



## Appeal Decision

Inquiry held on 15–18 and 24–25 February 2022

Site visit made on 28 February 2022

**by Andrew Dawe BSc (Hons), MSc, MPhil, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20<sup>th</sup> June 2022**

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**Appeal Ref: APP/D1265/W/21/3284485**

**Station Road, Stalbridge, North Dorset DT10 2RJ (Easting 374204, Northing 118026)**

- 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 Gladman Developments Ltd against the decision of Dorset Council.
  - The application Ref 2/2019/1799/OUT, dated 18 December 2019, was refused by notice dated 10 September 2021.
  - The development proposed is Outline planning application for the erection of up to 130 dwellings including affordable housing with public open space, structural planting and landscaping and sustainable drainage system (SuDS) with vehicular access point from Station Road. All matters reserved except for means of vehicular access.
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### Decision

1. The appeal is allowed and planning permission is granted for: Develop land by the erection of up to 130 No. dwellings (including affordable housing), form vehicular access from Station Road, public open space, landscaping and sustainable drainage system (SuDS) (Outline application to determine access) at Station Road, Stalbridge, North Dorset DT10 2RJ (Easting 374204, Northing 118026) in accordance with the terms of the application, Ref 2/2019/1799/OUT, dated 18 December 2019, subject to the conditions in the attached Annex.

### Preliminary Matters

2. For clarity, the site address in the above header is taken from the original planning application form, albeit that I note the Council's decision notice and the appeal form refer to Dorset as opposed to North Dorset and that the grid reference for the site is recorded as being slightly different with Easting 374230 and Northing 117990. Although different, I have no basis to consider that the address on the application form cannot be attributed to the appeal site.
3. The description of development in the above header is also taken from the original planning application form. The different description on the Council's decision notice is cross-referred to on the appeal form as being that which represents the Council's agreement to the change, albeit that the revised wording set out on the appeal form is different again. As the description on the decision notice is agreed by the Council, I have determined the appeal on that basis and included that amended description in the above decision.

4. The appeal relates to an outline planning application with all matters reserved for future consideration other than access. The matters of appearance, landscaping, layout and scale would therefore be for future consideration were the appeal allowed. The Appellant has however submitted a Development Framework Plan which, although not a plan sought for approval by the Appellant nevertheless shows, amongst other things, the proposed developable area; access and movement on the site, albeit that the Appellant confirmed at the Inquiry that access approval is only being sought at this outline stage for the access point to Station Road; and green infrastructure on the site; and which I have therefore taken into consideration. I have determined the appeal on that basis.
5. The Council's third reason for refusal in its decision notice relates to the lack of a section 106 agreement at that time to secure affordable housing or other off-site contributions required to make the development acceptable in planning terms. Such a certified document was submitted during the Inquiry. At the start of the Inquiry, I left the matter of whether or not acceptable provision would be made in respect of affordable housing and infrastructure to service the proposed development as a main issue on the basis that there remained a dispute between the parties on the matter of education provision. However, there is no dispute over the level of the proposed financial contribution. The Council's concern relates to the capacity of the existing school and any interim measures required to accommodate additional pupils, which I have dealt with under '*Other matters*' rather than as a main issue.
6. The Council raised concerns at the Inquiry about the impartiality of the evidence of the Appellant's planning witness, who is currently employed by the Appellant. In this context, the Council refers to another case relating to an appeal decision of the Upper Tribunal (Lands Chamber) relating to a certificate of appropriate alternative development, known as the 'Leech Homes' case. The question there related to the principle of whether the witness was aware of their primary duty to the Tribunal in relation to giving expert evidence, and were willing and able, despite the interest or connection with the litigation or a party thereto, to carry out that duty.
7. Having regard to the current appeal, the witness concerned clearly declared in his Proof of Evidence (PoE) that the PoE is true and has been prepared in accordance with the guidance of the RTPI, of which he is a member; that the opinions expressed in his evidence are his true and professional opinions; and that he is aware that his duty as a professional planner was to the Inquiry, irrespective of by whom he is employed. Notwithstanding the submission of the Council on this matter, I have received or heard no substantive evidence to indicate that the witness concerned has acted improperly having regard to the above declaration. As such, I have not assigned less weight to the witness' evidence as a result of the Council's concerns on this matter. Notwithstanding this, it is also the case, as was also stated in the Leech Homes case, that in relation to matters of opinion on issues of planning judgement, I am well equipped to form my own judgement on those issues, having regard to all of the evidence presented.

## **Main Issues**

8. The main issues are:

- i) the effect of the proposed development in terms of the Council's spatial strategy, with particular regard to housing distribution and location and sustainable travel, having regard to local and national policy;
- ii) the effect of the proposed development on the landscape character and appearance of the area, with particular regard to that relating to the countryside comprising the site and surrounding area and the setting of the existing settlement of Stalbridge;
- iii) the existing housing need and land supply position at local and strategic level.

## **Reasons**

### *Housing distribution and location and sustainable travel*

9. Policy 2 of the North Dorset Local Plan Part 1 (the Local Plan) states that all development should be located in accordance with the spatial strategy for North Dorset. It highlights that the four main towns will function as the main service centres in the District and will be the main focus for growth, both for the vast majority of housing and other development. It goes on to identify Stalbridge and eighteen larger villages as the focus for growth to meet the local needs outside of the four main towns. It does not highlight there to be a sequential approach with Stalbridge necessarily being the first preference ahead of the larger villages. However, that policy also highlights that outside of the defined boundaries of the four main towns, Stalbridge and the larger villages, the remainder of the District will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met. It goes on to state that at Stalbridge and all the District's villages, the focus will be on meeting local (rather than strategic) needs.
10. Policy 20 of the Local Plan sets out that development in the countryside outside defined settlement boundaries will only be permitted if it is of a type appropriate in the countryside, as listed in the supporting text, or for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside. The proposed development, being located outside of the defined settlement boundary, and not fulfilling any of the criteria for being a type appropriate in the countryside under policy 20, would therefore conflict with policies 2 and 20 of the Local Plan.
11. Policy 6 of the Local Plan relates to housing distribution and amongst other things states that in the countryside (including Stalbridge and the villages) the level of housing and affordable housing provision will be the cumulative number of new homes delivered to contribute towards meeting identified local and essential rural needs; and that at least 825 dwellings will be provided in the

countryside (including Stalbridge and the villages) during the period 2011-2031. In this respect, I note that the Council highlights that the total of completions, extant planning permissions it anticipates being completed in the next five years, and a further 503 consented/allocated dwellings, amounts to 1711 dwellings. Whilst that figure would be dependent on the extent to which those not yet built are completed, it is clearly likely that whilst the policy figure of 825 dwellings is not a cap, it would be significantly exceeded. On that basis, the proposed additional major housing development in the location concerned would be in conflict with that principle of meeting a local need. I also note the Council's figure of c.33% existing consented expansion in the number of dwellings in Stalbridge since 2011 and that the proposals would clearly add to that cumulatively.

12. Section 5 of the National Planning Policy Framework (the Framework) relates to delivering a sufficient supply of homes and I have no reason to consider that the above Local Plan policies are not seeking to achieve this important principle. I shall consider separately below whether or not the Council is able to demonstrate a five year supply of deliverable housing sites.
13. The proposed development would be located immediately adjacent to the existing settlement. Furthermore, it would make provision for pedestrian access from the site to link to existing footways into the town and to the nearest bus stops. Additionally, it is agreed by the Council and Appellant that Stalbridge contains a range of services and facilities to meet the day to day needs of its residents, with the local centre about 800 metres away and other facilities and amenities within a 1.4 kilometres walking and cycling distance, which is generally accepted as being a reasonable walking distance. From my observations I have no substantive basis upon which to find otherwise.
14. In this respect, the services available in Stalbridge include a primary school and pre-school, a superstore and café, a post office, a pharmacy, opticians, Stalbridge Hub incorporating a community library, Stalbridge Hall, places of worship, a petrol station including a small convenience store, and a small number of other independent shops and services, public houses and takeaway food outlets, and various businesses including those located on Station Road Business Park. There is not however a GP surgery, hospital, secondary school, bank/building society, cinema/theatre, leisure centre and swimming pool. Notwithstanding the recreation ground, and the presence of a private tennis club, there are therefore limited sports facilities in the town, albeit that there are a number of sports teams, clubs and societies based in Stalbridge and the surrounding area.
15. I have also had regard to the 2018 Joint Retail, Commercial and Leisure Study (JRCLS) which highlights that there are only a small number of retail units within the town centre such that it has a more limited role and function in the District's network and hierarchy of centres, predominantly meeting the more day-to-day needs of its local resident catchment population. It finds that the centre has an average convenience provision mainly catering for the more frequent top-up shopping needs of the local catchment population, as well as the population of surrounding areas. It does however also state there to be an overall food and convenience provision below the national average, but noting the presence of the supermarket as performing an important role above what would be expected for a town of this size. The JRCLS also finds that although comparison provision in the town is below the national average, it adequately

meets the needs of the local resident catchment. Notwithstanding this, it goes onto find that Stalbridge has a number of weaknesses and gaps in its offer that are impacting on its overall vitality and viability, with most concern relating to the vacancy rate being significantly higher than the national average. It also highlights that leisure services are poorly represented in the town centre and that there is below average provision of both leisure and financial services with no banks, restaurants or cafes present. It finds that overall Stalbridge is struggling and is not a healthy and viable centre.

16. Notwithstanding the above position, it remains the case that Stalbridge currently provides an adequate, albeit restricted, overall level of services and facilities, including those listed above. The level concerned reflects the town's position in the spatial strategy, alongside the eighteen larger villages, as the focus for growth to meet the local needs outside of the four main towns. Whilst the centre may be struggling in terms of its vitality and viability, I have no substantive evidence to indicate that the proposed development would worsen that position. If anything, it would provide the potential for additional local expenditure and support of such services and facilities albeit that there is no evidence to indicate the extent to which that would be likely.
17. There was some debate at the Inquiry as to whether the supermarket in the town centre was of a nature to be likely to attract use by all local people in terms of the range and cost of products, and the extent to which it would be likely to be used for main food shopping trips as opposed to topping up. However, I have no substantive evidence before me as to these factors, including the extent to which it is used by local people. Nevertheless, from my observations, albeit acknowledging this to be a snapshot in time, I saw that it is a significant sized store, selling a wide range of products, centrally located within Stalbridge in terms of convenience of location.
18. I note that my colleague in the relatively recent Land South of Lower Road appeal decision<sup>1</sup>, with reference to the number of houses under Local Plan policy 6 and where the number had nearly doubled, acknowledged that there may well be a tipping point for Stalbridge, but that that proposal was not it and that the range of services and facilities would be satisfactory. I have acknowledged that the extent to which housing numbers in Stalbridge and the larger villages have already exceeded the 825 dwellings set out in policy 6 is significant. However, it remains the case that it is not a cap on new housing and although the proposed development would cumulatively add up to a further 130 dwellings, there is no substantive evidence to indicate that a tipping point would be reached with the appeal scheme either, albeit there is not an established need for any more local housing in relation to policy 6.
19. Measured from the proposed site access, several individual destinations in the town centre, including the superstore, would be at slightly further walking distances than the 800 metres which would be the generally preferred maximum, reflecting the peripheral location of the site on the edge of the town. Walking distances would also be increased slightly depending on the position of a particular dwelling on the site. However, it would remain the case that due to the good degree of proposed connectivity with the existing footways, albeit without a direct connection to the Trailway, there would be a reasonable option for people to walk or cycle to those destinations in the town.

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<sup>1</sup> Appeal Ref. APP/D1265/W/20/3265743

20. As referred to above, the proposals would not include a direct pedestrian link to the adjacent Trailway in terms of minimising walking distances to some local facilities and services and maximising accessibility to that route from a recreational perspective. However, whilst it would be a slightly longer walk, there would be a footway constructed from the site access alongside Station Road that would link to the Trailway. That additional length of walk would be unlikely to be such as to significantly reduce or deter use of the Trailway. Furthermore, from a safety perspective, as well as that new roadside footway being of appropriate width, there would be provision through planning obligations to allow for the extension of the 30mph speed limit on Station Road in the vicinity of the proposed site access. Use of the Trailway, together with other local rights of way, would also be encouraged through planning obligations relating to financial contributions towards their improvement and maintenance.
21. In terms of travel to destinations further afield, the context relating to Dorset generally, as set out in the Dorset Council Bus Service Improvement Plan 2021 (the BSIP), is one of significant challenges to accessing local services, healthcare, work, and education, resulting in rural isolation. In the case of Stalbridge, there are bus stops serving local bus services within a reasonable walking distance of the site. Based on the Council's evidence, those services comprise an approximately two hourly service in the main during week-days. However, there is only a very restricted service on Saturdays to Yeovil and none in the later evenings. As such, whilst there would be some degree of choice over the private car, for weekdays in particular, the level of convenience for a variety of potential destinations, such as a wider range of shops, services and facilities, including to larger settlements, would be fairly limited. As such, for those with access to a car, there would likely remain a high degree of reliance on the car for those purposes, albeit that travel distances would not necessarily be great. The Appellant also highlights that there is a school bus serving Sturminster Newton High School, which has not been disputed, and which would avoid reliance on private car use to that particular destination.
22. Furthermore, in terms of access to employment destinations, as well as those locally, including immediately adjacent to the site, at least a small proportion of prospective residents would be likely to work from home thereby potentially avoiding the need to conduct employment related travel on a regular basis. Henstridge Village and employment opportunities at Henstridge Airfield would also be potentially accessible by cycle in terms of the distance and nature of the intervening roads. However, poor weather conditions would be a potential deterrent given the distances involved as would the lack of fully well-lit routes after dark. Nevertheless, those destinations would only be a relatively short car journey thereby minimising use of that mode for such activity.
23. For longer distance travel, although there is no train station in Stalbridge, the nearest one at Templecombe would only be a relatively short distance away. In terms of the distance and the nature of the intervening road, the choice of cycling to that station may be restricted to a small number of people. Nevertheless, it would only be a relatively short car journey with car parking available at the station, thereby encouraging use of that more sustainable longer distance rail transport.
24. Having regard to the extent of reliance on the private car, the implementation of a Travel Plan to encourage prospective residents to use alternative modes of



transport could be secured through a condition. The proposals would also include provision through planning obligations for issuing sustainable travel vouchers to the first occupier of each dwelling proposed. Whilst such measures, along with provision for cycle parking, would be likely to fulfil that purpose to some degree, it is unclear as to the extent to which that would significantly influence modal splits away from the private car.

25. The likely levels of reliance on the private motor car would be likely to also result in some degree of environmental harm as a result of vehicle emissions. However, I have no substantive evidence to indicate that the level of increase concerned would worsen the existing situation in and around Stalbridge to an extent that would represent an unacceptable level of harm. It also remains the case that increased use of electric vehicles would be likely to lessen those emissions, provision for which could be secured by a condition to ensure the implementation of measures for electric vehicle charging on the site.
26. I conclude on this issue that the proposed development would conflict with the Council's spatial strategy set out in Local Plan policies 2, 6 and 20. Furthermore, for the above reasons, the proposed development would have some specific shortcomings in terms of that spatial strategy, with particular regard to housing distribution and location and sustainable travel, having regard to local and national policy. However, also for the above reasons, the extent of that harm relating to such shortcomings would be moderate, which I shall consider further in the planning balance.

#### *Landscape character and appearance*

27. Local Plan policy 2 relates to the Core Spatial Strategy referred to above in terms of the principle of all development being located in accordance with it. In respect of this issue, this policy supports the general principle set out in paragraph 174 of the Framework of recognising the intrinsic character and beauty of the countryside.
28. Policy 4 of the Local Plan states amongst other things that the natural environment of North Dorset and the ecosystem services it supports will be enhanced through the protection of environmental assets and the establishment of a coherent ecological network of designated sites and stepping stone sites linked via corridor features. It goes on to say that developments are expected to respect the natural environment including the designated sites, valued landscapes and other features that make it special. Development should be shaped by the natural environment so that the benefits it provides are enhanced and not degraded. Furthermore, in terms of landscape character, policy 4 states that this will be protected through retention of the features that characterise the area; and where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme.
29. Having regard specifically to valued landscapes, there is no particular definition set out in policy 4. However, as referred to above, it is mentioned in the same context of other features that make the natural environment special. As recorded in the supporting text to policy 4 of the Local Plan, the landscape of North Dorset is highly valued with almost 40% of the District being covered by Area of Outstanding Natural Beauty (AONB) designations. The appeal site is not

- within or in the close vicinity of such an AONB and neither does it comprise any other designated landscape. Nevertheless, that does not mean that it could not be considered a valued landscape.
30. Paragraph 174 of the Framework relates to conserving and enhancing the natural environment and states that planning policies and decisions should contribute to and enhance the natural and local environment by amongst other things protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan; and, as referred to above, recognising the intrinsic character and beauty of the countryside.
  31. The Appellant has undertaken a Landscape and Visual Impact Assessment, which I shall take into consideration along with all other relevant evidence, including various agreed viewpoints which helped my observations when visiting the site and surrounding area.
  32. The site is located immediately on the edge of the built-up area of Stalbridge, with industrial/employment use buildings immediately to the west, beyond which is a large residential area and the centre of the settlement beyond that. Nevertheless, the site comprises an open field surrounded by hedgerows and trees, typical of the countryside which continues from that edge of the settlement, and contributes to a pleasant open setting to that part of the town. On that western edge of the site, The Sidings starter industrial units, and associated currently undeveloped land to their south, would be immediately adjacent to that part of the site. The remaining western boundary is separated from the larger industrial buildings in that vicinity, and a Site of Nature Conservation Interest (SNCI) to the south-west, by the Stalbridge Trailway, alongside which are various, generally not large, trees and hedgerow. There are a small number of dwellings on Station Road just to the east of the site which although close to Stalbridge are clearly separate from it.
  33. The route of the Trailway was formerly that of a railway line running to the east of the town. That and any associated buildings would have been a feature in between the town and open countryside to the east of the line. However, from historic maps provided by the Appellant, which I have no basis to consider cannot be considered to be accurate, the railway line has not been a characteristic, distinct dividing feature confining the town from the countryside beyond. Furthermore, and in any case, the Trailway currently only forms an edge to a relatively short section of the built-up area of the town on its eastern side, notwithstanding its relationship with ongoing new housing development relating to the Land South of Lower Road appeal referred to previously. As such it is not a feature that has represented a clear edge to that side of the settlement generally. Additionally, the degree to which that edge is retained is weakened in the immediate vicinity of the site by the presence of The Sidings which is to the east of that route.
  34. The site is located within the Blackmore Vale and Vale of Wardour National Character Area (NCA). At the regional level, as set out in the Dorset Landscape Character Assessment (2009), it is located within the Clay Vale Landscape Character Type (LCT); and at the local level, as set out in the North Dorset District Council Landscape Character Assessment (2008), it is located in the Blackmore Vale Landscape Character Area (LCA).



35. In considering the NCA, the area's profile describes, amongst other things, that it is steeped in a long history of pastoral agriculture, characterised by hedged fields with an abundance of hedgerow trees, many of them veteran, and that it is productive pastureland. It goes on to set out statements of environmental opportunity which highlight the need to protect, manage and enhance the diverse but coherent pastoral landscape character components and to manage the simple patterns of land use maintained by the long history of agriculture.
36. In relation to the regional LCT, the key characteristics comprise, amongst others, its flat to gently undulating or bowl shaped clay landform; flanked and defined by surrounding limestone, chalk and/or greensand hills and ridges; a homogenous grassland landscape with a patchwork of small to medium sized fields, woods or ribbons of trees and dense trimmed hedgerows; distinctive mature hedgerow oaks which dot the landscape in a distinctive pattern; its long tradition of dairy farming; a dense network of twisting narrow lanes lined by thick hedgerows; evenly scattered hamlets, small villages and farmsteads often associated with groups of trees; and it having a peaceful, undeveloped and secluded rural atmosphere. In North Dorset the Clay Vale Landscape is represented by the broader scale landscape of the Blackmore Vale. The overall management objective for the LCT is to conserve the patterns that contribute to the rural tranquil landscape of winding lanes and small scattered settlements.
37. With regard to the LCA, this has the following key characteristics:
- a broad expansive clay Vale which is tranquil and unified;
  - a unique mosaic of woods, straight hedgerows and grassland fields 'dotted' with distinctive mature hedgerow Oaks;
  - open views across the undulating to flat pastoral landscape to the chalk escarpment backdrop;
  - dense network of twisting lanes often with grass verges and sharp double 90 degree bends;
  - small hump backed bridges with low stone or brick parapets;
  - many very small villages and hamlets built with locally distinctive materials, such as stone, redbrick, tile and thatch;
  - a network of ditches, streams and brooks which drain into the tributaries of the Stour; and
  - Lydlinch Common (an SSSI) and Stock Gaylard Deer Park (an SNCI) are both key locally important features.
38. Some of the above characteristics are evident in relation to the site itself and its immediate surroundings. However, other features relating to the last five bullet points are less evident at this peripheral location of the LCA, reflective of the location adjacent to the larger settlement of Stalbridge. This is notwithstanding the small number of houses fronting the road just to the east of the site which mostly exhibit no clear or consistent use of locally distinctive materials.
39. Therefore, whilst in the countryside, the site is not deeply rural, being immediately adjacent to Stalbridge, albeit projecting away from it. The

- proposed development would clearly result in the loss of a field that is typical of the LCA, LCT and NCA. Furthermore, in projecting outwards into the countryside, there would be some interruption of views across the pastoral landscape. However, its close proximity to the existing settlement would minimise the extent to which it would stand out as an alien feature. For the same reason, together with the close proximity to Station Road, it is not in a highly tranquil location such that the degree to which the proposed development would intrude in terms of lighting and noise would be lessened.
40. Furthermore, the characteristic hedgerows around the edge of the site would be largely retained, other than in relation to the formation of the proposed site access, along with protected hedgerow trees. Additionally, those existing public views of the pastoral landscape, across the site and to the countryside generally, are currently fairly limited and localised, and often with intervening existing vegetation, as I will consider further below. That existing vegetation, along with proposed new planting would also be likely to have the effect of softening or screening, at least partially, the proposed development from public vantage points, more so over time as new planting would mature.
41. In terms of the setting of Stalbridge, the town currently extends down the slope of the Vale's edge from the Limestone Ridge. Although the older, historic part of town sits higher up, as is the case to the south-east of the town, the settlement pattern noticeably includes development all the way to, and in some cases beyond those side slopes, including the industrial buildings immediately to the west of the site. The proposed development would inevitably extend the extent of protrusion beyond the Vale's side slopes and into the currently pleasant open setting, projecting beyond the Trailway to a noticeably greater extent than The Sidings. However, there would remain open fields to the south and east of the site, and to the north on the opposite side of Station Road, which would to some degree maintain a generally open setting to the town, albeit to a lesser degree. Furthermore, it would be a continuation of other relatively modern development as opposed to a direct continuation from the older historic part of the town further up the Vale's slopes, and in a situation where I have found that the Trailway itself, and the railway before it, is not a feature that has represented a clear edge to that side of the settlement generally.
42. I have also had regard to the relationship of the proposed development with that being progressed relating to the previously referred to Land South of Lower Road appeal, and other recently approved new housing development to the south/south-east of the town. Although both would be seen from certain vantage points, it would be in the context of a noticeable, albeit not large, degree of separation both in terms of distance and the extent to which they would be softened or screened by intervening vegetation or townscape, depending on the vantage point. In this respect, the proposed development would not be clearly seen from local vantage points as an amalgamation with the existing expansion of the town, but instead an additional branch to the settlement, closely associated with an existing key vehicular route serving Stalbridge. As such, in this respect, the extent of any harm in terms of the landscape's ability to cumulatively assimilate an additional major housing development would be minimised.
43. The proposed development would therefore represent an intrusion into the existing countryside landscape and would inevitably cause some harm to its

intrinsic character and beauty. However, for the above reasons, even were I to find it to represent a valued landscape, the extent of any harm to the landscape character, whether relating to the NCA, LCT or LCA, would only be to a moderate degree.

44. Visually, the site is fairly well contained with viewpoints largely confined to being very localised. In this respect, notwithstanding the issues relating to character of the landscape, the proposed development would be unlikely to harmfully affect views from within the wider area. Furthermore, in more distant views from higher ground to the east, the proposed development would be seen more cumulatively with the rest of Stalbridge, including new development. In that context the extent to which the proposals would stand out would be likely to be limited due to the intervening distance and extent of the existing settlement against which it would be seen.
45. Outward views of the countryside from the Trailway would be obscured to varying degrees by the proposed development. However, that would only relate to a relatively short stretch of that pedestrian route and where such views are currently in any case softened or screened by intervening vegetation. The proposed development, as viewed from easterly vantage points, would also have the benefit of at least partially screening or softening those adjacent existing less attractive industrial buildings that are prominently visible on the edge of the town. However, this is with the acknowledgment that it would not require the full eastwards projection of the proposal to achieve such a benefit.
46. The Council also refers to the relationship of the site with Stalbridge Park and its distinctive walls. However, due in particular to the noticeable degree of separation of the site from Stalbridge Park, I consider the proposed development unlikely to harmfully affect that feature.
47. For the above reasons, I conclude on this issue that the proposed development would cause some harm to the landscape character and appearance of the area, with particular regard to that relating to the countryside comprising the site and surrounding area and the setting of the existing settlement of Stalbridge. As such, specifically in respect of this issue, it would be in conflict with policies 2 and 4 of the Local Plan and paragraph 174 of the Framework. However, again for the above reasons, the extent of that harm would be moderate, which I shall consider further in the planning balance.
48. In respect of this issue, the Council, in its original decision notice also makes reference to Policies 6, 7, 20 and 24 of the Local Plan. However, policy 6 relates to housing distribution and not specifically to this main issue. Furthermore, policy 20, whilst concerning the restriction of the type of development considered to be appropriate in the countryside, and relevant to the first main issue, does not specifically relate to the particular matters concerning this second main issue. Policies 7 and 24 relate to design and layout and highlight respectively, amongst other things, that development should have an appropriate density and be designed to improve the character and quality of the area within which it is located. In these respects, at this outline stage, I have no clear basis to consider that the proposals would be likely to be in conflict with those two policies, particularly as more detailed design and layout would be dealt with at the reserved matters stage.

*Existing housing need and land supply*

49. Having regard to whether or not the Council can demonstrate a five year supply of deliverable housing sites (5 year HLS), the difference between the Council and Appellant on this matter relates to the disputed deliverability of nine sites and I have no substantive basis to consider otherwise. As such, in relation to a 5 year requirement of 1992 dwellings, the Council considers there to be 5.17 years' worth of supply whilst the Appellant, as confirmed in the Appendix to their closing submissions, considers it to be 3.78 years. I have had regard to the evidence of both parties taking account of the Framework's definition of 'deliverable' in this context and consider each of the disputed sites below.
50. Site A01 – Land adjacent to Wincombe Business Park, Shaftesbury.
51. There is a resolution to grant full planning permission for 162 dwellings, subject to the signing of a Section 106 Agreement (s106), and associated necessary widening/realignment of Wincombe Lane has commenced. Furthermore, the Council is hopeful that the s106 will be completed shortly. There is therefore evidence of the developer's clear intent to progress this development within the 5 year period and no obvious obstacle highlighted by the Council in respect of the signing of the s106. The question remains as to the extent of development likely to be delivered within the 5 year period. Notwithstanding the anticipated signing of the s106 in the near future, there remains uncertainty as to the timing of this and therefore also the subsequent submission of details for discharging any conditions. The developer indicated in June 2021 that on the assumption of planning permission being granted in early Autumn 2021, 40-41 dwellings per annum (dpa) would be delivered. Despite the Council highlighting that other volume housebuilders are achieving 50-60 dpa, I have no substantive basis to veer from that indicated by the developer for this particular site. Even without that ongoing uncertainty, based on the above trajectory of 40-41 dpa, at the very most this would set back the anticipated 40-41 in 2022/23 by approximately half that number. Allowing for the ongoing uncertainty as to exactly when permission will be granted and any pre-commencement conditions discharged, I consider that there is not clear evidence of delivery in 2022/23. As such, for the basis of calculating the 5 year HLS I have deducted 40 units from the full 162, resulting in a deliverable supply of 122 within the 5 years.
52. Site A02 – Ham Farm and Newhouse Farm, Gillingham.
53. Outline planning permission was granted for 961 dwellings in September 2021 and the principal road required to unlock the delivery of this site is now well underway. Reserved matters are required to be submitted for the first phase within 2 years of planning permission and as yet no application has been received by the Council. Furthermore, under the planning conditions, there is a 4 year period within which to commence the first phase. The Council accepts that the majority of the proposed dwellings will be delivered beyond the 5 year period with a modest number within it. However, without any information from a prospective developer of the site, and in the absence of any reserved matter application, I cannot be sufficiently certain that even the 100 dwellings put forward by the Council will be delivered in the 5 year period. I have therefore deducted those 100 units from the 5 year HLS.

54. Site A03 – Lodden Lakes Phase 2, Gillingham.
55. Outline planning permission has been granted for 115 dwellings and a reserved matters application has also recently been submitted and validated. There remains no certainty as to the timescale for determining that application or whether there are any issues relating to it that will cause delay albeit I acknowledge it was subject to pre-application discussion with the Council. The Council consider that development of Phase 2 is likely to follow straight on from the completion of Phase 1 in 2024. There is no evidence provided from the developer to confirm that although I consider it is a reasonable assumption to make subject to satisfactory approval of reserved matters and any pre-commencement conditions. The submission of a reserved matters application shortly after having secured planning permission is also an indication of intent to proceed quickly. Given that such a start time would be approximately two years away, there appears to be sufficient contingency in the meantime for approval of reserved matters, conditions and site preparation. I therefore consider that commencement on site in 2024 to be a reasonable assumption, obviously subject to achieving the necessary reserved matters approval. On that basis I consider that the 60 dwellings indicated by the Council for completion in the 5 years period to be reasonable.
56. Site A04 – Park Farm, Gillingham.
57. Outline planning permission was granted in November 2021 for up to 634 dwellings and pre-application advice has been sought in relation to the submission of a reserved matters application for a first phase of around 300 dwellings. The developer's intention for submission of such an application was indicated to be February 2022 with a start on site expected in the summer of 2023. The Council indicated that the submission is now likely to be in the second quarter of this year. There is however no clear evidence on that timing, including any updated information from the developer concerned. The Council accepts that the majority of the dwellings will be built beyond the 5 year period. However, given the above uncertainty, and despite the degree to which the developer is active, sizeable and Dorset-based, there is not clear evidence that even the suggested modest quantum of 50 dwellings put forward by the Council for completion in the 5 year period would be fulfilled. As such, I have deducted those 50 dwellings from the 5 year HLS.
58. Site A05 – Land north and east of Blandford Forum, Blandford.
59. This site is allocated in the Neighbourhood Plan for a mix of uses including residential. An outline planning application was submitted in September 2020 for 600 dwellings, with full permission requested for 167 dwellings at this stage. Information from the developer in October 2021 indicated that completions would begin in 2024/25 with the majority being in 2025/26. However, those assumptions were based on anticipated planning permission early in 2022. I have received no clear evidence to indicate the timescale for a decision being taken, albeit that the Council states that its officers who assisted in the production of the Neighbourhood Plan are not aware of any major impediments to planning permission being granted. Furthermore, my attention was drawn to some objections having been made to the application. Although the Council indicated that these were not in principle objections, and even if they could be addressed, there is no clear indication as to the extent to which this could delay any planning permission being granted. I therefore have no



substantive basis upon which to consider there to be a realistic likely number of dwellings, if any, which would be completed within the 5 year period, despite the developer being Dorset-based and active across a number of sites across the county. For this reason, I have deducted the 49 dwellings put forward by the Council from the 5 year HLS.

60. Site A08 – Land east of Franwill Industrial Estate, Pimperne.

61. The site is allocated for up to 15 dwellings in the Pimperne Neighbourhood Plan and a full planning application for 15 dwellings was submitted in 2020. Whilst the allocation suggests local support and that a full planning application indicates intent to develop the site, the application nevertheless remains undetermined after a substantial period of time. Furthermore, whilst the principle is established through the allocation, there remain outstanding matters relating to the specific application that require resolution prior to a decision being taken. For these reasons, I have insufficient certainty that the application concerned will result in the completion of dwellings on the site within the 5 year period and so have deducted the 15 dwellings concerned from the 5 year HLS.

62. Site A09 – Land at Bittles Green, Motcombe.

63. The site is allocated for about 10 dwellings in the Motcombe Neighbourhood Plan and although an outline planning application submitted for 15 dwellings has remained undetermined for a substantial period of time, the Council confirmed that the s106 is ready for engrossment and that the decision is ready for issuing. The developer, in an email dated 1 October 2021, set out the anticipated delivery of the 12 dwellings in 2025/26. Whilst there remains three years before 2025/26, there is no indication as to the assumptions made at the time of that email about when planning permission would be granted. That permission, even if issued around the time of the Inquiry would have been approximately 5 months on from the above email and I have no substantive evidence to indicate whether or not that would affect the anticipated programme. Furthermore, any consent would be in outline only with reserved matters still required to be dealt with. There is therefore not clear evidence that the 12 houses concerned will be completed within the 5 year period and so I have deducted them from the 5 year HLS.

64. Site A10 – St Mary's Hill, Blandford St Mary.

65. Development is underway on this site, relating to planning permission for a total of 350 dwellings in two phases. The Council has received completion certificates for a total of 41 dwellings up to the end of December 2021, albeit with 10 of those in the previous 2020/21 period and thereby predating the current 5 year period and indicating that development is slightly ahead of the programme predicted in an email from the developer dated 5 August 2020. Nevertheless, a rate of 31 completions to the end of 2021 within the 2021/22 period indicates alignment with the developers predicted 42 in that period as a whole as set out in the above email, based on business forecasting and expected sales rates allowing for Covid. In that email, 47 completions were then predicted for 2022/23, 60 in each of 2023/24 and 2024/25, and 80 in 2025/26 with the remainder in the following year outside of the 5 year period. For the last three of those years within the current 5 year period, the higher figure takes account of an assumption that there would be two sales outlets from 2023/24. Notwithstanding the existing rate of completions, I have no



more up-to-date evidence to indicate whether those ongoing predictions of the developer from over a year and a half ago still apply, including whether it remains the intention for two sales outlets and the basis upon which that would result in more completions. I acknowledge the point made by the Council that a rate of 60 dpa is not unreasonable for a volume housebuilder on a large site, and the example of this having been achieved by Persimmon Homes on a site in Blandford St Mary. However, I do not have full details of the circumstances of that or other cases to enable a proper comparison. Based on the evidence provided for the site in question, in the absence of any more up-to-date information since August 2020, and while acknowledging the Appellant's figure of 200 based on an average of 40 dpa, the only clear basis for ongoing predicted completion rates is the actual rate within the first year, broadly in line with the originally predicted 42 dpa. As such, across the 5 year period this would result in a figure of 210 completions as opposed to the Council's figure of 269. I have therefore deducted 59 dwellings from the 5 year HLS.

66. Site A11 – Wessex Park Homes, Shillingstone Lane, Okeford Fitzpaine.
67. This site is the subject of prior approvals and one full planning permission for a number of developments ranging from between 1 and 4 dwellings, each one in itself therefore not defined as major development and still extant, totalling 44 dwellings. They would therefore be regarded as deliverable unless there is clear evidence that homes will not be delivered within the 5 year period. In this respect, the above approvals/permissions were granted in the period between September 2019 and December 2020 without any indication of forthcoming intent to commence their construction. Nevertheless, that is not to say that this could not occur, including taking account of the need to discharge any pre-commencement conditions. I acknowledge that an outline planning application has since been submitted for 70 dwellings on the site which remains to be determined and is not included by the Council in the 5 year HLS. Reference is made in the Planning, Design and Access Statement, relating to that application, to the more appropriate replacement of existing light industrial buildings with purpose built dwellings rather than conversions, citing that many of the approved dwellings would be over large and do not make good use of the internal floorspace available. That Statement also goes on to state that the prior approval applications were submitted to establish the principle of residential use across the site. However, these factors in themselves do not indicate that the extant approvals/permissions could not still be implemented. As such, I consider that there is not clear evidence that 44 homes will not be delivered on this site within the 5 year period and so I have retained that figure within the 5 year HLS.
68. Based on the above findings, I have deducted 325 dwellings from the Council's claimed supply of 2060 dwellings. This reduces the supply to 1735 dwellings against a requirement for 1992 dwellings. On that basis I conclude on the matter of 5 year HLS that the Council can demonstrate 4.35 years' worth of supply. I shall consider this further in the planning balance along with matters relating to the Housing Delivery Test (HDT) and measures that the Council is taking to address supply, including pipeline development beyond the 5 year period.

### *Other matters*

69. I have had regard to concern that the proposed housing development would stop any future growth of the existing industrial area. In this respect the submitted Development Framework Plan shows provision for a 2 metre high acoustic fence alongside the western site boundary, relating to the prevention of noise transmission from the adjacent industrial uses. I have no substantive basis to consider that any new industrial uses would be likely to cause such additional noise as to be restricted, taking account of such mitigation measures.
70. Furthermore, together with the general principle of the proposed of dwellings being set away from the boundaries concerned, as shown on the Development Framework Plan, appropriate noise mitigation measures for the proposed development could be secured by condition. The Council raises some concern about the effect on the amenities of prospective residents if those measures resulted in windows having to be kept shut with a reliance on mechanical ventilation. However, I have no substantive basis to consider that any noise mitigation measures would be likely to harmfully affect those amenities, subject to further consideration at any reserved matters/conditions discharge stage.
71. In terms of the effect of the proposed development on the nearby Stalbridge Site of Nature Conservation Interest (SNCI), additional recreational use of this area would be inevitable. However, the area is already open to the public and measures could be put in place to ensure protection during construction, such as a Construction Environmental Management Plan secured by a condition. A financial contribution, via a planning obligation, towards measures to strengthen and maintain the habitat is also proposed thereby making it more robust in light of increased pressures. As such the proposed development would be unlikely to harmfully impact on the integrity of the SNCI.
72. In terms of the effect of the proposed development on local infrastructure, I have considered this in terms of the existing local facilities and services under the first main issue. Furthermore, the proposed development would make provision for appropriate financial contributions towards various local infrastructure to mitigate for any additional impacts, which are covered in more detail below under '*conditions and planning obligations*' including in relation to local primary and secondary education, healthcare, library services, leisure, sport and play facilities, local allotments, and rights of way.
73. In relation to primary school provision, the proposed financial contribution would be at the appropriate level to mitigate for the proposed development. However, the Council raises concern about the capacity of the existing school, projected to worsen, and the less than ideal situation if interim measures are required to accommodate additional pupils. This would not be an ideal situation whether it were to come about as a result of the proposed development alone or that the latter would add additional pressure to an already anticipated situation, albeit that there would be some time lag before such demand would be realised. Nevertheless, with the proposed financial contribution in place, I have no substantive basis to consider any measures to ensure adequate provision of education could not be acceptably provided, including on an interim basis.

74. The proposed development would inevitably introduce increased traffic in and around Stalbridge. The submitted Transport Assessment predicts likely trip generation and flow distribution and has been assessed by the Highway Authority (HA) as being satisfactory and robust. As such, the HA consider that the cumulative impact of the development would not be severe, having regard to the Framework. I have no substantive basis to consider differently or that there would be unacceptable harm caused in this respect.
75. Having regard to the water and sewerage system, I have no substantive evidence to indicate that this would not be able to cope with the proposed development. The proposals would include appropriate measures for the site relating to surface water drainage which could also be secured by condition. Furthermore, the Dorset Council Flood Risk Management Team raise no objections subject to such appropriate conditions. I have no substantive basis to consider differently.
76. Taking account of proposed on-site mitigation grassland creation, there would nevertheless be a net loss of grassland on the site. This would comprise the loss of existing semi-improved grassland. However, I have not received any substantive evidence to indicate that the existing grassland is of anything other than local interest or that is of particularly high ecological value. Furthermore, there are opportunities relating to the proposed development to provide enhanced habitat on the boundaries of the site and in the areas of proposed public open space which would be likely to at least partially mitigate for the loss of existing grassland. The proposals also include provision for an off-site biodiversity mitigation financial contribution to off-set the net loss on the site itself. The clear basis and need for that contribution is further identified in the submitted Biodiversity Plan Certificate of Approval which refers to such compensation being calculated in line with the Dorset Biodiversity Compensation Framework, and I have no substantive basis to consider otherwise. I cannot be certain that there would be any biodiversity net gain. However, for the above reasons, the proposed development would not cause unacceptable harm to biodiversity.
77. The Council and Appellant agree that the proposed development, both in isolation or cumulatively with other development, would not be likely to have any significant adverse effects on the Rooksmoor Special Area of Conservation (SAC). This is because any increased traffic flows would not cause the levels to exceed Natural England's thresholds, having regard to air quality. The Council highlights that this does not amount to no effect. However, whilst that may be the case, I have not received any substantive evidence to indicate any likely harm arising from any such effect.

#### *Conditions and planning obligations*

78. The Council has submitted 21 suggested conditions were I minded to allow the appeal. Some were subject to suggested amendments by the Appellant and Council during the course of the Inquiry. One of those original conditions, relating to provision of a link from the site onto the North Dorset Trailway, was agreed at the Inquiry to be unreasonable in terms of potential conflict with any need to provide an acoustic barrier along the boundary concerned. I have therefore omitted that condition. One further condition was also suggested during the Inquiry, relating to provision for a vehicular/pedestrian/cycle link-up to the adjacent land. The amended suggested conditions are generally agreed

by the Appellant, subject to some suggested amendments. I have considered these in the light of advice in the National Planning Practice Guidance and have, in the interests of clarity and precision, amended some of the wording. I have referred to the condition numbers, cross referenced to the attached annex, in brackets for clarity purposes.

79. The standard conditions (1, 2 and 3) would be necessary to ensure the submission of details relating to the reserved matters, the timescale for that, and the timescale for commencement of development. For certainty, a condition requiring the development to be carried out in accordance with the approved plans would also be necessary (4).
80. The following conditions would be necessary in the interests of highway safety: to ensure that the highway layout, turning and parking areas are completed in accordance with approved details (5); to secure provision of the first 15 meters of the proposed vehicular access prior to occupation of the development (6); to secure the approved visibility splays at the site access (7); to secure provision of a 2 metre wide footway from the site access to link with the existing footway to the west of the site, also in the interests of encouraging sustainable means of travel (8); and to ensure that construction activity is conducted in accordance with a Construction Traffic Management Plan, also in the interests of protecting local amenity (9).
81. In the interests of environmental sustainability, a condition would be necessary to secure provision for electric vehicle charging on the site (10). Also, to encourage the use of alternative modes of transport to the car, conditions would be necessary to secure provision for cycle parking (11); and the implementation of a Travel Plan (12).
82. In order to provide acceptable drainage for the proposed development, conditions would be necessary to secure the implementation of a surface water management scheme (13) and the maintenance and management of the surface water sustainable drainage scheme (14). Furthermore, in the interests of protecting the local environment and the health of prospective residents, a condition would be necessary to ensure that any contamination not previously identified on the site is appropriately remediated (15).
83. So as to provide acceptable living conditions for prospective residents of the proposed development, a condition would be necessary to secure the implementation of any noise mitigation measures identified as being needed (16).
84. In the interests of protecting the local environment and ecology, conditions would be necessary to secure the implementation of a Construction Environment Management Plan (17); adherence to the submitted Biodiversity Plan (18); implementation of an appropriate lighting scheme having regard to the protection of bats (19); and the implementation of a landscape and ecological management plan (20).
85. In order not to prejudice any potential future development of the adjacent land, the condition referred to above would also be necessary to ensure the implementation of a vehicular/pedestrian/cycle link-up to the relevant site boundary (21).

86. Planning Obligations have been submitted within a Unilateral Undertaking (UU) under Section 106 of the Act, making provision for the following:

- 40% of the proposed dwellings shall be affordable housing, in accordance with policy 8 of the Local Plan concerning the provision of affordable housing, and paragraph 65 of the Framework.
- Provision of on-site open space and associated works specification and management plan, including provision for a local equipped area for play. This would be in accordance with Local Plan policy 15 relating to the provision of green infrastructure and would be necessary in the interests of the amenities of prospective residents, the visual quality of the site and provision of a buffer to existing retained and enhanced site boundary hedgerows and trees.
- Provision for issuing sustainable travel vouchers to the first occupier of each dwelling which would be necessary in the interests of encouraging sustainable travel.
- Appropriate financial contributions towards the Trailway Strategic Project in the vicinity of the site; the provision of local allotments; Local Nature Reserve mitigation and maintenance; local play facilities maintenance; and local rights of way; all relating to likely increased use arising from the proposed development; and towards biodiversity mitigation. These would all be in accordance with Local Plan policy 15 relating to the provision of green infrastructure. They would also be necessary, respectively, in the interests of sustainable travel and the health benefits of using the Trailway; enabling local food production, along with the associated health and well-being and sustainability benefits relating to allotments; specifically relating to the nearby SNCI, which I shall address further below; the health and well-being benefits of play facilities, specifically relating to maintaining and/or upgrading those facilities at Jarvis Field Play Area and/or the Park Grove recreation grounds; the health and well-being of prospective residents and local accessibility relating to improvements to and maintenance of gates, stiles and bridleway and footpath surfaces of local rights of way; and to offset the net loss of grassland on the site.
- Appropriate financial contributions towards community, leisure and indoor sports facilities; primary and secondary education; local healthcare; library services; all to mitigate the increased use of such local services/facilities by prospective residents of the proposed development, and in accordance with Local Plan policy 14 relating to the provision of social infrastructure. These would also be necessary, respectively, in the interests of the health and well-being of prospective residents; providing appropriate access to education and, in respect of the secondary level, for the enhancement or provision of specialist provision and/or science provision at Sturminster Newton High School; provision of appropriate access to healthcare, specifically contributing to provision of a new clinical room in any of the surgeries that would be impacted upon by the proposed development within the Blackmore Vale GP partnership; and retaining and developing libraries as community hubs.



- Appropriate financial contribution towards the costs of making and, if confirmed, implementing a road traffic regulation order to extend the 30mph speed limit on Station Road in the vicinity of the proposed site access. This would be necessary in the interests of highway safety.
87. Having regard to the Local Nature Reserve mitigation and maintenance contributions, the UU sets out that these would relate to the nature reserve at Rooksmoor and/or Stalbridge local nature reserve off Station Road and/or Blackmoor Vale Commons and Moors Site of Special Scientific Interest (SSSI). However, with the exception of Stalbridge SNCI, there is no substantive evidence to indicate that sufficient harm would otherwise be caused to the integrity of the sites concerned to justify the need for measures supported by the contribution concerned. I have therefore not taken into account that element of the UU relating to potential contributions to the nature reserve at Rooksmoor and/or Blackmoor Vale Commons and Moors SSSI.
88. In relation to the proposed financial contribution for pedestrian/cycle connectivity, there was some discussion at the Inquiry as to what this would be used towards. From the evidence and that discussion, no specific works have been identified and no safety reasons have been identified. This is also in light of there being other proposed contributions relating to the Trailway and local rights of way. There is therefore no clear justification for this separate contribution and so I have not taken it into account in my decision.

#### *Planning balance*

89. I have found that the proposed development would be in conflict with the Council's spatial strategy set out in Local Plan policies 2, 6 and 20. It would also have some specific shortcomings in terms of that spatial strategy, with particular regard to housing distribution and location and sustainable travel, having regard to local and national policy, which I have found would amount to moderate harm in respect of this issue.
90. I have also found that the proposed development would cause some harm to the landscape character and appearance of the area, with particular regard to that relating to the countryside comprising the site and surrounding area and the setting of the existing settlement of Stalbridge. For the reasons set out, I have found that the extent of that harm would again be moderate.
91. The Council is not able to demonstrate a 5 year HLS and I have found the figure to be 4.35 years' worth of supply. Furthermore, there is a poor record of recent completions identified through the Housing Delivery Test (HDT) whereby delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years. As such, having regard to paragraph 11(d) of the Framework, the most important policies for determining the appeal are out-of-date and the tilted balance is engaged.
92. Having regard to the poor housing delivery performance in recent years referred to above, the Council has not produced an Action Plan to address this. However, notwithstanding the 5 year HLS position, in terms of meeting the housing requirement within the Plan period as a whole going beyond the 5 year period, it is evident that there are factors that indicate how the Council is being proactive in trying to achieve that. These include, amongst others, the substantial urban extension, through allocated sites relating to Gillingham where s106 Agreements relating to planning obligations have now been signed



and the primary new road serving them is anticipated to be completed later this year; other pipeline development beyond the 5 year period including sites with outline planning permission for housing; supporting Neighbourhood Plans and associated housing allocations; gaining funding as part of the Brownfield Land Release Fund, including sites in the north of the county albeit amounting to only 40 homes; supporting community land trusts and development of a Building Better Lives programme. I also note that the Council has shown some flexibility in approving development beyond settlement boundaries.

93. Whilst the above factors are important, there is no clear evidence or guarantee that this will ensure that the housing requirement will be met within the Plan period. The Council is also clearly in the process of producing its emerging Local Plan with the implications that would have for provision of new housing on an ongoing basis. However, due to the early stage it is at towards adoption, only limited weight can be afforded it.
94. Having regard to the Government's objective of significantly boosting the supply of homes, the proposed development would have the benefit of contributing up to 130 dwellings towards the supply of housing in the District. There cannot be certainty as to the speed at which the proposed development would be progressed once commenced or whether the full 130 dwellings would be included in a detailed proposal. However, in terms of what can be controlled, even if all of the proposed dwellings would not necessarily be built within the 5 year period, the Appellant is in agreement with a condition that would ensure that development commences relatively quickly on site, within 1 year from the final approval of the reserved matters, which themselves would be submitted within 2 years of any planning permission. Of those up to 130 dwellings, the proposed 40% contribution to the supply of needed affordable housing in the District as a whole would, despite being at the Local Plan policy compliant level, be an added benefit. Those combined benefits alone would therefore attract significant weight. This is particularly in the scenario whereby the Council is not currently able to demonstrate a 5 year HLS.
95. There would also be likely significant economic benefits relating to the provision of construction related jobs during the construction phase, albeit on a temporary basis for the duration of that phase; and then in terms of local spending by prospective residents of the proposed development, such as in shops and in relation to other services and facilities. Furthermore, the proposed on-site public open space and play provision, although required in respect of the proposed development and not directly accessed from the Trailway, would also be likely to benefit existing local people to a degree in terms of providing additional choice alongside that which already exists locally.
96. Notwithstanding my findings in relation to the main issues, I have found there to be no other matters that would cause unacceptable harm, subject to appropriate conditions and planning obligations where applicable.
97. Taking all of the above into account, in applying paragraph 11(d)(ii) of the Framework, the extent to which there would be adverse impacts of granting planning permission relating to the first and second main issues, would not significantly and demonstrably outweigh the above benefits of the proposed development, when assessed against the policies in the Framework taken as a whole.

**Conclusion**

98. For the reasons given above I conclude that the appeal should be allowed.

*Andrew Dawe*

INSPECTOR

## **APPEARANCES**

### FOR THE APPELLANT:

Martin Carter – Counsel, Kings Chambers

Instructed by Peter Dutton

He called:

Silke Gruner (for round table discussion (RTD) on landscape character and appearance matters)

Associated Director of Landscape Architect and Urban Designer, CSA Environmental

Ben Pycroft (for RTD on housing need and land supply matters)

Director, Emery Planning

Nigel Weeks

Consultant, Stirling Maynard Transportation

Peter Dutton

Planning Manager, Gladman Developments Ltd

### FOR THE LOCAL PLANNING AUTHORITY:

George Mackenzie – Counsel, FTB Chambers

Instructed by Philip Crowther, Dorset Council Legal Services

He called:

Helen Lilley

Senior Landscape Architect, Planning Service, Dorset Council

Jo Witherden

Planning Consultant, Dorset Planning Consultant Limited

Philip Reese

Senior Planning Policy Officer, Community Planning Team, Dorset Council

And also Robert Lennis, Area Lead (Major Projects) Eastern Planning Dorset Council in respect of the RTD on conditions and planning obligations.

### INTERESTED PARTIES:

Cllr Graham Carr-Jones

Ward Member for Stalbridge and Marnhull, Dorset Council  
Cabinet Member for Housing & Community Safety

Stuart Waite

Member of Stalbridge Town Council

## **INQUIRY DOCUMENTS (IDs)**

1. Opening submissions of the Appellant.
2. Opening statement on behalf of the Council.
3. Statement made by Cllr Carr-Jones.
4. Extracts from The Institution of Highways & Transportation 2000 document: Guidelines for Providing for Journeys on Foot, submitted by the Council.
5. Table received from the Council relating to the latest status of sites in the North Dorset 6-10 year supply with outline permission at 1 April 2021.
6. Site visit itinerary.
7. Statement made by Stuart Waite.
8. Email from the Council confirming validation of a reserved matters application for Lodden Lakes Phase 2 (site A03 in the Scott Schedule).
9. Response from the Appellant to the above ID8 email.
10. Unilateral Undertaking (undated) including manuscript amendments.
11. Council's suggested amendments to revised conditions.
12. Updated CIL Compliance Schedule submitted by the Council.
13. Email from the Council with attached agenda item relating to Lower Road appeal, including putative reasons for refusal.
14. Judgement relating to Gladman Developments Ltd v Secretary of State for Housing, Communities and Local Government and Central Bedfordshire Council.
15. Upper Tribunal decision relating to matter between Leech Homes Ltd and Northumberland County Council.
16. Certified copy of Unilateral Undertaking.
17. Closing statement on behalf of the Council.
18. Closing submissions of the Appellant.

## **ANNEX - CONDITIONS**

1. No part of the development hereby approved shall commence until details of all reserved matters, including layout, appearance, scale, and landscaping have been submitted to and approved in writing by the Local Planning Authority.
2. An application for approval of any 'reserved matter' shall be made not later than the expiration of 2 years beginning with the date of this permission.
3. The development to which this permission relates shall be begun not later than the expiration of 1 year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
4. The development hereby permitted shall be carried out in accordance with the following approved plans: CSA/4521/100 Rev A (Location Plan); P19094-00-05 (Site Access Drawing).
5. Notwithstanding the information shown on the approved plans, prior to the commencement of any works on site, details of the geometric highway layout, turning and parking areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried-out and completed in accordance with the approved details and retained in the approved form thereafter.
6. Before the development is occupied or utilised, the first 15.00 metres of the vehicle access, measured from the rear edge of the highway, shall be laid out and constructed to a specification firstly submitted to and approved in writing by the Local Planning Authority.
7. Prior to occupation of any dwelling hereby approved, the visibility splay areas as shown on the approved plans (ref: Drawing Number P19094-00-05) shall be provided to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas shall thereafter be maintained and kept free from all obstructions.
8. No dwelling hereby approved shall be occupied until a 2.00m wide footway running from the site entrance westwards to join up with the existing footway outside Station Road Business Park, as shown on Dwg No P19094-00-05, has been provided and made available for use in accordance with details which shall firstly have been submitted to and approved in writing by the Local Planning Authority.

9. Prior to commencement of any works on site, a Construction Traffic Management Plan ('CTMP') shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include:

- construction vehicle details (number, size, type, and frequency of movement)
- a programme of construction works and anticipated deliveries/timings of deliveries to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- a scheme for inspecting the highways serving the site prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary.

Development shall take place in accordance with the approved CTMP.

10. Prior to the construction of any part of the development above damp proof course level, a scheme to enable the charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations within the development (along with a timetable for their provision), shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and timetable and retained as such thereafter.

11. Prior to the first occupation of any dwelling hereby approved, a scheme detailing cycle parking facilities shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be installed as approved prior to the first occupation of the dwelling and shall be retained as such and kept free from obstruction and be available for the purpose specified thereafter.

12. Prior to the first occupation of the development, a Full Travel Plan based on the principles set out in the Framework Travel Plan dated December 2019 shall be submitted to and approved in writing by the Local Planning Authority. The Full Travel Plan shall as a minimum include:

- i. Measures for promoting sustainable modes of travel to residents of the development;
- ii. Arrangements for monitoring and reviewing the Travel Plan's objectives;



- iii. Appointment of a Travel Plan Co-Ordinator;
- iv. Travel Information Packs for the first occupiers of each completed dwelling;
- v. Measures for disseminating updated sustainable travel information and Travel Plan updates to residents for the duration of the Travel Plan's lifetime.

The Full Travel Plan shall be implemented in accordance with the approved details and the development shall be carried-out and operated in accordance with the approved Travel Plan thereafter.

13. Prior to the commencement of any works on site, a surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme thereby approved, shall be implemented in accordance with the approved details before the development is completed.
14. Prior to commencement of any works on site, details of the maintenance & management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan which covers the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.
15. In the event that contamination is found at any time when carrying out the approved development that was not previously identified, no further work shall take place until a remediation strategy for dealing with that contamination has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved remediation strategy. Following completion of the measures set out in the approved remediation strategy a verification report shall be submitted to the Local Planning Authority demonstrating compliance with the said strategy.
16. The application for reserved matters for 'layout' and 'appearance' made pursuant to Condition 1 of this planning permission, shall be accompanied by a noise mitigation scheme setting out the measures that shall be implemented to mitigate any potential adverse effects arising from noise sources (including for the avoidance of doubt the site currently known as Hunts Food Service). The noise mitigation scheme shall be submitted to and approved in writing by the Local Planning Authority, and the approved

scheme shall be implemented in full prior to the occupation of any dwelling requiring such mitigation measures and maintained in perpetuity thereafter.

17. Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority demonstrating mitigation strategies to be used on site during development. As a minimum the CEMP shall include details of the following:

- Measures to control the emission of dust, dirt and smoke during construction, together with a scheme to control noise and vibration during the construction phase of the development;
- Measures to protect all retained and newly created hedgerows and trees with an appropriate buffer for the duration of the construction period in line with BS 5827:2012 and the recommendations of the submitted Arboricultural Impact Assessment prepared by CSA Environmental (November 2019); and
- Avoidance measures in relation to the potential presence of nesting birds, badgers, hedgehogs, dormice and reptiles for the duration of the construction period.

The approved CEMP shall be adhered to throughout the construction period for the development.

18. The development hereby approved shall be completed in accordance with the certified submitted Biodiversity Plan ('BP') (dated 1 July 2021) and any subsequent reserved matters application(s) shall provide detail of the ecological enhancement measures contained therein. Any measures relating to the construction phase shall be adhered to throughout the construction of the development. Any measures relating to the operational phase shall be implemented in accordance with the BP and shall thereafter be retained for the life of the development.

19. Prior to the construction of any dwelling hereby approved above damp proof course, a detailed lighting scheme shall be submitted to and approved in writing by the Local Planning Authority (the scheme shall be designed by a suitably qualified person and in accordance with the Bat Conservation Trust's Guidance Note 08/18 (Bats and artificial lighting in the UK), and take account of the proposed bat mitigation measures set out in Section D of the approved Biodiversity Plan dated 1 July 2021). The development shall thereafter be completed and maintained in accordance with the approved details.

20. Prior to commencement of any works on-site, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the LEMP shall have due regard to the certified Biodiversity Plan (BP) and include the following:

- a) Description and evaluation of features existing and/or to be created and managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management as set out in the BP.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a 5-year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (or bodies) responsible for its delivery. The LEMP shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed, and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. Development shall take place in accordance with the approved LEMP which shall be adhered to for the lifetime of the development.

21. The application for reserved matters for layout made pursuant to Condition 1 of this planning permission, shall show details of a vehicular/pedestrian/cycle link-up to the site's boundary with Title Number DT406057. Prior to the first occupation of 75% of the proposed dwellings, the vehicular/pedestrian/cycle link-up shall be constructed in accordance with the approved details.