. In addition to the standard commencement condition, I have imposed a condition specifying the approved plans in the interests of certainty. To ensure that the site is properly drained taking account of climate change and flood risk, I have imposed a condition requiring the prior approval and implementation of a scheme of foul and surface water drainage. To secure a visually satisfactory setting for the development, I have imposed conditions

- requiring prior approval and implementation of a scheme of landscaping. In addition, I have also imposed a condition requiring prior approval and implementation of a scheme for the storage and disposal of refuse and recycling, to ensure good living conditions for the future occupants and to safeguard the character and appearance of the area.
30. Further, I have imposed a condition requiring prior approval and implementation of a Biodiversity Management Plan, in order to safeguard and improve the contribution of the site to biodiversity. Finally, I have imposed a condition requiring construction and maintenance of the access, turning and parking arrangements in respect of the proposed dwellings and the proposed parking area for the nursery school, in the interests of highway safety.
31. Where relevant, I have amended and consolidated the Council's suggested conditions to ensure that they meet the tests in paragraph 206 of the Framework and the advice on conditions in Planning Policy Guidance (PPG). I have amended the suggested pre-commencement conditions 2 and 3 (conditions 3 and 4 below), to require compliance at a suitable stage following the commencement of development. The Council have not provided any justification as to why these conditions should be complied with prior to the commencement of development. Having regard to paragraph 007 of the PPG³, I am not satisfied that prior approval of the matters specified would be so fundamental to the development that it would otherwise have been necessary to refuse permission.
32. However, I have not imposed some of the suggested conditions. Suggested condition 1 duplicates condition 2 below which specifies the approved drawings and includes details of the external materials. Moreover, the scope for discretion would make the condition uncertain and imprecise. Suggested condition 7, would remove 'permitted development' rights for the future enlargement, improvement or other alteration of the dwellings and erection of ancillary buildings. The PPG at paragraph 017⁴ advises that such conditions will rarely pass the tests of necessity and should only be used exceptionally. The Council have not explained why the condition would be necessary. Moreover, I have not imposed suggested condition 8, as it would duplicate suggested condition 6 (condition 8 below). Therefore, the above suggested conditions would fail the Framework tests.

Conclusion

33. The Council accept that they do not have a five-year housing land supply and therefore policies relevant to the supply of housing should be considered out-of-date in accordance with paragraph 49 of the Framework. Notwithstanding this, I have found that the proposed development complies with Development Plan policies. Accordingly, it represents sustainable development for which the presumption set out in paragraph 14 of the Framework applies.
34. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

³ Reference ID: 21a-007-20140306.

⁴ Reference ID: 21a-017-20140306.

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: 3507/001 Rev D, 3507/002, 3507/003, 3507/004, 3507/005, 3507/006, 3507/007, 3507/008, 3507/009, 3507/010, 3507/011, 3507/012, 3507/013, 3507/014, 3507/015, 3507/016, 3507/018, 3507/019.
- 3) No development above the Damp Proof Course (DPC) level of any of the dwellings shall take place until a foul and surface water drainage scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how the foul and surface water drainage is to be maintained and managed after completion of the development. The approved scheme shall be fully implemented in accordance with the approved details before the dwellings are occupied.
- 4) No development above the Damp Proof Course (DPC) level of any of the dwellings shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) The dwellings hereby permitted shall not be occupied until plans and particulars showing the provision to be made within the development for the storage and disposal of refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority and implemented in accordance with the approved details. The approved provision shall be retained thereafter in perpetuity.
- 7) The dwellings hereby permitted shall not be occupied until a Biodiversity Mitigation Plan (BMP) has been submitted to and approved in writing by the Local Planning Authority and the BMP has been complied with in full in accordance with the approved details. Thereafter, the approved mitigation measures shall be permanently maintained in accordance with the approved details.
- 8) The dwellings hereby permitted shall not be occupied until the access road and vehicle turning and parking areas, including the 12 parking spaces for the nursery school, have been constructed in accordance with the approved drawings. Thereafter, these areas shall be kept free from obstruction and permanently maintained for the access, turning and parking of vehicles.