



Appeal Decision

Site visit made on 18 February 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/D1265/W/24/3346463

Pleydells Farm, Lower Street, Okeford Fitzpaine DT11 0RQ

- 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 P and J Okeford Fitzpaine Ltd and Mr C Norton against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/04809.
 - The development proposed is to erect 19 No. dwellings, form amenity space, create vehicular access and 43 No. parking spaces.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development from the decision notice and appeal form as details indicate a change was agreed.
3. During the appeal further information was provided regarding the ownership of the land where the attenuation basin is proposed. The Council have had opportunity to comment on this and therefore would not be prejudice by my taking it into account.
4. A planning obligation was also received during the appeal securing contributions towards affordable housing and other infrastructure. As a result, the Council confirmed they no longer wished to pursue refusal reasons relating to the lack of these.

Main Issues

5. The main issues of the appeal are:
 - Whether the appeal site is an appropriate location for the proposed development, with regard to the local and national development strategy,
 - Whether the proposal provides an appropriate housing mix,
 - The effect of the proposed development on the character and appearance of the area,
 - The effect of the proposed development on flood risk; and
 - The effect of the proposed development on highway safety.

Reasons

Development Strategy

6. Policy 2 of the Local Plan¹ provides the spatial strategy for the area. In relation to sites in the countryside, it states that development will be strictly controlled unless it is required to enable essential rural needs to be met. Policy 20 and its supporting text sets out exceptions where some development in the countryside will be permitted and allows other types of development where there is an overriding need for it to be located in the countryside. Policy 6 sets out the spatial distribution of housing development and includes a proportion in the countryside (including Stalbridge and the villages).
7. The properties would not be isolated homes in the countryside in the context of the Framework given the proximity to existing properties and phase 1. The scheme would also increase the supply and mix of housing and contribute to economic growth. Housing numbers are not an upper limit, and the scheme would contribute to affordable housing need. Furthermore, Okeford Fitzpaine is identified as one of the larger villages in the Local Plan and the appeal site would lead on from the adjacent one.
8. However, the appeal site is located outside the settlement limits and therefore in the countryside as defined in the Local Plan. The proposal does not meet any of the exceptions for development in the countryside. In addition, it has not been shown that there is an overriding need for the proposal to be located in the countryside.
9. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. While not having education or health facilities, there are some services and facilities in the village that are only a relatively short distance from the appeal site. To access these, pedestrians and cyclists would need, in places, to travel along narrow roads or where footways are limited or absent. This would be more difficult for those with more limited mobility.
10. Notwithstanding this, at the time of my site visit, which I appreciate is only a snapshot in time, I saw people accessing facilities and the bus stop which would provide access to a wider range of settlements, by foot over a similar distance to that residents of the appeal scheme would. The amount and speed of traffic was relatively low and did not make walking or cycling uninviting. As such, while at times of darkness and inclement weather the use of private vehicles would be more likely, future occupiers would have reasonable access to services and facilities by other modes of transport.
11. Nonetheless, the appeal site is not an appropriate location for the proposed development, with regard to the local and national development strategy. It would conflict with Policies 2, 6 and 20 of the Local Plan where they set out the criteria and exceptions for development in the countryside and set the spatial strategy for the area.

Housing Mix

12. No specific viability considerations have been put forward for the deviation from the housing mix set out in Policy 7 of the Local Plan. The policy though does allow

¹ North Dorset Local Plan Part 1

a degree of flexibility, stating that these proportions will be the starting point for negotiations and that a different mix may be permitted if it can be soundly justified.

13. There would be a considerable over provision of three-bedroom affordable units from that specified in Policy 7. There are a far greater number on the waiting list across the Council area for three-bedroom affordable homes than the scheme would provide. Nonetheless, the overall proportion of this need is far closer to the policy mix than is proposed and no specific local needs housing survey has been carried out to justify the deviation from the policy standards.
14. The initial consultation response from the Housing Enabling Officer indicated that there had been a considerably higher number of bids for a three-bedroom property on the register. However, that reply, and their response of May 2024 also indicates a high level of interest in the 2-bedroom units and a greater number of these being needed in terms of local connection. Within the parish, the scheme would provide more three-bedroom affordable homes than there is a local connection need for. It has not been shown that local circumstances or viability justify moving away from the desired mix.
15. As such, the proposed development would not provide an appropriate housing mix. It would be contrary to Policy 7 of the Local Plan where it requires an appropriate housing mix unless justified.

Character and Appearance

16. While older properties are often located close to the road in the core of the village, within the adjacent permission and at other locations in the village, there is no consistent building line. Even in the same street there are differences, with properties set back and others immediately behind the footway or road being seen together. There are also several examples of parking spaces in front of the building line. This includes the Old Dairy and parts of Lower Street. Therefore, the staggered building line at plots 28-31 and that it differs from those opposite would not be discordant with the pattern of development nearby. Moreover, the forward position of plots 28-29 would largely screen the not significant amount of frontage parking in the streetscene and prevent it being dominant.
17. While there are very limited occasions where a property has a mix of materials on their front elevation, there are many examples of more than one external material on the same property. Moreover, the proposed materials are commonly found in the village, elsewhere on this and the adjacent approved site and final agreement of them could be secured by condition. Differences in heights of properties close to or adjacent to each other is also typical of the village. Being a small row with windows close to the eaves and different porches again would add to the considerable variation in design nearby rather than be incongruous. Therefore, the proposed property types would not jar or look out of place.
18. Parking adjacent to plot 34 and the angle of Plots 32-34 would be in a different arrangement with the road. However, these plots would be orientated towards the driveway in front and also partly the open space beyond that. A large area of open space remains. Furthermore, were the appeal to be allowed, as with other parts of the site conditions could be imposed regarding materials and landscaping to clearly define the use of the external spaces and partly screen or soften hard surface areas. The parking spaces themselves would be overlooked from the properties behind and the street. Means of enclosure could also be conditioned to

prevent the parking spaces being prominent in the streetscene. Conditions could also address minor variations to pedestrian accesses close to parking spaces for some plots.

19. There are no separate footways for large parts of the internal road. However, the use of different materials would delineate spaces such as the shared surface for the roads and footways to make them more legible and clearly defined. This would make them more attractive and easier to use.
20. The introduction of dwellings, roads and domestic paraphernalia would undoubtedly change the character and appearance of the site. Nonetheless, the scheme would be viewed as the new edge of development in this part of the village. It would be seen as a continuation of the adjacent already approved scheme. In wider views, including from the nearby public rights of ways, it would be seen with the existing development of varied scale, age and design around it.
21. As such, the proposed development would not harm the character and appearance of the area. It would accord with the design and character protection aims of Policies 7 and 24 of the Local Plan.

Flood Risk

22. The site is within an area of very low risk for fluvial, surface water and ground water flooding. Full details of the proposed drainage system, including exceedance flows have not been provided. Conversely though, there is no compelling evidence that a suitable drainage scheme is unachievable. Furthermore, the Lead Local Flood Authority have not raised concerns over the concept or principles of the drainage scheme.
23. The proposed attenuation basin would not be located within the red or blue lines on the plans that accompanied the application. Nevertheless, the title plan information shows the relevant land to be owned by Christopher Norton, who is registered as having 'title absolute' in the Proprietorship Register. This appears to correspond with the Mr C Norton who is one of the appellants. Easements and restrictive covenants do not mean that the land is owned by someone other than Christopher Norton. Therefore, the land is within the control of the appellant.
24. In the absence of any evidence to indicate that the principle of the proposed basin method is unsuitable, were the appeal to be allowed, conditions could be imposed for further details of it, its future maintenance and management as well as exceedance flow routes. This would ensure that such information was provided and agreed before the development commences.
25. Therefore, the proposed development would not cause increased flood risk. It would comply with Policies 3 and 13 of the Local Plan where they require the incorporation of measures to reduce flood risk and ensure appropriate drainage is provided.

Highway Safety

26. The proposal would not have a separate space for vehicles and pedestrians for much of the route and areas have been identified where service margins and crossings would be needed. From the evidence before me, there would be space to accommodate service margins at the edge of the open space without any

significant loss of it. This and any crossings could be covered by condition were the appeal to be allowed.

27. With regard to refuse collection, the tracking provided shows that an appropriate vehicle could use and turn within the bottom end of the site. The level of parking on plot and separate areas for visitors is appropriate and has not been disputed by the Council. In light of this, and that no clear indication of where any 'casual parking' would take place, I see no reason why vehicles would block the path of refuse vehicles at the site. Moreover, it would not lead to or exacerbate any existing parking issues nearby outside of the site.
28. While they may be of different dimensions, I saw that sites at the Old Dairy, off Shillington Lane and Comerwicke did not have footways separate from the carriageway in places and roads that narrowed in parts. The proposed layout is also comparable to that of large parts of the adjacent approved site. There is no compelling evidence that the use of a shared surface in itself raises highway safety concerns at that site or why it would do at the appeal site. The shared areas would be sufficient to allow cars to pass pedestrians and the use of materials, subject to condition, would assist in differentiating between areas. Given the scale of the scheme, there would not be a substantial amount of traffic or pedestrian movements along the existing and proposed roads and paths including leading into the village. Although vehicles would cross these paths in places, they would be at low speed and pedestrians would be able to see them manoeuvring, thereby avoiding any conflict.
29. The road widths, alignment and materials would also mean that vehicle speeds would likely be low. Therefore, other road users, including those with more limited mobility would be able to take refuge if needed and a condition could be imposed to secure a crossing point within the site. Were vehicles to meet, there would not be any significant delay or disruption to the flow of the limited traffic within the site. As such, while elements may not meet adoptable standards, they would not cause harm to highway safety or to road users.
30. Vehicles in the visitor parking space in front of Plot 44 would narrow the remaining width for other vehicles to pass. However, while this may be restrictive for larger farm vehicles, they would not need to reverse a great distance to be able to turn around and would be travelling at slow speeds. In the absence of any detailed evidence on the volume of farm traffic and use of the visitor space, it would not be a frequent occurrence or lead to any significant disruption or delays that would cause harm to highway safety.
31. Therefore, the proposed development would not harm highway safety. It would accord with Policy 24 of the Local Plan where it requires schemes to meet relevant principles and standards.

Other Matters

32. There are several listed buildings in the village near the site². Their significance, in part, derived from the traditional materials and design of the buildings and their position along the historic routes leading from the village core. The significance of the Okeford Fitzpaine Conservation Area is in part from the layout around the village core along with the traditional and historic properties in that area.

² Langstone Farmhouse, Darknoll Farmhouse, Squirrel Cottage & Woodpecker Cottage, Pleydells Farmhouse

33. The immediate setting of these heritage assets includes their position addressing the roads at the centre of the village and relationship with the more historic elements of the built form. This contributes to their significance. The wider area, including the appeal site, does not contribute to their significance as it comprises a more varied and wide-ranging built form in terms of scale, layout and materials. Given this and that the scheme would assimilate into the newer development at the edge of the village, the significance of the heritage assets would be preserved.
34. There is some separation between the appeal site and the Dorset National Landscape (NL). The scheme is relatively small scale and of appropriate form and character. It would be seen with other modern development at the edge of the settlement. As such, it would conserve the landscape and scenic beauty of the NL.
35. While recent changes to the Framework have altered the method for calculating whether there is a 5-year housing land supply, the Council have an Annual Position Statement (APS). Therefore, notwithstanding the Alderholt decision³, although the level of supply may alter when that expires, the APS will stand until then and at this time paragraph 11d) of the Framework does not apply.
36. Nevertheless, the proposal would contribute to the supply of housing in the area in a location with reasonable access to services and facilities. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built-out relatively quickly. The number of units proposed means the benefit would be moderate and that from the affordable housing provision would be small. Contributions and other facilities secured in the planning obligation could be used by the wider public such as the open space. However, they would primarily be to offset and prevent harm from the proposed scheme. Therefore, any such benefits would be small.
37. There would also be environmental, economic and social benefits associated with the build and occupation of the dwellings and contribution to the local and wider economy. Nonetheless, given the scale of the scheme the benefits would be small as would those in relation to biodiversity. The lack of harm from the main issues I found acceptable would be a neutral factor.
38. The proposal is contrary to the local and national development strategy. Moreover, the proposal would not provide an appropriate housing mix. Despite the lack of a Local Plan review, the policies above are broadly consistent with the Framework where it states the planning system should actively manage patterns of growth. In addition, the Framework seeks to ensure that the type of housing needed for different groups in the community should be assessed and reflected in planning policies. Therefore, in relation to this appeal, I give these policies full weight.

Conclusion

39. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
40. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR

³ APP/D1265/W/23/3336518