



Appeal Decision

Hearing held on 21 May 2024

Site visit made on 21 May 2024

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 July 2024

Appeal Ref: APP/D1265/W/23/3333249

Land north of Station Road, Stalbridge, Dorset DT10 2RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gladman Developments Ltd against the decision of Dorset Council.
 - The application reference is P/OUT/2023/02643.
 - The development proposed is described as the erection of up to 160 dwellings with public open space, 2 hectares of land for a primary school, landscaping, and sustainable drainage system, with vehicular access off Station Road.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of up to 160 dwellings with public open space, landscaping, and sustainable drainage system, with vehicular access off Station Road, at Land north of Station Road, Stalbridge, Dorset DT10 2RJ in accordance with the terms of the application, Ref P/OUT/2023/02643, dated 3 May 2023, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matters

2. The description of development includes '2 hectares of land for a primary school'. The Council confirmed at the Hearing that it assessed the application on the basis that this land would be secured within the site by a planning obligation, and that the proposal itself did not include either a primary school or a change of use of the 2 hectares in question. The appellant agreed that the appeal should proceed on that basis. For sake of certainty, I have therefore omitted reference to the 2 hectares of land within my decision above. This is indeed a matter separately addressed by the submitted Section 106 Agreement (S106).
3. The application was made in outline with all matters except access reserved for future consideration. Though the Council considers that landscape and layout should not have been reserved, it failed to take any action to address the matter when it assessed the scheme. I therefore attach little weight to its view and have considered the proposal as set before me.
4. Two different indicative layout plans have been submitted. I have taken these into account in my assessment below, whilst recognising scope for further variation. This is particularly relevant in relation to 2 hectares of land referenced above, whose precise location within the site remains to be fixed under the terms of the S106.

5. The submission of the S106 has addressed the Council's third reason for refusal of planning permission, which related to its absence. I shall consider the S106 further below.

Main Issues

6. The main issues are:

- whether the site is a suitable location for the proposed development having regard to development plan policy; and
- whether the design of the development could: (a) provide acceptable living conditions in relation to provision of amenity space; and (b) provide an appropriate response to the character and appearance of the area, including the setting of a Grade II* listed building.

Reasons

Location

7. Policy 2 of the North Dorset Local Plan Part 1 (the Local Plan) sets out the spatial strategy for the former North Dorset District Council area. Using settlement boundaries, this seeks to achieve a sustainable distribution of development, focusing new housing on 4 towns. Within this context Stalbridge and 18 larger villages are identified as suitable for growth to meet local rather than strategic needs. Though Policy 2 of the Local Plan places no cap on the level of development within Stalbridge, this is otherwise constrained by the above considerations.
8. As the site falls outside the settlement boundary, it is located within the countryside for Local Plan purposes. Framed with reference to the intrinsic character and beauty of the countryside, Policy 20 of the Local Plan restricts housing within such locations to that which is affordable, or for which there is an overriding need for a countryside location. This is development which Policies 2 and 6 of the Local Plan otherwise identify as meeting essential rural needs.
9. As the proposed development would primarily serve a strategic need for new housing and there is no functional requirement for a countryside location, it would conflict with Policies 2, 6 and 20 of the Local Plan.
10. Despite these identified conflicts, the Council confirmed at the Hearing that the development would not affect the function and role of Stalbridge within the established settlement hierarchy. It also expressed no concern over the ability of future occupants to access to facilities/services. In this regard it appears to accept the recent findings of 2 Inspectors who have considered Stalbridge to be a somewhat more sustainable location than suggested within the Local Plan.
11. The Council additionally confirmed that no unacceptable harm would arise to the character of the landscape. Indeed, its second reason for refusal, as encapsulated within the second main issue, centred upon the appropriateness of design rather than identifying any unacceptable loss of countryside. In this regard no meaningful distinction can be drawn between the site as a piece of open countryside, and the broader landscape of which it forms part.
12. The settlement boundary was itself designated over 20 years ago, and a review of the Local Plan, required by 2018, never occurred. The latter was to have

included reconsideration of the spatial strategy. A pronounced discrepancy now exists between the average annual rate for housing delivery set out within Policy 6 and the current local housing figure calculated using the standard method. These considerations together act to reduce the weight that can be attached to the above policy conflicts. But the absence of any identified harm in relation to the matters which Policies 2, 6 and 20 address, otherwise strongly indicates the acceptability of the scheme.

13. I therefore conclude that the site is a suitable location for the proposed development notwithstanding conflict with Policies 2, 6 and 20 of the Local Plan.

Design

(a) Amenity space

14. The reasons for refusal made no direct reference to amenity space or living conditions. The parties were however agreed that this was suitably implied by reference to Policy 25 of the Local Plan which relates to amenity.
15. Policy 25 sets out a requirement for residential development to provide gardens or communal open spaces 'appropriate' to the needs of occupants, and for such spaces to receive 'adequate' light. The supporting text of Policy 24 sets out additional requirements in relation to drying clothes. No more specific standards in relation to the quality and amount of private amenity space which should be provided have been adopted.
16. The indicative layouts show some awkwardly shaped and sized gardens squashed between dwellings and garages. Whilst the quality of such spaces would most likely be poor, layout, scale, and landscaping remain reserved matters. Within this context the potential exists to fully revise the layout, in relation to which garages could be omitted, the mix and height of dwelling types could be altered, and the balance between private and other open spaces could be adjusted. The Council additionally confirmed that balconies could be counted as amenity space. Aside from the above, the indicative density of the proposed development would be less than that of the approved scheme to the south. That and the above being so, I cannot conclude either that the development would be unacceptably cramped, or that the provision of amenity space would be unacceptable.

(b) Context and heritage

17. The site is made up of 2 relatively flat, low-lying fields currently covered by long grass. The largest of these fields fronts Station Road, and occupies the southern portion of the site, whilst the northern field is relatively narrow. These fields are for the most part located immediately to the east of a range of large industrial sheds which currently define the settlement edge. Whilst land immediately to the north, east and south is currently open, that to the south has planning permission for a large housing development. This development would extend further eastward than that proposed on the appeal site.
18. The reasons for refusal indicate a lack of compatibility with the rural edge of the settlement. However, as noted above, the majority of the edge adjacent to the site is currently defined by a row of large industrial sheds. Whether or not these bear some vague resemblance to modern agricultural buildings, this part of the settlement edge has no obvious merit. It provides an abrupt and unattractive transition in character. Details of the residential development to

the south remain to be approved, whilst to the west of the sheds, existing residential development is generically suburban in character.

19. An opportunity thus presents itself to provide a new and improved settlement edge, a better sense of transition to the surrounding rural setting, and an individually distinctive development. I see little reason to believe that terraces or carefully positioned flats would have any broader adverse effect on the character of Stalbridge as a whole. This is regardless of whether or not the overall proportion of terraces or flats might differ from that within the broader settlement, or of other approved developments.
20. The site lies beyond the immediate physical setting of the historic core of the Stalbridge. A direct view across open land which rises towards it is nonetheless available through the northwest corner of the site. The focal point of this view, which features both historic and modern buildings, is the striking form of the tower of St Mary's Church, a Grade II* listed building. The view is available both from the public footpath which crosses the northern field at this point, and along a narrow corridor extending eastward through the field. More obstructed views are available from other parts of the site, from Station Road, and from rising ground further towards the east. In the latter views lower portions of the church are also partially visible.
21. The Council again raised no objections to the scheme on grounds of harm to the historic environment, whose conservation is a subject of Policy 5 of the Local Plan. As the site lies within the setting of the church, it is nonetheless necessary for me to consider whether this would be preserved.
22. Insofar as it is relevant to this appeal the special interest and significance of the church resides in its historic ecclesiastical function, substantial medieval fabric, and its visually striking and architecturally impressive C19th tower. The tower has a landmark quality which fixes the location of the church within both the landscape and the historic townscape. Its functional relationship to a place of worship is readily perceived, as is its architectural quality. Appreciation of neither requires a visit to the church itself. Whilst the ability to view the tower from afar is an inevitable consequence of its height and siting, this, and the above attributes were all clear intentions of its design. Long views towards the tower are thus an important means by which its significance is broadly appreciated, and they in turn make an important contribution to the significance of the church as a whole.
23. Though it is unlikely that the development would obstruct existing views from higher ground east of the site, it would inevitably cause some obstruction of views towards the tower from within the site and from Station Road. The quality of these views however varies. Moreover, given that views of the tower are experienced across both a geographically extensive area and chiefly within the context of movement, it cannot be considered essential for all to be conserved. Here Historic England highlights the potential for balance. Indeed, carefully composed development could provide an improved foreground in views from Station Road, which are currently marred by the intervening sheds. Given the quality of the long vista through the northern field, the tower could also be harnessed as focal point within the layout, both providing new public views, and sense of connection between the development and the historic core of Stalbridge. Though both indicative schemes instead emphasise retention of

an existing obstructed long view, the reserved matters again provide scope for a more positive design response.

24. The physical and visual linkage between a church and its landscape setting is often an important attribute of the significance of churches within rural areas. Whilst the fields which comprise the site make a partial contribution to this sense of linkage, this is not wholly reflective of the historic scene. Indeed, when the tower was constructed during the late 1860s-1870s, a railway line bisected all views within and across the site towards it. Though it seems likely that other parts of the church have always been visible from higher ground towards the east of the site, this is less certain to have been the case in relation to the site and Station Road. Thus, whilst the development would cause some minor erosion of perceived links between the church and its rural setting, the loss would not have any significant effect on the ability to understand its historic position within the landscape, or therefore harm appreciation of its significance. Views from higher ground towards the east, and less obstructed views across open land towards the north would otherwise continue to exist.
25. As scope exists for the Council to secure an appropriate design through the reserved matters, I cannot conclude that the development would fail to preserve the setting of the church.
26. The site additionally lies within the physical and visual setting of Stalbridge Conservation Area (the Conservation Area), which again includes land and buildings on the east side of Church Hill towards the northwest of the site. To the extent that it is relevant, the significance of the Conservation Area resides in the historic layout of the town, and the collection and interrelationship of historic buildings and spaces that it contains, amongst the most notable of which is again St Mary's Church. In this regard my assessment above is sufficient to establish the role that the site plays relative to the historic core and the church, and in that context, the scope which exists to provide a suitable development on the site. I therefore see no reason to find that the significance of the Conservation Area, or the ability to appreciate its significance would be adversely affected.

(c) Conclusion

27. For the reasons outlined above I conclude that satisfactory potential exists for the design of the development to: (a) provide acceptable living conditions in relation to amenity space, and to (b) make a positive response to the character and appearance of the area, including the setting of a Grade II* listed building. I therefore identify no conflict with Policies 5, 24 or 25 as outlined above.

Other Matters and Considerations

28. The development would conflict with the development plan taken as a whole. However, as set out above, I have been unable to identify any unacceptable harm that would arise from such conflict. Whilst this alone indicates the acceptability of the scheme, a further indication is provided by the Council's lack of demonstrable 5-year supply of deliverable housing sites. Within this context, given the absence of identified harm, any adverse impacts of allowing the appeal would not significantly and demonstrably outweigh the benefits when assessed against the policies in the National Planning Policy Framework (the Framework) taken as a whole. This is regardless of whether the level of supply is around 4.87 years as argued by the Council, or around 4.2 years as

argued by the appellant. Indeed, in this case the level of shortfall makes no difference to my findings.

29. A range of planning obligations are secured by a submitted Section 106 Agreement (S106). These include the provision of affordable housing; contributions towards local healthcare, education, library, allotment, rights of way, reserves, leisure, and recreation provision; open space provision and maintenance; and provision of land together with a contribution to enable extension of the North Dorset Trailway. Whilst the S106 also secures land within the site for provision of a primary school the Council's position on the matter is ambiguous. Though it has argued that the provision of land is unnecessary given that a prospective site already exists, it has also accepted that it would be of benefit, providing choice when a replacement facility is required within the next 10 years, and has ultimately sought to secure the 2 Ha offered through bilateral agreement. For those reasons, and given the detailed justification for each of the other obligations set out within the Council's CIL compliance statement, I am satisfied that the provisions of the submitted S106 meet the tests set out in Regulation 122 of the CIL Regulations 2010 (as amended), and paragraph 57 of the Framework.
30. Interested parties have raised a number of concerns not shared by the Council. These include flood risk, traffic, and junction capacity. Insofar as these are matters addressed within the appellant's evidence or which can otherwise be addressed by condition, I see no reason to take a different view.
31. Testing has established the possible presence of great crested newts on site. Bats also forage across it, and the development could more directly impact upon badgers and reptiles. Mitigation measures have however been proposed, and these could be secured, with any necessary revisions, through the imposition of a condition. Insofar as licensing may be required, I have no reason to doubt that a license would be issued.
32. Uphill toward the east of the site land is currently used for heaping mixed straw and dung. During my visit I observed that foul water runs off this heaped material and collects within part of the site. Though neither party indicated awareness of this, and there was some uncertainty over its environmental propriety, I accept their view that it could be addressed within the terms of a condition relating to contamination. It would also require consideration in relation to a surface water drainage, which can likewise be addressed by condition.

Conditions

33. A range of conditions have been proposed and were subject of discussion at the Hearing. Having further regard to the Planning Practice Guidance, I have reworded and rationalised the content of the conditions as necessary, and as set out below.
34. Conditions (1) – (4) are standard conditions identifying the reserved matters, the timescale for submission of details and commencement of the development, and identifying of the approved access plan for sake of certainty. Though the appellant suggested shortening the standard timescales within Conditions (2) and (3), there is no necessity for this.

35. Condition (5) secures provision of a Tree Protection Plan and Arboricultural Method Statement in line with the submitted Arboricultural Impact Assessment, thus helping to safeguard existing trees.
36. Condition (6) accommodates a number of proposed conditions relating to ecological mitigation and biodiversity enhancement. The condition is required to ensure that effects in relation to each are acceptable.
37. Condition (7) is imposed to secure further necessary work in relation to noise, and to ensure that any recommendations are reflected within the scheme's layout and appearance. Further implementation of these measures can be secured at a later stage.
38. Condition (8) clarifies that details of cycle storage/parking should be provided in relation to the scheme layout, again ensuring that this is incorporated within the design. Further implementation can again be secured at a later stage.
39. Condition (9) secures measures to address risks of contamination, whilst Condition (10) covers the possibility of unforeseen risks. Each is imposed in the interests of health and safety. Condition (10) is required pre-commencement given that risks could arise from the outset.
40. Condition (11) secures provision of a finalised drainage scheme to ensure that the site is properly drained. A pre-commencement condition is required as the scheme covers drainage during the construction phase.
41. Condition (12) secures a construction method statement which is required in the interests of amenity and highway safety. A pre-commencement condition is again required as adverse effects could arise from the outset.
42. Condition (13) secured completion of the site access and the provision and maintenance of visibility splays in the interests of highway safety.
43. Condition (14) secures provision of a Travel Plan in the interests of promoting sustainable travel.
44. Condition (15) secures the delivery of off-site highways works which are required to connect the development to an existing pavement along Station Road. As the proposed wording duplicated that of a condition imposed on the approved development to the south, modification was necessary to ensure its relevance. Whilst a footway on the south side of Station Road could alternatively be provided by the development to the south, the provision of an uncontrolled crossing from the site access would not.
45. I have not imposed a condition requiring a landscaping implementation and maintenance programme. Whilst there would be some overlap in relation to the LEMP secured by Condition (6), broader implementation of landscaping, including a 5-year maintenance period can more appropriately be secured at a later stage.

Conclusion

46. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR

Schedule of Conditions

- 1) Details of appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) Insofar as it details the site access, the development hereby permitted shall be carried out in accordance with the following approved plan:
P19094-00-07.
- 5) Prior to or conjunction with the first reserved matters application a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS), based on the Arboricultural Impact Assessment Ref. CSA_4432_13 shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved TPP and AMS.
- 6) In conjunction with the first reserved matters application, a strategy outlining biodiversity mitigation and enhancement measures (BMES) to be undertaken in relation to the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The BMES shall be directly informed by the Ecological Impact Assessment Ref. CSA/4432/16 and the Biodiversity Net Gain Plan Ref. CSA/4432/12, each of which shall be revised as necessary to ensure that they remain fully up to date. It shall additionally include:
 - a) a Construction Environmental Management Plan (CEMP) prepared in accordance with BS 42020:2013 ('Biodiversity – Code of practice for planning and development'), or any superseding British Standard;
 - b) an updated version of the Landscape and Ecological Management Plan (LEMP) Ref. CSA/4432/15; and
 - c) bat friendly lighting strategy.The development shall then be designed, carried out, and thereafter managed in accordance with the approved BMES, CEMP, LEMP and lighting strategy.
- 7) Details submitted in relation to the reserved matters of layout and appearance shall incorporate measures outlined within a Stage 2 Acoustic Design Statement. This shall first have been produced in accordance with the recommendations of the Noise Assessment Ref. 102873, submitted to, and approved in writing by the Local Planning Authority.
- 8) Details submitted in relation to the reserved matter of layout shall include facilities for future occupants of each of the dwellings hereby permitted to store/park bicycles.
- 9) The development hereby permitted shall not commence until a scheme that addresses the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- a) A revised preliminary risk assessment which has identified all previous uses; potential contaminants associated with those uses; contamination arising from use of adjacent land; a conceptual model of the site indicating sources, pathways and receptors; and potentially unacceptable risks arising from contamination at and of the site.
- b) A site investigation scheme to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) The results of the site investigation and detailed risk assessment, and based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
- d) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall then be implemented as approved.

- 10) Any previously unidentified contamination that is found during construction of the development hereby permitted shall be immediately reported to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 11) Prior to commencement of the development hereby permitted, a finalised surface water drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of how surface water will be managed during construction phase, a maintenance and management plan, and shall set out arrangements for adoption by any public body/statutory undertaker, or any other arrangements made to secure the operation of the scheme for the lifetime of the development. The scheme shall then be implemented, and shall thereafter be managed and maintained, as approved.
- 12) Prior to commencement of the development hereby permitted a Construction Method Statement (CMS) shall be submitted to and approved in writing by the Local Planning Authority. The CMS shall be fully compatible with the TPP and AMS approved in relation to Condition 5, the BMES approved in relation to Condition 6, and the construction phase drainage measures approved in relation to Condition 11, and shall include details of:
 - a) areas for loading, unloading and storage of plant and materials;
 - b) details of facilities for wheel/vehicle washing, and other measures to control the emission of dust and dirt;
 - c) measures to minimise light, noise and vibration nuisance;
 - d) details of the management and timing of arrivals and departures, including HGV/abnormal load routing and signage; and
 - e) contact details of the person responsible for overseeing the CMS.Construction of the development shall then proceed in accordance with the approved CMS.

13) Prior to the first occupation of the development hereby permitted:

- a) the first 15 metres of the site access, as measured from the rear edge of the highway, shall be laid out and constructed in accordance with a specification which has first been submitted to and approved in writing by the Local Planning Authority; and
- b) the visibility splays shown on the approved plan shall be provided to a level not exceeding 0.6 metres above the level of the adjacent carriageway.

The visibility splays shall thereafter be maintained and kept free from obstruction.

- 14) Prior to the first occupation of the development hereby permitted, a Travel Plan incorporating the management measures, monitoring, review, and co-ordination arrangements set out within the Framework Travel Plan dated May 2023, shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall then be implemented as approved.
- 15) The dwellings hereby permitted shall not be occupied until works to connect the main site access to the existing pedestrian pavement along Station Road, as detailed on plan P19094-00-07, have been constructed and made available for use in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority.

APPEARANCES

For the Appellant

Peter Dutton	(Planning) Gladman Developments Limited
Anjoli Foster	(Counsel for the appellant) Landmark Chambers
Silke Gruner	(Landscape) Icen
Ben Hunter	(Education) Educational Facilities Management
Rosey Meara	(Heritage) CSA Environmental
Ben Pycroft	(Housing supply) Emery Planning
Robert Rasberry	(Urban Design) CSA Environmental

For the Local Planning Authority

Paul Derrien	Housing Enabling Team Leader
Sara Hardy	Senior Planning Policy Officer
Robert Lennis	Lead Project Officer
Sophie Smith	Senior Urban Design Officer
Paul Sothern	Service Manager Capital Commissioning

Interested parties

Graham Carr-Jones	Former Dorset Councillor
Paul Hancock	Town Councillor
James Vitali	Dorset Councillor

Documents presented at the Hearing

Council land ownership plan.

Email relating to Lower Bryanston Farm.

Footpath plan.

S106 plan.

Transcript of representation by James Vitali.

Transcript of representation by Graham Carr-Jones with visuals.

Transcript of representation by White Hart Link Project read by James Vitali.