

**Appeal Decisions**

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**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

**Appeal Reference :** [APP/D1265/W/20/3254594](#)

**Planning Reference:** 2/2019/0626/OUT

**Proposal:** Outline Planning Application for up to 70 dwellings, open space and landscaping (including children's play and community orchard), new vehicular and pedestrian access, parking, engineering (including ground modelling and drainage) works and infrastructure (including cycle and pedestrian connections).

**Address:** Land West of Bournemouth Road (at E 389797 N 104244), Charlton Marshall, Dorset.

**Decision:** Dismissed

The main issues in this case were:

- Whether the development would accord with the spatial strategy for the area;
- Whether the appeal site represents a suitable location for housing, having particular regard to its accessibility by sustainable modes of transport and access to services and facilities;
- the effect of the development on the character and appearance of the area;
- the effect of the development on designated heritage assets, in particular whether the development would preserve or enhance the character or appearance of the Charlton Marshall Conservation Area (CA); and the effect of the development on the setting of the Grade II listed Old Dairy Cottage.

The applicant appealed against non-determination of the planning application. The reasons for refusal that were put forward as part of the Council's case at the informal hearing were as follows:

1. The proposed development by reason of its siting and scale would result in less than substantial harm to the setting of heritage asset (Old Dairy Cottage)

and the character and appearance of the Charlton Marshall Conservation Area contrary to Policy 5 of the adopted North Dorset Local Plan Part 1 (January 2016) and paragraphs 193, 194, and 196 of the National Planning Policy Framework.

2. The proposed development by reason of its siting and scale, and lack of any demonstrable local need, would have a significantly adverse landscape and visual impact on the countryside contrary to Policies 2, 4, 6, 9, and 20 of the North Dorset Local Plan Part 1 (January 2016).

The inspector's conclusion on the application of the North Dorset Spatial Strategy was as follows:

*I therefore conclude that due to its location beyond the settlement boundary for Charlton Marshall, the proposal conflicts with the spatial strategy for the area contrary to Policies 1, 2, 6, and 20 of the NDLP, Saved Policy 1.7 of the DWLP, and to the aims of Paragraph 9 of the Framework in guiding development towards sustainable solutions. These policies seek, amongst other things to concentrate development in sustainable locations, directing development to the main settlements in order to minimise the need to travel; protect the countryside; or, deliver affordable housing on rural exceptions sites where it would meet local rather than strategic need.*

The inspector supported the Council's case in relation to the location of the development:

*The appellant's concede that the village does not have day-to-day facilities but argues that the strong functional relationship overcomes that deficiency. Paragraph 78 of the Framework also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.*

*However, the site's location adjacent to a village with only a very small number of facilities of its own, limits the potential for the proposed housing to carry any particular health, social benefits, or convenience for future occupants. Residents are therefore likely to be car dependant to meet their needs; a factor which weighs heavily against the scheme. In this regard the proposed development would have insufficient accessibility by sustainable modes to be considered a sustainable location for development.*

*Consequently, taking all these factors into account, the development would not represent a suitable location for housing having regard to accessibility to facilities by sustainable modes of transport. The proposal would conflict with Policies 1, and 2 of the NDLP and to the aims of the Framework at paragraph 9 and 108. These Policies seek, amongst other things, to concentrate development in sustainable locations, directing it to the main settlements in order to minimise the need to travel.*

On character and appearance of the area, the inspector commented as follows:

*The illustrative plan indicates that landscaping would help to soften the visual impact; and that parts of the site would be dedicated to open space, allotments, or community orchard. However, these provisions would not be sufficient to mitigate the visual harm which would be caused. Furthermore, the topography would prevent the effective landscaping of the site particularly from longer range views. Development would effectively merge the built form with the group of houses at Charlton on the Hill which are presently physically and distinctly separate from the village of Charlton Marshall.*

*I have considered the various sites drawn to my attention within or adjacent to the village settlement boundaries which have been granted planning permission. However, I am satisfied that the circumstances of this appeal are sufficiently different from those other sites. Furthermore, the decision to approve planning permission for residential development elsewhere does not justify allowing the appeal before me given the harm that I have identified.*

*Consequently, the development would harm the character and appearance of the area in conflict with Policy 4 of the NDLP and the aims of the Framework in Paragraph 170. These, amongst other things, seek to respect the natural environment including features which make it special and to recognise the intrinsic character and beauty of the countryside.*

The inspector identified less than substantial harm to designated heritage assets, which would not have been outweighed by public benefit:

*However, taking all of these matters into account the public benefits of the proposal would not, either individually or cumulatively, be sufficient to outweigh the harms that would be caused to the CA by the alteration to the site frontage, or to the wider settings of the CA and Old Dairy Cottage which would result from the urbanising effect of the development.*

The inspector upheld all of the matters that were raised by the Council in the overall planning balance, and the appeal was dismissed:

*Paragraph 11(d)(i) of the Framework states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Importantly, footnote 6 includes policies relating to the protection of designated heritage assets, a factor applicable in this appeal. Given this conflict the presumption in favour of sustainable development does not apply.*

*The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Development which would conflict with and undermine the strategy of an approved development plan and the Framework when read as a whole*

would, in planning terms, be harmful.

*For the reasons given above the appeal scheme would conflict with the spatial strategy for the area, would result in unsustainable travel patterns and a reliance on the use of the private car, would be harmful to the character and appearance of the area, the character and appearance of the CA and the setting of the Grade II listed Old Dairy Cottage. Whilst the scheme would provide notable public benefits, including the provision of much needed market and affordable housing, the other material considerations in this case do not justify taking a decision other than in accordance with adopted development plan policy.*

An application for an award of costs against the Council was refused.

**Appeal Reference:** [APP/D1265/W/20/3256221](#)

**Planning Reference:** 2/2019/1627/REM

**Proposal:** The development proposed was described as ‘develop land by the erection of up to 350 dwellings and community uses (commercial and non-commercial), including vehicle access from A350, public open spaces, play areas, car parking, including ancillary works and associated infrastructure, (outline application to determine access)’. The details for which approval was sought were appearance; landscaping; layout; and scale.

**Address:** Land South-West of Blandford Forum By-Pass, Blandford St Mary, Dorset

**Decision:** Allowed

The applicant appealed against non-determination of the reserved matters application. The reasons for refusal that were put forward as part of the Council’s case at the public inquiry were as follows:

1. The proposed development by reason of its layout, scale, and landscaping would result in an overly prominent development in a sensitive, valued landscape and within the setting of both the Cranborne Chase AONB and Dorset AONB which would result in significant harm to the intrinsic character and beauty of the area. The scheme therefore fails to comply with Objective 2, Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Natural Environment, Policy 15 Green Infrastructure, Policy 16 Blandford and Policy 24 Design, of the North Dorset Local Plan Part 1 (2016), paragraphs 127, 170 and 180 c) of the NPPF (2019), the Cranborne Chase Partnership Plan 2019-2024 and Dorset AONB Management Plan 2019-2024.
2. The proposed development by reason of its layout, scale, appearance, and landscaping would fail to provide an acceptable design by reference to its topography, prominence, and the importance of the existing group of protected lime trees, resulting in a harmful impact on the character and appearance of the site. The proposed layout does not provide an acceptable design response to the visually sensitive nature of the site, by virtue of the extent of the built form, including the height and design of houses on the upper slope. By failing to provide for a high standard of design it conflicts with Objective 2, Policies 1,

4 and 24 of the North Dorset Local Plan Part 1 (2016), paragraphs 117, 124, 127 and 130 of the NPPF (2019) and the National Design Guide (2019).

The Council concludes that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against Policy 1 in the North Dorset Local Plan Part 1 (2019) and policies in NPPF (2019).

The main issues were the effect of the development in seeking approval for the matters reserved, in respect of character and appearance and having regard to the site and its surroundings, with particular reference to its potential impact on the settings of the Cranborne Chase and Dorset AONBs, but also whether on-site features, notably the group of lime trees have been properly considered.

The inspector did not agree with the argument that the design, layout and landscaping of the reserved matters application was unacceptable. The inspector commented as follows:

*Before one embarks on an appraisal of the details proposed, it is essential to set out the baseline against which that appraisal must take place. The Council granted outline planning permission for up to 350 dwellings on the site, amongst other things, and approved access at that stage.*

*This was the subject of much debate at the Inquiry, but it is clear to me that in doing so, the Council must have satisfied itself that 350 dwellings could be satisfactorily accommodated on the site. If it was not satisfied that this number of dwellings could be satisfactorily accommodated, then it is difficult to see why outline planning permission was granted in these terms.*

The inspector found no harm to landscape and scenic beauty, and no harm to the setting of the AONB:

*As a final point, I would say, that in reaching those conclusions, against the baseline set out, I am conscious that the site was identified as suitable for the necessary provision of housing after a rigorous site selection process. It was chosen because it was the least harmful option. If the Council's assertion that the site cannot accommodate 350 dwellings is correct, then the shortfall would have to be made up elsewhere. In the light of the conclusions of the site selection process, they would have to be accommodated on sites where their impact on the setting of AONBs would be greater, or on sites in the AONBs themselves. To my mind, that further demonstrates why the position of the Council in relation to the amount of housing the site can accommodate is untenable. It is even more difficult to understand when the Council readily accepts that it cannot demonstrate a five-year supply of housing land.*

*Concerns about the potential impact of the proposal on dark skies have to be seen through that prism too. Even with careful design of the lighting to public areas, something that can be secured by condition, there will no doubt be some impact as a result of the proposal. However, it would be an extension of the existing settlement, bordered on two sides by major roads. The existing settlement is lit up at night, as are the roads, and the vehicles upon them. These are already negative influences on dark skies. It seems to me that*

*placing necessary new housing in such a context would mitigate its additional impact, to a degree. Certainly the housing is far better located on the appeal site than in places where its negative influence on the night-time environment might not be so readily accommodated.*

*For all these reasons, in the light of the identified baseline, I find that the scheme put forward in seeking approval for the matters reserved is acceptable in character and appearance terms, having regard to the site itself, and the group of lime trees upon it in particular, and its impact on the settings of the Cranborne Chase and West Wiltshire Downs and Dorset AONBs.*

The inspector went on to state the following in terms of compliance with policy:

*As such, I find the details submitted to be in accord with Local Plan Policy 16 that deals with Blandford, and Policy 24 that addresses design. I see no departure from the requirements of Local Plan Policy 1 that deals with the presumption in favour of sustainable development or Local Plan Policy 4 that covers the natural environment. As such there is compliance with the development plan, read as a whole.*

*On top of that, the details submitted are in alignment with the expectations of the Neighbourhood Plan and I see no divergence from the requirements of the National Planning Policy Framework<sup>9</sup>, taken as a whole. These important material considerations weigh in favour too.*

*I note the references to the Cranborne Chase Partnership Plan 2019-2024 and The Dorset AONB Management Plan 2019-2024 but against the baseline I have set out, any variance from the requirements of these documents is insufficient as a material consideration to outweigh compliance with the development plan, and other material considerations.*

The inspector went on to conclude that the appeal should be allowed, and the submitted details of appearance; landscaping; layout; and scale, pursuant to condition No.3 attached to the original grant of outline planning permission, should be approved.

A costs claim was awarded in full against the Council.

### **Learning:**

It is important to learn lessons from this case. Issues can be traced back to the outline consent. The indicative drawings that were relied upon at the outline stage, showed significantly fewer than 350 dwellings. They did not, therefore, adequately represent the quantum of development that would have to be accommodated at the reserved matters stage across the site.

The following points help to reflect on the approach to outline and reserved matters applications going forward:

1. Ensuring that the total up-to figure of dwellings can be successfully accommodated on the application site at the outline stage through properly scrutinising indicative layouts.
2. Early consideration of whether sufficient information has been provided to determine whether the number of units sought can be accommodated on the site in an acceptable way.
3. If an illustrative plan has been provided – check that it shows the quantum of development sought, and not a lesser quantum.
4. Use of Article 5 of Town and Country Planning (Development Management Procedure) (England) Order 2015/595, to require further details for consideration:  
“5.— Applications for outline planning permission  
(1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.  
(2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.  
(3) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.”
5. Note that where details/information is provided by the applicant, PPG says: "Unless the applicant has indicated that those details are submitted “for illustrative purposes only” (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval."
6. Further emphasis on our pre-app advice – this can assist in managing expectations about illustrative information that will be required, raising concerns early etc.

**Appeal Reference :** [APP/D1265/W/20/3259557](#)

**Planning Reference:** 2/2019/0824/OUT

**Proposal:** Demolish barns and develop land by the erection of up to 30 No. dwellings, form new vehicular and pedestrian access, public open space, landscape planting, pumping station, electricity substation, surface water attenuation, and associated infrastructure. (Outline application to determine access, layout and scale).

**Address:** Land at E381099 N102326 Catherines Well, Milton Abbas, Dorset, DT11 0AZ

## Decision: Dismissed

A proposal to erect up to 30 dwellings on the edge of Milton Abbas was judged to be contrary to the Council's adopted spatial strategy, the inspector placing weight on the need to respect settlement boundaries despite the absence of a five-year supply of housing land.

The proposal was refused under delegated powers for the following reasons:

1. The proposed siting and scale of development located in the countryside would result in an unsustainable form of development and would be contrary to and undermine the policies of the emerging Milton Abbas Neighbourhood Plan. In the absence of any evidence of essential rural needs or any other 'overriding need or public benefit' for this type of development, and number of dwellings proposed, in this location the proposed development would be contrary to Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), Policy MA1 of the emerging Milton Abbas neighbourhood Plan (2019) and paragraph 14, 49, 79 of the National Planning Policy Framework.
2. The proposed development by reason of its location and number of dwellings would result in harm to the Dorset AONB, harm to the character and appearance of Milton Abbas, and less than substantial harm to the setting of Milton Abbas Conservation Area and grade ii listed Hill Lodge, contrary to Policies 2, 4, 5, 20, and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), Policies MA4, MA6, MA8 of the emerging Milton Abbas Neighbourhood Plan (2019), and paragraphs 14, 127, 170, 172 and 192, 193, 196, 197 of the National Planning Policy Framework (February 2019).
3. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, protected habitat mitigation, and community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), Policies MA9 of the emerging Milton Abbas Neighbourhood Plan (2019) and paragraph 54, 175 National Planning Policy Framework.

The North Dorset adopted spatial strategy seeks to focus development on the four main market towns within the former North Dorset area. The appeal site bordered one of eighteen larger villages with a focus on meeting local rather than strategic needs. Settlement boundaries had been agreed in an adopted local plan in 2003 and recently reviewed in a neighbourhood plan, the inspector noted.

The appeal site had also been considered for housing development in the made Milton Abbas Neighbourhood Plan, and had been rejected. The Neighbourhood Plan had identified a suitable range of sites, which together with existing permissions, allowed for 27 dwellings to meet the local need. No justification for allowing a further 30 dwellings, 40 per cent of which would be affordable, had been presented. The inspector who had examined the neighbourhood plan had also carefully considered the suitability of the site which was not included as a possible reserve in the event that the allocated sites did not come forward.

The site also lay within the Dorset AONB and, as proposed, the inspector concluded that scheme would appear as a suburban housing estate. The scheme did not reflect the historic character of properties nestled within the landscape. While the details were subject to reserved matters approval this did not justify an inappropriate layout. As a major development within the AONB, no exceptional or public interest arguments were sufficient to outweigh the harm, and the advice in footnote 6 of paragraph 11(d)(i) of the NPPF provided a clear reason for refusing permission.

The impact on heritage assets were outweighed by the public benefits, but the conflict with the spatial strategy and the impact on the AONB provided clear reasons for dismissing the appeal.

**Appeal Reference :** [APP/D1265/W/21/3269271](#)

**Planning Reference:** 2/2020/0530/FUL

**Proposal:** The development proposed is a new contemporary dwelling on the bank of the river Stoor and associated parking

**Address:** Land at E 388783 N 106219, Langton Road, Blandford Forum DT11 7EN

### **Decision: Dismissed**

A proposal for a contemporary dwelling on the riverbank of the Stour, was considered by an inspector to fail to preserve or enhance the character or appearance of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area, due to the adverse effect on its setting. It was also held that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It was also upheld that the proposal would adversely affect protected trees, and that insufficient ecology information was provided by the appellant.

The application was refused under delegated powers for the following reasons:

1. The proposed development, by virtue of its location along the river corridor, represents an overdevelopment of the site and will be detrimental to the setting of the Stour Meadows conservation area and is therefore contrary to section 16 of the National Planning Policy Framework and policy 5 of the North Dorset Local Plan.
2. The proposed development, by virtue of its location along the river corridor, represents an overdevelopment of the site and will be detrimental to the setting of the Cranborne Chase Area of Outstanding Natural Beauty and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.
3. The application as submitted is considered to supply insufficient Arboricultural information to be able to fully assess the impact the proposal will have upon protected trees on site and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

4. The application as submitted is considered to supply insufficient biodiversity information to be able to fully assess the impact the proposal will have upon local ecology and how the site will be enhanced and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

The appeal site and surrounding area along the riverbank has a sylvan and natural character. The opposite bank of the river, facing towards the appeal site, has a similar character, with Stour Meadows, an area of semi-natural publicly accessible open land beyond.

The appeal site lies within the Cranbourne Chase and West Wiltshire AONB. The AONB is a landscape of outstanding value, protected for its national significance. The National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The AONB is also an International Dark Skies Reserve.

The wooded riverbank contributes to the visual qualities and landscape setting of the AONB through its verdant and natural character, visible in views along the A350 and from the opposite side of the River Stour.

The proposal is for a single-storey property of a contemporary design that would be raised on stilts with an associated terrace and parking area. It would share the access for the approved dwelling. The proposed building would be cut into the bank against a brickwork retaining wall to the rear. It would be clad in timber with a flat, green sedum roof. Due to the difference in ground levels would extend approximately 1.6 metres above the road level on Langton Road.

The inspector noted that the Council allowed a contemporary development of one dwelling along this riverbank. The appeal proposal, unlike the approved scheme, also lies within the AONB which adds further weight to the harm it causes. Due to its proximity to the A350 and the cycle path, it would be more visually prominent. This previous permission does not therefore justify the scheme before the inspector.

The inspector concluded that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It would also conflict with the Framework as referred, to which the inspector attached great weight to the identified harm.

The appeal site was also on the edge of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area (CA). The CA is extensive, encompassing the historic core of the town with the River Stour running to its south and west. The open land, including Stour Meadows opposite the appeal site, and verdant banks around the river form an important part of the setting of the historic settlement and contribute to the significance of the CA.

The inspector concluded that the proposal would lead to less than substantial harm to the significance of a designated heritage asset, namely the CA. As required by

paragraph 196 of Framework harm needs to be weighed against the public benefits of the proposal.

The scheme would have delivered one dwelling, within a reasonably accessible location. It would provide local economic and social benefits during the construction phase and subsequent occupation of the property through use of local services and facilities as well as a contribution to Council tax revenues. These would be a benefit of the scheme but as a single dwelling this contribution would be very limited and they therefore carry limited weight in the balance. The harm to the significance of the CA, due to the adverse effect on its setting, carries great weight, and it is not outweighed by the combination of public benefits which would arise from the proposed development.

The inspector concluded that the proposed development would fail to preserve or enhance the character or appearance of the CA due to the adverse effect on its setting. It would therefore conflict with Policy 5 of the Local Plan which requires development affecting the setting of a heritage asset to be assessed having regard to the desirability of sustaining and enhancing the significance of that asset and for any harm to be weighed against the public benefits of the proposal. It would also conflict with the Framework which recognises that heritage assets are an irreplaceable resource and harm to them should require clear and convincing justification.

**Appeal Reference :** [APP/D1265/W/21/3270690](#)

**Planning Reference:** 2/2020/1301/FUL

**Proposal:** The development proposed, 'Convert redundant agricultural building into 1 No. dwelling'.

**Address:** The Chymes, Westbrook Road, Gillingham SP8 5DT

### **Decision: Dismissed**

The inspector in this case considered whether the site constitutes a suitable location for the proposed dwelling, having regard to local and national planning policies which seek to restrict residential development in the countryside; and the effect of the development on the rural character and appearance of the area. This decision is of note as despite the existing agricultural building appearing slightly domestic in nature, the inspector upheld the refusal and found harm due to the unsustainable location of the development, and harm to the character of the area that would result, in the absence of any enhancement to the site and its setting.

The application was refused under delegated powers for the following reasons:

1. Having regard to site's location well outside the town envelope (and established settlement boundary as designated within the adopted North Dorset Local Plan Part 1), without safe & convenient access to local services & facilities within the town of Gillingham other than by private car; it is considered that the application site is within an unsustainable location and the scheme is therefore contrary to policies 1, 2, and 20 of the adopted North Dorset Local Plan Part 1 2011- 2031.

2. The scheme would not enhance the character of the immediate setting, Green Lane being of an unspoilt rural character. The proposals which include: a substantial garden area; the 'refurbishment' of the tumbledown shed (which has a fairly substantial footprint when compared to the existing barn); the creation of a new turning and car parking area, and the associated residential paraphernalia associated with the domestic use of the site, would introduce a more intensive suburban appearance to the site which is not in keeping with, and would detract from, the sporadic and rural character of the area. It is therefore contrary to policies 1, 4, 20, 24 and 29 of the adopted North Dorset Local Plan Part 1 (2011-2031) and advice contained within the National Planning Policy Framework (Feb 2019).

The appeal site formed part of an agricultural holding located on the edge of Lower Langham, approximately one mile west of Gillingham. It comprised a large timber-clad building with a plain clay tiled pitched roof, and a dilapidated tumbledown shed, which were to some extent screened by the surrounding vegetation. The site is accessed by Green Lane, a leafy and largely unmade track.

Policy 2 of the North Dorset Local Plan Part 11 (LPP1) sets out the area's spatial strategy. It identifies Blandford, Gillingham, Shaftesbury and Sturminster Newton as the four main towns to accommodate the vast majority of housing and other development, whilst Stalbridge and larger villages will be the focus for growth to meet the local needs outside the four main towns.

The inspector commented that the site was largely surrounded by open fields and was located some distance away from the hamlet of Lower Langham and the town of Gillingham. The proposal would therefore result in the creation of a dwelling which would be physically separate or remote from the nearest settlement. In that regard, it is also of note that the closest residential properties are distinctly separated from the appeal site by intervening fields and tree belts.

The road network reflects the rural character of the area. Roads are generally narrow and unlit, and do not include footways. Whilst there are a number of footpaths in the area, I find it unlikely that, for the vast majority of trips, future occupiers would use alternative modes of transport to the private car to access most everyday facilities and services.

Consequently, the inspector held that the appeal site would not represent a suitable location for residential development, having regard to local and national planning policies which seek to restrict residential development in the countryside, particularly as the new dwelling would be at some distance from existing settlements. The proposal would therefore conflict with Policies 1, 2 and 20 of the LPP1, which set out a presumption in favour of sustainable development and seek to protect the countryside.

The inspector also held that the proposed development would have an adverse effect on the rural character and appearance of the area. Subsequently, it would be contrary to Policies 1, 4, 20, 24 and 29 of the LPP1, as well as paragraphs 127 and 130 of the Framework. Amongst other things, these seek to ensure that the re-use of existing buildings in the countryside would enhance their immediate setting, and

development proposals are designed to improve the character and quality of the area within which they are located.

**Appeal Reference :** [Appeal A Ref: APP/D1265/W/21/3270132](#) and [Appeal B Ref: APP/D1265/Y/21/3268110](#) (planning and listed building consent).

**Planning Reference:** WD/D/20/001983 & WD/D/20/001984

**Proposal:** The works proposed were the extension of the residential care home with a conservatory on the west elevation.

**Address:** Eastbury House, Long Street, Sherborne DT9 3BZ

### **Decision: Appeal A and Appeal B, Dismissed**

The proposed development and works related to the listed building Eastbury House, located within the Sherborne Conservation area. The inspector concluded that the proposal would fail to preserve the significance of the Grade II listed building and the character and appearance of the Sherborne Conservation Area. Accordingly, it would conflict with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (Adopted October 2015), and section 16 of the Framework. Amongst other things, these require proposals to conserve and where appropriate enhance the significance of designated heritage assets.

The proposal was refused under delegated powers for the following reasons:

1. The addition of this structure would compromise the architectural and aesthetic interest of the west elevation. The 'M'-profile roof would introduce a discordant visual form that detracts and distracts from the simple horizontal forms of the existing range and the gable and as such the proposal would not help to preserve or enhance the Listed Building. Therefore, in contrary to Policy ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015) and Part 16 of the National Planning Policy Framework.

The inspector found that Eastbury House holds significant architectural interest, which notably derives from the hierarchy of its design. The elegant and polite façade fronting Long Street is clearly defined by the strong symmetry of its detailing, which includes a central stone doorway with Tuscan half-round pilasters, flanked by large sash windows at ground and first floor levels. The stone plinth and chamfered quoins and gable ends with stone parapet copings, as well as the prominent gable chimney stacks, add to the overall composition of the listed property.

The inspector found that the listing description refers to the group value which Eastbury House holds, collectively with other nearby listed buildings. This indicates that the significance of the appeal building also derives from the contribution it makes to the townscape, and the Sherborne Conservation Area as a whole, which is characterised by its rich collection of historic buildings reflecting the progressive development of the settlement.

The appeal scheme entailed the construction of a conservatory to the western elevation, with a double pitched roof profile to ensure that existing first floor

windows are not obstructed. However, the inspector held that by virtue of its size and design, the proposed addition would appear as a discordant and overly complicated built form, which would harmfully detract from the simpler and functional appearance of the western range, but also the horizontal emphasis of this elevation.

Furthermore, the conservatory would protrude beyond the flank of the main part of the building and disrupt the historic plan form which characterises Eastbury House. The inspector concluded that this would erode the ability to appreciate the historic and architectural special interest of this designated heritage asset.

Despite the use of sympathetic materials, the proposed development and works would therefore fail to preserve the significance of the Grade II listed building. As Eastbury House makes an important contribution to the character and appearance of the Sherborne Conservation Area, it follows that the appeal scheme would also cause harm to this designated heritage asset.

The magnitude of the harm resulting from the proposed development and works would be less than substantial, to which the inspector ascribed considerable importance and weight. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the proposal.

The inspector stated that the appeal scheme would provide additional space for residents to socialise, and spend time with visitors or family members, and there would also be benefits for the mental health of the residents. However, there was limited information before the inspector which suggested that such benefits could not be achieved by other means. In the absence of substantive evidence to the contrary, the inspector found no reason to believe that the continued occupation of the listed building is dependent on the construction of the conservatory. Overall, the harm identified would not be outweighed by the presented public benefits, including securing the optimum viable use of the designated heritage asset.

The inspector concluded that the proposal would fail to preserve the significance of the Grade II listed building and the character and appearance of the Sherborne Conservation Area. Accordingly, it would conflict with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (Adopted October 2015), and section 16 of the Framework. Amongst other things, these require proposals to conserve and where appropriate enhance the significance of designated heritage assets.

**Appeal Reference:** [APP/D1265/W/20/3265649](#)

**Planning Reference:** WD/D/19/003186

**Proposal:** Demolition of original farmhouse in Conservation Area. Erection of 1 no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans) without complying with a condition attached to planning permission Ref WD/D/17/002888, dated 23 April 2018

**Address:** Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ

## **Decision: Allowed**

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

- 1) The proposal is visually dominating and prominent built form of development, out of character to the area. The site is located within the Conservation Area and where the wider setting of that area is affected such that the proposal does not “preserve” or “enhance” that area as is required and set out given the statutory Section 72 test of the Planning (Listed Building and Conservation Areas) Act 1990. On that basis it has an adverse impact on the existing Conservation Area character and harms the Conservation Area character and appearance. That harm would be less than substantial but there are no wider public benefits arising from the proposal that would outweigh that harm in the planning balance. As such the proposal would not be in accordance with Policies ENV4, ENV10 OR ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015); Policies HT2, D1 and D8 of the Bridport Neighbourhood Plan; nor paragraph 127 and section 16 of the National Planning Policy Framework (2019) and in particular para 192 which states: In determining applications, local planning authorities should take account of: the desirability of new development making a positive contribution to local character and distinctiveness.
  
- 2) The proposed development by reason of its mass, scale and bulk has an unduly dominating and overbearing impact when viewed from existing neighbouring properties in Main Street and Duck Street. As a result it sits uncomfortably in relation to those neighbouring occupiers and is detrimental to their amenity (outlook). Its mass, scale and bulk is also detrimental to the character and appearance of the area. As such the proposed development would be contrary to Policies ENV10, ENV12 & ENV16 of the West Dorset, Weymouth and Portland Local Plan (2015); Policies D1 & D8 of the Bridport Neighbourhood Plan; and Section 12 of the National Planning Policy Framework (2019) and in particular paragraph 127 which states amongst other things that decisions should ensure that developments provide a high standard of amenity for existing and future users.

The refusal of planning permission was appealed, and the appeal was considered by the Planning Inspectorate by means of a Public Inquiry held virtually in May 2021.

The Inspector considered the main issues in the determination of the appeal to be the effect of the development on:

- The character and appearance of the area including whether the development preserved and enhances the character or appearance of the Bothenhampton Conservation Area (CA).

- The effect of the development on the living conditions of the occupants of neighbouring properties on Main Street and Duck Street with regard to outlook.

#### Conservation Area:

The Inspector noted that there was no dispute that the different elements of the building have been constructed with each element higher than indicated in the 2018 permission, noting that the variations range from 0.15m to 0.81m with smaller variations applying to the replacement buildings closest to Main Street.

The Inspector commented on the noteworthy difference in height between existing buildings on the high pavement opposite the appeal site and the appeal building and that the difference sets the context of the relationship between the new and existing properties.

The Inspector noted that the 2018 permission accepted the replacement of the demolished structures with a new building tight up against Main Street and further structures running at right angles which replace the original buildings. The increase in height of these particular elements (0.15m, 0.27m and 0.32m) are in the view of the Inspector very small and do not materially alter the character or significance of the group of buildings or the streetscape within the CA. The Inspector considered that this didn't negatively impact on the ability to appreciate the high hills, hedge and trees which contribute the wider setting of the CA from the high pavement.

The Inspector when visiting the site and viewing the development from the raised pavement on Main Street noted that there was no one point where the building can be seen in its totality given the "Y" shaped configuration and this limits the ability to experience all elements of the building at the same time and that the modern elements are not visible in the streetscape of Main Street until immediately in front of the appeal site.

The Inspector noted that there would be changes visible from the high pavement toward the horizon, but that the key consideration was whether they would be harmful to the experience of the CA to observers from the high pavement and thereby negatively affecting its character. The Inspector considered that from the evidence before her and her observations on site that the changes would not negatively affect its character.

The Inspector concluded in respect of the Conservation Area that taking account of the heights of the building on Main Street; the topography of the surroundings; and the limited alteration to the vista across the appeal site, that the development does not have a harmful impact upon the character and appearance of the area and in this regard preserves the character of the CA in a similar way to the 2018 permission.

#### Amenity

The Inspector stated that the amenity impact in dispute is concerned with the effect of the development upon the outlook from a number of adjacent properties.

The Inspector observed the view from each of the seven properties identified by the

Council as sensitive receptors affected by the increased height of the various elements of the development. The Inspector concluded that by reason of the separation distances to existing and elevated properties on the high pavement of Main Street, the development does not adversely affect the outlook from any of the properties cited along Main Street.

In respect of the property on Duck Street the Inspector considered that the change in detail given the distanced involved does not result in a substantially different relationship than would have resulted from the construction of the 2018 permission and as such would not be harmful to the outlook of occupants of that property.

The Inspector stated that “the increased height of the building removes marginally more of the view across the appeal site than the original consent but that fact, in itself, does not mean that the structures are “overbearing” to adjacent properties. Whilst residents of the existing properties have inevitably experienced a change in their outlook and now see a larger structure this does not inherently cause harm to amenity. The loss of a view must not be confused or conflated with harm to outlook.” The Inspector conclude that there was no conflict with the relevant policies of the local plan and neighbourhood plan.

#### Other Matters:

The Inspector noted that there was no evidence before her which would lead her to disagree with the main parties case that the development does not have any adverse effect on the AONB.

The reason for the changes to the height of the buildings as set out by the appellant was noted as a separate issue to the effect of the external height changes on the character or appearance of the CA and as such the Inspector said that the matter has not been determinative to the outcome of the appeal.

The Inspector noted the frustration of local residents in respect of the appellant’s deviation from the approved plans but advised that the application is determined on its own merits and whilst the concerns of representors was noted they did not alter the findings of the main issues.

#### Conclusion:

The Inspector stated “In conclusion, I have found that the proposal would accord with the Development Plan and the objectives of the Framework. I have not found any other harm arising from the changes made from the 2018 planning permission. Consequently, for the reasons set out above, the appeal is allowed without compliance with the original condition No.1 related to plans approved under WD/D/17/002888, subject to conditions as set out in my formal decision.”

An application for costs against the Council was refused.

Appeal Reference: [APP/D1265/W/20/3259917](#)

Planning Reference: 3/19/0854/FUL

Proposal: Change of use and conversion of existing redundant agricultural building to form 4 dwelling houses.

Address: Bedborough Farm, Uddens Drive, Colehill, Wimborne, Dorset, BH21 7BQ

**Decision: Dismissed**

A planning application for 'Change of use and conversion of existing redundant agricultural building to form 4 dwelling houses.' Was refused planning permission on five grounds that the proposal was (i) inappropriate development in the Green Belt, (ii) harmed openness by way of the intensification of use, (iii) was of poor design, (iv) adversely affected the rural character of the area and (v) obstructed the route of a public footpath.

The Inspector agreed with the appellant that the building was capable of conversion, and agreed that the footpath might be moved, this secured through a planning condition.

Notwithstanding these points the Inspector sided with the Council that the four dwellinghouses proposed were inappropriate development in the Green Belt and would cause harm to openness, stating:-

*'9. The existing building would be converted into four dwellinghouses, and no extension would be required to enable the change of use to residential accommodation. However, whilst it would not necessarily be more intensive than the lawful agricultural would be subdivided into four distinct plots, which would be formally enclosed with hedgerow and wire fencing. This, together with the domestic paraphernalia which would be associated with the proposed residential use, such as garden furniture, washing lines and bin storage, would add visual clutter, thus leading inevitably to a moderate loss of openness. Having regard to the available evidence, there is no certainty that the provision of domestic paraphernalia would have a lesser impact upon openness than the established pattern of open storage associated with the building's present use.*

*10. For the foregoing reasons, the appeal proposal would not accord with the exception set out in paragraph 146 d) of the Framework, and would therefore amount to inappropriate development in the Green Belt. It would have a detrimental impact on the openness of the Green Belt and fail to assist in safeguarding the countryside from encroachment, contrary to one of the five purposes of the Green Belt.'*

In relation to design the Inspector was equally supportive

*12. The appeal scheme is characterised by the assertive modernity of its detailing, having notably regard to the vast expanses of glazing and balconies, but also the shapes of the windows and proposed materials, which would fail to reflect the rural appearance of the farmstead. The*

*regimented appearance of the communal parking area and formal subdivision of the appeal site into four separate plots would introduce a distinctly more urban form of development which would harmfully contrast with the rural character of its surroundings.*

*13. This would be exacerbated by the proposed forms of boundary treatment to enclose the individual plots and provide security and privacy to the future occupiers, and the domestic paraphernalia associated with the proposed residential use, which would add clutter within this rural area. This issue could not, in my view, be resolved through landscape enhancements to the existing bund or by imposing a condition requiring the submission and approval of detailed schemes, simply because landscaping ought to be used to complement good design, rather than as means to conceal inappropriate development.*

*15. Given the above, the appeal scheme would appear as an incongruous form of development which would cause considerable harm to the rural character of the area. It would therefore conflict with Policies HE2 and HE3 of the Christchurch*

The Inspector concluded that whilst the appeal scheme would not result in the creation of isolated homes in the countryside it would constitute inappropriate development in the Green Belt and lead to a moderate loss of openness. Furthermore, that the proposal would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment.

On these points the Inspector ascribed substantial weight to the harm which would be caused to the Green Belt and afforded great weight to the harm which the proposal would cause to the rural character of the area.

The appeal was therefore dismissed on this basis.

**Appeal Reference:** [APP/D1265/W/20/3260119](#)

**Planning Reference:** 3/19/2469 and 3/19/2770

**Proposal:** Construction of a single detached house with parking and access

**Address:** Land Adjacent to Brambles House, Church Lane, West Parley, Ferndown, Dorset, BH22 8TR

**Decision:** Dismissed

A dual Planning and Listed Building was made for the 'Construction of a single detached house with parking and access'. The building was to be sited within the curtilage of Brambles Farmhouse a Grade II Listed Building. The land in question formed part of the historic walled garden to the property but had been severed in ownership.

The applications followed a previous application and listed building that was refused and dismissed at appeal; the applicant sought to overcome the previous shortcomings.

Officers were of the view that area of land, whilst in separate ownership, was functionally and historically linked to Brambles Farmhouse and that the principle of severance and creation of a new residential plot could not be supported in principle. Furthermore, that the design approach taken was poor. The reasons for refusal read:

1. The immediate area has a rural character; the site is elevated from the road and looks out across Church Lane to open fields to the east. The proposed detailing of the dwelling makes little reference to the immediate rural context and appears as a confused hybrid between a barn and industrial style building, the use of five fully glazed bays and seven rooflights within the roofslopes are poorly considered. Given the historical significance of this plot, being a walled garden, closely associated with the Listed Farmhouse, this style of dwelling would be an incongruous feature in this sensitive rural setting. The new access into the site and large wooden gates further erodes the rural character of the area. In these respects the proposal represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions contrary to Policies HE2 and HE3 of the Christchurch and East Dorset Local Plan (Part 1), Saved Policy DES11 of the East Dorset Local Plan, and guidance contained within Section 12 – Achieving well-designed places of the National Planning Policy Framework (NPPF).
2. Development in sensitive areas, such as the curtilage of a Grade II Listed Building must respect the setting and context of the existing assets. There is a strong historical connection between the Brambles House a Grade II Listed Building and walled garden, which adds more significance to this land. The overall design approach, the scale of the proposal, detailing and new access all result in a proposal that will be viewed as sitting uncomfortably against the Grade II listed building. The proposal would cause substantial harm to the setting and character of Brambles Farmhouse, a Grade II Listed Building. No justification has been put forward to demonstrate that this harm is necessary to achieve substantial public benefits that outweigh that harm. The proposal fails Policy HE1 of the Christchurch and East Dorset Core Strategy Part 1 and guidance contained with the National Planning Policy Framework (NPPF) Section 16 (Conserving and enhancing the historic environment), paragraphs 193-197.

The application was heard under the written representation procedure. The Inspector fully agreed with the Council's reasons for refusal.

*9. Despite the degree of separation with Brambles Farmhouse, the new dwelling, which would remain visible from Church Lane and the adjacent footpath, would, due to its size and detailed design, significantly change the historic function of the site as a former walled garden. The creation of a new domestic curtilage, resulting from the construction of a new dwelling on a distinct plot, with a separated vehicular access onto Church Lane, would essentially lead to the loss of the functional link which would have historically connected Brambles Farmhouse and the appeal site.*

*10. This would be exacerbated by the footprint of the proposed dwelling which, together with the proposed patio and driveway, would diminish the sense of space within the walled garden and erode the sense of green space. For these reasons, the proposal would erode the ability to understand and appreciate the*

*historic function of the appeal site and its historic links with Brambles Farmhouse, to the detriment of the significance of this Grade II listed building.*

*11. The proposal would not lead to a total loss of significance and would not therefore cause substantial harm to the special interest of Brambles Farmhouse, including as derived from its setting. Nevertheless, the appeal scheme would cause less than substantial harm to the significance of this Grade II listed building, to which I ascribe considerable importance and weight.*

*12. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) indicates that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There is little evidence before me suggesting that the proposal would constitute the optimum viable use for the site, but it is clear that it would nevertheless make a modest contribution towards housing supply and choice.*

*13. Moreover, the benefits of the scheme include the repair and reinstatement of collapsed and damaged sections of the boundary walls to the eastern and northern boundaries of the site, although it is of note that the walled garden would not be restored in totality, notably due to the creation of a vehicular access for the proposed dwelling. It would also bring the site back into use. However, when considering the harm that the proposal would cause to the significance of the listed building and its setting, such harm would not be outweighed by the presented public benefits.*

*14. For the foregoing reasons, the appeal scheme would fail to preserve the special interest of Brambles House and its setting, and would therefore be contrary to Policy HE1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy<sup>1</sup> (CS) and Section 16 of the Framework, which notably seek to ensure that the significance of all heritage assets and their settings are protected and enhanced.*

On the issues of design, the Inspector was equally supportive:

*16. ...It is intended to look like an ancillary cart shed style building, which would be located on the edge of the former walled garden, along the northern boundary of the site. However, the footprint of the new dwelling would erode the largely undeveloped character of the walled garden and the contribution it presently makes to its rural surroundings.*

*17. I also share the concerns raised by the Council regarding the detailing of the proposal, which would be more akin to a Victorian industrial building than a structure typically found in a kitchen garden. The vast expanses of glazing and plethora of rooflights would give the building an overtly domestic character, which would only exacerbate its awkward appearance as a hybrid structure. The harm would be compounded by the proposed vehicular access and design of the proposed entrance which, whilst providing additional screening for the development, would have an urbanising effect and appear at odds with*

*the rural character of this area. Additionally, it would draw further attention to the site as a separate residential plot....*

*18. In such a sensitive context, the new building would appear as an incongruous feature, which would have a detrimental effect on the rural character and appearance of the area. Whilst it would be largely screened by the boundary walls and mature landscaping, it would, by reason of its position and scale, remain visible from Church Lane, notably from the vehicular access, and from the footpath adjacent to the site's northern boundary.*

*20. Given the above, I find that the proposal would unacceptably harm the rural character and appearance of the area.*

The appeal was dismissed.

The above appeal demonstrates the importance given by Inspectors to the wording of the National Planning Policy Framework (NPPF) in relation to the protection to the setting of Listed Buildings. The decision underlines that importance of properly assessing the significance of heritage assets and for the Council to robustly challenge applications that fail to appreciate and respond to these.

**Appeal Reference:** [APP/D1265/W/20/3263432](#) and [APP/D1265/Y/20/3263430](#)  
**Planning/Listed Building application References:** 6/2020/0316 (HOU) and 6/2020/0317 (LB)

**Proposal:** proposed rear single storey extension (existing canopy and post to be removed) and proposed internal ground floor wc'

**Address:** 8 High Street, Wool BH20 6BP

**Appeal:** Both appeals were dismissed

Located within the Wool Conservation Area, the appeal site comprises a thatched Grade II listed building constructed during the eighteenth century, which makes an important contribution to the character and appearance of the Wool Conservation Area.

*'Despite its single storey scale, the proposed development would span across the entire width of the property's former store element and represent a disproportionate addition to the listed property relative to the footprint of the original cottage. By reason of its excessive size, the new addition would thus erode the appreciation of the listed building, especially as the rear elevation would be entirely screened by subsequent additions, including the rear passageway opening. Furthermore, it would blur the clear distinction between the historic cottage and store components of the property.*

*I am also concerned with the design of the proposed extension, which would involve a combination of lean-to, gable and flat roof elements. A section of roof would also be cut out to ensure that the first floor window serving bedroom 1 remains unaffected by the proposal. The resulting built form would appear as a contrived and overly complicated addition, which would harmfully contrast with the simplicity of the host dwelling. Although a contemporary design approach may in some cases be appropriate, the choice of modern materials such as ivory aluminium and the extensive use of glazing would in this instance only exacerbate the awkward and alien nature of the proposal'.*

The inspector acknowledged that the additional accommodation provided would benefit the applicants, that the rear of the property is not widely visible within the street scene and noted other extensions in the vicinity, but considered that the development would fail to preserve the significance of no 8 High Street, which makes an important contribution to the character and appearance of the Wool Conservation Area. The magnitude of the harm was judged as less than substantial, to which the inspector added considerable importance and weight.

*'The proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building known as no 8 High Street, and the character and appearance of the Wool Conservation Area. The appeal scheme would therefore conflict with Policies D and LHH of the Purbeck Local Plan Part 12, the Purbeck District Design Guide Supplementary Planning Document<sup>3</sup> and the Wool Conservation Area Appraisal Document. Amongst other things, these expect development proposals to be of a high quality design and conserve the appearance, setting, character, interest, integrity, health and vitality of heritage assets. For these reasons, the proposal would also not accord with sections 2, 12 and 16 of the Framework, sections 16(2), 66(1) and 72(1) of the Act.*

*The benefits associated with the proposal would not outweigh the harm that has been identified and thus the conflict with the development plan. There are no considerations which indicate that the appeals should be determined other than in accordance with the development plan.'*

Both appeals were therefore dismissed.

**Planning Reference: 3/20/1047/FUL**

**Appeal Reference: [APP/D1264/W/21/3266411](#)**

**Proposal: Construction of a sand school**

**Address: Horton Farm, Sandy Lane, Three Legged Cross BH21 6RH**

**Appeal: Allowed**

The proposal was for a replacement sand school with associated car parking. It was refused by the Council due to the considerable increase in scale of the proposed sand school and car parking above the existing, and the resultant impact on the openness of the Green Belt and the likely requirement for supporting development which would be inappropriate in the Green Belt.

The Inspector considered that sand school would have no greater impact on openness and that "While the car parking area would be fairly large, there is no substantive evidence as to why it would harm openness".

The Inspector stated that there was no evidence to suggest that there would be a predictable requirement for supporting development and concluded that the proposal was not inappropriate development in the Green Belt.

An application for costs against the council was refused.

**Planning Reference: 3/20/0553/HOU**

**Appeal Reference: [APP/D1265/D/20/3264368](#)**

**Proposal: Installation of six dormer windows and one gable window in existing roof**

**Address: The Oaks, Lane from the Oaks, Horton Hollow to Bethany Chalbury, Horton, BH21 7EP**

### **Appeal Dismissed**

The proposal was for the installation of six dormer windows and a side window in the existing roof at the dwelling. It was refused by the Council as when considered cumulatively with previous extensions the proposed dormers are disproportionate additions over and above the size of the original building and is therefore inappropriate development. The dormers increased the bulk which impacts upon openness.

The Inspector considered that although the site was well screened by mature trees and landscaping, and that there would be no increase in floorspace and the dormers are very modest when considered in isolation, the original building has been enlarged substantially since its construction. Accordingly, the proposal is considered as a disproportionate addition over and above the size of the original dwelling and contrary to Para 143 and 145c of the NPPF.

The Inspector concluded that the proposal would constitute inappropriate development in the Green Belt and would reduce openness to limited extent, but substantial weight is ascribed to the inappropriate nature of the development and to the harm which would be caused to openness. The appeal scheme therefore conflicts with national policy.