

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: Those covered by the area planning committee

3.0 APPEAL DECISIONS

Appeal Reference: APP/D1265/W/20/3254861

Planning Reference: WD/D/19/002178

Proposal: Erect 2 dwellings (Outline Application – Access and Layout)

Address: Land West of Watton Lane, Bridport

3.1 The planning application was considered by the Western and Southern Area Planning Committee in January 2020. The case officer for the application recommended to the committee that the application be approved. The committee decision was to refuse planning permission for the following reasons:

1. Having regard to the location of the site outside of the defined development boundary for Bridport it is considered that future occupiers of the dwellings would be reliant upon their cars to access day to day living requirements and facilities and as such the dwellings would not be in a suitable location for residential development, would not accord with the National Planning Policy Framework (2019) in its requirement to actively manage growth, through limiting the need to travel and offering a genuine choice of transport modes and would not be sustainable development. The Council has declared a climate emergency and a proactive approach to mitigating climate change should be taken in accordance with paragraph 149 of the National Planning Policy Framework (2019).

2. The site is within the Area of Outstanding Natural Beauty (AONB) and it is considered that the proposed development would adversely impact on the AONB contrary to paragraph 172 of the National Planning Policy Framework (2019) which requires that great weight should be given to conserving and enhancing landscape and scenic beauty within an Area of Outstanding Natural Beauty.
- 3.2 The applicant subsequently appealed the refusal of planning permission and the Council in September 2020 received the appeal decision. The appeal was allowed and planning permission was granted for the development.

Character and Appearance:

- 3.3 The Inspector noted that the proposal would be located in an area which is predominantly enclosed by residential development, both existing and recently permitted. While the site is undeveloped, given that the site is bordered to the north, east and west by substantial amounts of residential development, which include dwellings of modern design with domestic gardens which adjoin the field, the site makes a very limited contribution to the landscape and scenic qualities of the AONB.
- 3.4 The Inspector considered that the development would not result in visually isolated or sporadic dwellings within the countryside as they would be seen as forming part of the existing development at Watton and specifically in the context of the nearby residences that are located within Broad Lane and which are more prominent in the wider landscape than the proposed dwellings. The Inspector concluded that the proposal would not disrupt any long distance views of this section of the AONB, from within the wider surrounding landscape.
- 3.5 The Inspector notes that the scheme proposes low density housing which would not appear cramped within the site when considered in the context of the pattern of development in the immediate area.
- 3.6 The Inspector concluded in respect of character and appearance and the impact on the AONB:

“In view of the modest scale of development and its particular location, subject to matters of design and landscaping, I consider that the development would not result in harm to the character and appearance of the surrounding area or would fail to conserve and enhance the landscape and scenic beauty of the AONB. Consequently, the appeal scheme would not conflict with the provisions of paragraph 172 of the Framework.”

Location of Development:

- 3.7 The Inspector acknowledged that the proposed location for the appeal scheme would be outside of the DDB and would not strictly accord with Policy SUS2 of the Local Plan, but that the site is nonetheless situated close to, and within convenient walking distance to, the built up area of Bridport Town and the

wide range of services and facilities, such as schools, supermarkets and leisure centre, that the settlement provides.

- 3.8 The Inspector accepted that future occupants may have to walk on a short section of highway without lighting or footways but considered that the short section of highway provides good levels of visibility for pedestrians and vehicles alike in both directions and is wide enough to allow for cars to safely pass pedestrians. The Inspector also noted that there appeared to be public footpaths close to the site that provide alternative pedestrian access into Bridport.
- 3.9 The Inspector considered the scheme would appear to be adequately located, benefiting from good access by means of walking or cycling, which would thus help reduce the reliance on motor vehicles and that this position would not be altered by the additional traffic that would be generated from nearby sites which have been permitted for development. The proposal would therefore accord with the provision of paragraph 108 of the Framework.
- 3.10 The Inspector concluded that by reason of the site's convenient location where access to services and facilities can be achieved without the need to travel by car, and given that efficient use of water and energy resources could be included within the design of the proposed units at the reserved matters stage the Inspector concluded that the scheme would not fail to accord with the provisions, aims or objective of paragraph 149 of the Framework.

Planning Balance:

- 3.11 The Inspector stated:

“The evidence before me indicates that the Council cannot currently demonstrate a five year housing land supply and, in this regard, it appears that the shortfall is not significant. Paragraph 11(d) of the Framework provides that where there are no relevant development plan policies, or the policies most important for determining the application are out-of-date (including housing, where the Local Planning Authority cannot demonstrate a five year supply of deliverable housing sites), permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.

I have found that the proposal would not be harmful to the character and appearance of the surrounding area and would not be harmful to the landscape and scenic beauty of the AONB. Whilst the appeal scheme would be conveniently and suitably located with regard to access to services and facilities by means other than private motor vehicle, the proposed development would be outside the DDB and would conflict with the development plan in this regard. However, Policy SUS2 of the Local Plan does provide that some growth outside of the DDB could be permitted to meet local needs and given the shortfall in housing supply and that Watton could be considered to be a settlement without a DDB, I attach only limited weight to the proposal's conflict with Policy SUS2 of the Local Plan.”

- 3.12 The Inspector went on to consider the benefits arising from the scheme. He considered that the economic benefits would be limited in terms of employment during the construction phase and in terms of the additional spend of future occupants with local businesses which will contribute to the vitality of Bridport and to the viability of existing services. In terms of social and environmental benefits he considered it would contribute to the shortfall in housing supply and be located in close proximity to Bridport. Further environmental benefits could arise in his view given that the efficient use of water and energy resources could be included within the design of the proposed units at the reserved matter stage. Cumulatively he attached moderate weight to these considerations in the determination of the appeal.
- 3.13 The Inspector found that the cumulative benefits associated with the proposal would be moderate and the harm arising from the proposal's conflict with Policy SUS of the Local Plan would not significantly or demonstrably outweigh the benefits of the appeal scheme when assessed against the provision of the Framework when taken as a whole and as such allowed the appeal.