

EASTERN PLANNING COMMITTEE

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

Recommendations: It is **RECOMMENDED** that:
(This report is for Information)

Wards: Council-wide

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/U1240/W/19/3230300

Planning Reference: 3/19/0532/FUL

Proposal: Conversion and extension of the existing single garage into a 1-bedroom detached dwelling with associated driveway and hard and soft landscaping. Erect a new detached garage and access driveway for the existing dwelling house

Address: 1 Down Lodge Close, Alderholt, Fordingbridge, Dorset, SP6 3JA

Decision: Appeal dismissed

The application for the conversion and extension of the existing garage to a 1 bedroom detached dwelling and associated works and the erection of a detached garage and new access for the existing dwelling was refused by delegated powers in April 2019.

An initial design was proposed but received objections from DC Highways and amended plans were received addressing highways safety issues in relation to the proposed access. However, the application was refused as the proposed conversion of the garage to a 1 bed dwelling would represent a cramped, contrived and incongruous feature emphasised by the limited dimensions and shape of the plot, the elevated position of the new dwelling relative to the parent property, boundary screening, and lack of opportunities for soft landscaping as a consequence of the need to secure functional parking provision for both the proposed dwelling and parent property.

The inspector noted whilst the development would not be visible from a wide area, the impact to the character and appearance of the site would still be evident from public vantage points such as the adjacent highway. It was also

noted there have been garage conversions and extensions in the area, but this does not suggest that this proposed development is appropriate, with each case taken on its own merits also. The inspector agreed that due to the cramped form of development, the proposal would result in harm to the character and appearance of the area and the street scene.

3.2 Appeal Reference: APP/U1240/X/19/3227182

Planning Reference: 3/18/1373/CLE

Proposal: Silversmiths business (industrial manufacturing unit)

Address: Land adj. to the Anchorage, Blandford Rd, Corfe Mullen, BH21 3HE

Decision: Appeal Dismissed

This appeal concerned an application for a Lawful Use Certificate for the use of a piece of land with a garage on it as a silversmith business (industrial manufacturing unit) on a piece of land immediately to the north west of the dwelling known as The Anchorage.

The Inspector considered the information given by local residents suggested that the silversmith business is likely to have been of a reasonably modest scale, and was a use incidental to the enjoyment of the adjoining dwelling at The Anchorage, as opposed to either being part of a mixed use or being a physically and functionally separate industrial use.

The size and appearance of the building, was considered by the Inspector to be more akin to that of a residential garage as opposed to an industrial unit, and based on the available evidence, as a matter of fact and degree and on the balance of probability, the Inspector was not persuaded that the silversmith business was of such a significant scale that the use was physically and functionally separate from the adjoining dwelling for a period of more than ten years prior to the application date.

The Inspector concluded that a Lawful Development Certificate (LDC) cannot be granted, as the evidence available is not sufficiently clear, precise and unambiguous to show that the use began more than ten years before the date of the application and continued without material interruption thereafter.

It was accepted that use of the site as a builder's store had involved a material change of use of the site and the Inspector considered the builder's store use occurring on the date of the application was unlawful, as no planning permission had been obtained.

The inspector advised that according to relevant planning case law, the effect of an unlawful material change of use is that previous lawful use rights are extinguished. If, following an unlawful use ceasing, a previous use is resumed it would be in breach of planning control, unless planning permission had first been obtained.

Therefore, the Inspector advised that even if it had been shown that the use applied for had been continuous for the required period, that use was not subsisting on the application date as it had been supplanted by the unlawful use as a builder's store. As a result, an LDC could not have been granted in any event.

3.3 **Appeal Reference: APP/U1240/W/19/3230314**

Planning Reference: 3/19/3300/FUL

Proposal: Change of use of the land from a mixed use for the siting of static caravans, touring caravans and tents to the siting of solely static caravans and lodges

Address: Wilksworth Farm Caravan Park, Cranborne Road, Colehill BH21 4HW

Decision: Appeal dismissed

The appeal site; which is in use as a holiday park, lies in the South East Dorset Green Belt to the north of Wimborne. The site is separated from the surrounding agricultural fields by trees and hedges. The park comprises 77 static pitches, 60 touring caravan pitches and 25 tented pitches, centred around a complex of permanent buildings.

Static pitches occupy the northern and western part of the site and are closely spaced on hard standings, served by a network of permanent roads. The southern and eastern parts of the site accommodate touring caravans and tents. These parts of the site have a quite different character, comprising largely of grassland, with fewer roads and hard standings.

The appeal proposed converting the tent and touring caravan areas to static pitches providing 38 static caravans and 11 lodges, in place of the existing 60 touring pitches on the southern part of the site. On the eastern field 25 tent pitches would be replaced by 20 static caravans. Some reorganisation of the existing static caravans would enable provision of 5 additional units with an overall reduction in the number of pitches from 162 to 151.

The static caravans and lodges would be placed on gravel hard standings and accessed via a network of new site roads with a gravelled area of winter storage at the centre of the site converted to a grassed amenity area.

Green Belt Impacts

The inspector acknowledged that there would be a reduction in the number of holiday pitches on the site but considered that the static caravans would be likely to have a considerably larger volume than most touring caravans or tents and would occupy significantly more space.

'...the touring and tented areas will not be fully occupied at all times. Even at the height of the holiday season, I saw that there were considerable expanses of open grassland within the areas proposed for the static units. During the winter months these areas would be more sparsely occupied. In contrast, all

the static caravans would occupy the site for the entire year. Consequently, there would be a significant impact on the openness of large parts of the site.

10. I am mindful that the static caravans constitute a use of land, and that therefore they could be removed in the future. However, their all-year round siting, and the operational development for the hard standings, roads and parking spaces would give the development a degree of permanence. I appreciate that the legislation allows operational development required by the conditions of a caravan site licence to be carried out as permitted development, and that the appellant could choose to arrange the existing touring pitches to the same layout proposed for the static caravans. However, I have no evidence to suggest that this is more than a theoretical possibility. In any event, it is the permanent siting of the static caravans that would impact on openness'.

The inspector considered proposal to represent inappropriate development in the Green Belt contrary to Paragraph 143 of the NPPF.

Settings of Listed Buildings

The appeal site contains two listed buildings: Winksworth Farmhouse, which is Grade II*; and a granary, which is Grade II.

The current use of the southern field allows some connection between the Farmhouse and its historical countryside surroundings. The inspector judged that appeal proposals would significantly affect the way in which the Farmhouse is experienced from this part of the site. The close spacing of the proposed static caravans would block virtually all views of the listed building. As the caravans would be in position all year round, any remaining connection with the surrounding countryside would be lost, resulting in harm to the setting of the listed building.

The conversion of the gravelled area of winter storage to a landscaped amenity area would be beneficial to the immediate setting of both listed buildings but this would be a relatively small area of managed open space, entirely surrounded by closely spaced permanent caravans and buildings. The inspector concluded that this would not restore any connection between the listed buildings and their countryside surroundings nor would it offset the harm to the way in which the buildings are experienced from the southern and eastern fields.

'The public benefits of the scheme are, therefore, limited and do not outweigh the harm that I have identified to the setting of the listed buildings. Consequently, the proposals would be contrary to Policy HE1 of the Local Plan, which seeks to protect and enhance the significance of all heritage assets and their settings. The development would also conflict with the aim of Section 16 of the Framework, to conserve and enhance the historic environment'

The inspector concluded that the proposals would not preserve the openness of the Green Belt, would be inappropriate development in the Green Belt and

the public benefits of the development were not considered sufficient to outweigh harm to the setting of the listed buildings. The very special circumstances necessary to justify the proposal do not, therefore, exist.

3.4 Appeal Reference: APP/U1240/W/19/3228453

Planning Reference: 3/18/1533/FUL

Proposal: change of use of the land for the stationing of a non-residential static caravan (retrospective)

Address: Land adjacent to 29 Grange Road, St Leonards, Ringwood, Dorset BH24 2QE

Decision: Appeal Dismissed

Located within the South East Dorset Green Belt, the appeal site comprises a static caravan and forms part of a larger area, which the appellants use for the grazing of horses. The site's immediate surroundings are largely characterised by open fields and scattered buildings.

Green Belt

The National Planning Policy Framework (NPPF) makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved, except in very special circumstances. The use of land for the stationing of a static caravan constitutes a material change of use, which is listed by paragraph 146 of the Framework amongst the forms of development which are not considered inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it.

A fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, openness is identified as one of the essential characteristics of the Green Belt.

.... 9. The static caravan is of a considerable size and is visible from within surrounding properties. Whilst the caravan is screened to some degree by existing metal sheet panels, the stationing of this structure has clearly had an adverse impact on the openness of the Green Belt, both in visual and spatial terms. The structure is visually intrusive, not just by reason of its size, but also its appearance and siting. Additionally, it represents encroachment into the countryside, thus conflicting with one of the fundamental aims of Green Belt policy.

10. As such, the appeal scheme has a harmful effect on the openness of the Green Belt and conflicts with at least one of the purposes of including land within it, as set out in paragraph 134 of the Framework. It therefore constitutes inappropriate development which, by definition, is harmful to the Green Belt....

Character and appearance

The appeal site lies within a field, which forms part of an area of grazing land and paddocks. Whilst the caravan is not widely visible within the street scene,

it can be seen from nearby properties and adds visual clutter to a landscape which is otherwise predominantly open. The colour, profile and overall design of the structure detract from the rural character and appearance of the locality.

For these reasons the inspector considered that the stationing of the caravan has a detrimental effect on the open character and appearance of this rural area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy adopted April 2014 (LP) which requires the design of development to be of a high quality, reflecting and enhancing areas of recognised local distinctiveness.

Other considerations

The inspector had regard to arguments advanced on behalf of the appellants such as site security, animal welfare, a claimed ‘fall back’ position in respect of the previous use of the site for the storage of materials and the imposition of conditions or a temporary use but these were not sufficient to outweigh harm to the green belt by reasons of inappropriateness:

‘...21. The extensive site clearance and restoration works undertaken by the appellants weigh significantly in favour of the proposal. However, for the reasons detailed above, limited weight is afforded to the arguments advanced on animal welfare and security grounds, and to the suggested conditions. Little weight is also ascribed to the presented ‘fall back’ position.

22. When taken individually or cumulatively, the other considerations advanced in support of the scheme do not clearly outweigh the substantial harm to the Green Belt. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist’.

3.4 **Appeal Reference: APP/U1240/D/19/3233219**

Planning Reference: 3/19/0287/HOU

Proposal: Porch to the side and renewed front wall on boundary

Address: 31 Albert Road, Corfe Mullen BH21 3QD

Decision: Split decision:
Appeal Dismissed for the wall
Appeal allowed for the porch

The appeal site is located in a residential area characterised by a spacious arrangement of bungalows set back from the road. Front boundaries in the vicinity of the appeal site are enclosed predominantly by low walls or hedges or both, giving a verdant appearance to the street scene.

The inspector considered the main issue under consideration to be the effect of the development on the character and appearance of the area.

‘The solid lower part of the wall would be taller than the modest low brick walls that front many properties in the area. The proposal also includes a series of pillars that would significantly increase the height and prominence of the

structure. Its scale would be further compounded by the close board fence panel inserts between the pillars, as specified on the submitted plan, which would result in a tall and solid boundary to the front of the plot. Where nearby boundaries are at a similar height to this they are almost always formed with hedges, which gives a soft appearance and accords with the spacious suburban character of the area. As such the proposed wall would fail to accord with the predominant form of front boundaries in the area owing to its scale, form and materials, and would therefore harm the area's character and appearance'.

For these reasons the Inspector considered that the wall would have a harmful effect on the character and appearance of the area contrary to Policy HE2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy adopted April 2014 (LP) and section 12 of the National Planning Policy Framework (NPPF), which seek to ensure that development proposals are designed to a high quality that reflects and enhances local character and distinctiveness.

The Council raised no objection to the porch and this aspect of the development was not included in its refusal reason.

The Inspector concluded that the appeal should be allowed insofar as it relates to the porch but the renewed front wall should be dismissed. (split decision).

3.5 **Appeal Reference: APP/U1240/W/19/3220165**

Planning Reference: 3/17/3617/FUL

Proposal: Change of use and conversion of the existing public house to residential accommodation, to be combining with the existing residential accommodation to create 3no. 2 bedroom apartments with associated gardens, storage and parking

Address: The Roebuck Inn, 22 High Street, Sixpenny Handley SP5 5NR

Decision: Appeal allowed

The application to convert the Public House to residential accommodation was refused by the former East Dorset Planning Committee (December 2108) contrary to officer recommendation. The reason for refusal was that the loss of the facility would result in a substantial decline in the range and quality of services for local people contrary to policy PC5.

The Roebuck Inn is a prominently positioned building located centrally on the main road through the village of Sixpenny Handley. Internal accommodation comprises an open plan bar and dining area, a commercial kitchen, customer toilets, office and basement. A two bedroom flat with independent access exists at the first floor. To the rear is a modest courtyard area and there is an area for the parking of cars to the side.

The business has ceased trading and was offered for sale for a period of 15 months but there was strong local support for the retention of the business. It

was listed as an Asset of Community Value, although this listing has been lifted.

In his decision letter the Inspector had regard to National Government guidance set out in the National Planning Policy Framework (NPPF) which encourages the retention of community facilities and recognises the contribution that they can make to the overall aim of sustainable development by assisting the social cohesion of a settlement, reducing the need to travel and increasing access to services for those whose travel options are limited.

He also had regard to Policy PC5 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy adopted 2014 (LP) which seeks to resist the loss of facilities including leisure facilities such as public houses unless it can be clearly demonstrated that there is insufficient demand and it is not feasible and viable to support their continued existence, and the loss would not result in a substantial decline in the range and quality of local services. The Policy is worded in such a way that matters of demand, viability and a substantial decline all need to be considered before the loss of a facility can be accepted.

Demand and viability

The property operated as a traditional wet led free house with dining. Evidence submitted by 'Savills' on behalf of the applicants demonstrates that trade has declined over the last few years with a significant decrease in turnover and profit between 2011 and 2017. The appellants are of the view that it can no longer continue to trade successfully.

The property was initially marketed with a guide price of £425,000 but this was reduced fairly quickly in two increments to £375,000.

A report, commissioned by the Sixpenny Handley Community Land Trust challenged the appellant's figures, by making comparisons with other sales in the area, and suggesting a much lower price.

A third report by the 'District Valuer Services' commissioned by the Council to test the Savills report, accepted that the initial asking price was on the high side; however, this was acknowledged by a quick and significant reduction in price, which demonstrated an intention to sell.

The inspector noted that particulars included at the end of the Savills report clarify that offers were invited in the order of £375,000, clarifying that this price was only a guide. Details of the property were widely circulated to an appropriate audience and Savills received 17 enquiries and carried out one formal viewing. No offers were made during this marketing campaign. Although no details are given, the inspector also had regard to the fact that the property was also subject to a separate marketing campaign from 2012 by a different agent.

'.....12. The DVS report concludes that the property was marketed suitably. The DVS (District Valuer Services) provides independent, impartial, valuation and professional property advice. Although the DVS surveyor may not have

carried out a visit to the site, I am satisfied that the DVS report represents a detailed and independent assessment, which is based on facts that go beyond those set out in the Savills report and are specific to the circumstances and location of the property. Accordingly, I attach significant weight to its findings. In contrast a significant portion of the Savills report looks at general national trends, with very little focus on the characteristics of the property or its context.

13. Evidence submitted shows that a portion of land to the rear of the property was developed following the grant of planning permission in 2007 for three dwellings. This included the demolition of a rear building which previously provided a pool room, back bar / function room and letting rooms. I accept that this has resulted in a reduction of facilities that can be offered at the property, which may have had an effect on trade and viability. No assessment of the impact of these changes are before me and these matters are not mentioned in the DVS report. However, it would be reasonable to assume that the Council considered the effect of granting permission in 2007 on the viability of the business, and in any case such a change was made lawfully and cannot now be undone. I accept that local residents may feel that this change has had a negative effect on trade, and the loss of these facilities may have had an impact on the 2005 and 2010 rateable values referred to in the DVS report. However, the trade figures provided in the Savills report are for a more recent period of time, and clearly show that current levels of trade are low and would not support a profitable business.

14. Several comments are before me that suggest that the business was deliberately run down in recent years, with reference to poor management, restricted and sporadic opening and an unwelcoming environment among other things. Such matters are difficult to assess; however, I note that the DVS report refers to reviews of the pub as overwhelmingly good. Furthermore, at my visit to the site, which included an internal inspection of the ground floor, I saw that the building was in a good state of repair and could not be considered physically run down. Failure to adhere to advertised opening times is likely to discourage regular customers; however I have no details of how often this occurred, and in any case am not satisfied by the evidence before me that these matters are the reason that the business is unviable.

15. The DVS report suggests that a different operator may be able to increase trade. However, I agree that this will always be limited by the characteristics of the property. The property is not of a size sufficient to make its mark as a destination pub, nor is it well located on a main transport route that would attract a significant volume of passing trade. It therefore relies primarily on local trade, which will always be limited by the small size of the village, and the competition of the very popular Penny Tap as a drinking venue, and Hanlega's for drink and food.

16. A copy of a letter has been submitted that refers to an offer made early this year to purchase the property. The letter is brief. It refers to making an offer informally during a telephone conversation rather than in writing. It does not explain the circumstances of the offer, how viable it is or why the offer was not made while the property was being actively marketed. For these reasons I

attach little weight to this submission. It is not sufficient to cause me to come to a different view on this main issue.

17. In summary, taking into account all the matters raised and based on the evidence before me, I find that the proposal would accord with the first part of Policy PC5 of the LP, as it has been clearly demonstrated that there is insufficient demand and it is not feasible or viable for the business to continue.'

Substantial decline in services

Sixpenny Handley village is designated in the LP as a rural service centre as a provider of community, leisure and retail facilities. The inspector agreed that the proposal would result in a decline in the range and quality of services for local people in the village, but Policy PC5 of the LP, requires that consideration be given to whether such a decline would be substantial.

In addition to the closure of the Roebuck Inn the inspector noted that the neighbouring post office recently ceased trading along with a cafe, and that a second public house closed in approximately 2000.

'...19. However, similar venues for socialising do exist in the village. The Penny Tap is a small drinking venue housed in the sports pavilion at the eastern end of the village. I accept that it is not a traditional public house and does not offer food, and opening is limited to early evening Wednesday to Friday and Saturday afternoon. However, evidence before me demonstrates its clear popularity and despite its limited opening times I have no reason to believe it does not provide a similar social function to that provided by the Roebuck Inn. Although it is not as central in the village as the Roebuck Inn, it is close to the village hall, which could provide mutual benefits to both facilities, and it can be accessed via a short footpath from the back of the Church without needing to use the stretch of road that is without a pavement.

20. In a much more central location is Hanlega's Restaurant and Bar which, although associated with Church Farm Caravan and Camping Park, is open to the public. Opening is restricted out of season to four days, however the bar is open late into the evening, and I have no reason to believe that it is a business that is aimed primarily at the caravan and camping clientele. Indeed, at my visit to the area I saw that the Church organises a men's breakfast at Hanlega's.

21. The site is within the Cranborne Chase Area of Outstanding Natural Beauty (AONB). Chapter 14 of the Cranborne Chase AONB Management Plan 2014 - 2019 raises concern regarding the loss of local services such as pubs in the context of maintaining viable rural communities. The Penny Tap and Hanlega's Restaurant and Bar provide local residents with places to eat, drink and socialise. In addition to this, the village retains a butcher, shop, school and doctors surgery. In light of this I am not satisfied that the loss of the Roebuck Inn would turn the village into a dormitory settlement or further threaten remaining services. There are a number of popular pubs and restaurants in nearby villages, although I have given little weight to this matter as these would require a car journey and therefore do little to support

community cohesion or the range and quality of services available to the local people of Sixpenny Handley.

22. I note that the proposal would result in an increase in the number of dwellings in the area, and other new dwellings are planned. However, the proposal in combination with other new housing planned for the village would represent a very modest increase in the size of the community. I am not satisfied that the increase would be so significant that the loss of the Roebuck Inn would be more severely felt.

23. In summary, I am satisfied that the remaining provision of services in the village would be adequate, and the loss of the Roebuck Inn would not result in the substantial decline of such facilities, in accordance with the latter part of Policy PC5 of the LP and the Framework, which seek to ensure that there would not be a substantial decline in the range and quality of services for local people, recognising the contribution that they can make to the overall aim of sustainable development’.

Other matters

The inspector had regard to objections raised by the Cranborne and West Wiltshire Downs AONB office in relation to, noise, parking, affordable housing and renewable energy. The proposal for three dwellings falls well below the threshold for requiring a portion of affordable housing and there is no requirement within the local development plan to incorporate renewable energy into a development proposal over and above the requirements of the building regulations

‘Similarly, using the building solely for residential accommodation is likely to reduce noise levels, particularly as the public house use included the open courtyard to the rear and an area of seating at the front of the building. In terms of parking, each unit would have two car parking spaces. This would appear to be entirely adequate taking into account the modest size of the flats, and I note that the Council is satisfied with this provision’.

A condition was imposed to address the AONBs concern about the impact of the development on dark night skies.

3.6 Costs application

Appeal Ref: APP/U1240/W/19/3220165

Proposal: Change of use and conversion of the existing public house to residential accommodation, to be combining with the existing residential accommodation to create 3no. 2 bedroom apartments with associated gardens, storage and parking

Address: The Roebuck Inn, 22 High Street, Sixpenny Handley SP5 5NR

Decision:: award of costs refused.

The applicants submitted a claim for costs on the basis that the Council acted unreasonably by ignoring the advice of its officers and refusing the application without evidence of material harm or policies to support its decision.

The inspector accepted that the officer report presented to councillors provided a clear recommendation that the presence of other similar facilities would mean that the loss of the Roebuck Inn would not result in a substantial decline in the range and quality of services available to local people. In his appeal decision the inspector also found this to be the case.

He also noted that there was a motion to approve the application at the committee meeting, when four councillors voted in favour and one abstained.

'...6. However, elected members of the Council are entitled to take a contrary view to officers, and I accept that elected members often bring a greater understanding of an area or local knowledge to the decision making process. Furthermore, the minutes of the committee meeting show that the officer recommendation was considered adequately, and that consideration was given to the other services and facilities that exist in the village, and whether the loss of the Roebuck Inn would result in a substantial decline, with clear reference to Policy PC5 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy adopted 2014.

7. On this basis I am satisfied that councillors considered the recommendation made to them by council officers, but reached a different conclusion that was not vague or unsubstantiated, but was based on an objective analysis of the proposal's impact.

8. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Planning Practice Guidance, has not been demonstrated'.

3.7 Appeal Reference: APP/U1240/W/18/3219490

Planning Reference: 3/18/2082/FUL

Proposal: Erect two pairs of semi-detached dwellings with ancillary car parking.

Address: St Mary's Close, Sixpenny Handley, Salisbury, Dorset SP5 5NH

Decision: Appeal allowed

The pattern of development within Sixpenny Handley village comprises a mix of older, traditional properties, typically accessed off High Street with several multi-spur cul-de-sac developments of two and single storey dwellings of more modern character. Interspersed amongst these are original farmhouses and outbuildings. Plot sizes vary.

St Mary's Close is a multi-spur cul-de-sac development and provides a character and appearance distinguished by a street scene of modest, single storey dwellings each with its own garden and off-road parking. St. Mary's

Court is a horseshoe development around a pedestrian green which abuts St. Mary's Close and has direct pedestrian and cycle access to it. This access and all the vehicle parking and garaging for St. Mary's Court is located within the spur of St. Mary's Close leading to the rear of this substantial two storey, mews style, terraced development which is a very prominent and imposing feature at the end of this spur.

The application was refused by the former East Dorset Planning Committee (7th November 2018) contrary to the officer recommendation. The reason for refusal was that the two storey properties represented a cramped development that would be out of keeping with the character of the area and failed to conserve and enhance the scenic beauty of the AONB.

The Inspector considered that the proposal would not jar with the overall character of Sixpenny Handley and would sit well with the intermixture of historic buildings and modern styles already evident within the settlement, even though it would represent a departure from the character and form of development in St. Mary's Close. For these reasons the inspector did not consider this departure to be harmful, particularly bearing in mind the non-descript character of building form and design currently evident in St. Mary's Close.

The density of the proposed paired semi-detached properties creating two solid buildings to either side within the site, was judged to provide sufficient external space around the dwellings to offer adequate private domestic curtilage/garden for each dwelling, sufficient off-road parking to serve each unit and a manoeuvring area which would allow vehicles to enter and leave the site in forward gear. The stepped, open frame, timber car ports within the centre of the site provide a visibly permeable structure through which to view the open field beyond, in a manner similar to that offered through existing smaller tree growth within the site.

'...8. Accordingly, I do not consider the proposed built form represents an over-intensification or cramped form of development. The appeal scheme would provide the necessary space around the proposed buildings to provide a comparative sense of openness between and separation from neighbouring dwellings, off-road parking for visitors and a refuse collection area adjacent to the public highway.

9. The design, form and density of the proposal, on the edge of the developed area would (notwithstanding that the closest dwellings on its access road are bungalows) integrate well within the existing landscape and wider local character by providing a punctuating pocket of traditional development (juxtaposed with more modern development) similar to that evident elsewhere within Sixpenny Handley. I consider, on this basis, that it would conserve and enhance the landscape and scenic beauty of the Cranborne Chase Area of Outstanding Natural Beauty in accordance with Framework (meaning that therefore the presumption in favour of sustainable development does apply) and its design aims.

10. The proposal also allows sufficient space around the built form proposed to accommodate an adequate level of new planting of specimens which could mature to sufficient size to have a genuine mitigating effect. Landscaped plots are a strong characteristic of the area, with mature planting within front and rear gardens and to side boundaries’.

For these reasons the inspector concluded that the proposed development represents a sympathetic or enhancing, high quality, character development in accordance with policies LN2, HE2 and HE3 of the Christchurch and East Dorset Local Plan Part 1- Core Strategy 2014 (LP). It also meets the criteria laid out in the National Planning Policy Framework 2019 (NPPF) which promotes high quality, sustainable design.

3.8 Costs application

Appeal ref: APP/U1240/W/18/3219490

Proposal: Erect two pairs of semi-detached dwellings with ancillary car parking.

Address: St Mary’s Close, Sixpenny Handley, Salisbury, Dorset SP5 5NH

Decision : Award of costs refused.

In his decision letter the Inspector notes that the application process, including negotiation, amendment and augmentation of the submitted scheme was both lengthy and constructive. The appellant considered that Council Officers were consistent throughout the consideration of the application up until and including their written recommendation to Planning Committee.

The claim for costs submitted by the appellants was made on the basis that the Council acted unreasonably because neither the decision taken by Planning Committee to reject their officers recommendation (nor additional references it is claimed were added to the reason for refusal post-Committee but not referred to in the agreed Minutes) are justified.

‘....5. I consider there is sufficient (albeit sparse) evidence presented by the Council in the form of the agreed Minutes to provide adequate explanation of the decision to set aside the officer recommendation. In addition, I also consider the terminology within the recorded comments contained in those Minutes are sufficiently broad as to cover all of the elements contained within that reason’.

In conclusion the Inspector did not consider that the Council acted unreasonably *‘or that this indicates wasted expense in the appeal process in respect of the current appeal. For this reason, I conclude that an award of costs is not justified as unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated’.*

3.9 **Appeal Reference: APP/U1240/W/19/3226887**

Planning Reference: 3/18/2235/FUL

Proposal: The development permitted is divide existing dwelling (bungalow) and annexe into 3 no separate dwellings (2 no 2 bed and 1 no 3 bedroom dwellings) with parking.

Address: Misty Meadows, 147 Ringwood Road, Ferndown, Dorset BH22 9AB

Decision: Split decision
Condition 4 deleted
Condition 5 to remain in place

The appeal site is located within the Longham village infill area.

Planning permission was granted earlier this year to convert the existing dwelling and annexe into three separate dwellings. Two conditions were imposed as part of the approval. The first (Condition 4) removed permitted development (PD) rights for extensions including roof extensions, and the second (condition 5) sought to control the use of the detached annex, to prevent it from being used as an additional separate unit of living accommodation.

The main issue at appeal was whether these conditions are necessary in the interests of the character and appearance of the area, including the setting of the nearby listed building, living conditions and the proximity to protected Dorset Heathland.

Condition No 4: permitted development rights

The Council had considered this condition necessary to protect the character of the area and the living conditions of neighbours.

The inspector was of the opinion that due to the low scale of the dwellings the height and breadth of any extensions would be limited if they were carried out using PD rights and that any such extension to the rear would be well below the height of neighbouring buildings and unlikely to harm neighbouring amenity or the character or appearance of the area. Similar concerns regarding the potential impact of extensions constructed under PD on setting of the Listed Manor House were not upheld.

'...Taking into account the built up context of the site and the footprint of the existing dwellings, which occupy almost the entire width of the three plots, I am not satisfied that further extensions to the dwellings would necessarily be disproportionate additions over and above the size of the original building2, or would have a harmful effect on the openness of the green belt.'

Condition No 5: Annex

The Council had considered this condition necessary in order to protect

local character as well as the living conditions of neighbouring occupiers and proximity to protected Dorset Heathland.

The Inspector did not consider that use of the annex building as an independent dwelling would have a discernible effect on the character of the area but its use as an independent unit would likely harm the living conditions of the occupiers of Unit 3 owing to the close and poor relationship between the two buildings. The absence of a dedicated parking area and garden as well as proximity to heathland was also cited by the inspector as reasons for upholding the condition...

... Condition No 5 is reasonable and necessary and will therefore remain in place.'