
Appeal Decision

Site visit made on 18 February 2025

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/D1265/W/24/3350582

Land North of the Manston Road (B3091), Manston DT10 1HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr Tom Miller of Manston LVA LLP against the decision of Dorset Council.
 - The application Ref is P/OUT/2023/06763.
 - The development proposed is the erection of up to 5 self – build dwellings and ancillary works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved except access. I have had regard to the details on plans but have treated them as illustrative other than for access.
3. A Biodiversity Plan and updated Ecological Impact Assessment were submitted at the outset of the appeal. Parties have had the opportunity to comment on them and they do not significantly alter the appeal scheme. As such, parties would not be prejudice by my taking them into account. The Council have subsequently withdrawn their reason for refusal relating to biodiversity.

Main Issue

4. The main issue is whether the appeal site is an appropriate location for the proposed development with regard to the local and national development strategy and accessibility to services and facilities.

Reasons

5. Policy 1 of the North Dorset Local Plan Part 1 (Local Plan) sets out a presumption in favour of sustainable development broadly aligning with that in the National Planning Policy Framework (Framework). Policy 2 provides the spatial strategy for the area. In relation to sites in the countryside, as the appeal site is, it states that development will be strictly controlled unless it is required to enable essential rural needs to be met. Policy 20 and its supporting text sets out exceptions where some development in the countryside will be permitted and allows other types of development where there is an overriding need for it to be located in the countryside.
6. Although Manston may have formerly had settlement limits, it does not at present. The properties would not be isolated homes in the countryside in the context of the Framework given the existing properties adjacent and opposite. They would be

self-build units and would increase the supply and mix of housing and contribute to economic growth. Notwithstanding this, the site is in the countryside as defined in the Local Plan Part 1.

7. The proposal does not meet any of the exceptions set out in the above policies for development in the countryside. Moreover, while being for self-build units, it has not been shown that there is an overriding need to be located in the countryside. Policy 6 refers to some housing coming from the countryside and targets are not an upper limit. However, the countryside element of supply also includes the contribution from Stalbridge, and the Villages as well as the exceptions permitted.
8. There are no footways either side of the road at or close to the appeal site. While there are verges in places, in part the boundary of properties is up to the roadside. Therefore, there are limited places for pedestrians to take refuge. To get to nearby public rights of way pedestrians would need to walk these routes. The public rights of way themselves are not surfaced, lit or flat in places. There is also an absence of crossing points and any regular street lighting.
9. There has been no record of accidents at the site in recent times, and such circumstances may not be unusual for rural areas where options will vary. Nevertheless, while there may be more facilities in the area since the previous appeal at the site, the characteristics of the nearby area would make walking to the somewhat limited range of facilities in Manston uninviting for future occupiers. Those characteristics and the greater distance would discourage walking to facilities in other settlements. Similarly, despite routes in the wider area, future occupiers would be discouraged from cycling for the same reasons and due to the alignment of the roads.
10. There is a bus stop very close to the site which provides an alternative to driving to a far wider range of facilities in other nearby settlements including Sturminster Newton, which is not a long drive from the site. The Framework recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Furthermore, as in the Badminton Road decision journeys such as those to supermarkets are likely to be by car due to their nature in any event. However, a significant proportion of all types of journeys from the site would be by private motor vehicle, more so during times of darkness or inclement weather due to the lack of options in Manston. Electric charging points would provide an opportunity for such vehicles to be used, but this does not ensure they would be.
11. Therefore, the appeal site is not an appropriate location for the proposed development with regard to the local and national development strategy and accessibility to services and facilities. It would conflict with Policies 2 and 20 of the Local Plan Part 1 where they set out the criteria and exceptions for development in the countryside and set the spatial strategy for the area. Policy 1 is a general presumption in favour of development and therefore my findings against that would form part of my overall conclusion.

Other Matters

12. The Framework seeks to ensure that the type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. Notwithstanding this, and the Suffolk House decision, the absence of a specific policy for self-build does not make the Local Plan inconsistent with the Framework. Furthermore, despite the lack of a Local Plan review, the policies

above are broadly consistent with the Framework where it states the planning system should actively manage patterns of growth and that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Therefore, in relation to this appeal, I give the policies full weight.

13. While the latest Framework has made changes to the method for calculating whether there is a 5-year housing land supply, the Council have an Annual Position Statement (APS). Consequently, although the level of supply may alter when that expires, the APS stands until it expires and at this time paragraph 11d) of the Framework does not apply.
14. Nevertheless, the proposal would contribute to the supply of housing in the area and towards self-build housing. Even if I were to take the appellant's figures for the level of self-build supply and need, the number of units proposed means the benefit would still be moderate. There would also be environmental, economic and social benefits associated with the build and occupation of the dwellings including from energy efficiency and contribution to the local and wider economy. Nonetheless, given the scale of the scheme the benefits would be small as would those in relation to biodiversity.
15. With appropriate design I see no reason why the proposal would lead to harmful effects on the character and appearance of the area or living conditions of nearby occupiers given the space available and varied scale and design of properties nearby including those either side. Sufficient visibility would be provided at the proposed access to ensure road users could see each other and manoeuvre as necessary. The lack of harm from these considerations are neutral factors as would be if the site was not suitable for agriculture.
16. The Church Lane appeal did not have the same concerns over accessibility as the one before me, whereas the Hepworth Road one related to considerably more units. Therefore, these other schemes are materially different to this one.

Conclusion

17. The proposal conflicts with the development plan as a whole, including Policy 1 of the Local Plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
18. For the reasons given above the appeal should be dismissed.

Stuart Willis

INSPECTOR