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## Appeal Decision

Hearing Held on 30 January 2019

Site visit made on 30 January 2019

**by David Wildsmith BSc(Hons) MSc CEng MICE FCIHT MRTPI**

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

**Decision date: 11 February 2019**

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**Appeal Ref: APP/U1240/W/18/3198249**

**The Paddocks, Dorchester Road, Corfe Mullen, Wimborne, BH21 3HA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by JKL Ltd against the decision of East Dorset District Council.
  - The application Ref 3/17/1631/OUT, dated 12 June 2017, was refused by notice dated 19 September 2017.
  - The development proposed is demolition of the existing building and construction of 11 affordable "starter homes" with associated parking, access and landscaping.
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### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The application was submitted in outline, with all matters apart from landscaping to be determined at this stage. As a result it was agreed at the Hearing that the annotation "Indicative Details" on the 2 main submission plans should be deleted.
3. The Council originally refused planning permission for 7 reasons, one of which was the absence of a planning obligation to secure a necessary mitigation payment in accordance with the Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (SPD); and to provide a mechanism to secure the future use of the proposed dwellings as affordable housing. However, prior to the Hearing the appellant submitted a planning obligation in the form of a unilateral undertaking, made under Section 106 of the Town and Country Planning Act 1990, as amended, to address these concerns. I return to this matter later.
4. A further reason for refusal related to the fact that the planning application had not been supported by a Biodiversity Management Plan/Biodiversity Certificate. This matter was, however, also addressed prior to the Hearing, by means of the submission of an appropriate and satisfactory mitigation plan and certificate.
5. Planning permission was granted in December 2015 for demolition of the existing building on the appeal site and the construction of a 2-storey, 27-bedroom hotel. This was referred to at the Hearing as representing a "fall-back" position.

### Main issues

6. In light of the above points, and as the appeal site lies within the South East Dorset Green Belt, the main issues are:

- i. Whether the appeal site should be considered as an affordable housing exception site;
- ii. Whether the proposed development would be inappropriate development in the Green Belt, and its effect on the openness of the Green Belt;
- iii. The effect of the proposed development on the character and appearance of the surrounding area; and
- iv. Whether the proposed development would provide acceptable living conditions for future occupiers.

## Reasons

### *Whether an affordable housing exception site*

7. The appeal site occupies a slightly raised position on the south side of the A31 trunk road, some 250m from the edge of the settlement of Corfe Mullen and about 1.5km from Wimborne. It is accessed from the A31, through the car park of a coffee shop/drive-thru, which lies immediately to its west. A petrol filling station with a small convenience store lies a little further to the west, adjacent to the coffee shop. A caravan sales business, comprising an accessory shop accommodated in a single-storey building, along with an extensive length of hard-standing and caravans for sale lies immediately to the east of the appeal site.
8. Open, undeveloped grassland lies mainly to the south, rising away from the appeal site, with a Wessex Water sewage treatment works (STW) to the south-east, adjacent to the caravan sales site. In addition there is a site for touring caravans to the south-west, behind established planting, and open countryside to the north of the trunk road. The parties agree, in the Statement of Common Ground, that the proximity of the neighbouring buildings means that the appeal site sits in a ribbon of development on this part of the road.
9. The appellant seeks to demolish the existing single-storey detached, extended bungalow which currently occupies the appeal site, and replace it with 11 2-storey affordable "starter homes", arranged as 3 short terraces of 3 dwellings, with a pair of semi-detached dwellings. As is made clear in the Glossary to the National Planning Policy Framework<sup>1</sup> ("the Framework"), starter homes<sup>2</sup> are now recognised as a form of affordable housing. They would be made available to first-time buyers aged between 23 and 40 years old, and would be sold at a discount of at least 20% below market value, with a price cap of £250,000.
10. The appellant maintains that although the appeal site does not directly adjoin the defined settlement boundary of Corfe Mullen, it should nevertheless be regarded as an affordable housing exception site under Policy LN4 of the Christchurch and East Dorset Local Plan Core Strategy (CS), adopted in 2014. This policy requires such sites – which would otherwise be considered inappropriate for development – to adjoin or be very close to defined rural and urban settlements named in the policy – including Corfe Mullen.
11. As well as requiring secure arrangements to be in place to ensure that the affordable housing would be enjoyed by successive as well as initial occupiers, the policy requires the proposed development to provide a mix of affordable housing size and type, which meets demonstrated local housing needs; and to be of small

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<sup>1</sup> the Framework was originally published in 2012, but was updated in 2018, after the Council's decision to refuse planning permission. All references in this decision are to the current 2018 version.

<sup>2</sup> as specified in Sections 2 and 3 of the Housing and Planning Act 2016

scale and reflect the setting, form and character of the settlement and the surrounding landscape.

12. Although the Council confirmed that it can currently demonstrate a 5-year supply of deliverable housing land, there is no dispute that there is a pressing need for affordable housing in the Council's area as a whole, including in Corfe Mullen Parish. I understand that the CS provides for a total housing requirement of 8,490 dwellings across Christchurch and East Dorset over the plan period, with an overall requirement for 35% of these (2,972) to be affordable. I have also been referred to the Council's Strategic Housing Market Assessment (SHMA) of 2012, which concludes that there is an overall housing need figure of 336 dwellings per annum (dpa) in East Dorset, and 21 dpa across Corfe Mullen, 40% of which should be affordable.
13. Much of the housing provision for Corfe Mullen was anticipated, in the CS, to be provided by means of a new neighbourhood to the north of the village at Lockyer's School, through Policy CM1. This development was expected to deliver some 250 dwellings, with up to 50% being affordable. However, whilst outline planning permission was granted in December 2017 for 112 dwellings on the northern part of the Policy CM1 area, with some 25% (28 dwellings) to be affordable, I understand that the southern part of this area is now unlikely to be developed for housing because of changes to the status of Lockyer's School. As a result, an appreciable amount of expected housing and affordable housing for Corfe Mullen now seems unlikely to be forthcoming, at least in the foreseeable future.
14. Specific local affordable housing needs are dealt with in the Corfe Mullen Parish Housing Research Report (HRR) of March 2015. Although this did not have a particularly high response rate, it has been referred to in evidence by both the Council and the appellant and accordingly I give its findings weight. In summary, it identified a need for affordable housing of about 9 dpa, similar to the figure of about 8 dpa identified in the 2012 SHMA. The appellant maintains that the provision of 11 affordable units through the appeal proposal would directly contribute to meeting these needs, and that the proposal thereby accords with CS Policy LN4.
15. However, for a number of reasons I do not share that view. Whilst I acknowledge that the HRR pre-dates the changes to the definition of affordable housing, such that there are no direct references to starter homes in the HRR, I have been mindful of the income, savings and tenure aspirations of the various groups surveyed, as set out in Tables 7, 8 and 9 of the HRR and as highlighted by the Council at the Hearing. To my mind these Tables are helpful in assessing whether the appeal proposal would, indeed, *"provide a mix of affordable housing size and type which meets demonstrated local housing needs"*, as required by Policy LN4.
16. The appeal proposal would provide 7 2-bedroom and 4 3-bedroom houses, and this seems to me to be a reasonable mix. But working on a house price of around £230,000, and assuming a deposit of around £25,000, the Council estimated that potential occupiers would need a household income of just over £50,000 to be able to afford one of the proposed dwellings. These figures were not directly disputed by the appellant, although I do accept the appellant's point that it is difficult to try and second-guess how respondents to the HRR may have reacted to the option of starter homes, had they formed part of the range of affordable housing types under consideration.

17. Nevertheless, having regard to the generally low income range of the HRR respondents, and the relatively low savings positions, I consider it highly unlikely that the proposed starter homes could be considered as meeting the demonstrated local housing needs arising from this survey, with a majority of respondents indicating a preference for rented accommodation. Furthermore, I have noted the requirement, set out in the Housing and Affordable Housing SPD, that exception sites must be selected as the preferred and deliverable option following an evidenced scoping exercise and sequential test of potential sites capable of meeting the locally identified need.
18. This SPD goes on to say that evidence of site investigations will form an expected part of the planning justification process, usually carried out in partnership with parish councils, community bodies and local landowners. No such evidence to justify the appeal site as an affordable housing exception site has been put before me, and it is of note that the appeal site does not feature in the fairly extensive list of potential sites suggested by respondents as suitable for affordable housing, appended to the HRR. Moreover, I share the Council's view that the appeal site is generally divorced from the rest of the village, and would therefore not assist in creating and supporting a mixed, vibrant and balanced community, as sought by the Framework.
19. In light of the above reasons, and notwithstanding the fact that there is clearly an identified affordable housing need within Corfe Mullen, I am not persuaded that the appeal proposal would be a satisfactory and appropriate way of addressing that need. Because of this I only give limited weight to the provision of affordable housing, and conclude that the appeal proposal would not accord with the requirements of CS Policy LN4. The appeal site should not therefore be considered as representing an acceptable affordable housing exception site.

*Green Belt*

20. CS Policy KS3 states that development in East Dorset District and Christchurch Borough will be contained by the South East Dorset Green Belt. Amongst other matters it explains that the most important purposes of the Green Belt are to protect the separate physical identity of individual settlements in the area by maintaining wedges and corridors of open land between them; and to maintain an area of open land around the conurbation.
21. More detailed guidance on development in the Green Belt is given in Section 13 of the Framework. In particular, paragraph 145 indicates that the construction of new buildings in the Green Belt should be seen as inappropriate, except where certain exceptions apply. Exception (f) relates to "limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)", and is relied on by the appellant to support this proposal. However, as I have already concluded that the appeal site cannot be considered to be a rural exception site, this exception cannot apply in this case.
22. Moreover, and notwithstanding the existence of the extant permission for a 27-bedroom hotel on the appeal site, the footprint and bulk of the proposed dwellings would be materially greater than that of the existing bungalow, such that I am not persuaded that exception (d) should apply here, either. The 11 proposed dwellings would also extend noticeably further across the width of the site than would the proposed hotel, such that even when compared against this fall-back position I do not consider that this exception should apply.

23. Finally, although the appeal site is previously developed land, for reasons outlined above I consider that the appeal proposal would have a materially greater physical presence and therefore a greater impact on the openness of the Green Belt than either the existing bungalow on the site, or the hotel approved in the fall-back position. The first part of exception (g) cannot therefore apply; and as I have already concluded that the starter homes proposed here would be unlikely to contribute to meeting an identified affordable housing need in this locality, I do not consider that the second part of exception (g) can apply either, in this case.
24. The above points lead me to conclude that the appeal proposal would constitute inappropriate development in the Green Belt. As the Framework's paragraph 143 explains such development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. I consider, later in this decision, whether any such circumstances exist.

*Effect on character and appearance*

25. I have noted the Council's contentions that the appeal proposal would represent poor design and that the proposed bulk, mass and design of the new dwellings in this highly visually prominent position, fronting onto the A31, would have a harmful impact on the character and appearance of the wider area. The Council also maintains that the dwellings would not be complementary to their rural setting, but would be of an urban form and design that could be found more or less anywhere.
26. I do acknowledge that as with the approved hotel permission, the appeal proposal would seek to lower ground levels on the site before constructing the proposed dwellings. As such, the dwellings would be more or less the same height as the approved hotel building, and not significantly taller than the existing bungalow. Furthermore, I accept the appellant's point that rather than representing an "off the peg" type of standard design, there is some variation in the proposed form and design of the dwellings and in the intended roofing and facing materials.
27. But notwithstanding these points, on balance I share the Council's view that residential development of this generally urban type and design at this location, extending over a significant length of the appeal site, would be out of keeping with the form and nature of the immediately adjacent commercial development. In this regard, the proposed dwellings would sit less comfortably in this busy roadside location than would the approved hotel.
28. I saw no other similar groupings of residential properties in the locality along the A31, and as I do not consider that the proposed development would be compatible with or improve its surroundings in terms of site coverage and architectural style, I find that the appeal proposal would be at odds with CS Policy HE2, dealing with the design of new development. I therefore conclude that the proposed development would have an adverse impact on the character and appearance of the surrounding area.

*Effect on living conditions*

29. The proposed introduction of 11 starter homes, which could well be occupied by couples with young children, would not sit comfortably at this location in such close proximity to fast-moving trunk road traffic. There are no footways on the A31 at this location, meaning that the private car would be the most likely mode of transport for future occupiers, apart from simple trips to the adjacent coffee shop and convenience stores. As was noted at the Hearing, it is not unusual in

largely rural areas such as this, where only limited public transport services may be available, for many trips to have to be made by private car.

30. But in my opinion these points serve to indicate that an intensified residential use at this location would result in rather poor living conditions for future occupiers, at odds with the Framework's social objective, set out in paragraph 8 of the Framework. Amongst other things, this seeks to ensure that development is sustainable and provides a well-designed and safe built environment, with accessible services. The appeal proposal would also conflict with Framework paragraph 128(f), which indicates that new developments should create places that are safe, inclusive and accessible, and which promote health and well-being with a high standard of amenity for existing and future users.
31. Moreover, I found at my site visit that the appeal site's position immediately adjacent to the busy A31 trunk road means that the noise of traffic at this location is very noticeable. That said, I acknowledge that the dwellings are designed to have principal living rooms and private garden areas to the south, away from the A31, and I accept that these measures are likely to lessen the impact of traffic noise. On its own, therefore, traffic noise would not have weighed unduly heavily against the appeal proposal, but taken together with the other points detailed above, it reinforces my view that the proposed development would result in rather poor living conditions for future occupiers. These concerns would be less important for those just having a short stay at a roadside hotel, and in this regard the fall-back position does not lend weight to the appeal proposal.
32. The proximity of the STW has caused Wessex Water to raise an objection to the proposed development on the grounds that such works can produce strong and unpleasant odours and problems of flies, and that these could give rise to future complaints if a residential use was introduced onto the appeal site. However, there is already a residential use on the site, and whilst I acknowledge that the existing dwelling is further away from the STW than would be the case with some of the proposed dwellings, I have not been made aware of any complaints from the existing residential occupiers, or been presented with any firm evidence from Wessex Water to support its objection.
33. Wessex Water did not attend the Hearing, but maintained in its written representations that corrections it had recommended, with respect to odour modelling contained in a draft Odour Report prepared for the appellant, had not been acted upon. However, this view was at odds with that expressed by the appellant at the Hearing, where it was explained that the final Odour Report had taken the Wessex Water comments on board, but still indicated that any odour impact for future residential occupiers would not be unacceptable.
34. These conflicting views, and rather inconclusive evidence, mean that I am unable to come to a firm conclusion on the issue of odours and flies. However, because of my adverse conclusions regarding site location, proximity of the trunk road and traffic noise I conclude, on balance, that the proposed development would result in poor living conditions for future residents. Accordingly I find that the appeal proposal would be at odds with the aforementioned paragraphs of the Framework.

#### *Summary on the main issues*

35. In light of all the points set out above, I conclude that the appeal proposal would represent inappropriate development in the Green Belt, and would harm the openness of the Green Belt. The Framework makes it clear in paragraph 144 that

substantial weight should be given to any harm to the Green Belt, and the fact that the proposal would be inappropriate development means that it would also be in conflict with CS Policy KS3, referred to above. In addition, I have concluded that the proposed development would have an adverse impact on the character and appearance of the surrounding area, and would result in poor living conditions for future residents. These points all weigh against the appeal proposal.

36. In the appeal proposal's favour, it would provide a meaningful amount of affordable housing in the local context, but for reasons already given I can only give limited weight to this matter. In my assessment this benefit is clearly insufficient to outweigh the harm to the Green Belt and the other harm just identified, and there are therefore no very special circumstances sufficient to justify this proposal.

#### *Other matters*

37. Although the Council had indicated, prior to the Hearing, that it was satisfied with the provisions of the submitted unilateral undertaking, it emerged at the Hearing that the figure offered for the Strategic Access Management and Monitoring<sup>3</sup> contribution is incorrect, following a small rise in the "per household" contribution in January 2019. Had all other matters been in favour of the appeal proposal I could have delayed my decision to allow time for this matter to have been addressed, such that this would not have counted against the appeal proposal.
38. Similarly, I could also have delayed my decision to allow a further modification to be made to Schedule 3 of the unilateral undertaking, to amend clause 7 of this Schedule so as to reflect the "local connection" requirements set out in paragraph 5.13 of the Housing and Affordable Housing SPD. The appellant indicated at the Hearing that had it been informed of this requirement earlier, it would have been content to include it within the unilateral undertaking.
39. However, because of my adverse conclusions on the main issues in this case, neither of these matters is of any material consequence, and neither has any meaningful bearing on my reasoning or decision.

#### **Overall conclusion**

40. For the reasons set out above, and having had regard to all other matters raised, I dismiss this appeal.

*David Wildsmith*

INSPECTOR

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<sup>3</sup> to satisfy the requirements of the Dorset Heathlands Planning Framework 2015-2020 SPD

## **APPEARANCES**

### **FOR THE APPELLANT:**

Mr M Holmes  
BA(Hons) MA MRTPI

Chapman Lily Planning Ltd

### **FOR THE LOCAL PLANNING AUTHORITY:**

Mrs S Mawdsley  
MA MRTPI  
Mr S Trueick  
BA(Hons) MRTPI

Principal Planning Officer, Christchurch and East  
Dorset Council  
Partnership Planning Policy Manager, Christchurch  
and East Dorset Council

### **DOCUMENTS AND PLANS SUBMITTED AT THE HEARING**

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| Document | 1 | Council's Hearing Notification Letter, and list of people notified  |
| Document | 2 | Christchurch and East Dorset Councils' Housing and Affordable Housing SPD – adopted December 2018             |
| Document | 3 | Appeal Decision Ref APP/U1240/W/17/3176819 – Land at Pardy's Hill, Corfe Mullen, Dorset, BH21 3HW             |
| Document | 4 | Corfe Mullen Parish Council Housing Research Report – March 2018  |
| Document | 5 | Approved plans for a 27 bedroom hotel on the appeal site – referred to as representing a "fall-back" position |

Richborough Estates