



Appeal Decision

Hearing Held on 12 February 2019

Site visits made on 11 and 12 February 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 March 2019

Appeal Ref: APP/N1215/W/18/3203865

Land at Barrow Hill, Stalbridge, Dorset, DT10 2QU.

- 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 Lightwood Strategic Ltd against the decision of North Dorset District Council (the LPA).
 - The application Ref. 2/2017/1094/OUT, dated 5 May 2017, was refused by notice dated 28 February 2018.
 - The development proposed is an outline application for access (with all other matters reserved) for up to 98 dwellings, dedicated open space and associated works with vehicular access from Barrow Hill (for up to 20 dwellings only), Grosvenor Road (for up to 30 dwellings only) and Waterlake Road (for up to 48 dwellings only).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The final bullet point above is the amended description of the development that has been agreed by the appellant and the LPA.
3. Other than the site location plan and the access drawings, I have treated all other plans as being indicative only.
4. The LPA accepts that it is unable to demonstrate a five year housing land supply¹ (HLS) within the district.
5. The appeal site lies within the Stalbridge Conservation Area (SCA) and forms part of the extensive setting to the Grade II* listed Church of St. Mary. As a consequence, the provisions of sections 72 and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged. The main parties agree that the proposal would result in less than substantial harm to the significance of the SCA and would preserve the setting of the listed church.
6. The appellant has submitted an Agreement under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended). Amongst other things, this includes provision for an element of affordable housing (40%), as well as financial contributions towards the cost of various services and facilities such as primary care, pre-school provision, primary and secondary education. If I was allowing the appeal it would be necessary to assess these obligations against the tests set out within paragraph 56 of the National Planning Policy

¹ The main parties agree that there is about 3.3 years supply.

Framework (the Framework) and the Community Infrastructure Levy Regulations 2010.

7. I closed the Hearing in writing on 18 February 2019, following receipt of the LPA's Note on 'Community Infrastructure Levy Regulations'.

Main Issue

8. The main issue is whether the less than substantial harm to significance of the SCA would be outweighed by the public benefits of the development and if so, whether this harm and any other adverse impacts of the proposal, having particular regard to the effect upon the character and appearance of the North Dorset Limestone Ridge Landscape Character Area, including views across the Blackmore Vale, as well as the effect upon the living conditions of neighbouring residents, with particular regard to road traffic noise, light from traffic headlights and outlook, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Reasons

Planning Policy

9. The development plan includes the North Dorset Local Plan Part 1 (LP1) that was adopted in 2016 and the 'saved' policies of the North Dorset District Wide Local Plan (LP). My attention has been drawn to numerous policies.
10. I agree with the appellant and the LPA that the proposals would conflict with LP1 policies 2 (Core Spatial Strategy) and 20 (The Countryside). The LPA also considers there would be conflict with LP1 policy 6 (Housing Distribution). These policies are not unimportant but given the HLS within the district the main parties agreed that any conflict with them should only be given limited weight in the overall planning balance. It was also agreed that the proposals would conflict with the development plan when considered as a whole.
11. The most relevant development plan policies to the determination of this appeal are: LP1 policies 4 (Natural Environment), 5 (Historic Environment), 25 (Amenity) and; LP policy ST2² (Stalbridge Conservation Area).
12. Whilst not planning policy, my attention has also been drawn to the LPA's Landscape Character Area Assessment³ (2008) and the County Council's 'Dorset Historic Towns Survey: Stalbridge Historic Urban Characterisation' (HTS)⁴ 2011. Both of these documents can be given moderate weight.

The SCA

13. The SCA is an extensive area. It includes a sizeable part of the built-up area of the town, its historic core and some of the surrounding fields. Most of the appeal site lies within the SCA⁵ and is located to the west of the town centre.
14. Whilst there is no conservation area appraisal, LP policy ST2 identifies three distinct sub-areas. Where the appeal site lies within the SCA it falls within sub-area 3 'The Town's Setting'. Paragraph 40.2.11 of the supporting text to this

² This policy does not contain the 'public benefits' balance that is set out in paragraph 196 of the Framework. The Framework is an important material consideration that carries considerable weight.

³ The appeal site lies within the North Dorset Limestone Ridge Character Area (LRCA).

⁴ Only some of the boundaries of the appeal site are included as part of this Survey.

⁵ The southern portion of the site (land off Waterlake) is outside the SCA.

development plan policy states: *"To the west of the town centre is an area of open, rising ground backing on to the development at Grosvenor Road. This forms an important green backdrop to the town."*

15. The significance of the SCA is derived primarily from: its architectural qualities, which include the numerous listed buildings, such as the Grade II* listed late 14th century Church of St. Mary with its Victorian tower and various 17th and 18th century vernacular cottages and; its historic qualities, which include a medieval standing cross⁶, narrow street plan with surviving medieval plot boundaries and open fields which form part of the agricultural hinterland to this market town and assist in retaining the rural character of Stalbridge. As noted within the HTS, some field boundaries, including sections of the eastern boundary of the appeal site are of 19th century or earlier origin. These and some other established hedgerows add to the historic interest of the SCA.
16. As I noted during my visits, the agricultural fields that make up the part of the appeal site which lies within the SCA (including the field boundaries) contribute to the significance (historic interest) of this designated heritage asset. These fields comprise a small part of the overall area of the SCA but are an integral component of the historic rural hinterland to Stalbridge. There are also views across the site of the wider agricultural landscape, including the Blackmore Vale. Much of the appeal site forms part of the unspoilt, green open backdrop to the medieval core of the settlement and assists in understanding the historic inter-relationship between Stalbridge and the surrounding countryside, as well as an appreciation of the historic landscape setting of this market town.
17. From a short section of the footpath that crosses the site there is a glimpsed view⁷ of the tower of the Church of St. Mary. This affords an appreciation of the architectural qualities of a building which is of more than special interest, including the historic role of the parish church within this part of North Dorset.
18. The appeal site makes an important contribution to the heritage interest of the SCA and a very limited contribution⁸ to the significance of the parish church.
19. On behalf of the appellant, it has been calculated, on the basis of the indicative layout, that approximately 2.99 ha would form the 'development envelope' with the remaining 3.31 ha comprising green infrastructure and open space. Much of this open space would be provided along the western edge of the site between the development envelope and the remainder of the agricultural fields.
20. Whilst noting the attempt to limit the impact upon the SCA, the proposed development would be a large extension to the western side of the settlement. The proposed buildings, domestic paraphernalia, roads (including removal of some sections of hedgerows), street lighting, public open space and the noise and activity associated with residential use would significantly change the character of the appeal site. The unspoilt open qualities of the site would be all but lost and agricultural use would cease from these parts of the fields.
21. Notwithstanding the remainder of the fields to the west, the proposal would considerably encroach into and erode the important green backdrop to the historic core of the SCA and this part of its agricultural hinterland. I agree with

⁶ A Scheduled Monument.

⁷ Due to intervening vegetation this view is likely to be very heavily filtered during the summer months.

⁸ Other, less filtered views of the church tower exist elsewhere within the SCA.

Historic England (HE) and the LPA that there would be a negative impact on the character and appearance of the SCA.

22. The new buildings would also intrude into the views across the site and, in all likelihood, obscure a glimpsed view of the church tower. However, given the extensive setting of the church and other less filtered views of its tower, on balance, the proposals would preserve the setting of this listed building. I note that neither HE nor the LPA's Conservation Officer objected to the proposals.
23. Nevertheless, the proposal would diminish an appreciation and understanding of the historic inter-relationship between Stalbridge and the surrounding countryside, as well as an appreciation of the historic landscape setting of this market town. It would harm the significance (historic interest) of the SCA and would not be in keeping with the intrinsic character of sub-area 3. The proposal would conflict with the provisions of LP policy ST2.
24. I concur with the main parties that in the context of the Framework the proposal would amount to less than substantial harm to the significance of the SCA. If there is a sliding scale of harm within this category the proposal would be somewhere in the middle. Even if the appellant is correct that the degree of harm would be at the lower end of a sliding scale, this would not equate to a less than substantial planning objection. At the Hearing, both main parties agreed that the less than substantial harm to the significance of the SCA should be given great weight in the planning balance.

Public Benefits

25. The proposals would increase the choice and supply of housing within the district and help to reduce the serious shortfall in supply. In addition, the affordable dwellings would assist in meeting the housing needs of those living within the area and would be conveniently located for services and facilities.
26. When the development commences there would be support for the construction industry, including employment provision. Upon occupation of the dwellings there would be additional household expenditure within the local economy, Council tax payments and the New Homes Bonus.
27. Some of the contributions contained within the section 106 Agreement, such as the Trailway Strategic Project and primary care services, would have wider economic or social benefits. In addition, the proposed play areas, allotments, enhanced cycle routes would amount to social benefits of the proposal.
28. The proposal would also provide some limited environmental benefits in terms of new hedgerows and other landscape planting, as well as some modest enhancements to biodiversity.
29. The totality of the above noted public benefits carries considerable weight in the planning balance.

Less than Substantial Harm v Public Benefits

30. When the above are weighed together this matter is finely balanced. However, the proposed new housing, especially the quantum of affordable dwellings, just tips the balance in the appellant's favour. In this instance, the less than substantial harm to significance of the SCA would be outweighed by the public benefits. The proposals would accord with the provisions of LP1 policy 5.

Character and Appearance – LRCA

31. The appeal site forms part of the upper slopes of a localised limestone ridgeline. It comprises the parts of four separate fields that are in use for arable crops and pasture. The eastern boundary abuts the gardens of neighbouring dwellings, whilst to the south and west there is agricultural land. The northern boundary is defined by a dense hedgerow along Barrow Hill. The footpath that crosses the site links to a network of other public rights of way. These local paths are well worn and are popular with dog walkers. There are views from the north and west across the site and over the Blackmore Vale.
32. The key characteristics of the LRCA include: elevated open plateau areas of undulating farmland landscape with distinctive sloping edges in places; thick dense hedgerows and frequent small copses and plantations; open views from higher areas across the Blackmore Vale to the chalk escarpment; a distinctive settlement pattern along the ridges or on the side slopes to the ridges and; straighter ridge top roads and many public rights of way. At the Hearing, the main parties agreed that the appeal site and immediate surroundings exhibited many of these key characteristics.
33. All landscapes have some value and the site's location within the LRCA does not mean that it forms part of a valued landscape to which paragraph 170(a) of the Framework applies. The Framework does not define a valued landscape but it has been held that a site must possess demonstrable physical attributes which would take it beyond mere countryside. Whilst not planning policy, guidance⁹ produced by the Landscape Institute and Institute of Environmental Management & Assessment can help identify valued landscapes.
34. From what I saw during my visits and having regard to all of the evidence before me, including the appellant's Landscape and Visual Appraisal (LVA) and Addendums, its Statement on Landscape and Visual matters, as well as the numerous representations from interested parties, I am inclined to agree with the LPA that the appeal site forms part of a valued landscape and occupies a sensitive location within the SCA and on the upper slopes of the LRCA.
35. In particular, the site and its surroundings form part of a local area of landscape that: is reasonably intact and of moderate condition; affords very attractive views across the Blackmore Vale and of the distant chalk escarpment; displays many of the key characteristics of the LRCA; for the reasons already given, makes an important contribution to the significance of the SCA and; is popular with walkers and those enjoying this part of the countryside. Even if the site does not form part of a valued landscape, it comprises part of the attractive landscape setting to Stalbridge and makes a very pleasing contribution to the character and appearance of the local area. The LVA under-values the landscape character and sensitivity of the LRCA.
36. In an effort to meet the district's housing requirement the LPA has already agreed to release some greenfield/agricultural land elsewhere around Stalbridge but outside the SCA and the LRCA. The loss of any greenfield land would be likely to have some adverse landscape and visual impacts. In this regard, I note the attempts to limit the impact of the appeal scheme, including a proposed hedgerow along the western boundary of the site. In itself, this new length of hedgerow would contribute to the character of the LRCA.

⁹ 'Guidelines for Landscape and Visual Impact Assessment Third Edition'

37. However, the appeal scheme would entail the permanent loss of sizeable parts of four separate fields and some pasture to housing, roads and ancillary works. The development would encroach onto the upper slopes of a local limestone ridge and erode the distinctive landscape setting and important green backdrop to the town. As noted above, the proposal would significantly change the character of the appeal site. In the context of the overall character of the LRCA, there would be a low magnitude of landscape change. Nevertheless, this would be an adverse change. There is no cogent evidence to demonstrate any significant adverse effect upon the ability to appreciate dark night skies.
38. The proposed development would be readily apparent from sections of public roads and rights of way that cross the surrounding landscape. From many of these parts of the public realm the development would be seen by high sensitivity receptors, such as walkers and other people enjoying the countryside around Stalbridge. Seeing a development does not in itself amount to an adverse impact. The indicative layout attempts to mitigate the impact of the development by restricting the new buildings and roads to the lower parts of the site and undertaking a scheme of landscape planting.
39. However, even after the proposed landscape planting had established, the development (especially in the two, more elevated, northern most fields) would appreciably extend the settlement edge along the upper slopes of this local limestone ridge and considerably erode the attractive countryside setting to the western part of the town. From the public footpath within the site, the experience would change from unspoilt open countryside to a narrow landscaped corridor through a housing estate. When walking west, the pleasant view of countryside in the foreground of the distinctive limestone ridge would be supplanted by buildings and roads. When looking east between Wood Lane and the western boundary of the site, the proposed buildings would occupy the middle of the views across the Blackmore Vale and would markedly detract from the attractive, unspoilt appearance of the countryside.
40. From Wood Lane the proposed buildings would be seen in the wide views across Stalbridge and the Blackmore Vale. The development would not disrupt the skyline of the distant chalk escarpment and would be a small component of these views. Nevertheless, the new dwellings would be readily apparent and would intrude into the charming countryside setting of Stalbridge and disrupt an appreciation of the pleasing contrast between the largely unspoilt upper slopes of this local limestone ridge and the lower slopes of the Vale to the east. The proposal would diminish the overall quality of these views and have a considerable adverse effect upon this very attractive rural scene.
41. From the footpath to the west of Wood Lane, the roofs and upper floors of the proposed buildings would be apparent. However, they would be seen in the context of the foreground buildings along Wood Lane and the roadside vegetation. The proposal would be minor detractor in these panoramic views.
42. From Barrow Hill and the public rights of way that run either side of Barrow Lea, the loss of a section of dense roadside hedge and open fields would considerably detract from the appearance of this part of the settlement edge. In particular, the buildings and roads that are proposed on the two most northerly fields would intrude into views south along the upper slopes of this local limestone ridge and significantly erode the attractive unspoilt appearance

- of this part of the countryside. A narrow/awkward strip of field would also be formed between the western edge of the site and Barrow Hill Farm.
43. The proposed development would also be seen in some more distant views from the public realm. However, I concur with the appellant that from these areas the development would be a very minor component of the overall view and would be seen in the context of the existing settlement of Stalbridge.
 44. Whilst the application was recommended for approval by the LPA's officers, my findings on the landscape and visual impact of the proposals lead me to the opinion that the proposed development would have a significant adverse impact upon the character and appearance of the LRCA, including views of the Blackmore Vale. The development would conflict with the provisions of the Framework that are aimed at protecting and enhancing valued landscapes.
 45. Even if the site does not form part of a valued landscape, the landscape and visual harm that I have identified would be considerable and could not be adequately mitigated. The proposal would be at odds with the provisions of the Framework that are aimed at conserving and enhancing the natural environment and would conflict with LP1 policy 4. This carries substantial weight in the planning balance.

Living Conditions

46. The LPA's decision notice is vague in referring to "*the amenity of the Conservation Area and those residing within it...*" In March 2018, the appellant sought to clarify this and some other matters with the LPA. In response, the LPA informed the appellant that its concerns related to: disturbance from traffic and glare from headlights into and out of Grosvenor Road and Waterlake; harm to visual amenities through loss of setting within the Conservation Area and; harm to enjoyment of the amenity from views of the historic landscape. The LPA also drew attention to its officer's report where reference had been made to the residents of Grosvenor Road and Waterlake.
47. Within its Statement, the LPA has argued that the glare from headlights would have a harmful adverse impact on the residents of Waterlake and Grosvenor Road and the harm would be most demonstrable to those dwellings which are closest to the fields but would also cause glare with adverse impacts on those residents along the lengths of the cul-de-sacs. The Statement also refers to "*...harm to visual amenities of residents living within the context of the quiet undeveloped landscape setting of the Conservation Area and Blackmore Vale...*"
48. Within the Statement of Common Ground that has been signed by the appellant and the LPA it is agreed, amongst other things, that no unacceptable harm from noise and glare from traffic headlight would occur to the residents of Bakers Field, Barrow Hill, Pound Close or Wood Lane.
49. At the Hearing, the LPA informed me that the residents of: 15-20 Waterlake and 16-26 Grosvenor Road (even numbers only) would experience harmful disturbance from road traffic noise; 13-20 Waterlake and 24 & 26 Grosvenor Road would experience harmful disturbance from car headlights and; 14-17 Pound Close, 5-9 Bakers Field and 24, 26, 33, 35, 37-47, 48, 50 & 52 Grosvenor Road would experience a harmful loss of outlook. It also informed me that LP1 policy 25 did not apply in respect of outlook.

50. Motor vehicles leaving and departing the proposed development would be seen and heard by neighbouring residents, especially those living immediately alongside in the cul-de-sacs at Bakers Field, Grosvenor Road and Waterlake. This would have an adverse effect upon the living conditions of neighbouring residents. However, that is not to say that the effect would be so great as to justify withholding permission. Building new houses off cul-de-sacs is commonplace throughout the country and is not precluded by planning policy.
51. NP1 policy 25 is permissive of noise generating development provided the level of noise would not cause an unacceptable level of disturbance (that is, exceed adopted or appropriate national standards) to the occupants of nearby properties. In this regard, my attention has been drawn to the Noise Policy Statement for England (NPSE).
52. Applying the NPSE, the appellant has argued that the most appropriate noise outcome for the proposal would be "*No Effect*" or at worst, "*Noise can be heard, but does not cause any change in behaviour or attitude. Can slightly affect the acoustic character of the area but not such that there is a perceived change in the quality of life.*" There is nothing of substance to indicate otherwise.
53. The LPA has not demonstrated that the proposal would be likely to exceed any adopted or appropriate national standards or shown how the residents of 15-20 Waterlake and 16-26 Grosvenor Road (even numbers only) would experience harmful disturbance from road traffic noise. These dwellings are all set back from the edge of the proposed access points and, as set out within the appellant's Transport Statement (TS), the likely increase in vehicular movements along these neighbouring streets would be very low.
54. The LPA chose not to seek the views of its Environmental Health officers or to obtain a noise impact assessment. When it considered the application the planning officer advised that the disturbance/harm from engine noise "*is not considered to be demonstrable.*" There is no cogent evidence to demonstrate unacceptable or harmful noise disturbance to neighbouring residents.
55. I note the LPA's concerns that the appeal site is at a higher level than the dwellings in Waterlake and Grosvenor Road and, as a consequence, there could be a risk of glare from car headlights within the appeal site. Whilst it has drawn my attention to the general guidance on light pollution and glare contained within the Government's Planning Practice Guidance, the LPA has not demonstrated any harmful glare from the proposed development.
56. With reference to the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, the appellant has argued that glare from car headlights would have no material impact on residential amenity. I also note the appellant's argument that headlight glare from vehicular traffic moving in and around the site would be limited by both its transient nature and the lighting being directed downwards towards the highways and away from residential properties. The layout of the proposed development would also be likely to include effective boundary treatments and/or intervening buildings to limit the risk of car headlight glare into neighbouring properties. The proposal would not result in any harmful light disturbance for neighbouring residents.
57. The proposed development would change the outlook for the occupiers of 14-17 Pound Close, 5-9 Bakers Field and 24, 26, 33, 35, 37-47, 48, 50 & 52

Grosvenor Road. However, it is a long established planning principle that there is no entitlement to private views across neighbouring land. Moreover, the proposed buildings could be sited and designed so as to avoid any overbearing impact or oppressive effects for the occupiers of these dwellings. Whilst the less than substantial harm to the significance of the SCA and some of the adverse landscape and visual impacts that I have identified above would be apparent from some of these neighbouring properties, this would not amount to a significant loss of outlook or amenity for those living alongside.

58. The proposal would not harm the living conditions of neighbouring residents and would accord with LP1 policy 25.

Other Matters

59. Residents of Stalbridge are very familiar with the local road network. As I saw during my visits, the narrow streets can result in temporary congestion and some junctions, such as Barrow Hill/A357, are sub-standard in visibility. Having carefully considered the proposals, including the appellant's TS, neither the LPA nor the Local Highway Authority (LHA) objected on highway or road safety grounds. In this regard, I note that the LHA found that the "*applicant has provided robust evidence that demonstrates that the development can be accommodated without resulting in unacceptable highways impacts.*" There is no technical or other cogent evidence to justify taking a contrary stance.
60. The appeal site lies within Flood Zone 1. Having considered the appellant's Flood Risk Assessment, the Lead Local Flood Authority advised that the site is not at risk of flooding and, subject to the use of appropriate planning conditions, the proposals would not pose a risk to off-site flooding. I note that the LPA did not express any concerns over this matter and there is no technical or other cogent evidence to withhold permission on flood risk grounds.
61. This site in Stalbridge is very different to the other sites that were considered for housing in the appeal decisions that have been drawn to my attention. Each case must be determined on its own merits and these other decisions do not set a precedent that I must follow.

Planning Balance / Overall Conclusion

62. When all of the above are weighed together, I find that the less than substantial harm to significance of the SCA together with the adverse impacts upon the character and appearance of the area significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole. The proposed development would conflict with the environmental objective of the Framework.
63. The appeal scheme accords with some aspects of the development plan but is in conflict with other policies. I agree with both main parties that the proposal would be contrary to the provisions of the development plan when considered as a whole. In this instance, the other material considerations advanced in support of the proposal are insufficient to not determine the appeal in accordance with the development plan.
64. Given all of the above, I conclude that the appeal should not succeed.

Neil Pope

Inspector

APPEARANCES

FOR THE APPELLANT

Mr J Coombs	Principal Planner, Pegasus Group
Ms H Armstrong BA (Hons), MSc, IHBC, MRTPI	Principal Heritage Consultant, Pegasus Group
Mr J W Atkin BSc (Hons), Dip LM, CMLI	Director (Landscape), Pegasus Group
Mr A Jones	Pegasus Group

FOR THE LOCAL PLANNING AUTHORITY

Ms C McCarthy MRTPI	Senior Planning Officer
Mr P Reese BA (Hons), MA	Planning Policy Officer

INTERESTED PARTIES

Cllr G Carr-Jones	Leader of North Dorset District Council and Chairman of Stalbridge Town Council
Jan Wardell	Local ramblers group
Mr & Mrs Butt	Residents
Mr R Chant	Resident
Mr R Roden	Resident
Mr R Sanger	Resident
Mr Lovell	Resident
Mr Thompson	Resident
Mrs M A Maidment	Resident
Ms J Hunnisett	Resident
Mr P Brember	Resident
Mr C Harris	Resident
Trudie Peake	Resident
Mrs Ralph	Resident
Mrs A Skelton	Resident

Documents Submitted at the Hearing

Document 1	Section 106 Agreement
Document 2	1:1,500 scale 'Extent of Setting' plan
Document 3	1:1,000 scale topographic survey
Document 4	Indicative pre-application site layouts

Document Submitted whilst the Hearing was Adjourned

Document 5	The LPA's Note on Community Infrastructure Levy Regulations
------------	---