

**APPEAL BY DUDSBURY HOMES (SOUTHERN) LIMITED  
AGAINST THE REFUSAL OF A PLANNING APPLICATION  
P/OUT/2023/01166 FOR MIXED USE DEVELOPMENT OF  
UP TO 1700 DWELLINGS BUSINESS PARK AND VILLAGE  
CENTRE PLUS ROAD ACCESS ARRANGEMENTS AND  
ASSOCIATED INFRASTRUCTURE (OUTLINE  
APPLICATION WITH ALL MATTERS RESERVED APART  
FROM ACCESS OFF HILLBURY ROAD)**

**LAND TO THE SOUTH OF RINGWOOD ROAD  
ALDERHOLT**

**PROOF OF EVIDENCE ON HIGHWAYS / TRANSPORT  
ISSUES PREPARED ON BEHALF OF ALDERHOLT  
PARISH COUNCIL BY  
MARK BAKER BSc CEng MICE FCIT FILT Eurlng**

**VOLUME 2: APPENDICES**

Planning Inspectorate Reference: APP/D1265/W/23/3336518

81800/1 (Part 2 of 2)  
May 2024

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**Appendix APC/MB/A**  
**Extracts of Institution of**  
**Highways and Transportation's**  
***“Guidelines for Providing for***  
***Journeys on Foot”***

## Types of pedestrians

3.27. The types of pedestrian using the route will need to be considered at the planning stage, as this will have implication for layout and design. Significant use by shoppers, tourists, young children, the visually impaired, people using wheelchairs, and other groups with particular needs should be identified where possible. This can usually be worked out from the main land uses and the location.

## Transportation Planning Models

3.28. There are various tools available to transportation planners to assist with planning or modifying highway networks for motor vehicles (eg, IHT, 1997, Chapter 8). Models for pedestrian movement are less common. Pedestrian modelling techniques have been developed for those locations where there are large numbers of pedestrians and where virtually all journeys are on foot, for example in large public squares or within passenger terminals. However, they are less well developed for multi-modal situations covering large areas, such as a new settlement or existing town. In these instances conventional origin and destination forecasting techniques/survey results can be used to determine desire lines but modal split assumptions may have to be made on assignment. These assumptions should also take account of the implications of new policies and schemes that will change the current situation.

3.29. The absence of specific pedestrian models for planning new developments is not necessarily a major problem. Most pedestrian networks are planned without models. Observation and experience are probably more important. It is also worth remembering that models can be expensive to construct and are not always sufficiently accurate.

## Acceptable walking distances

3.30. Approximately 80% of walk journeys and walk stages in urban areas are less than one mile. The average length of a walk journey is one kilometre (0.6 miles). This differs little by age or sex and has remained constant since 1975/76. However, this varies according to location. Average walking distances are longest in Inner London. The main factors that influence both walking distance and walking time in a city or town centre appear to be the size of the city or town itself, the shape and the quality of the pedestrianised area, the type of shops and number of activities carried out. An average walking speed of approximately 1.4 m/s can be assumed, which equates to approximately 400m in five minutes or three miles per hour. The situation of people with mobility difficulties must be kept in mind in applying any specific figures.

3.31. "Acceptable" walking distances will obviously vary between individuals and circumstances. Acceptable walking distances will depend on various factors including:

- An individual's fitness and physical ability
- Encumbrances, eg shopping, pushchair
- Availability, cost and convenience of alternatives transport modes
- Time savings
- Journey purpose
- Personal motivation
- General deterrents to walking.

3.32. Table 3.2 contains suggested acceptable walking distances, for pedestrians without a mobility impairment for some common facilities. These may be used for planning and evaluation purposes. (See also Table 4.2.)

Table 3.2: Suggested Acceptable Walking Distance.

	Town centres (m)	Commuting/School Sight-seeing (m)	Elsewhere (m)
Desirable	200	500	400
Acceptable	400	1000	800
Preferred maximum	800	2000	1200

**3.33.** Planning Policy Guidance Note 6 states that the acceptable distance from a supermarket car park to the town centre is about 200–300m (DOE, 1996). Further sources of information on acceptable walking distances are provide by IHT (1997 and 1999) and DETR (1998).

**3.34.** For shopping, Carley and Donaldsons (1996) advise that that “acceptable” walking distances depend on the quality of the shops, the size of the shopping centre and the length of stay of the shopper. Specifically, they state that parking time governs the distance walked from parking. See Table 3.3) Higher quality and larger centres generate longer acceptable walking distances with up to 1250m of walking journey to 100,000m<sup>2</sup> of floor space.

Table 3.3: Acceptable walking distances for car-borne shoppers.

Parking time (hours)	Acceptable walking distance (metres)
30 mins	100
1	200
2	400
4	800
8	1000

*Source: Carley and Donaldsons (1997)*

## Individual Sites/Redevelopment

**3.35.** For smaller areas and individual new developments or redevelopment, usually within an existing urban area, origin /destination surveys and network planning may not be appropriate. It will be important to identify the anticipated desire lines, crossing locations, volume and type of pedestrian activity. The practicality and attractiveness of walking depend not only on the general location but also on the access details. The most important considerations are likely to be:

- the ease of pedestrian access to the site
- the orientation and location of buildings within the site
- the access arrangements within the site
- the architectural style of the development (car or pedestrian oriented).

**3.36.** Additional walking distances or gradients, can be crucial in determining whether a development is pedestrian friendly. Layouts that require pedestrians to walk through car parks or to follow indirect footpaths should be avoided as far as possible. These are issues that should be addressed jointly by planners and engineers involved in development control.

**3.37.** If the development is sufficiently large to warrant a Transport Impact Assessment, the local authority should ensure that this thoroughly addresses the issues of pedestrian access, both to the site and within it. Some guidance is provided in IHT *Guidelines for Providing for Public Transport in Developments* (IHT, 1999). Further Guidelines on Transport Assessments are expected from DETR.

**Appendix APC/MB/B**  
**Appeal Decision 3254594**



## Appeal Decision

Virtual Hearing Held on 17 and 18 December 2020

Site visits made on 13 December 2020 and 5 January 2021

**by J Wilson BA (Hons) BTP MRTPI DMS**

an Inspector appointed by the Secretary of State

Decision date: 29<sup>th</sup> March 2021

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**Appeal Ref: APP/D1265/W/20/3254594**

**Land West of Bournemouth Road (at E 389797 N 104244), Charlton Marshall, 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 Mr L Dungworth of Hallam Land Management against Dorset Council.
  - The application Ref 2/2019/0626/OUT, is dated 26 April 2019.
  - The development proposed is described as 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).
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### Decision

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

### Application for costs

2. An application for costs has been made by Hallam Land Management against Dorset Council. This application is the subject of a separate Decision.

### Procedural Matters

3. In view of the ongoing Covid 19 pandemic, the hearing was carried out on a 'virtual' basis.
4. In the week before the hearing I made an unaccompanied visit to the area where I viewed the site from the main A350 and from various points along the North Dorset Trailway (the trailway). This trailway is an off-road route/ cycleway/bridleway which passes along the western side of the site and which connects Blandford (to the north) and Speitsbury (to the south west).
5. During the course of the planning application the scheme was amended to provide up to 70 dwellings. I have determined the appeal on that basis.
6. The application was made in outline with all matters save for access reserved for subsequent approval. Consequently, other than the access shown on drawing SK\_01, I have taken all other plans to be for illustrative purposes only.

7. Although there is no formal decision or putative reasons for refusal, the Council in its Statement of Case (SOC) identified four main issues. In summary, these relate to conflict with the spatial strategy and countryside policies; the impact of the development on the character and appearance of the area; the impact on heritage assets; and whether the scheme comprised sustainable development. These matters are reflected in the main issues set out below.
8. On 1 April 2019, North Dorset District Council ceased to exist and became part of a Unitary Authority known as Dorset Council. The development plans for the merged Councils remain in place for the area within the new Unitary Authority to which they relate until such time as they are revoked or replaced. I have therefore determined the appeal having regard to the policies set out within the North Dorset Local Plan Part 1 (NDLP) 2016, and the 'saved' policies of the North Dorset District Wide Local Plan (DWLP) 2003.
9. Prior to the hearing a completed Unilateral Undertaking (UU) was put forward by the appellants. That undertaking includes: the provision of 40% affordable housing; financial contributions to community leisure and outdoor sports provision; contributions to education provision; the creation of a community land trust; the provision of open space and community allotments; and highway and transportation improvements incorporating ecology, grey, green and social infrastructure. I have had regard to the UU in reaching my decision.

### **Main Issues**

10. Considering the above context, the main issues are:
  - 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; and
  - 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.

### **Reasons**

#### *Spatial Strategy*

11. The spatial strategy in this part of Dorset seeks, through the NDLP, to focus development towards the four main towns. Beyond the main towns, Policies 2 and 20 focus growth towards Stalbridge and the eighteen larger villages, which includes Charlton Marshall.
12. The appeal site lies outside the settlement boundary for Charlton Marshall. For the purposes of the development plan it is therefore in the countryside. Policy 2 of the NDLP states that in the countryside, development will be strictly controlled unless it is required to meet essential rural needs. Policy 20 also states that beyond settlement boundaries, development is only permitted

where required to enable essential rural needs to be met; with the focus on meeting local rather than strategic needs. These policies steer most new development to places that offer the best access to services and facilities, helping to reduce the need to travel consistent with paragraph 103 of the National Planning Policy Framework (The Framework). As a development for primarily open market housing in the countryside, the scheme would be contrary to Policies 2 and 20 of the NDLP.

13. The appellants argue that Policy 20 is a strict exceptions policy as it restricts development regardless of its impact. My interpretation of this policy is more nuanced in that the policy makes clear that development will be permitted in accordance with policies which guide development in the countryside. Moreover, the Policy has been examined, found to be sound and adopted as part of the development plan for the area.
14. Policy 20 indicates that beyond settlement boundaries development will only be permitted if it is a type appropriate to the countryside or where there is an overriding need for development to be located there. For an overriding need to be proven the local plan requires that development proposals are measured against other relevant policies in the development plan, including those relating to sustainability and the protection of the environment.
15. The settlement boundaries are argued by the appellants to be ineffective and out of date, given their age and having been saved in the DWLP. However, they serve to identify areas where development is to be limited to meeting local or rural need. As pointed out by the Council, the boundaries serve a sound planning purpose by defining settlements and areas of open countryside. In this regard the settlement boundaries carry significant weight in protecting the open countryside; an aim which accords with Paragraph 170 of the Framework.
16. Charlton Marshall, in general terms, is tightly constrained by its settlement boundary though the extant permissions indicate that there is capacity to provide for expansion in the village. Those permissions would amount to a 19% increase in the supply of dwellings in the village. The inclusion of the appeal site would increase that expansion to a 33% increase. This would represent a very substantial addition to a village which has no local facilities and which would not accord with the established spatial strategy.
17. Policy 6, which guides housing distribution, indicates that during the plan period at least 825 dwellings will be provided in the countryside including in Stalbridge and the villages. It was put to me at the hearing that whilst the Council had exceeded that provision at a point only halfway through the plan period, it was not a target and could be exceeded. However, the supporting text to Policy H6 confirms that the overall level of housing in the countryside will be the cumulative number of new homes that have been delivered to meet local and essential rural needs as defined by neighbourhood plans, rural exception sites and the functional need for rural workers' dwellings. As a result, this does not justify allowing the appeal scheme.
18. 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.

*Accessibility/Location of Development*

19. Charlton Marshall has a village hall, a church, and a public house. There are no day-to-day facilities present in the village and occupants of the proposed development would need to travel in order to meet the majority of their day-to-day needs. The nearest shop is located 2km away whereas other services are some 2.8km distant in Blandford.
20. Two footways have been referred to as serving the appeal site: the first being the rural trailway to the south west of the site and the second the footpath along the A350 (to the north east).
21. Emphasis has been placed by the appellants on the sustainability credentials of the trailway which would be accessed directly from the appeal site. I walked the route from the appeal site which links to Wards Drove, another roughly surfaced path which then connects to the narrow footpath along the A350 towards Blandford. It was evident to me that the length, rural characteristics, roughly surfaced condition, and indirect route would be unlikely to provide a realistic or attractive alternative for most people to shop for provisions, to travel to work or to school, or to meet most of their day-to-day needs. This would be especially so in the hours of darkness or in inclement weather or for use by the elderly, or those with mobility limitations.
22. Although car journeys between the site and Blandford would be relatively short, this form of transport would be relied upon for access to other services and facilities, which are some distance away. As a result, the site does not exhibit strong credentials in respect of accessibility to services on foot.
23. Despite plans to fund £44,000 of improvements to the trailway it would not provide a sustainable method for all potential future occupiers to access facilities. An enhanced contribution of £250,000 is referred to in the submitted UU. However, this figure would relate to improvements to the trailway in the opposite direction towards Spetisbury. Notwithstanding the level of expenditure, future upgrades would not shorten the distance nor reduce the reliance on the private car in order to access day-to-day services and facilities.
24. The alternative footpath along the A350 also has significant limitations. It is only on one side of the A350 and for a large proportion of its length it is particularly narrow. For people to pass one another, one person would be forced to step onto the highway. As this is a busy "A" class road which is heavily trafficked such manoeuvres would be extremely hazardous, especially for the elderly or for pedestrians with young children.
25. These factors are likely to render the routes identified unattractive for most day-to-day trips by pedestrians or cyclists. Given these factors and the distances involved, the routes would not form realistic options for occupants of the proposed development to walk or cycle at all times of the year and not in the hours of darkness or in inclement weather.

26. There is an hourly bus service to Blandford with the bus stops located close to the proposed entrance to the site. However, the bus service does not run in the early morning and is limited in the early evening. This presents clear limitations for access to services and facilities and would not necessarily be convenient for school children, commuters or people wishing to access day-to-day amenities. Whilst the appellants state that Blandford is accessible by bus within 10 minutes this refers to the duration of the bus journey and not the frequency of the service which would limit the convenience with which day-to-day needs could be met.
27. 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.
28. 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.
29. 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.

#### *Character and appearance*

30. The site is open agricultural land formed from part of a gently sloping field at the northern end of the village of Charlton Marshall, around 2 miles (3km) from the centre of Blandford Forum. The appeal site is not subject to any statutory or non-statutory landscape protection nor is it a valued landscape under the terms of paragraph 170 (a) of the Framework. Nonetheless, the fields along with land further to the south west are visually prominent in the wider landscape. They contribute positively to the rural character of Charlton Marshall providing an attractive countryside setting to the north western part of the village.
31. The North Dorset Strategic Landscape and Heritage Study: Stage 2 (October 2019), assesses landscape character around Blandford. The appeal site is within the South Blandford Downs Local Character Area, the sensitivity of which is increased by the elevated, open, and exposed physical character. The site is also highly visible from parts of the recreational Trailway which is part of a network of routes managed by the Dorset Countryside service, and from longer range views from the north west and from parts of the surrounding footpath network.

32. This level of visual prominence means the appeal site is easily discernible by those passing by on the railway or using public footpaths. Though some of these views are from long distance and would be viewed against rising ground towards Charlton on the Hill, development on the site would nonetheless be prominent.
33. It has been argued that the appeal site does not display any unusual attributes other than those associated with an arable field, and that it is typical of agricultural land surrounding the village. However, the topography of the appeal site coupled with its visibility over some distance contributes significantly to the rural character of this part of the village and to its wider setting.
34. The appeal site, in its undeveloped form, makes an important contribution to the village character. The rural appearance of the site which the Council emphasise is part of a highly distinctive and well-preserved characteristic of historic river-valley settlements, would unquestionably be altered by the introduction of extensive built form which would be visually prominent and dominant.
35. The resulting effect would irrevocably alter the setting of the north western part of the village. Moreover, the experience of users of the railway would be dramatically altered as would the appreciation of the character and appearance of this part of the settlement. The appeal proposal would lead to the urbanisation of the site which, when viewed from the north west, would encroach into the countryside and would erode the distinctive rural character of the site which would cause a significant and harmful visual change.
36. 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.
37. 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.
38. 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.

#### *Heritage Assets*

39. The agricultural field that makes up the appeal site lies immediately adjacent to the CA and the site frontage and hedged bank are within the CA. On the opposite side of the A350, and also within the CA, lies a Grade II listed

building at Old Dairy Cottage. The significance of which is derived from its architectural and historic interest with its thatched roof, tall chimney stacks and imposing boundary walls. In particular the garden area/grounds of the Cottage mark a distinct visual break between the historic part of the village and the modern development located to the north. These features contribute positively to its significance.

40. The field which comprises the appeal site is a relatively small part of the area surrounding the whole CA but it is, nonetheless, an integral component of the historic rural hinterland to the village of Charlton Marshall. The open nature and rural appearance of the appeal site contributes positively to the character and setting of the CA, the fringes of which are visible from the elevated land of the railway in longer range views across the appeal site.
41. Given this juxtaposition, as decision-maker I must consider the statutory duties placed upon me in Section 66 (1) and Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that special regard shall be had to the desirability of preserving heritage assets or their settings or any features of special architectural or historic interest which they possess. I am also required through those provisions to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
42. The appeal site is elevated above the level of the road on the site frontage by around 1.5 to 1.9 metres. The alteration needed to form the vehicular access would result in a material change to levels and the formation of visibility splays would have a significant visual impact through the loss of the banked hedging, adversely affecting its appearance within the CA. Even though planting behind the proposed visibility splays are indicated, the changes would materially and negatively alter the appearance of the CA which would neither preserve nor enhance its character or appearance.
43. The manner in which Old Dairy Cottage is experienced would also materially change, not only due to the visual impact of the new access, but also by the introduction of extensive and urbanising built form on the appeal site which would impinge on the rural setting of the listed building, such that it would negatively and harmfully alter its wider setting.
44. The appellant's position is that the effect on the two designated heritage assets would be minor to negligible. However, I consider that there would be a much greater and indeed significant effect on the setting of the CA. The proposal would also be harmful to the setting of Old Dairy Cottage. Although this harm would be less than substantial, it would nonetheless still be material. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm.
45. For the reasons given, I find that there would be harm to the appearance of the CA through the creation of the access; and to the character of the CA through the introduction of extensive built form in an area which contributes positively to the significance of the CA. To a lesser, but no less important degree there would be harm to the Grade II listed building at Old Dairy Cottage through extensive modern development in its wider setting. Although

these harms would, in the words of the Framework, be less than substantial they are harms to which I give considerable importance and weight. Consequently, the development would conflict with Policy 5 of the NDLP and to the aims in Paragraph 192 of the Framework, these require that I take account of the desirability of sustaining and enhancing the significance of designated heritage assets.

46. Paragraph 194 of the Framework specifies the need for clear and convincing justification for any development that would cause harm to the significance of a designated heritage asset, however slight the harm and whether through direct physical impact or by change to its setting. Paragraph 196 requires that where less than substantial harm occurs, as in this case, it should be weighed against the public benefits of the proposal.

#### *Benefits*

47. There is no dispute that the proportion of affordable housing would accord with the requirement set down in Policy 8 of the NDLP which requires that outside settlements 40% of the total number of dwellings to be delivered are to be affordable. This would be a notable benefit arising from the scheme.
48. The scheme would also deliver benefits through the provision of 1.9 hectares of open space and by the inclusion of boundary hedging to new public realm to form a high quality landscape framework for the development; though given that the site lies in open countryside this would be a measure of mitigation for the development. Furthermore, there is no evidence to indicate that there is any deficiency in the amount of open space and play areas in the vicinity, nor that the village lacks a specific facility or service that the appeal scheme would remedy and these features I regard as mitigation for the development.
49. The Framework at Paragraph 78 states that in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It also recognises that rural housing is essential to ensure viable use of local facilities. However, facilities in Charlton Marshall are extremely limited and there is no evidence that this development, or the intended contributions in the UU, would sustain the limited facilities that exist. Nor would the scheme provide additional facilities to meet the needs of the village such that the benefits to local facilities carry only limited weight.
50. The development would support the construction industry, including employment provision and upon occupation of the dwellings there would be additional household expenditure within the local economy, Council tax payments and the New Homes Bonus. However, these aspects would be a benefit of any housing development and would not be an unusual benefit of this scheme such that the weight to be afforded to them should be anything other than modest.
51. Contributions contained within the UU, such as the Trailway Strategic Project and community leisure and outdoor sports education and transport improvements, would have wider economic or social benefits. In addition, the proposed enhanced connectivity to the trailway and cycle routes would derive social benefits from the proposal and these weigh in favour of the scheme. However, the majority of these aspects mitigate the impact of the appeal proposal.

52. The proposal would also provide some environmental benefits in terms of new hedgerow and other landscape planting, as well as some modest biodiversity enhancements, but these are also in mitigation of the impact of the development. Although they would have some biodiversity gain, this would be offset against the loss of the open field. As such the overall biodiversity benefit would be limited.
53. The appellant's state that the scheme is deliverable and a condition has been suggested requiring submission of reserved matters within 2 years demonstrating genuine intent to provide housing quickly. The provision of new housing is a public benefit that weighs in favour of the scheme.
54. 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.

### **Other Matters**

55. There is no dispute between the parties that the Council currently lacks a 5-year supply of sites for the provision of housing in this part of the Council's area. The extent of the under supply differs between the parties with figures of 2.8 and 4 years being quoted. Whichever of these figures is utilised the shortfall in supply is a serious one which carries considerable weight. Even though the extent of the shortfall is not agreed by the parties the fact remains there is a deficiency. Moreover, the recent Housing Delivery Test (HDT) figures show that the Council's persistent under delivery of housing in its area indicates that the most important policies for determining the application are out of date and I have attached considerable weight to the lack of supply, and the contribution that the development would make in this context.
56. The appellants sought to illustrate that the delivery of some of the sites which contribute to the housing supply did not accord with the Framework definition of deliverable set out in the glossary. Whilst there were some sites which did not meet the definition the adjustments to the housing total would not materially affect the overall housing supply situation and importantly a shortfall would remain.
57. Evidence indicates that the Council's spatial strategy has not historically been effective in meeting housing needs and that there have been significant and persistent affordability issues within the district. However, it is apparent from the evidence that it has been the delivery of strategic sites in the main towns which has been subject to slower delivery.
58. Since the close of the hearing the appellants have further emphasised the lack of housing delivery by drawing attention to the 2020 HDT figures indicating 59% delivery against the requirement. The Council highlights that the position has been updated now that its Local Plan is more than five years old. Significantly, the publication of the recent HDT figures does not materially affect the situation and a housing shortfall would remain. In this context the scheme would provide a benefit by contributing to the supply of housing.
59. A number of court judgements relating to the application of policy have been referred to. Whilst I have had regard to these, I have little information

regarding the evidence which was before those decision makers to determine whether the circumstances, in those cases, are similar to those before me in this appeal. Likewise, both parties have cited other appeal decisions in support of their differing positions. However, decisions to allow planning permission elsewhere do not justify allowing the appeal before me given the harm that I have identified in relation to the main issues. I have reached my conclusion on the basis of the individual merits of this case and on the evidence before me.

60. There are no technical objections to the scheme in terms of transport, drainage, noise, air quality, conservation, landscape, ecology, ground conditions or flooding. My attention has also been drawn to the fact that the appeal site would have no impact in relation to likely archaeological interest nor is it within a designated Area of Outstanding Natural Beauty. The dwellings could also be of a good design and constructed of high-quality materials. Nevertheless, the lack of objections, even on a range of matters weigh neither for nor against the scheme.
61. I note that the appellants take issue with the Council's Conservation Officer applying a planning balance in the consultation response. Whilst the Conservation Officer may have commented on an aspect which was the domain of the Planning Officer, it is clear to me that the Council evaluated the planning balance and the comments of the Conservation Officer do not undermine the position taken by the Council.
62. A proportion of the appellant's SOC is taken up with an explanation of the chronology of events during the life of the planning application and particular reference has been made to agreed extensions of time and discussions with officers. Although I appreciate that these matters are of concern to the appellants, they are not material planning considerations that weigh in favour of allowing this appeal.
63. The evidence includes a letter from Sovereign, an affordable housing provider which states an intention to purchase the site to deliver all 70 units for affordable use. Whilst this would boost the supply of affordable units which would be a benefit, this is not the basis on which the application is made nor is it reflected in the UU, and I afford it little weight in this case.
64. The appellants have highlighted that the circumstances of the site granted permission at Newlands in 2019 are said to be indistinguishable to the current appeal. However, I note that the effect on heritage assets was not the same and that particular site is not prominent in the context of its position in the landscape. Whilst both sites are in the countryside and the provision of affordable housing was considered to weigh significantly in the planning balance at Newlands, the schemes are not directly comparable in the key areas of impact on the character and appearance of the village nor the effect on the CA. As such I am not bound by that decision.

### **Planning Obligation**

65. The scope and content of the undertaking was discussed at the hearing. The only area of dispute being the inclusion of including a so-called "blue pencil clause" which would negate the need for a higher level contribution to the upgrading of the railway should I determine it to be unnecessary or otherwise not in accordance with the Community Infrastructure Levy

Regulations 2010 ('the CIL Regulations'). In all other respects the content of the obligation has been reached in agreement with the Council. I have commented previously that the higher rate figure is not warranted but that conclusion is not, in any event determinative in relation to the outcome of the appeal.

### **Planning Balance**

66. 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.
67. 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.
68. 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.

### **Conclusion**

69. For these reasons, and having regard to all other matters raised, the appeal is dismissed and planning permission is refused.

*J Wilson*

INSPECTOR



## **Appearances**

### **For the Local Planning Authority**

Mr R Lennis of Dorset Council (Area Lead (Major Applications))

Mr M Wood of MWA Planning

Mr J Weir of Dorset Council (Senior Conservation Officer)

Mr P Reese of Dorset Council (Senior Policy Officer)

### **For the Appellants**

Ms F Parmenter of David Lock Associates

Mr R Bourne of Orion Heritage (Heritage witness)

Mr J Stacey of Tetlow King (Affordable housing witness)

Mr J Roberts of Tetlow King (Affordable housing witness)

Mr M Grist of Jubb (Transport witness)

Ms K Fleming of FPRC (Landscape witness)

### **Local Residents**

Mr M Baker

Ms L Chippendale

Mr R Higgins

Mr T Hill

Mr S Ible

Ms R Lamb

Mr & Mrs Kinnane

Mr C Newby

Mr G Prince

Mr P Santer

Ms V Santer

### **Documents presented during the virtual hearing**

- HDoc 1 - Stage 1 Assessment - Strategic Landscape and heritage Study for the North Dorset Area by LUC - October 2019
- HDoc 2 - Stage 2 Assessment - Strategic Landscape and heritage Study for the North Dorset Area by LUC - October 2019
- HDoc 3 - Assessment of land surrounding the larger villages - Strategic Landscape and Heritage Study for the North Dorset Area by LUC - October 2019
- HDoc 4 - Biodiversity Mitigation and Enhancement Plan - 09 December 2019
- HDoc 5 - Dorset Biodiversity Appraisal Protocol - Certificate of Approval 11 December 2019
- HDoc 6 - Dorset Council - Memorandum of Completion of a Section 106 Unilateral Undertaking.

### **Documents submitted post hearing**

- HDoc 7 - Plan for Site Visit Locations - Dorset Council (agreed with the appellants)
- HDoc 8 - Letter dated 20 January 2021 from appellants re Housing Delivery Test 2020
- HDoc 9 - Dorset County Council response to appellants comments on Housing Delivery Test

**Appendix APC/MB/C  
Bus Timetable X3**

**Mondays to Fridays** except Public Holidays

Salisbury Blue Boar Row Stand M	0635	0730	0740	0840	0920	0955	<b>25 55</b>	1425	1500	1535	1610	1640	1710	1750	1830	1900	1930	2000	2045	2145	<b>0010</b>
Britford Bus Shelter	0641	0738	0747	0847	0927	1002	<b>32 02</b>	1432	1509	1544	1620	1650	1720	1758	1836	1906	1936	2006	2051	2150	<b>0015</b>
Bodenham New Hall Hospital	0643	0740	0749	0849	0929	1004	<b>34 04</b>	1434	1512	1547	1623	1653	1723	1800	1838	1908	1938	2008	2053	2152	<b>0017</b>
Charlton A338 Bus Shelter	0646	0744	0752	0852	0932	1007	<b>37 07</b>	1437	1515	1550	1626	1656	1726	1803	1841	1911	1941	2011	2056	2154	<b>0019</b>
Downton The Bull	0649	0750	0755	0855	0935	1010	<b>40 10</b>	1440	1521	1556	1631	1701	1731	1808	1844	1914	1944	2014	2059	2157	<b>0022</b>
Breamore Village Hall	0653	0754	0759	0859	0939	1014	<b>44 14</b>	1444	1525	1600	1635	1705	1735	1812	1848	1918	1948	2018	2103	2201	<b>0026</b>
Fordingbridge Salisbury Street	0659	0805	0805	0835	0905	0945	<b>50 20</b>	1444	1535	1610	1645	1714	1744	1820	1854	1924	1954	2024	2109	2206	<b>0031</b>
Ibsley Church	0706	0812	0812	0842	0912	0952	<b>57 27</b>	1459	1542	1617	1652	1720	1750	1825	1901	1931	2001	2031	2116	2212	<b>0037</b>
Ringwood Meeting House Lane	0610	0640	0715	0752	0822	0822	<b>07 37</b>	1509	1552	1627	1705	1732	1802	1837	1908	1940	2008	2038	2123	2220	<b>0043</b>
Royal Bournemouth Hospital A	0625	0655	0730	0807	0837	0837	<b>07 37</b>	1524	1607	1642	1722	1749	1818	1852	1955	2002	2002	2008	2123	2220	<b>0043</b>
Boscombe Ashley Road	0631	0701	0737	0815	0845	0914	<b>29 59</b>	1533	1617	1652	1732	1757	1826	1859	2002	2002	2002	2008	2123	2220	<b>0043</b>
Bournemouth Westover Road	0640	0710	0750	0830	0900	0925	<b>40 10</b>	1545	1630	1705	1745	1810	1838	1910	2012	2012	2012	2018	2123	2220	<b>0043</b>

sch

hols

sch - schooldays only

hols - school holidays only

this journey runs on Fridays only

**Saturdays**

Salisbury Blue Boar Row Stand M	0645	0745	0845	0920	0955	<b>25 55</b>	1725	1755	1825	1900	1950	2045	2145	0010
Britford Bus Shelter	0651	0751	0852	0927	1002	<b>32 02</b>	1732	1802	1831	1906	1956	2051	2150	0015
Bodenham New Hall Hospital	0653	0753	0854	0929	1004	<b>34 04</b>	1734	1804	1833	1908	1958	2053	2152	0017
Charlton A338 Bus Shelter	0656	0756	0857	0932	1007	<b>37 07</b>	1737	1807	1836	1911	2001	2056	2154	0019
Downton The Bull	0659	0759	0900	0935	1010	<b>40 10</b>	1740	1810	1839	1914	2004	2059	2157	0022
Breamore Village Hall	0703	0803	0904	0939	1014	<b>44 14</b>	1744	1814	1843	1918	2008	2103	2201	0026
Fordingbridge Salisbury Street	0709	0809	0910	0945	1020	<b>50 20</b>	1750	1820	1849	1924	2014	2109	2206	0031
Ibsley Church	0716	0816	0917	0952	1027	<b>57 27</b>	1757	1827	1856	1931	2021	2116	2212	0037
Ringwood Meeting House Lane	0632	0727	0757	0827	0857	0927	<b>07 37</b>	1807	1837	1903	1940	2028	2123	0043
Royal Bournemouth Hospital A	0645	0742	0812	0842	0912	0942	<b>22 52</b>	1822	1852	1955	2002	2002	2239	
Boscombe Ashley Road	0651	0749	0819	0849	0919	0949	<b>29 59</b>	1829	1859	2002	2002	2239		
Bournemouth Westover Road	0700	0800	0830	0900	0930	1000	<b>40 10</b>	1840	1910	2012	2012	2249		

**Sundays & Bank Holiday Mondays**

Salisbury Blue Boar Row Stand M	0840	1740	1840	1940	2140	<b>40</b>
Britford Bus Shelter	0847	1747	1846	1946	2145	<b>47</b>
Bodenham New Hall Hospital	0849	1749	1848	1948	2147	<b>49</b>
Charlton A338 Bus Shelter	0852	1752	1851	1951	2149	<b>52</b>
Downton The Bull	0855	1755	1854	1954	2152	<b>55</b>
Breamore Village Hall	0959	1759	1858	1958	2156	<b>59</b>
Fordingbridge Salisbury Street	0905	1805	1904	2004	2201	<b>05</b>
Ibsley Church	0912	1812	1911	2011	2207	<b>12</b>
Ringwood Meeting House Lane	0822	1822	1920	2018	2213	<b>22</b>
Royal Bournemouth Hospital A	0837	1837	1935			<b>37</b>
Boscombe Ashley Road	0844	1844	1942			<b>44</b>
Bournemouth Westover Road	0855	1855	1953			<b>55</b>

for extra buses between  
**Ringwood & Bournemouth**  
 see route **X6**

**Mondays to Fridays** except Public Holidays

Bournemouth Westover Road Stand 3	0650	0720	0725	0800	0840	0920	50	20	1450	1525	1605	1645	1720	1800	1830	1850	1925	2025	2300
Boscombe Centenary Way	0702	0734	0737	0814	0852	0932	02	32	1502	1537	1617	1659	1732	1811	1841	1903	1935	2035	2309
Royal Bournemouth Hospital Stand C	0712	0747	0747	0826	0906	0942	12	42	1512	1549	1629	1711	1742	1820	1850	1903	1944	2044	2316
Ringwood Meeting House Lane	0552	0642	0730	0807	0806	0848	0925	1001	1531	1608	1648	1731	1805	1837	1907	1918	2001	2101	2330
Islebury Church	0557	0647	0736	0813	0811	0853	0930	1006	1536	1613	1653	1736	1810	1842	1912		2006	2106	2337
Fordingbridge Salisbury Street	0604	0655	0747	0812	0822	0818	0901	0938	1013	1045	1115	1145	1215	1245	1315	1345	1415	1445	1515
Breamore Village Hall	0609	0700	0753	0822	0832	0824	0907	0944	1019	1049	1119	1149	1219	1249	1319	1349	1419	1449	1519
Downton The Bull	0613	0705	0800	0828	0838	0830	0913	0950	1025	1055	1125	1155	1225	1255	1325	1355	1425	1455	1525
Charlton A338 Bus Shelter	0615	0708	0803	0831	0841	0833	0916	0953	1028	1058	1128	1158	1228	1258	1328	1358	1428	1458	1528
Britford Bus Shelter	0619	0712	0807	0835	0845	0837	0920	0957	1032	1102	1132	1202	1232	1302	1332	1402	1432	1502	1532
Salisbury Blue Boar Row	0628	0723	0825	0850	0900	0850	0935	1010	1045	1115	1145	1215	1245	1315	1345	1415	1445	1515	1545

these journeys also call at Britford Park & Rice

sch

hols

bus shows X6 on the front and continues to Ferndown

continues to Salisbury on Fridays only, leaving Ringwood at 2332

sch - schooldays only

hols - school holidays only

**Saturdays**

Bournemouth Westover Road Stand 3	0710	0810	0845	0920	0950	20	50	1620	1650	1720	1750	1825	1925	2025	2300	
Boscombe Centenary Way	0720	0822	0857	0932	1002	32	02	1632	1702	1732	1802	1836	1935	2035	2309	
Royal Bournemouth Hospital Stand C	0729	0832	0907	0942	1012	42	12	1642	1712	1742	1812	1845	1944	2044	2316	
Ringwood Meeting House Lane	0557	0652	0747	0821	0851	0926	1001	1031	1701	1731	1801	1828	1902	2001	2101	2332
Islebury Church	0602	0657	0752	0826	0856	0931	1006	1036	1706	1736	1806	1907	2006	2106	2337	
Fordingbridge Salisbury Street	0609	0705	0800	0833	0903	0938	1013	1043	1713	1743	1813	1914	2013	2113	2344	
Breamore Village Hall	0614	0710	0805	0839	0909	0944	1019	1049	1719	1749	1819	1919	2018	2118	2349	
Downton The Bull	0618	0715	0810	0845	0915	0950	1025	1055	1725	1755	1825	1924	2023	2122	2353	
Charlton A338 Bus Shelter	0620	0718	0813	0848	0918	0953	1028	1058	1728	1758	1828	1927	2026	2124	2355	
Britford Bus Shelter	0624	0722	0817	0852	0922	1032	1102	1132	1732	1802	1832	1931	2030	2128	2359	
Salisbury Blue Boar Row	0633	0733	0828	0905	1010	1045	1115	1145	1745	1815	1845	1941	2039	2136	0007	

these journeys also call at Britford Park & Rice

**Sundays & Bank Holiday Mondays**

Bournemouth Westover Road Stand 3	0805	05	1705	1815	2015	
Boscombe Centenary Way	0817	17	1717	1825	2025	
Royal Bournemouth Hospital Stand C	0827	27	1727	1834	2034	
Ringwood Meeting House Lane	0751	0846	1746	1851	2051	
Islebury Church	0756	0851	1751	1856	2056	
Fordingbridge Salisbury Street	0803	0858	1758	1903	2103	
Breamore Village Hall	0808	0902	02	1802	1908	2108
Downton The Bull	0812	0908	08	1808	1912	2112
Charlton A338 Bus Shelter	0814	0911	11	1811	1914	2114
Britford Bus Shelter	0818	0915	15	1815	1918	2118
Salisbury Blue Boar Row	0828	0928	28	1828	1928	2128

for extra buses between

**Ringwood & Bournemouth**

see route **X6**