



## Appeal Decision

Site visit made on 19 November 2024

**by Bhupinder Thandi BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10<sup>th</sup> December 2024

**Appeal Ref: APP/D1265/W/23/3325850**

**Bourne Vale, Valley Road, Harmans Cross, Dorset BH19 3DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Coy Pond Developments Ltd against the decision of Dorset Council.
- The application Ref is P/FUL/2022/07788.
- The development proposed is described as demolition of existing outbuilding and development of proposed single storey 2-bedroom small dwelling.

### Decision

1. The appeal is allowed and planning permission is granted for demolition of existing outbuilding and development of proposed single storey 2-bedroom small dwelling at Bourne Vale, Valley Road, Harmans Cross, Dorset BH19 3DZ in accordance with the application Ref P/FUL/2022/07788 subject to the schedule of conditions set out at the end of this decision.

### Preliminary Matter

2. In November 2023 all designated Areas of Outstanding Natural Beauty (AONBs) in England became National Landscapes and I have therefore replaced references to AONBs with National Landscapes (NL).

### Main Issues

3. The main issues are:
  - The effect of the proposed development upon the character and appearance of the area including the Dorset NL; and
  - Whether the proposal would provide adequate living conditions for future occupiers.

### Reasons

*Character and appearance including the Dorset NL*

4. The appeal site is irregular in shape located on the junction of Valley Road and Bourne Vale. The site accommodates a single storey building sited close to the roadside constructed from corrugated metal sheets and timber boards. Having regard to my own observations at the site visit, there appears to be considerable areas of deterioration consistent with prolonged periods of neglect and lack of maintenance.
5. Harmans Cross is a dispersed linear settlement surrounded by open countryside falling within the Clay Valley character area of the Dorset NL. The

area surrounding the site has developed in somewhat of an ad hoc manner and the immediate context is defined by individually designed detached dwellings of varying sizes and plots with varying setbacks from the roadside. Despite these setbacks and established frontage vegetation, the presence of the built form is clearly evident when travelling along Valley Road.

6. I acknowledge that the proposed dwelling would be positioned closer to the roadside compared to nearby properties, but it would be no closer to the road than the existing building. Overall, I do not find that this would be wholly at odds with the arrangement of dwellings which vary in terms of their distance from the highway.
7. There is no doubt that the size of the plot would be smaller compared to a number of domestic plots in the area, but its size would be commensurate to the modest scale, mass and overall height of the proposed dwelling. In this regard, the proposal would not be unduly intrusive but rather it would reflect the considerable variety of plot sizes that exist locally.
8. The submitted plans indicate that the proposed materials of the dwelling include dark grey weatherboard, box profile roofing sheets and translucent sheets. I am of the view that the use of such materials would result in a building that would be more akin to a mobile home rather than a permanent dwelling jarring with the more traditional design of dwellings found locally. Whilst I note that a different colour palette is indicated on the application form, I am not persuaded, based on the limited information before me, that this would address my concerns.
9. Paragraph 55 of the National Planning Policy Framework (the Framework) states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions. I am of the view that imposing a condition for details of the materials to be submitted so as to ensure that its appearance is in keeping with properties in the area would make the scheme acceptable in this regard.
10. NL is a statutory national landscape designation and local authorities have a duty to have regard to the purpose of conserving and enhancing their natural beauty. Paragraph 182 of the Framework sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in NL, which have the highest status of protection in relation to these issues. It goes on to state that the scale and extent of development within such designated areas should be limited.
11. The proposed development would remove a dilapidated building replacing it with a modern dwelling. The proposal would be located within the defined settlement boundary of Harmans Cross and not in open countryside. Also, it would be modest in scale, form and height and subject to the external finish, I am satisfied that the character and appearance of this part of the Dorset NL and its scenic beauty would not be harmed.
12. As such, the proposed development would accord with Policies D and LHH of the Purbeck Local Plan Part 1 (2012) and the Purbeck District Design Guide Supplementary Planning Document which, amongst other things, seek the highest standard of design; developments to positively integrate with their surroundings; reflect the diverse but localised traditions of building material

usage and conserve the appearance, character and integrity of landscape assets.

*Living conditions for future occupiers*

13. The National described space standards (NDSS) sets out the technical standards for new dwellings. The Council advise that the internal floorspace of the dwelling would fall short of the requirements set out in the NDSS thereby resulting in poor quality internal space for future occupiers.
14. In this regard the Planning Practice Guidance<sup>1</sup> (PPG) is clear that where local planning authorities wish to require an internal space standard, they should only do so by reference in their local plan to the NDSS. The local plan does not contain a policy which details the NDSS internal floorspace. Therefore, there is no justification for use of the NDSS at a local level. Accordingly, whether or not the proposed development would provide satisfactory living conditions for future occupiers is a matter of planning judgement.
15. In terms of the internal arrangements each habitable room would be of a reasonable size and a functional space, served by windows providing outlook, daylight and sunlight. Taking these considerations into account, along with the plans and details before me, the extent of internal space would not be inadequate in this instance.
16. I acknowledge that the amenity space proposed would be limited in size. However, the external area would be large enough to accommodate outdoor seating and other domestic paraphernalia and would be private. Given the modest size of the proposed dwelling it is likely to be occupied by a couple or young family who may not have the same amenity space requirements as a larger family unit. Future occupiers would also be able to access the surrounding countryside which offsets the size of the garden.
17. The Council advise that the width of the car parking spaces are inadequate. The Dorset Residential Parking Guidance sets out that typical parking spaces should measure 2.8m x 5m, which allows for space for door opening. The guidance advises that the width can be reduced if 0.4m clearance is available immediately adjacent to one side of the space.
18. Therefore, the guidance allows for a degree of flexibility in respect of the size of spaces. Based on the information before me the second/visitor space would meet the size of a 'typical car parking space' set out in the guidance. Whilst the other parking space would not be as wide it would still be a sufficient size to accommodate a vehicle and would provide more than adequate clearance and separation between the edge of the space and the dwelling to allow for vehicle doors to be opened. Accordingly, I cannot say that future occupiers and visitors would be unduly inconvenienced by the parking arrangement. I am satisfied that the parking layout would comfortably accommodate two vehicles and that this layout in relation to the position of the boundary fence and dwelling would not give rise to the appearance of an unduly cramped development.
19. As such, the proposed development would provide satisfactory living conditions for future occupiers in accordance with paragraph 135 of the Framework which, amongst other things, seeks to ensure that developments create places with a high standard of amenity for future occupiers.

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<sup>1</sup> Paragraph: 018 Reference ID: 56-018-20150327

### **Conditions**

20. I have considered the imposition of conditions in accordance with the Framework and the PPG.
21. In addition to the standard time limit condition, I have imposed a condition specifying the approved plans as this provides certainty. Conditions for details of the external materials, hard and soft landscaping and external lighting have been imposed in order to ensure the satisfactory appearance of the development.
22. In the interests of highway safety a condition requiring provision of the parking area is considered necessary. A condition has also been imposed for the proposal to be carried out in accordance with the recommendations and conclusions in the submitted Preliminary Roost Appraisal in the interests of biodiversity.
23. I note that the Council has suggested a condition requiring details of any tree pruning and tree protection. Based on the available evidence tree pruning or felling is not necessary to carry out the development. Moreover, an Arboricultural Impact Assessment and Method Statement accompanies the application, which includes details of tree protection. As such, I have amended the condition for the works to be carried out in accordance with the document submitted.
24. The Council has suggested removing permitted development rights for the enlargement, improvement or other alteration of a dwellinghouse; enlargement of a dwellinghouse by construction of additional storeys; additions to the roof of a dwellinghouse and other alterations to the roof of a dwellinghouse falling within Classes A, AA, B and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
25. I acknowledge that paragraph 54 of the Framework advises planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In the interests of maintaining a satisfactory appearance and adequate amenity space and living conditions for future occupiers I have determined that permitted development rights should be removed in respect of Class A, AA, B and C of the GPDO.

### **Conclusion**

26. For the reasons set out above the appeal succeeds.

*B Thandi*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: Block and Location Plan Drawing Number A335-400 Rev A; Proposed Plans and Elevations Drawing Number A3335-101 Rev C; Proposed Cycle Store Drawing Number A335-102; Proposed Street Scene Drawing Number A335-103; Site Plan Drawing Number A335-401 Rev A and Drainage Plan Drawing Number A335-402 except in respect of the materials shown on plan Proposed Plans and Elevations Drawing Number A3335-101 Rev C.
- 3) No development, above ground level, shall take place until details and samples of the materials to be used in the construction of the external surfaces of the proposed development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.
- 4) No development, above ground level, shall take place until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied.
- 5) The development hereby permitted shall not be occupied until the vehicle parking spaces have been provided in accordance with drawing no Site Plan Drawing Number A335-401 Rev A. Thereafter those spaces shall be retained for the parking of vehicles only.
- 6) The development hereby permitted shall not be occupied until the biodiversity mitigation and enhancement measures have been implemented in accordance with the details and timetable set out in the Preliminary Roost Appraisal dated 24 August 2022.
- 7) The development shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement dated 13 September 2022.
- 8) No external lighting is to be installed other than in accordance with a scheme which has first been submitted to and approved in writing by the Local Planning Authority.
- 9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development permitted by virtue of Classes A, AA, B and C of Part 1 of Schedule 2 to the Order shall be undertaken.

**END OF SCHEDULE**