



Appeal Decision

Site visit made on 24 February 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 08 March 2021

Appeal Ref: APP/D1265/W/20/3262267

Land west of Waterlake and Grosvenor Road, Stalbridge, Dorset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Lightwood Strategic Ltd against Dorset Council.
 - The application Ref 2/2020/0319/OUT, is dated 5 March 2020.
 - The development proposed is for access (with all other matters reserved) for up to 90no. dwellings, dedicated open space and associated works with vehicular access from Waterlake.
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Decision

1. The appeal is dismissed, and outline planning permission is refused.

Procedural Matters

2. The appeal is made against the **Council's** non-determination of the above planning application. The Council has however set out a number of concerns within its submissions, which I have taken into account in defining the main issues below.
3. The application was made in outline, seeking planning permission for access, with matters of scale, landscaping, layout and appearance reserved for future consideration. Except with regard to the access, I have therefore treated the plans submitted as indicative. Whilst the details shown are in any case limited, the appellant has sought to place emphasis on the indicative layout as shown on a revised plan. Thus, insofar as this shows the development distributed across the site in 3 clusters, I consider that the plans provide a strong indication of the general layout likely to be presented at reserved matters stage. I have therefore placed considerable weight on this detail in assessing the scheme, whilst also recognising scope for change.
4. The application followed dismissal of appeal APP/N1215/W/18/3203865 (the previous appeal) relating to an outline scheme for 98 dwellings on much the same site. Aside from a drop in the number of proposed dwellings, there are however a number of important differences between the schemes, which I summarise as principally being: the size of the current appeal site is smaller, given that a field to the north is not this time included; there would be a single point of access; and development is shown to indicatively cluster in the southern part of the site, which was largely shown open within the previous scheme. Insofar as it is relevant, I have taken the previous appeal into account

in my reasons below, but I have ultimately determined the appeal on the basis of the individual merits of the scheme as presented.

5. Following the merger of local planning authorities across Dorset in 2019 the Council is currently working on production of a new local plan (the emerging Plan). This however remains at a very early stage, with an options consultation currently ongoing. Limited weight can therefore be attached to the emerging Plan in its current state, and I have necessarily made my decision with reference to the adopted development plan. The latter remains that relating to the former North Dorset District Council (NDDC) area.
6. The appellant submitted a Section 106 agreement (the S106) during the course of the appeal. Its purpose is to secure the provision of affordable housing and open space, and a broad range of financial contributions related to leisure, recreation, education, healthcare and libraries. The S106 is however neither signed nor dated, and as such it carries no weight.

Main Issue

7. The main issue is whether the site is a suitable location for the proposed development having regard to its effect on the character and appearance of the area, including (a) the landscape and, (b) whether it would preserve or enhance the character or appearance of Stalbridge Conservation Area (the Conservation Area).

Reasons

Background

8. Policy 2 of the North Dorset Local Plan Part 1 (the Local Plan) sets out the spatial strategy for the former NDDC area. Through use of settlement boundaries this seeks to achieve a sustainable distribution of development by focusing new housing on 4 towns, with Stalbridge and 18 larger villages identified as suitable for growth to meet local needs. As the site falls outside the settlement boundary of Stalbridge it **is located within the 'countryside'** for Local Plan purposes.
9. Policy 20 of the Local Plan further restricts housing outside settlement boundaries to that which is affordable, or for which there is an overriding need for a countryside location; something that Policy 2 terms development that would 'enable essential rural needs to be met'. **As the development**, comprising both affordable and market housing, would not meet any of these exceptions, it would conflict with Policies 2 and 20.
10. **In this regard the Council's concerns are that harm would be caused to the** character and appearance of the area, including the landscape and the Conservation Area.

Landscape

11. The site occupies land within a series of agricultural fields. These are located immediately adjacent to the southwestern edge of the settlement. At this point the transition between the developed area of the Stalbridge and the agricultural landscape beyond, is both abrupt and visually distinct.
12. The land within these 3 fields forms part of the upper slopes of a limestone ridge, which is located at the edge of the expansive undulating landscape of the

Blackmore Vale. The best attempt at definition of the latter on paper exists at national level, within the form of the 'Blackmore Vale and Vale of Wardour' character area. This largely overlaps the zone of theoretical visibility defined by the appellant, and incorporates the relevant parts of the local landscape character areas referenced by the Inspector in the previous appeal.

13. Ground levels rise towards the northwest and west across the site, with land outside following much the same trend. As such the site mostly stands at a lower level to development lying towards the north along Barrow Hill, but at a higher level than existing development lying towards the east. This opens up broad views from the site towards the landscape of the Vale on the east and south sides of the settlement, and in turn causes the site to be exposed within these landscapes. Exposure is greatest within the open landscape immediately to the south, within which ground levels continue to fall before again rising, and within which the site is clearly visible across a long distance. The site furthermore forms an important foreground component of both long and panoramic views from higher ground to both the north and west, including from Wood Lane and Barrow Hill. In all these regards the site appears as small but consistent component of the broader landscape.
14. At a more local scale, the site forms an attractive component of the land which forms the immediate setting of the southwest side of the settlement. Its quality and openness is appreciable from the footpath crossing the site, and from adjoining roads and other rights of way, and it is accentuated by the abruptness of transition noted above. Both in terms of its location within the setting of the settlement, and in terms of location within the broader landscape of the Blackmore Vale, the site therefore occupies a highly sensitive location.
15. For the purposes of paragraph 170 of the National Planning Policy Framework (the Framework), the parties dispute whether or not the site should additionally be **considered to form part of a 'valued landscape'**. Whilst it is apparent that housing development is currently occurring on much lower ground on the east side of the settlement, I have been provided with no evidence that any fundamental change in the character of the landscape has occurred since the previous appeal. As such, the baseline for assessment remains more or less the same as then. Taking account of this, the evidence before me, including the **appellant's Landscape and Visual impact Assessment**, and my own findings above, I see no reason to find other than that the site forms part of a valued landscape. Hence, I agree with the Inspector in the previous appeal, who found the same.
16. Accordingly, I have taken paragraph 170 of the Framework into account, which, aside from indicating that the intrinsic character and beauty of the countryside should be recognised, states that decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
17. The scheme is presented in outline, with no clear indicative modelling of its likely physical presence provided. It is however apparent that built form ranging in scale from one up to 2.5 storeys, set within relatively dense clusters, would have a pronounced physical and visual presence. This would be accentuated by rising ground levels within the site, both relative to existing development towards the east, and its high level of exposure towards the south. This would be further emphasised given that the site and the clusters

within it, would form appreciable protrusions from the otherwise distinct settlement edge, particularly when viewed from the south and west, but also as perceived from Barrow Hill and the footpath running through the site. Whilst thus appearing to sprawl both across and up the slope, the effect would also be to suburbanise remaining fields immediately to north, which would become spaces largely enclosed by development. Open space within the developed parts of the site itself would otherwise be clearly subordinate to the housing and would not alter the above negative impression.

18. The scheme would see the presence of development significantly increased within the foreground of panoramic views across the site, from Wood Lane and Barrow Hill. This would compromise the quality of these views, within which the development would appear intrusive.
19. The scheme would seek to mitigate its impact through the incorporation of open space and landscaping. Limited indicative details have however been provided, and the details remains subject of resolution at reserved matters stage. It is however apparent that the open space strategy indicatively shown would increase the density of the residential clusters, and so too the cumulative massing of built form within them. It is also apparent that the planting of new hedgerows and trees would not be an effective means of mitigating the visual impact of the development given the rising nature of the landform. Nor would screening by vegetation, in any case, be likely to provide a wholly reliable long-term year-round solution.
20. The boundary treatments along the southwestern edges of the settlement are inconsistent in their current character and quality. A more consistent boundary could be provided around the site as part of the scheme. This may or may not integrate more directly with existing hedgerow boundaries depending upon management. It would not however alter perception of the intrusive nature of built form within the site as already considered above, in any significant way.
21. I acknowledge that the Inspector in the previous appeal expressed particular concern in relation to the exposure of development in the 2 northernmost fields of the site as then defined. It remains the case however that the Inspector did not assess the impact of development clustered in the southern section of the site, given that this was not proposed, and nor did he find that development within the central section of the site would have been visually acceptable. The fact that the current scheme would not include development in the 2 northernmost fields does not therefore indicate that it should be considered acceptable based on a simple reading of the previous appeal decision.
22. For the reasons outlined above I conclude that the site would be unsuitable location for the proposed development given the unacceptably harmful effect that it would have on the character and appearance of the landscape. It would therefore conflict with Policy 4 of the Local Plan, which seeks to protect the landscape character of the District, additionally states that development will be expected to respect valued landscapes, and which in each regard it is thus consistent with the Framework.

Conservation Area

23. The Conservation Area boundary is widely drawn, including historic core elements of Stalbridge, more modern development around the edges, and parts of the immediate landscape setting beyond. The site lies within the latter.

Though largely contained within the boundary of the Conservation Area, the southernmost portion of the site lies immediately outside.

24. Insofar as it is relevant to this appeal, the significance of the Conservation Area resides in the historic layout of the town, and the collection and interrelationship of historic buildings and spaces that it contains. As the site does not form part of the townscape, the contribution that it makes to the significance of the Conservation Area can be understood to lie in its function as an aspect of the broader setting of the historic settlement. This is indeed acknowledged within **the Council's characterisation**.
25. Within this context, the series of fields of which the site forms part, are enclosed by hedgerows of at least nineteenth century date. The broader layout includes some old agricultural buildings at Barrow Hill Farm, and the existing character is clearly that of well-established historic farmland.
26. The plots of many of the historic dwellings lining the west side of Thornhill Road would once have backed onto open land adjoining that of which the site forms part. The construction of a reasonably narrow band of modern housing between these dwellings and the site, has however reduced and obscured the immediacy of the relationship between the historic townscape and its agricultural setting. The relationship nonetheless remains readily capable of appreciation, particularly given the reasonably close proximity of Thornhill Road to the site. This is indeed most apparent from Grosvenor Road, and further experienced when walking to Wood Lane via the footpath between. It is also more broadly appreciated in long views towards the Conservation Area from the south, and in moving around the townscape via Barrow Hill to the north.
27. In this regard the contribution the site makes to the special interest and significance of the Conservation Area lies in its continuing evocation of the historic character of Stalbridge as a reasonably small rural settlement, set within the broader context of the surrounding landscape of the Blackmoor Vale. This historic character is less capable of appreciation in many other locations around the town, where more extensive suburbanisation has occurred.
28. The development would result in the loss of historically open agricultural land within the setting of the historic town, entailing increased suburbanisation beyond its current southwestern edges. This would result in the erosion and loss of rural character, diminishing the historic identity of the settlement. The adverse effects would be accentuated by the high level of exposure of the site within the surrounding landscape, and the intrusion that it would cause within this context. This would harm the significance of the Conservation Area as a whole. As the development would be identifiable as a whole, it follows that the portion indicatively shown as occupying space within the southernmost part of the site would exacerbate the impact of adjoining development. As such, harm would also be caused to the **Conservation Area's setting**. I therefore find that the proposed development would fail to preserve the Conservation Area, and that less than substantial harm would be caused to its significance.
29. Whilst there is broad consensus that less than substantial harm would be caused, the parties disagree over whether this should be further categorised **according to a 'spectrum'**. The Inspector in the previous appeal also speculated over **the existence of a 'sliding scale'**. However, **the Framework, and advice** within the Planning Practice Guidance refers to neither. The latter simply

indicates that the extent of the harm may vary and should be clearly articulated. That being so, my assessment above is sufficient.

30. I attach considerable importance and weight to the harm that would be caused to the significance of Conservation Area by development within it, and great weight to the harm that would be caused to the significance of Conservation Area by development within its setting. In accordance with paragraph 196 of the Framework, it is necessary to balance this harm against the public benefits of the appeal scheme.
31. The development would provide up to 90 dwellings, up to 36 of which would be affordable. Notwithstanding conflict with Policy 2, this would comply with a 40% requirement for affordable housing set out in Policy 8 of the LP. In general terms the development would make a sizeable contribution towards addressing **a shortfall in the Council's 5-year** supply of deliverable housing sites (5YHLS). This is recorded as 3.3 years in **the Council's** latest Annual Monitoring Report, whilst recent poor delivery is demonstrated by a 59% score in the latest Housing Delivery Test. It could also help to address the high level of need for affordable housing which exists across North Dorset.
32. In local terms however, the Council indicates that extant permissions already provide for 227 dwellings in Stalbridge during the Local Plan period, of which 108 would be affordable. This would more than satisfy the need for 53 affordable dwellings recorded in the Housing Register. It would also represent a significant proportion of the 825 dwellings planned for the countryside, including Stalbridge and 18 larger villages, set out in Policy 6 of the Local Plan. Whilst this is neither a target nor minimum figure, it has been both met and substantially exceeded since the time that the application subject of the previous appeal was determined. Considered cumulatively, the appeal scheme could thus result in delivery of substantially more dwellings than were envisaged for the town over the Local Plan period. As this would not cater for any clear local need, it would inevitably draw people into the town.
33. The appellant claims that this would help to address an ageing and falling population within Stalbridge. The Council has otherwise separately acknowledged that a drop in the labour force across North Dorset can only be resolved by inward migration. Both can be strategically addressed by growth. However, the overprovision of housing within the town would not necessarily have a positive social, economic or environmental effect if future occupants were required to travel elsewhere in order to satisfy their day to day needs.
34. In this regard the development would support construction jobs over the short term, and future occupants would also provide some long term support for existing facilities and services within Stalbridge. But facilities and services within the town are otherwise limited in diversity and scale, as is reflected by its position within the hierarchy. The development would not change this. Nor is there any certainty that it would generate any jobs within Stalbridge. It is therefore likely that future occupants of the development would need to travel elsewhere in order to fully satisfy their day to day needs, including for employment. Whilst this would limit any contribution that future occupants might make to the social and economic vitality of Stalbridge, it would also undermine the environmental sustainability of the development.
35. The development would be clearly contrary to the strategic rationale underpinning the settlement strategy, which as set out above, seeks to focus

growth on large towns, and in this regard is consistent with the objective of managing patterns of growth in the interests of sustainability set out within the Framework.

36. I acknowledge that within the context of the emerging Plan, both an adjusted position in the settlement hierarchy, and additional growth, is currently envisaged for Stalbridge. The hierarchy would however differ as a whole given that it would no longer relate solely to settlements within the former NDDC area. The emerging Plan is also set to extend 7 years beyond the end date of the current Local Plan, and would thus cater for growth over a different period. It is otherwise apparent that a strategy of addressing housing requirements through urban extensions and site allocations is favoured, and with regard to Stalbridge, no such allocation has been proposed for the appeal site. Indeed, the evidence referenced in the submissions shows that this has been ruled out on heritage grounds. Whilst the emerging Plan currently attracts limited weight in itself, the evidence before me does not provide a sound basis upon which to find that the development would sustainably meet any future local need.
37. For the above reasons, notwithstanding the level of contribution that the development would or could make towards meeting general needs for both market and affordable housing, I attach limited weight to the benefits.
38. I appreciate that the Inspector in the previous appeal attached greater weight to the supply of housing than have I, most particularly in relation to the provision of affordable housing. This was indeed responsible for **'just tipping the balance' in that case**. The 5YHLS supply position was the same at that time, and provision of affordable housing would similarly have been no more than compliant with Policy 8. However, as previously noted, at the time the application subject of the previous appeal was determined, less progress had been made in delivering the strategy set out within Policy 6 of the Local Plan, and an unfulfilled local need for affordable housing appears to have existed. Different considerations therefore applied.
39. The appellant states that the scheme would provide a surplus of public open space when set against Council requirements. However, given that the scheme layout and landscaping are each reserved matters, it remains to be confirmed how much open space would actually be provided, and in what form. The extent to which such open space would be both useable, accessible and likely to see use by people from outside the development is also unclear. The latter considerations similarly apply in relation to any play equipment located within such space. As such I attach very limited weight to these considerations.
40. For the most part the site consists of land in apparently intensive agricultural use. I therefore have no doubt that ecological enhancement could be achieved simply by provision of more varied planting within the development. Whilst a range of enhancements are also proposed, ecological enhancements could equally, if not more effectively, be achieved within the context of the site in its current use. Indeed, there is no particular reason why this could not include the planting of hedgerows amongst other more sensitive land management measures. As such, the development is not necessary to deliver ecological enhancement of the site. Consequently, the potential for the development to deliver ecological enhancement is a matter to which I again attach very limited weight.

41. Insofar as the scheme landscaping has otherwise been advanced as a public benefit, given my findings in relation to landscape matters above, this is not a consideration to which I can attach any weight.
42. As summarised above, one purpose of the S106 was to secure payment of contributions. Even if the S106 had been complete, the primary purpose of these contributions would have been to mitigate and cater for the demands directly generated by its future occupants. On this basis the potential for any broader public benefit would have been limited in both scope and weight.
43. In a similar way, the payment of Council tax by future occupants of the development would not give rise to any distinct public benefit. This is because it is used to fund Council and other services, whose level of use would increase as a result of the development. The same would most likely also apply to New Homes Bonus payments, which the Council indicates would be used to further subsidise Council services.
44. In summary, I have attached no more than limited weight to the benefits outlined above. This must however be reduced when taking into account the fact that they could only be delivered by causing unacceptable landscape harm, and that not all have been secured. That being so, I attach no more than very limited weight to the public benefits of the scheme overall. Either way, the public benefits of the scheme are insufficient to outweigh the harm that would be caused to the significance of the Conservation Area. This provides a clear reason for refusing planning permission.
45. For the reasons outlined above, I conclude that the site would be an unsuitable location for the proposed development having regard to the unacceptably harmful effect that it would have on the Conservation Area, whose character or appearance would not be preserved or enhanced, and whose setting would not be conserved. The development would therefore conflict with Policy 5 of the Local Plan, which seeks to sustain and enhance the significance of heritage assets, and which is, in this regard, consistent with the Framework.

Other Matters

46. **In view of the Council's 5YHLS position, my attention has been drawn to the tilted balance set out in paragraph 11 of the Framework.** I acknowledge that the Inspector in the previous appeal undertook the tilted balance. This was however a product of his different findings in relation to paragraph 196, as covered above. My own findings in relation to heritage policy provide a clear reason for refusing planning permission, and thus, having regard to footnote 6 of the Framework, the tilted balance does not apply.

Conclusion

47. The proposal does not accord with the development plan, and it would cause unacceptable harm to the character and appearance of the area, including the landscape and the Conservation Area. There are no other considerations which alter or outweigh these findings. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR