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# Appeal Decision

Site visit made on 7 August 2024

**by David Reed BSc DipTP DMS MRTPI**

**an Inspector appointed by the Secretary of State for Housing, Communities and Local Government**

**Decision date: 15<sup>th</sup> of October 2024**

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**Appeal Ref: APP/D1265/W/23/3317274**

**Land on the east side of Wynd Close, West Stafford, Dorchester DT2 8AJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by West Stafford LVA LLP against the decision of Dorset Council.
  - The application Ref P/OUT/2022/00153, dated 29 December 2021, was refused by notice dated 26 August 2022.
  - The development proposed is the construction of 14 dwellings with associated access, parking and landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. The application is in outline with all matters reserved except access. Whilst the application included an indicative site layout, this is only illustrative of how a scheme on the site might look. The appeal has been considered on this basis.

## Main Issues

3. The main issues are:
  - the effect of the proposal on heritage assets; and
  - whether the proposal should be permitted having regard to the current requirement for housing, the settlement strategy of the development plan, the relationship of the site to the village of West Stafford and the character and appearance of the area.
4. A third reason for refusal, that the proposal fails to make adequate provision for affordable housing, has been addressed by submission of a S106 unilateral undertaking dated 28 July 2023. A fourth reason, that nutrient pollution arising from the scheme would be likely to adversely affect the integrity of Poole Harbour Special Protection Area, could be overcome by attaching a condition to ensure that the necessary mitigation credits are secured.

## Reasons

5. The proposal is for a 14-dwelling residential development on about 0.63 ha of grassland, part of a larger field, to the south-east of West Stafford village. The quadrilateral site adjoins Wynd Close to the west and a railway line in cutting to the south, in both cases the boundaries formed by thick hedgerows which provide effective screening. To the east the site is bounded by a wide strip of fairly recent tree planting which separates it from the open countryside, this

strip is becoming well established and already provides a good measure of screening for the site in views from lower ground to the north-east.

6. To the north the site is bounded by a footpath which runs diagonally across the original field. On the other side of this lies Shepherd's Walk, a modern cul-de-sac of ten one and two storey properties allowed on appeal in 2019<sup>1</sup>, and to the north-east, the remaining part of the field. The ownership and any future plans for this area are not made clear.

#### *Heritage assets*

7. The Council argue that the proposal would harm the setting of the West Stafford Conservation Area (CA), the Grade I listed Manor House and Grade II listed former entrance piers to the Manor House, both within the CA, and the Grade II listed Talbothayes Lodge some 500 m to the east. The CA also contains a number of other listed buildings and 'key unlisted buildings' identified in the CA appraisal, the closest being 1 and 2 Chestnut Cottages.
8. However, the proposal is sited some distance from all these assets. The CA incorporates the historic built-up parts of the village plus the grounds of the Manor House to the east, but the boundary is 56 m away at its closest point with the Shepherd's Walk development in between. This, the thick hedgerows along the east side of Wynd Close and the south side of the lane towards Talbothayes, together with the strip of tree planting next to the site, serve to screen the proposal. The scheme would probably be almost imperceptible from the CA, Manor House and gate piers, thus not affecting their appreciation or the understanding of their significance. The higher part of the housing in the south-west corner of the site would be glimpsed from Talbothayes Lodge above the planted strip but the latter would grow over time and at 500 m away the visual impact and effect on its significance would be negligible.
9. The impact of the Shepherd's Walk development on these heritage assets was considered by the Inspector dealing with the 2019 appeal who concluded that there would be no harm arising to the setting of any listed buildings<sup>2</sup>. The same applies in this case. In relation to the CA, it was found that there would be less than substantial harm to its setting in respect of the burial ground and views from the (diagonal) footpath<sup>3</sup>. However, with Shepherd's Walk now lying between the appeal site and burial ground, and the character of the footpath much changed by the presence of the cul-de-sac, there would be no significant additional impact on the setting of the CA arising from this proposal.
10. For these reasons the proposal would have no significant impact on the setting of heritage assets. It would not conflict with Policy ENV4 of the West Dorset, Weymouth & Portland Local Plan 2015 (the LP) which seeks to protect such assets. The relevant legislative duties to preserve and enhance heritage assets would similarly be satisfied.

#### *Principle of development*

11. The LP makes a number of strategic allocations to accommodate the bulk of the development seen as necessary during the plan period 2011-31, including land at Dorchester to the west and Crossways to the east. Policy SUS2 directs

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<sup>1</sup> APP/F1230/W/18/3206604

<sup>2</sup> Manor House para 36, Gate Piers para 37, Parish Hall para 38, Talbothayes Lodge para 39.

<sup>3</sup> Para 40.

development in rural areas to the larger villages with defined settlement boundaries including nearby Broadmayne/West Knighton, Charminster and Puddletown where development will be 'at an appropriate scale to the size of the settlement'. However, West Stafford is a smaller village without a defined settlement boundary although these 'may also have some growth to meet their local needs'. Local needs are defined in section (iii) of the policy to include affordable housing and rural workers housing.

12. The proposal as finalised in the S106 unilateral undertaking includes five market houses, five affordable houses and four self and custom-built houses. However, neither the affordable housing nor self and custom-built housing is specifically geared towards meeting local as opposed to district or county-wide needs. The proposal therefore conflicts with LP Policy SUS2 and the spatial strategy of the LP. The 2019 Inspector reached the same conclusion in relation to the Shepherd's Walk scheme which included a similar mix of housing<sup>4</sup>.
13. The appeal has been running for some time during which the main parties have made claim and counter-claim about the position with regard to the supply of deliverable housing sites, a position changed by the latest National Planning Policy Framework (NPPF) issued in December 2023. However, the matter has now been definitively settled by the publication of the Report on the Council's 5 Year Housing Land Supply Annual Position Statement 2024 on 26 September 2024. This confirms that the Council can demonstrate 5.02 years supply. Whilst only marginally over 5 years supply, the most important policies for determining the application are not out of date and the presumption in favour of sustainable development (the presumption) does not apply at this time.
14. The Knightsford Neighbourhood Plan (the NP) is currently under preparation for an area including West Stafford. The pre-submission consultation draft dated March 2024 considers the village is only suitable for infill development with Policy 10 putting forward the site with the land to the north as a 'Local Green Space' to be protected from inappropriate development that would harm its character and role. The proposal would conflict with this emerging policy. However, the NP is at an early stage of preparation and at present can only be given limited weight.
15. Notwithstanding the presence of Shepherd's Walk and the temporary fencing alongside the diagonal footpath, purpose unknown, the site forms a pleasant, gently sloping grass field on the edge of the village and thus forms part of its rural setting. The construction of 14 dwellings on the site, however well designed, would fundamentally change its character and appearance, and would represent a further extension of the village into the countryside. The new housing, particularly that on the higher part of the site, would be seen in wider views from the east and north-east for many years until the tree planting strip matures. In addition, with the future use of the remaining part of the field to the north-east unclear and unresolved, the layout would relate poorly to Shepherd's Walk, extending further to the east, with Plot 7 on the indicative layout projecting out awkwardly from the rest of the new cul-de-sac. The proposal would also restrict views from the diagonal footpath, detracting from the enjoyment of users seeking to access the countryside.
16. In terms of its suitability for development, West Stafford has only a limited range of services and facilities including a public house, parish church and

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<sup>4</sup> Para 54.

village hall, but no school, shops or bus services. Residents are therefore likely to make most journeys by private vehicle, although Dorchester is less than two miles away by car and accessible by a section of the National Cycle Network. Taken together, the nature and location of the village and the implications for transport are a factor that weigh against the proposal and support the spatial strategy of the LP for most new housing to be provided elsewhere.

17. For these reasons the proposal should not be permitted having regard to the current requirement for housing, the settlement strategy of the LP, the relationship of the site to the village of West Stafford and the impact of the proposal on the character and appearance of the area. The proposal would conflict with LP Policies SUS2, HOUS6, ENV1 and ENV10 which aim to distribute development towards the larger settlements, restrict new housing outside defined settlement boundaries, resist development that detracts from local landscape character and require proposals to contribute positively to the maintenance and enhancement of local identity and distinctiveness. LP Policies INT1 and SUS1 quoted in the decision notice are not directly relevant.

## **Conclusion**

18. The appellant is arguing a similar case to that which was successful on appeal in 2019 and resulted in Shepherd's Walk. Whilst that scheme was judged to cause less than substantial harm to the setting of the CA, which would not be the case here, the presumption applied as the housing land supply position at the time was at best 4.88 years, perhaps worse. The decision in this case, essentially a planning judgement, necessarily involves balancing a different set of factors. The previous Inspector advised that their decision would not set a precedent<sup>5</sup>.
19. The proposal would provide 14 additional dwellings (including five affordable and four self-build dwellings) which would have social and economic benefits for the area and make a useful contribution to local housing needs, particularly as housing land supply is only slightly higher than that which would require application of the presumption. Furthermore, on 30 July 2024 a written ministerial statement, draft versions of a revised NPPF and standard method for assessing local housing need were published, all of which place greater importance on the need to deliver more housing. However, the draft policies are subject to consultation and their definitive implications not yet known.
20. Weighing against these material considerations are the clear findings in respect of the second main issue set out above and the associated conflict with the development plan. Whilst not without some weight, in the overall planning balance, even taken together, these material considerations are not sufficient to justify a decision at variance with the development plan.
21. Having regard to the above the appeal should be dismissed.

*David Reed*

INSPECTOR

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<sup>5</sup> Para 67.