



Appeal Decision

Site visit made on 7 August 2018

by **I Bowen BA(Hons) BTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 October 2018

Appeal Ref: APP/F1230/W/18/3193339

Land to west of Watton Gardens, Bridport

- 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 Sir P Colfox, Watton Hill Trust against the decision of West Dorset District Council.
 - The application Ref WD/D/17/000049, dated 23 December 2016, was refused by notice dated 18 September 2017.
 - The development proposed is erect detached dwelling, garage and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary matter

2. In July 2018, a revised National Planning Policy Framework (the revised Framework) replaced the previous version. The main parties have had opportunity to comment on the significance or otherwise of the changes. I have had full regard to the revised Framework in determining this appeal.
3. For clarity I have used the site address cited in the appeal form rather than the application form.

Main Issues

4. The main issues are whether the proposed development would satisfy local and national planning policies, having particular regard to (i) the landscape and scenic beauty of the Dorset Area of Outstanding Natural Beauty (AONB) and (ii) the strategy for the location of new housing.

Reasons

Landscape

5. The appeal proposal is for a detached 4 bedroom dwelling and separate garage which would be accessed off the western end of Watton Gardens – a residential cul-de-sac of detached houses currently terminating at a hammerhead at the top of Watton Gardens. The proposed dwelling would occupy the south eastern corner of a wider tract of open pasture which rises increasingly steeply from south east to north west up to a wooded hill. The south western boundary of the appeal site is bounded by the rear gardens of properties on Claremont Road.

6. Currently, a view of the sloping pasture land and wooded Watton Hill forms a strong and arresting backdrop when proceeding up Watton Gardens towards the appeal site. The siting of the proposed dwelling is such that it would be located behind the front elevation of No 5 and would not therefore be particularly visible from the street. In effect, therefore, the development would continue the building line of dwellings on the south side of Watton Gardens beyond the defined settlement boundary encroaching into the open countryside.
7. The access however, would be gained at the location of an existing field opening aligned with the centre of the street at the head of the cul-de-sac. From here, a short extension to the road would be constructed together with a new driveway which would run south west to serve the dwelling and garage.
8. Whilst the dwelling would be largely screened from public views, the Local Planning Authority (LPA), highlights the importance of conserving small pastoral fields on the edge of settlements in this AONB character area. In the context of the Dorset AONB Management Plan 2014 – 2019, the quality of this character area has also been assessed as declining. Accordingly, the adverse impact of the proposed development is, in the view of the LPA, considered to be significant.
9. The appellant has submitted a Landscape and Visual Impact Assessment (LVIA). A large number of receptor points within around 2 km of the site have been assessed on the basis of zones of theoretical visibility. These include likely views from residential areas and distant locations based around road, rail, public rights of way and open access land. In summary, the predicted effects are judged to materially only affect the Watton Hill and nearby residential areas. Overall, the effect is predicted to be "slight adverse" as a result of extending the settlement into a landscape feature. It is noted that development has already taken place in the area and that open grassland between housing and the woodland would still be prevalent. The LVIA also notes that the development would extend the settlement boundary in a fairly prominent location but that the new dwelling would be largely hidden.
10. Nevertheless, in considering the location of the dwelling itself, which is proposed to be sited so as to be hidden from view so far as possible, the LVIA does not appear to take into account the likely effect of the whole development including the creation of the new access and driveway. To my mind, this would constitute a significant new hard and urbanising feature. Given the topography of Watton Gardens, this would be prominent when viewed from the public realm and accordingly would have a significant effect on the local landscape.
11. Even if I had concluded that the overall residual adverse effect would be slight however, this would still not accord with the clear policy of the revised Framework that great weight should be given to conserving and enhancing the landscape and scenic beauty of AONBs which have the highest status of protection in relation to these issues. By the LVIA's own analysis, the proposed development would lead to harm – albeit slight - and would not conserve and enhance the AONB.

12. I acknowledge that the examining Inspector for the Local Plan had previously assessed the wider site as a potential development option and concluded that it was "comparatively inconspicuous". I do not have the full details before me which that Inspector would have considered, nor the reasons why the site was not allocated for development. However, that conclusion was made in the context of a site comparison exercise during the examination of a development plan document and it does not automatically follow that part or all of the site would be suitable for development.
13. Accordingly, the proposed development would, in principle, conflict with policy ENV1 of the West Dorset, Weymouth and Portland Local Plan (October 2015) (the Local Plan). The proposed development would also not comply with Section 15 of the revised Framework. Together the above policies seek to protect the area's exceptional landscapes and distinctive character in conserving and enhancing the landscape and scenic beauty of the Dorset AONB.

Location of development

14. Local Plan Policy SUS2 sets out a policy framework for distributing new housing development in the context of planning for sustainable development established by Local Plan Policy INT1. In the interests of ensuring accessibility to jobs and services and protecting the countryside, a hierarchy of settlements is established. Beyond those areas, development in the countryside is strictly controlled and, having particular regard to the need for the protection of the countryside and environmental constraints, restricted to rural development and re-use of existing buildings.
15. In line with this approach, Bridport is identified as a focus for development and delineates a boundary for the purposes of the application of the policy. The proposed development lies adjacent to, but outside, the defined settlement boundary. Therefore in promoting development outside the settlement, it would be at odds with the Council's strategy for the location of development in conflict with Local Plan Policy SUS2. Policy INT1 seeks to promote sustainable development but is positively worded and essentially echoes Paragraph 11 of the revised Framework. Although it is cited in the Council's refusal reason, I have seen no evidence to explain how the proposed development would conflict with this Policy. That is not to say, however, that the development would constitute sustainable development in terms of the revised Framework, which is a matter I consider below.

Other Matters

16. The LPA confirm that a 5 year housing supply cannot be demonstrated, with a current shortfall of 0.06 years. Nevertheless, Paragraph 11 d) i of the revised Framework indicates that in cases where there is a clear reason for refusing permission on the basis of harm to protected areas described in the revised Framework, the presumption in favour of sustainable development is not engaged. For the reasons given above, I have found that such harm would in this case result on the AONB.

Planning Balance

17. Set against the harm I have found, there would be a number of benefits to the scheme in terms of sustainable development. The proposed dwelling would

make a modest contribution to housing land supply in a location which, although peripheral to the settlement, would mean occupiers of the development would support local services and facilities. There would also be modest economic benefits to the scheme during the construction phase and Community Infrastructure Levy receipts would contribute to local infrastructure. However, the scale of the benefits associated with a single dwelling would be modest and would not be sufficient to outweigh the harm to the AONB, to which great weight must be attached, nor the conflict with the overall locational strategy of the Local Plan.

Conclusions

18. For the reasons given and taking into account all other matters raised, the appeal should be dismissed.

Ian Bowen

Inspector