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# Appeal Decision

Site visit made on 10 January 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 3<sup>rd</sup> February 2023.**

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**Appeal Ref: APP/D1265/W/22/3305966**

**19A Knighton Lane, Broadmayne DT2 8PH**

- 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 Mr James Meaden against the decision of Dorset Council.
  - The application Ref P/OUT/2021/05611, dated 17 December 2021, was refused by notice dated 21 July 2022.
  - The development proposed is described as 'application for outline planning permission for 6 dwellings'
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The proposal is for outline planning permission, with all detailed matters reserved for future application. I have therefore treated the proposed site plan as being illustrative in respect of the location of the dwellings.

## Main Issues

3. The main issues are:
  - the effect of the development on the character and appearance of the area, and
  - whether the proposal meets the Council's strategy for the distribution of development, having regard to access to services and facilities, and the protection of the countryside.

## Reasons

### *Character and Appearance*

4. The site consists of a reasonably narrow tract of land, fronting onto Knighton Lane. The site has units of accommodation on it and boundaries consisting of tall, dense hedging and solid wooden gates. These features largely screen the site from Knighton Lane and the adjoining fields, including from a nearby public footpath. As a result, and because of the single storey height of the structures on the site, its residential use has a discrete and low-key appearance.
5. The settlements of West Knighton and Broadmayne have organically evolved, and some gaps in their built form have been enclosed over time. Within or close to the historic centres of both settlements, dwellings generally have a

- linear form, some being terraced, and many are located on or close to the edge of the highway, often at relatively high density.
6. However, in the vicinity of the appeal site, Knighton Lane forms the boundary between built-up development and the open countryside. Most of the dwellings close to the site are detached, at a lower level than the road and set back from it, and within fairly large plots. Most also front the road, although two dwellings directly opposite the site face inwards onto an estate road and have thick vegetation fronting Knighton Lane. For these reasons, the area around the site has a low density and somewhat suburban, countryside-edge form.
  7. Specific details of the proposal are matters reserved for future application. The illustrative site plans submitted show possible ways in which it could be laid out. Even so, the number of dwellings is fixed, as are the size and narrow proportions of the site. The proposed dwellings would need to comply with internal space standards and provide gardens and vehicle parking. Given these requirements and the inherently restricted size and width of the site, the plot size of each of the dwellings would by necessity be small. Even with modest sized dwellings the proposal would have a relatively high density.
  8. As such, for the number of dwellings sought, the proposal would develop the site in an intensive and excessively dense way compared to others nearby. This would harmfully contrast with the distinctive, low-density pattern of development opposite and close to the site.
  9. The site is currently surrounded and well screened by large hedgerows. Those either side of the site may be retained to help frame the proposal. The hedgerow to the rear of the site may also be retained, providing a green backdrop. Landscaping is a reserved matter and planning conditions could secure its provision, including using more appropriate native species. The Council does not allege that the proposal would detract from the wider landscape character of the area.
  10. Even so, the appellant confirms<sup>1</sup> that the proposal would require removal of many of the existing hedgerows, including those immediately adjacent to and fronting onto Knighton Lane. There is no suggestion that they could be replicated under the proposal. The proposal would therefore result in the site being more visible from Knighton Lane than at present. As such, the denser form and appearance of the site that would result from the proposal would be much more prominent in the street scene and so would have a harmful effect on its surroundings.
  11. I therefore conclude that the proposal would harm the character and appearance of the area. As such, for the reasons given above, it would be contrary to policies ENV10 and ENV12 of the Local Plan. These require that development should contribute positively to local identity and distinctiveness and respect the character of the surrounding area. It would also conflict with Local Plan policy ENV15 which seeks to make efficient use of land, but subject to the limitations inherent in the site and impact on local character.
  12. For similar reasons, the proposal would also conflict with the Design and Sustainable Development Planning Guidelines Supplementary Planning Document, adopted 2009. Amongst other things, this requires that proposals

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<sup>1</sup> In the Planning, Design and Access Statement

should work in harmony with the site and its surroundings and should reflect the grain and pattern of development where these form a significant characteristic in the street scene. It would also conflict with the requirement of the National Planning Policy Framework (the Framework), that development should respond to local character.

### *Distribution of Development*

13. The Council's strategy for the distribution of development within the area is set out in Policies SUS2 and HOU6 of the Local Plan. The site lies adjacent to but outside of the defined development boundary in the Local Plan for Broadmayne and West Knighton, which follows the route of Knighton Lane.
14. In such circumstances, Local Plan Policy SUS2 imposes strict control and only permits certain types of development. This is to ensure that development takes place only in locations with a range of services and facilities, without relying on potentially unworkable public transport services. Local Plan Policy SUS2 also requires regard to be given to the protection of the countryside and environmental constraints. I have no evidence that the proposal would constitute a category of development permitted by Local Plan Policy SUS2.
15. The proposal would replace existing units of residential accommodation, but for more units than currently exist on the site. Outside of defined development boundaries, Local Plan Policy HOU6 only permits replacement dwellings on a one-for-one basis and so the proposal would not comply with this policy.
16. However, the settlements of Broadmayne and West Knighton are within reasonable walking distance. Facilities in these settlements include a school, shop, doctor's surgery and public houses as well as bus services. The proposal would therefore have good access to services and facilities. Furthermore, for the reasons I give above, the site is already in residential use and so the proposal would not undermine the protection of the countryside sought by the Local Plan.
17. The proposal would be contrary to Local Plan policies SUS2 and HOU6, and so it would not accord with the Council's strategy for the distribution of development. However, having regard to access to services and facilities, and the absence of harm regarding the protection of the countryside, I attach limited weight to this conflict. Furthermore, for the same reasons, I find no particular conflict with the Framework in respect of this issue.

### **Other Considerations**

#### *Fallback*

18. The site is already in residential use, as confirmed by a Certificate of Lawful Existing Development<sup>2</sup>. There are no planning controls on the number of caravans that can be located within the site. I see no reason to doubt that the installation of further caravans is a realistic fallback position. Similarly, I understand that there are no planning conditions or controls which would prevent the removal of the existing hedgerows.
19. The existing caravans on the site are functional and utilitarian in design but are modest in height and form, which ensures that their visual impact is limited

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<sup>2</sup> LPA reference P/CLE/2021/02004

when viewed from Knighton Lane. I have no specific alternative scheme before me, or details of the number or extent of caravans that might be installed under the fallback. However, the historic photographs provided by the appellant demonstrate that significant frontage landscaping was retained when a greater number of caravans were positioned on the site in the past. Therefore, absent the proposal, I see little reason why the landscaping would be removed.

20. In contrast, I have found that the proposal requires the removal of the front hedgerow, which would make the site much more visible. As such, even though the proposal may be well designed, it has not been demonstrated that it would have a less harmful visual impact than the fallback. For these reasons, I therefore conclude that the proposal would not be preferable to the fallback and so it does not justify the harm to the character and appearance of the area that I identify above.

### *Other Matters*

21. The proposal would make efficient use of previously developed land. I do not doubt the high cost of housing locally and the need for more affordable open market dwellings. Although in outline, the proposal could add to the mix and range of dwellings to be found within the villages. It would have a positive economic contribution to the area, as would its occupants both socially and economically.
22. However, these benefits would be limited because of the relatively small size of the proposal, bearing in mind that it would replace existing units of accommodation. As such, I give these benefits moderate weight. Furthermore, although not a cap or limit, the appellant does not dispute that the Council can now demonstrate a five-year supply of housing land. As such, paragraph 11(d) of the Framework is not engaged.
23. The appellant has referred to dwellings recently granted planning permission by the Council at 6a-6c Knighton Lane<sup>3</sup>, 10 Knighton Lane<sup>4</sup>, West Knighton Farmyard<sup>5</sup> and 24 Main Street, Broadmayne<sup>6</sup>. They appear to relate to sites close to or within the centres of West Knighton and Broadmayne, but I have few details of these cases or the rationale behind the Council's decisions. As such, I can draw little comparison between these decisions and the appeal proposal.
24. The Council's third reason for refusal refers to the effect of the proposal on the nutrient neutrality of the Poole Harbour Site of Special Scientific Interest, Special Protection Area (SPA) and Ramsar site, as a result of increased nitrogen and phosphate loads. These sites are protected pursuant to the Conservation of Habitats Regulations 2017 as amended.
25. Had I found no harm in respect of the other matters, as competent authority I would have carried out a Habitats Regulations Assessment in respect of the potential effects of the proposal on the SPA. I understand the frustration of the appellant that the Council's position on this matter has changed during the course of the appeal, and that the most recent advice from Natural England has

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<sup>3</sup> LPA reference WD/D/19/000343

<sup>4</sup> LPA reference WD/19/2019/001648

<sup>5</sup> LAP reference WD/D/19/03063

<sup>6</sup> LPA reference WD/D/18/00539

not been provided by the Council. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

### **Planning Balance and Conclusion**

26. I have given moderate positive weight to the benefits of the proposal and only limited weight to the conflict of the proposal with the Council's strategy for the distribution of development. However, this does not overcome or justify the harm that the proposal would cause to the character and appearance of the area, to which I attach significant weight.
27. For the reasons given, I have found conflict with the Development Plan, read as a whole. The material considerations in this case do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

*O Marigold*

INSPECTOR