



Appeal Decision

Hearing held on 16 November 2021

Site visit made on 15 November 2021

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 December 2021

Appeal Ref: APP/D1265/W/21/3279462

Land off Lower Common Road, Child Okeford DT11 8HF

- 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 Leaper Land Promotion against the decision of Dorset Council.
 - The application Ref 2/2020/0749/OUT, dated 3 June 2020, was refused by notice dated 3 June 2021.
 - The development proposed is the erection up to 65 Custom and Self-Build homes (plots), with all matters reserved apart from access. Development to include a 40% provision of affordable housing and 1.55 hectares of public open space with play space and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission. Approval is sought for access at this stage with all other matters reserved for future consideration.
3. The description given on the Council's Decision Notice and the appeal form differs slightly from that on the application form. It is not clear whether that change was made by the appellant or unilaterally by the Council. I have, therefore, referred to the description on the application form in my heading, although the differences are minor and do not affect my overall consideration of the appeal.
4. Plans have been received detailing the location and available visibility for the access, which I have treated as a firm part of the proposal. Other plans are illustrative and suggest how the site could be developed. At the Hearing, it was confirmed that, while other layout and landscaping options may be available, the various submissions concerning the effects of the proposal were based upon the indicative proposals. I have, therefore, had regard to the indicative plans in my assessment of the appeal.

Main Issues

5. The main issues are:
 - (a) Whether the proposal is in a suitable location, with regard to accessibility;

- (b) The effect on the character and appearance of the area, including the landscape and scenic beauty of the Dorset Area of Outstanding Natural Beauty (AONB);
- (c) The effect on the significance of the Hambledon Hill Scheduled Monuments, and the character and appearance of the Child Okeford Conservation Area;
- (d) Whether there are any other material considerations that might outweigh any conflict with the development plan, with particular regard to housing supply, and any need for custom and self-build housing.

Reasons

Accessibility

6. Child Okeford is defined under Policy 2 of the North Dorset Local Plan Part 1 2016 (LP) as a Larger Village. The site is outside the defined settlement boundary where the Policy says that proposals should be subject to countryside policies strictly controlling development. Larger Villages, along with Stalbridge are identified in Policy 2 as the focus of growth to meet local needs outside of four main towns. The Policy clearly indicates that at these villages, the focus should be on meeting local (rather than strategic) needs.
7. The proposal would provide a large number of new homes. I examine general housing need later in my decision, but there is no substantive evidence that local needs for the area around Child Okeford would require the quantum of development proposed. Moreover, it seeks to provide self build and custom housebuilding (SBCH) opportunities based upon a need derived from the SBCH register for the whole development plan area, which is not a local need. The proposal is, therefore, contrary to the aims of LP Policy 2, which sets out the overall settlement strategy for the development plan area.
8. The settlement contains a range of services and facilities that can contribute to meeting the day to day needs of its inhabitants. These are mostly towards the far end of the village from the site, although they are within the maximum walking distances set out in some guidance such as the Chartered Institution for Highways and Transportation document 'Providing for Journeys on Foot'. However, it is necessary to consider the nature of the available routes.
9. The main road through the village has little footway provision. While walking on roads is a common part of rural life, there are a number of blind bends where visibility for and of pedestrians and cyclists is restricted. While accident statistics do not indicate a hazard, the appellant was unable to clarify at the hearing whether this could be attributable to the road characteristics being a deterrent to pedestrians, and a consequential lack of pedestrian traffic on the route. There is not substantive evidence that there is regular pedestrian traffic from the part of the village close to the site along the main road, so the evidence does not demonstrate regular safe use. I find that its configuration would not present a safe or attractive route for pedestrians.
10. There is a comprehensive network of public rights of way around Child Okeford. They offer an alternative to walking along the main road. The submitted planning obligation proposes funding for upgrades to the right of way network, including surfacing to the muddiest part on the logical route from the site to the main village facilities. However, this is amongst a general set of projects

that the contribution could be spent on, so it is not clear whether this important upgrade would be delivered in a timely manner, if at all. Even if it was, though, the overall path would still be uneven and narrow in places, with obstructions restricting use by those with limited mobility, pushchairs or the like. There is also no substantive evidence that these routes are commonly used, even by those existing residents closer to the facilities, for anything other than recreation.

11. There is a bus service linking Child Okeford to some key local destinations including Sturminster Newton and Blandford Forum. However, access to the bus stops would also require use of the routes described above and, while the frequency of busses may be greater than in many rural areas, it is unlikely to provide a convenient means of transport for most trips.
12. Opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account. Upgrades to the footpath network and measures such as electric vehicle charging points may maximise the opportunities that do exist in this area, but for the reasons given, they fall short of offering a genuine choice of transport modes. A significant number of new residents would be placed in this situation where they would, ultimately, be reliant upon private motor vehicles.
13. The National Planning Policy Framework (the Framework) indicates that the planning system should actively manage patterns of growth so that, amongst other things, development should be focussed on where the need to travel is limited and a genuine choice of transport modes are available. LP Policy 2's desire to cater only for local needs in locations such as Child Okeford is consistent with this aim, as it would limit the amount of development in these less accessible places, with strategic needs catered for elsewhere.
14. With regard to the scale of development proposed, I, therefore, find that the proposal would not be in a suitable location with regard to accessibility and would conflict with the aims of LP Policy 2, and the Framework.

Character and appearance

15. The site is currently an undeveloped field. Due to the clearly defined boundaries to the existing built form, it has a stronger affinity with the countryside than the settlement. However, I see no reason why a robust, sympathetic boundary to the countryside beyond the site could not be provided.
16. On approach to Child Okeford past the site, there are clear views of Hambledon Hill and the rising ground of the Dorset AONB. This is a striking landform feature that makes a significant contribution to the landscape character and setting of Child Okeford. However, boundary hedges and some trees make views of the higher ground across the site itself difficult.
17. The landscape to the north and west of the site is generally flat. Therefore, views towards Hambledon Hill and the AONB are available over a very wide area. At closer range, such as those views across the immediately surrounding fields, the currently open views would be partially obscured by built form at the site. However, especially when viewed from footpath behind Gold Hill Business Park, buildings are already visible in the vista. For these reasons, the site makes only a very small contribution to the setting of the AONB and landscape

- character of the area. Hambledon Hill would continue to form a strong part of the setting of Child Okeford and be seen in context with the developed edge, on approach to the settlement.
18. When viewed from Hambledon Hill, the site can be seen alongside existing built form at the edge of the village. It would effectively sit between two groups of buildings with an agricultural appearance and, while these may not be attractive buildings, the presence of built form at the appeal site would not intrude significantly into the wider landscape.
 19. The outlook across the site from Hambledon Hill and the AONB is wide, with expansive views of the open, largely undeveloped, landscape. The ability to appreciate the landscape would not be harmed by the development, nor would its overall landscape character. I, therefore, find that the setting of the AONB would not be harmed and its natural beauty would be conserved. There would, consequently, be no conflict with LP Policy 4 that seeks to protect and enhance the natural environment and landscape, including AONBs.
 20. Although, subject to appropriate planting, the development could sit comfortably in the landscape, it would also be seen alongside the built form of Child Okeford. The settlement has a distinctly rural character. A main road runs through the village and is fronted by an assortment of dwellings of various ages and styles. Most older homes create a strong relationship with the street alignment. Sometimes they are very close to the road, or alternatively have small front gardens. A number of more recent, housing estate style roads lead away from the main road, but where they meet the historic route, they generally integrate well, with the corner dwellings adding to the variety of house styles appreciable from the street.
 21. Whether or not it is appropriate to describe the settlement as linear, the sinuous main road has a character of individual homes that relate clearly to the road. By contrast, indicative plans for the development show a very suburban form, with a single point of access serving a range of cul-de-sacs within the site. The plans suggest that the whole developed area would stand separate to the existing built form and away from the road behind open space. Given the shape of the site, and with access to be approved now, it is difficult to envisage how a radically different layout could come forward at reserved matters stage.
 22. It might be possible to bring the development further forward, but the set-back from the road and off-set from existing built form is said by the appellant to be a purposeful decision designed to minimise harm to the conservation area. The implications of such changes to the layout on the designated heritage asset are not clearly articulated in evidence. Nor is it clear whether surface water drainage infrastructure could be accommodated other than in the frontage open space, which is the lowest part of the site. It is likely that variations on the proposals would be possible, but for these reasons, I give substantial weight to the indicative plans before me in respect of my assessment of this particular proposal.
 23. While, as I have already suggested, there is evidence of suburban-style estate development in Child Okeford, the historic pattern extends out from the village centre and is the main influence over the settlement considered as a whole. The suburban form would be at odds with these defining characteristics of the settlement. Even though not all dwellings would be visible at once, it would appear as a distinct and separate parcel of development at a key gateway to

the village which would jar with its clear rural form. Ultimately, while the details are illustrative, I must be satisfied that appropriate reserved matters could be submitted and, on the basis of the evidence before me, I am not.

24. I, therefore, find that the proposal would not respect the character and appearance of the area. This would result in a conflict with those aims of LP Policy 24 that seeks to ensure that development is designed to improve the character and quality of the area in which it is located and respond to local context. It would also conflict with those parts of the Framework that share comparable aims as well as those seeking to establish or maintain a strong sense of place.

Heritage assets

25. There are two Scheduled Monuments at Hambledon Hill. These are the Hambledon Hill Causewayed Camp, two Neolithic causewayed enclosures (the causewayed enclosure) and the Hambledon Hill Camp, an Iron Age hillfort (the hillfort).
26. The causewayed enclosure lies beyond the closest part of the hill to the appeal site, which obscures views towards it. When constructed, it is likely to have been a strategic location, at a junction between two provinces. Although the role of the enclosure and origin of those occupying it seems likely to have changed over its lifetime, it is likely that it always had some functional connection with the expansive landscape to the west and northwest. Although there is little visual connection between the monument and this landscape, this land, including the appeal site, therefore, forms part of its setting. Nevertheless, there is no particular evidence that the site in itself had a role to play in the function of the monument.
27. At the time of occupation, it is likely that the landscape was undeveloped. The enclosure would have existed remotely in the wider landscape. This is no longer the case and Child Okeford, in particular, has a strong presence relative to the monument. The Council suggest that incremental building within the landscape would, gradually, diminish the sense of remoteness and associated tranquillity.
28. However, even if that were accepted, the lack of intervisibility between the site and the monument is such that further development at the appeal site would not diminish its current association with the wider undeveloped landscape. The proposal would extend an existing settlement and not create new, separate built form. Importantly, the significance of the asset and any relationship that it may have had with the immediate area around what is now Child Okeford could still be understood. I, therefore, find that there would be no harm to the significance of the causewayed enclosure.
29. Parts the hillfort are visible from the site and, indeed, from wide ranging views across the relatively flat area of surrounding countryside around the site. The imposing position in the landscape and strategic views from the hillfort are easily appreciated and clearly contribute to its significance.
30. The Council's conservation officer has cited evidence that hillfort likely belonged to a tradition of 'developed hillforts' where settlement was exclusive to the hillfort within an approximate radius of 10km. The significance of the hillfort at Hambledon as concentration of population in this way is evident from geophysical surveys that suggest that every available area of the hillfort

- appears to have been used for habitation. The extensive earthworks remain clearly visible and are easily appreciated when on the hill.
31. As with the causewayed enclosure, therefore, it is likely that the hillfort existed in a remote, undeveloped landscape. This would have emphasised the visual prominence of the hillfort, particularly when seen across the flat landscape to the west and northwest of Child Okeford. The site is part of this landscape and is, therefore, part of its setting.
 32. I have already found that the site contributes little to the visual setting of Hambledon Hill, as a landscape feature and that its development would not be detrimental to its dominance in the wider landscape. The same applies to the understanding of the hillfort's dominance and prominence in the landscape and any role that the monument may play as a contributor to the current identity of Child Okeford.
 33. The setting of heritage assets goes beyond these visual contributions and does not depend upon there being opportunities to experience it from publicly accessible land. Nevertheless, when seen in the context of the surrounding development that exists now, both looking toward and out from the hillfort, the undeveloped nature of the appeal site itself does not bring any clear understanding to the significance of the monument. It would continue to be seen occupying a dominant position in the wider landscape and the commanding views from the hillfort would remain readily apparent. While there would be change to the setting of the monument, I, therefore, find that this would result in no harm to its significance.
 34. Although both assets are situated on Hambledon Hill, it has not been demonstrated that their significance is enhanced by their juxtaposition. My above findings are not, therefore, altered by the presence of multiple monuments together in one broad location. Nor do the scheduled monuments contribute to the significance of the conservation area that covers two separate parts of the village of Child Okeford.
 35. The part of the conservation area closest to the site extends to the edge of the settlement on the site side of the road. It contains a number of historic buildings and is thought to have once formed a separate hamlet, although at the Hearing, neither party was able to give convincing evidence as to precisely what the significance, or special architectural or historic interest of this area is. From the evidence presented to me, I understand that occupiers of the various dwellings would have had access to surrounding common land and, thus the relationship to the open countryside contributes to its significance. This is most evident in the lanes that lead away from the main through road, where there is evidence of historic sub-division of the larger fields.
 36. Nevertheless, the parts of the conservation areas taken together have a distinctly rural settlement character and the part closest to the site has an undeveloped landscape setting. The presence of dwellings in the approach views would fail to preserve or enhance this aspect of the character and appearance of the conservation area. It would also reduce the connection to the countryside and result, to some limited extent, in less than substantial harm to its significance.
 37. LP Policy 5, and the Framework, require the less than substantial harm that I have identified to the significance of the conservation area to be balanced

against the public benefits of the proposal and I shall return to this in assessing the overall planning balance.

Housing need and supply

38. It is common ground that the Council can only demonstrate a 3.3 year supply of deliverable housing land. Against the 5 year requirement, this is a significant shortfall and the proposal would make a good contribution towards addressing this. Furthermore, the proposal seeks to provide affordable housing, and self-build and custom housebuilding (SBCH).
39. There is some concern that the SBCH register may not be an accurate representation of any need for plots. A lack of eligibility criteria on the register could displace need from other districts, and the ability for people to register in more than one local authority area could inflate the need. However, even if that were the case the SBCH Act 2015 also places a duty on local planning authorities to grant as many permissions as there are entries on the register within a specified period, so these arguments are of little consequence in assessing any numerical requirement.
40. The Council's claimed supply of SBCH is based upon an account of single plot planning permissions given to individuals as opposed to builders or known developers. I can see the logic in this approach but it gives no certainty that those named applicants ultimately developed, or will develop the sites as the permissions would run with the land.
41. The legislation does not specify how suitable permissions should be recorded, but the Planning Practice Guidance (PPG) gives some examples, none of which have been followed by the Council. I can see that, in a large number of circumstances, conditions to secure delivery of housing as SBCH may not meet the tests for conditions set out in the Framework, and the absence of Community Infrastructure Levy in the development plan area means that the option of recording SBCH exemptions is not available. This clearly presents some challenges to the Council in recording suitable permissions.
42. Whatever method is used, the PPG does say that a relevant authority must be satisfied that development permissions being counted meet the legislative requirements. In this context, it has not been demonstrated how the Council can be sure. There is, ultimately, no robust evidence before me that the SBCH requirement is being met. The proposal would make a very significant contribution towards this unmet requirement.
43. The PPG describes the benefits of SBCH. This includes adding diversity to the market and widening customer choice. It could allow people homes that better suit their needs and this adds weight to the benefits associated with the supply of market and affordable housing, particularly as the Council has not adequately demonstrated that it has met the requirement. Whether or not the submitted planning obligation would adequately secure SBCH, these benefits would be realised by the development, if I were to take the proposal at face value.
44. The Framework sets out the Government's objective of significantly boosting the supply of homes including the need to plan for the size, type and tenure of housing needed for different groups in the community, including those who wish to commission or build their own homes. In light of the shortfall in supply,

of SBCH and housing generally, I find that the benefits associated with housing delivery should receive substantial weight.

Planning balance and conclusion

45. The site is located outside the defined settlement boundary. That said, in light of the housing supply situation, it may also be that the requirement to deliver housing, including general, affordable, and SBCH, could justify development beyond the settlement limit under LP Policy 20, which seeks to restrict development in the countryside unless it can be demonstrated that there is an overriding need for it to be located there. As such, I attach limited weight to the settlement boundaries.
46. However, any acceptance for development in the countryside that may be granted by Policy 20 is not location specific. Given the lack of demonstrable local need for a development of this scale at Child Okeford, the proposal remains contrary to the spatial strategy set out in LP Policy 2. I was told by the appellant that not all housing planned for the rural area has yet been provided for. However, the overall spatial strategy, is broadly consistent with the Framework's policies on the location of development in respect of accessibility.
47. LP Policy 2 does not make reference to SBCH. However, it appears to be intended to deal with the broad location of all housing development. I see no reason, why a lack of reference to SBCH should, in itself, reduce any weight attributable to the conflict with it. Rather, while Child Okeford may be able to accommodate some growth, in light of the shortcomings in accessing the facilities that are available in the village from this site, I attach full weight to the conflict with the overall aims of LP Policy 2 to direct development meeting strategic needs towards the Main Towns identified therein. I find it more important for guiding the location of development that the general principles of LP Policy 20.
48. There is also significant harm to the character and appearance of the area by virtue of the awkward relationship to the established form of the settlement and its rural character. This would result in a conflict with LP Policy 24.
49. Under LP Policy 5 and the Framework, the harm to the significance of the conservation area must be weighed against the public benefits of the proposal. The benefits associated with the supply of housing in this case are of substantial weight. The Framework advises that great weight must be attributed to the conservation of heritage assets. Given my findings as to the extent and nature of harm I find that these public benefits outweigh the less than substantial harm to the significance that I have identified. There would, therefore, be no conflict with LP Policy 5. This, though, and the lack of harm to the significance of the scheduled monuments and AONB are neutral considerations.
50. I, therefore, find that the proposal would conflict with the development plan taken as a whole.
51. In light of the housing land supply situation, paragraph 11(d) of the Framework must also be considered. My conclusions in respect of heritage assets and the AONB mean that there are no policies of the Framework that protect assets of particular importance and provide a clear reason for refusing the development. Therefore, permission should be granted unless any adverse impacts of doing

- so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
52. The benefits associated with the delivery of housing, including SBCH and affordable housing, are clear and of substantial weight. However, the Framework also sets out that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
53. While the delivery of housing is clearly important and a key aim of the Framework, this guidance is in the context of the need for high quality built environments that are sympathetic to local character and it does not indicate that delivery should be at the expense of these fundamental outcomes of development.
54. The built environment will exist for many years and must continue to add to the overall quality of the area over the lifetime of the development. It has not been demonstrated that this proposal could establish or maintain the strong sense of place that exists, nor would it be easily accessible, which would hamper the ability of future residents to feel included in village life, another component of promoting health and well-being through development, described in the Framework.
55. Taking the policies of the Framework as a whole, I find that, collectively, these adverse impacts would significantly and demonstrably outweigh the benefits. The proposal does not, therefore, benefit from the presumption in favour of sustainable development set out at Framework paragraph 11.
56. In light of the foregoing, material considerations, including those associated with the delivery of housing and the Council's inability to demonstrate that it is meeting its duty under the SBCH Act do not outweigh this conflict.
57. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Greg Boyd – Associate Planner ICENI Projects
Silke Gruner – CSA Environmental
Shelley Jones – Rural Solutions Ltd
Ben Marten – Leaper Land Promotion
Rosey Meara – CSA Environmental
Carl Peers – Curtins

FOR THE LOCAL PLANNING AUTHORITY:

Ross Cahalane – Lead Project Officer
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INTERESTED PARTIES:

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DOCUMENTS SUBMITTED AT THE HEARING

LP Policies 2, 5, 20 and 24