
Appeal Decision

Inquiry held on 15-18 & 22 November 2016

Site visit made on 18 & 23 November 2016

by Lesley Coffey BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 30th January 2017

Appeal Ref: APP/F1230/W/16/3145484 Land Off Ryne Road, Yetminster DT9 6LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gladman Developments Ltd against West Dorset District Council.
 - The application Ref WD/D/15/002655, is dated 29 October 2015.
 - The development proposed is the erection of 98 dwellings (including 35% affordable housing), introduction of structural planting and landscaping, informal public open space and children's play area, surface water flooding mitigation and attenuation, vehicular access point from Ryne Road and associated ancillary works.
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Decision

1. The appeal is dismissed.

Procedural Matters

1. It was originally intended that two appeals would be heard at the inquiry. Both sites were within Yetminster and raised similar issues in that they were located outside of the Defined Development Boundary (DDB) for the village. The application in respect of Folly Farm¹ was withdrawn the day prior to the opening of the inquiry, and therefore it is not a matter before me. Nevertheless, the Council's decision to grant planning permission for the Folly Farm scheme is a material consideration in relation to this appeal.
2. The proposal is an outline application with all matters, except the access, reserved for future determination. The appeal is against the failure of the Council to determine the application within the prescribed period. The Council resolved on 14 April 2016 that had it been able to determine the application, it would have refused planning permission for the proposal. The first putative reason for refusal concerned the adequacy of the proposed pedestrian routes to facilities within the village and the extent to which these would enable the scheme to integrate with the village. The second reason stated that the proposal was not sustainable development, would conflict with Local Plan policy SUS2 and given that the Council had in excess of a 5 year housing land supply there were no overriding reasons to make an exception to Local Plan policies that seek to strictly control development within the open countryside. It also stated that the proposal would adversely impact on the open rural character of

¹ APP/F1230/W/16/3148186

the area and would suburbanise the site at a prominent gateway to the village. The third putative reason for refusal referred to the absence of a mechanism to deliver affordable housing, provide a contribution towards the Biodiversity Mitigation Plan and the provision of a commuted sum towards the maintenance of the open space and recreational area. The Council is satisfied that this reason for refusal could be overcome by way of a suitably worded planning obligation and/or planning condition. I share this view and I have determined the appeal accordingly.

3. Subsequent to the submission of the appeal and in the light of discussions with Dorset County Council Highways, the appellant amended the scheme. The amendments included the omission of the proposed traffic calming and footway scheme on Ryme Road; the revision of the red line site boundary to include an area of land adjacent to 39 Clovermead to provide a pedestrian link to Clovermead and a revised developable area to show a network of green corridors and footpaths within the site. Various other plans and reports were updated to reflect these changes.
4. These revisions were subject to consultation with local residents and the Parish Council. The Council do not object to the inclusion of this land within the appeal site or the determination of the appeal on the basis of the revised proposals. Given the consultation with local residents and other relevant parties, I am satisfied that they would not be prejudiced were I to determine the appeal on the basis of the revised plans.
5. The appellant believes that the proposal would not result in significant pedestrian movements on Ryme Road due to the other pedestrian routes provided by the scheme. The Road Safety Audit (RSA) recommended that the use of Ryme Road should be monitored following the completion of the development and, if a desire line is created to Ryme Road, a scheme should be implemented to assist pedestrian movements. A strategy was agreed with Dorset County Council to monitor the use of Ryme Road and put in place a financial contribution so that if it was determined that a pedestrian scheme was required funds would be available to implement it. Whilst this approach was acceptable to the Highway Authority, the Council continued to object to the proposal on the basis that pedestrians would be likely to use Ryme Road and would be at risk from vehicular traffic.
6. On the first day of the inquiry the Council and the appellant agreed that a footpath along Ryme Road would be provided in accordance with the details shown on plan number 1401/18/B. Due to the width of this part of Ryme Road this would involve a shuttle working system for traffic. The Council is satisfied that the provision of the footpath could be secured by way of a Grampian condition, and formally withdrew its first putative reason for refusal. Notwithstanding this, local residents still had significant concerns in relation to highway and pedestrian safety and I consider these matters below.
7. The Appellant submitted a Unilateral Obligation under s106 of the Act. This covenants to transfer the open space to a management company and submit an open space works and management plan to the Council. It also provides for financial contributions towards a Traffic Regulation Order to extend the 30mph speed limit on Ryme Road and a Biodiversity Mitigation Plan to create/restore grassland habitats within the Parish.

Main Issues

8. I consider the main issues to be:

- The extent of the housing land supply shortfall;
- The effect of the proposal on the character and appearance of the surrounding countryside and setting of Yetminster;
- The effect of the proposal on pedestrian and highway safety; and
- Whether the development would be of an appropriate scale having regard to the location of the appeal site outside to the Defined Development Boundary and the spatial strategy for the District.

Reasons

Housing Land Supply

9. The development plan includes the West Dorset, Weymouth, and Portland Local Plan, adopted 22 October 2015. It is a joint Local Plan and covers the 20 year period from 2011 up to 2031.
10. The Local Plan Inspector found that based on the available information at 1 April 2014, the Councils were able to demonstrate 5.1 years housing land supply, but that there was very little margin should circumstances change. He stated that it was important that the Councils closely monitor the delivery of new dwellings and take advantage of every reasonable opportunity to improve their short term supply position as well as the overall amount of housing for the plan period. He also considered it imperative that the Councils did not ignore new opportunities which come forward in sustainable locations and are consistent with other policy provisions.
11. At the time at which the Council considered the appeal scheme it believed it had a 5 year supply of housing sites, but it now accepts that it does not. Consequently the parties agree that the weighted presumption in favour of sustainable development at paragraph 14 of the National Planning Policy Framework (NPPF) is engaged.
12. There is a large measure of agreement between the parties including the annual housing requirement, the extent of the shortfall and that a 20% buffer should be provided due to previous persistent under-delivery. The Council also accepts that any shortfall in housing delivery since the beginning of the plan period should be made up in the first five years. On this basis, taking account of the existing shortfall and the buffer, there is a five year requirement for 6,240 dwellings (1,248 dwelling per annum).
13. The essential difference between the parties relates to the deliverable supply. The Council maintains that it has sufficient housing land to deliver 6,177 dwellings (4.9 years supply) whilst the appellant suggests that there is deliverable supply of 5,305 dwellings (4.3 years supply). The differences between the parties relate to 13 disputed sites. These include sites allocated through the Local Plan, sites with planning permission, large identified sites, small windfall sites and rural exception sites. The Local Plan inspector applied a lapse rate to each category of potential housing in order to provide a realistic figure as to the extent of the housing land supply. These discounts have been carried forward by the parties in their calculations.

14. As part of the evidence base for the Local Plan the Council commissioned BNP Paribas Real Estate to provide an independent analysis of the anticipated delivery of housing sites over the Local Plan period. The delivery rates within the BNP report (dated February 2015) informed the rates within the Council's December 2015 Housing Land Supply Statement.

Vearse Farm, Bridport

15. This is an allocated site which the Council suggest will deliver 155 dwellings in the next five years with the first dwellings completed in 2018/19. The appellant suggests no dwellings would be delivered until 2020/21 and therefore only 55 dwellings will be delivered in the next five years.
16. An outline application for up to 760 dwellings, a 60 unit care home (Use Class C2), 4 hectares of land for employment, mixed use local centre, and primary school was submitted in September 2015. It is evident that Council Officers are working proactively with the land owners and other interested parties to address a range of issues. Nevertheless there appear to be some significant outstanding issues including a holding objection from the Environment Agency. I understand that some of the technical issues in relation to highway safety have been resolved. Notwithstanding this, the proposal would require improvements to the A35. Negotiations in relation to the level of contributions to deliver these improvements are on-going. In addition, the phasing of the development, in particular the triggers for the provision of infrastructure, including the school, still remain to be resolved.
17. At the inquiry the Council stated that it was anticipated that the application would be considered at a committee in early 2017. Nonetheless, there are still a number of outstanding matters to be resolved, and it seems to me to be ambitious to expect the current outline application, together with the completed s106 agreement, to be completed by February 2017. The Council's updated delivery schedule ² suggests that 30 dwellings will be delivered in 2018/19 and 50 the following year.
18. Following the grant of outline planning permission, reserved matters will need to be submitted for approval. The site is located within the AONB and it is clear from the Local Plan inspector's report that the layout of the site would need to be carefully designed in order to limit the impact on the surrounding landscape. The site will generate a need for significant infrastructure improvements, although the Council consider that some dwellings could come forward in advance of these works. However, I am aware that work has commenced on the Masterplan, including the design codes, therefore the reserved matters for part of the site may be resolved more quickly than would otherwise be the case. The BNP report states that the site is owned by Hallam Land Management, a land promoter and it is intended to sell the site to a house builder following the resolution to grant planning permission and completion of a Section 106 agreement. In these circumstances the Council's revised trajectory is extremely optimistic and I consider that the delivery of dwellings on this site should be pushed back by at least a year, reducing the number of dwellings to be delivered in the next five years by 75.

² Inquiry Document 8 dated 21 November 2016

Littlemoor Urban Extension, Littlemoor

19. This is an allocated site. An outline application for a mixed use development comprising up to 500 dwellings, 8 hectares of employment land (to include a new hotel, residential care home, car show rooms and other employment land, land for a new primary school and a new local centre was submitted in April 2016. The Council anticipates that the site will deliver 90 dwellings in the next 5 years with the first dwellings completed in 2019/20, whilst the appellant considers that it will only deliver 30, with completion pushed back by a further year.
20. It is apparent that there are a number of outstanding issues with regard to the proposal including the mix of uses, access, and surface water arrangements. Natural England also have concerns about the proposal. There are also concerns in relation to viability. I understand that the appellant is seeking to address these concerns. At the time of the BNP report the promoters of the site indicated that the first dwellings would be delivered about 2.5 years after the grant of outline planning permission. On this basis I consider that there remains a realistic prospect that the dwellings could be delivered in accordance with the Council's trajectory.

Land South of Warmwell Road, Crossways

21. This site is the subject of a hybrid application (a full application for 99 dwellings and outline application for 401 dwellings) submitted in April 2016. The appellant has submitted a viability appraisal to support a reduction in the provision of affordable housing. The site is underlain by gravel and concern has been raised that if this is not extracted prior to the construction of the dwellings the mineral resource will be sterilised contrary to national guidance.
22. The Council expect 200 dwellings to be delivered on the site during the next 5 years, with the first dwellings completed in 2017/18. The appellant anticipates that only 99 dwellings will be delivered during this period. It is intended that the landowner will develop the first 50 dwellings and the remainder of the site will be sold to a house builder. The Council consider that the gravel extraction need not affect the first phase of development and that viability is the only matter outstanding. Viability could have implications for the number and mix of dwellings. Nonetheless, I see no reason to doubt that the 99 dwellings for which full planning permission is sought could be delivered in the next 5 years. The timeframe for the remainder of the site is unclear, particularly given the need to submit a minerals application and to provide the infrastructure to accommodate the number of dwellings proposed. Although there is a single landowner, it is intended that much of the site will be sold to house builders and reserved matters will need to be submitted for the remainder of the site.
23. The site does not yet benefit from planning permission and there are viability and infrastructure questions still to be resolved. In these circumstances I consider it unrealistic to expect the first dwellings to be delivered by 2017/18. Therefore the delivery of the dwellings on this site should be pushed back by a year reducing the number of dwellings in the next five years to 150.

Chickerell Urban Extension North & Chickerell Urban Extension East

24. These are strategic sites allocated within the Local Plan under policy CHIC2. Together it is intended that they will provide 820 dwellings over a 10 year

- period. In addition, they are expected to deliver the necessary highway improvements, community infrastructure, and a one form entry primary school with the capability to expand to two form entry if required.
25. An outline application for the northern site was submitted in July 2016. It proposed up to 350 dwellings with vehicular access from two new junctions, public open space, an extension to the burial ground of St Mary's Church, Chickerell. There is an outstanding objection from Sport England. Historic England has raised concerns regarding the setting of the Grade II* listed church.
 26. The Council consider that the Sport England approach does not reflect local need. It was satisfied that the scheme could provide sufficient space to allow for pitches and a skate park to meet local recreational needs. However, the correspondence from Sport England suggests that there should be an assessment of the needs of sports other than football in the area.
 27. The Council consider that the setting of the listed building could be addressed later in the process, however the concerns raised by Historic England relate to the wider rural setting of the church. These concerns together with the Council's statutory duty in relation to the listed church and the issues in relation to sports provision could have significant implications for the overall layout of the site. The scheme also requires the provision of a link road, which will be dependant on the location of the school.
 28. There is also an objection from Persimmon Homes, the developer of the eastern site, in relation to the delivery and levels of contributions necessary in respect of the proposed school. Although the land allocated for the school is located on land owned by Persimmon Homes it would serve both parts of the site. Persimmon Homes is concerned that sufficient dwellings are brought forward in order to support the delivery of access and services and to ensure that the scheme is viable.
 29. An application has not yet been submitted for the eastern site part of the site, but it is anticipated that a hybrid application will be submitted in early 2017. I note from the BNP report that Persimmon estimate that development will commence 12 months after reserved matters approval and discharge of conditions. At the time the report was prepared (February 2015) this was anticipated to be summer of 2016.
 30. Although these are two separate sites there is considerable interdependency in terms of the provision and delivery of infrastructure. It may be possible to deliver some of the proposed dwellings in advance of the provision of the proposed link road and school. Nevertheless, regardless of the detail of the scheme there are significant issues in relation to the funding and timing of infrastructure that will need to be resolved before planning permission can be granted. Whilst I do not doubt that the proposed dwellings can be delivered, I consider the Council's trajectory in relation to Chickerell East to be unrealistic and it should be pushed back by at least a year. Although there remain considerable outstanding issues in respect of Chickerell North, in the light of the work to date the Council's suggested trajectory may be achievable. I therefore conclude that the number of dwellings delivered on these sites in the next five years should be reduced by 80 dwellings.

Land at Wey Valley, Weymouth

31. This is an allocated site within the Local Plan. An outline planning application for up to 340 dwellings was submitted in February 2015. The application was refused in July 2016, contrary to the officer's recommendation. The reasons for refusal related to the effect of the traffic arising from the proposal on highway safety and insufficient information in relation to surface water run-off. An appeal against this decision has been lodged. The Council stated that there is an on-going dialogue between officers and the applicant, and a re-submitted application is likely.
32. The Council consider that the site will deliver 80 dwellings during the next five years, whilst the appellant suggests that no dwellings will be delivered. To date there has been no re-submission of the application and there is no indication that members would support a revised scheme. Nevertheless, there does not appear to be an 'in principle' objection to the proposal and the suitability of the site for residential development was considered at the Local Plan examination. It is therefore probable that the reasons for refusal could be satisfactorily addressed even if a reduction in the overall number of dwellings proposed is necessary. Nevertheless, provided outline permission were granted by mid-2017 the Council's trajectory could be achievable and the site would contribute to the five year housing land supply.
33. Overall I consider that the number of dwellings on allocated sites should be reduced by 75 dwellings in the case of Vearse Farm, 50 dwellings at Crossways, and 80 dwellings at Chickerell. This provides a total of 205 dwellings and when the lapse rate for non-delivery is taken into account the housing land supply from allocated sites should be reduced by 184 dwellings.

Barton Farm, Sherborne

34. Outline planning permission was granted in 2012 for 279 dwellings. Reserved matters in relation to Phase 1 (112 dwellings) was subsequently approved in January 2015. These dwellings are currently under construction. Reserved matters in relation to the remaining dwellings have not yet been submitted. The Council expects that all of the permitted dwellings will be delivered in the next five years, however, the appellant believes that only those dwellings for which reserved matters have previously been granted will be completed.
35. In a recent letter to Councillor Neal³, the developer stated that although the sales rate was slower than expected it was anticipated that the whole development would be completed. It was confirmed that an application in relation to Phase 2 would be submitted shortly.
36. Footnote 11 to the NPPF states that sites with planning permission should be considered deliverable until permission expires, unless there is clear evidence that schemes will not be implemented within five years, for example they will not be viable, there is no longer a demand for the type of units, or sites have long term phasing plans. Therefore based on the letter submitted by Councillor Neale I am satisfied that this site should still be considered deliverable. The Council's trajectory would appear to be broadly consistent with the completion rates achieved on Phase1 and therefore I do not consider that the overall number of dwellings to be delivered by this site should be reduced.

³ Inquiry Doc 32

37. The remaining sites put forward by the Council are large identified sites which it considers have the potential to deliver housing within the next five years. The guidance at footnote 11 of the NPPF states that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that the development of the site is viable. I have assessed these sites in accordance with this guidance.

Dorchester Former HMP, Dorchester

38. The Council anticipate that this site will deliver 89 dwellings in the next five years, whereas suggests that it will not deliver any. An application for the change of use of the prison to provide 60 dwellings and a new residential development to provide 129 dwellings was refused by the Council in August 2016. The appeal site includes a Grade II listed gatehouse and comes within the Dorchester Conservation Area. The reasons for refusal include the impact on the neighbouring property and the setting of the existing buildings. The applicant has appealed against this decision and the appeal is due to be heard in July 2017.

39. I understand that the planning application was subject to almost 200 objections. There is no doubt that the site is available, and the Council do not dispute that it is suitable for residential development. However, at the present time the quantity and viability of additional development is unknown. Therefore having regard to the advice at footnote 11 this site should be excluded from the housing land supply.

Sidney Gale House, Flood Lane, Bridport

40. The land has been declared surplus by the Council, subject to the buildings becoming vacant. However, the property is a care home owned by Dorset County Council. The Appellant stated that it is still occupied and is accepting new residents. The management of the home was unaware of any proposals for its closure. This evidence was not disputed by the Council.

41. Whilst the Council consider it to be a suitable location for housing, at the present time there is no planning application. Existing residents would need to be relocated to alternative care homes or to a replacement facility. This can be a difficult and lengthy process. It would require suitable alternative accommodation to be available. The impact of any move on the health of existing residents would also need to be taken into account. No evidence was submitted to indicate the availability of such alternative accommodation with the District.

42. Although the County Council wish to explore the potential redevelopment of the site, it is not available now and there is no realistic indication as to when it will become available. Moreover, there is no evidence to indicate that the proposal would be viable and on the basis of the available information I am not persuaded that there is a realistic prospect that housing will be delivered on the site within five years. Moreover, although it is anticipated that the site would deliver 30 dwellings there is no evidence as to the whether there would be a net gain in dwellings. I therefore conclude that this site should be excluded from the supply.

The Broadwindsor Craft Centre

43. There is an extant planning permission for 7 dwellings on the land surrounding the craft centre. More recently an application has been submitted for 5 dwellings on the same site. The parties agree that this may be to avoid engaging the affordable housing threshold within the Local Plan.
44. The Council consider that the site could accommodate 17 dwellings in total if the craft centre was included. I understand that the site is currently advertised for sale, albeit as a craft centre. There have been no discussions or approach from the owners of the land in relation to the use of the entire site for housing. The craft centre will also provide employment opportunities both within the craft centre itself, and could also support employment opportunities for artists/craftworkers within the District by providing an outlet for their work.
45. It seems to me that there is a realistic prospect of between 5 and 7 dwellings being delivered on part of the site within the next 5 years. However, the reliance on the craft centre to provide any additional dwellings is unduly optimistic. There is no evidence to indicate that it is available for residential use either now, or that it will become available in the near future. It would therefore not accord with the advice at footnote 11, consequently the housing supply from this site should be reduced by 10 dwellings.

High Ridge, North Street, Charminster

46. This site was included in the SHLAA and at that time the owner indicated that it could deliver residential development within 5 years. Although the existing house lies within the DDB, the majority of the site lies outside. The Council suggest that it could deliver a total of 33 dwellings towards the end of the five year period. The Council advise that the site has been assessed by the landscape officer as suitable for development, however, there have been no pre-application discussions or schemes submitted.
47. Although the site is included within the SHLAA there is no evidence that it is available now, or indeed that any proposals for the site would be viable. There is insufficient information for me to conclude that there is a realistic prospect that housing will be delivered on the site within five years. I therefore consider that the site should be excluded from the housing land supply.

Wessex Water Site, Dorchester

48. The site has been proposed by Council officers rather than the owner of the site. It includes a Grade II listed building and is still in operational use by Wessex Water. There were pre-application discussions in 2014 and a number of issues were identified including potential land contamination. There is no evidence that the existing occupant wishes to leave the site, however, the Council suggest that some housing could be provided on a reduced area. No information was submitted to suggest that the site is available now or that housing could be provided on part of the site without adversely impacting on the operational needs of the current occupier. In addition, the site may be contaminated. This together with the statutory duty in relation to the listed building and any other constraints mean that the site may not be viable. Therefore this site should be removed from the Council's housing land supply.

Land North of Sports Centre, Weymouth College

49. This site is a football pitch and is still in use. Although the site is not protected as open space, it is safeguarded by Local Plan policy COM5 which seeks to retain open space and recreational facilities. The appellant states that it is a full size pitch and is higher quality than other pitches owned by the college. Although it costs more to hire than other pitches it is in high demand and difficult to book. I understand that there have been no pre-application discussions with the college. However, the Council state that there are other pitches available within Weymouth and these could provide the alternative facilities required.
50. It is evident that the site is clearly not available at the present time. In addition, it is contrary to the policies within the recently adopted Local Plan. There is no evidence to suggest that it is under-used or surplus to requirements. Clearly in order for this site to be made available for housing there would need to be consultation with the local community, those who use the pitch and other bodies such as Sport England. In my opinion there is no certainty that this site will become available in the next five years, let alone deliver the number of dwellings suggested by the Council and it should be removed from the housing land supply.
51. When an allowance is made for the lapse rate, the contribution of these larger identified sites to the 5 year housing land supply should be reduced by 237 dwellings.
52. Since April 2016 planning permission has been granted in respect of two large windfall sites, Frome Valley Road, Crossways and Bridport Co-housing Scheme. In accordance with the Local Plan inspector's comments and the Local Plan⁴, the contribution of these sites to the housing land supply is discounted by 20% within the annual review of housing land supply. However, given that planning permission has now been granted it is reasonable for the lapse rate to be reduced to 5% to reflect the current planning status of these sites. This would add a further 18 dwellings to the housing land supply.
53. Overall the housing land supply figure put forward by the Council should be reduced by 403 dwellings⁵, giving a 5 year housing land supply of 5,774 dwellings. Allowing for the shortfall and 20% buffer this equates to a 4.63 year housing land supply.
54. The Council is taking a proactive approach towards addressing the housing shortfall. The majority of the housing requirement within the Local Plan is to be met from large strategic sites. These inevitably have a longer lead- in time. The need to resolve the provision of the necessary infrastructure, phasing and equalisation agreements between the various parties involved can also give rise to significant delays. In order to address these issues the Council reviews progress on these larger sites on a fortnightly basis with a view to overcoming any barriers which may be affecting the delivery of these sites.
55. The Council has also committed to an early review of the Local Plan which it is intended will be submitted for examination during 2019. It points out that the shortfall is decreasing and anticipates that the full objectively assessed need will be met for the year to March 2017. In support of this view it referred to a

⁴ Local Plan paragraph 3.3.19

⁵ Includes 18 additional dwellings to allow for changes to lapse rate

number of larger sites, including Brewery Square in Dorchester, where dwellings have been delivered in the past year. Although the number of completions increased markedly in 2015/16 the shortfall is continuing to grow.

Character and Appearance of the Surrounding Countryside

56. The appeal site is an agricultural field used for grazing. To the east it abuts the boundaries of the residential properties at Bucklers Mead, Cloverhay and Clovermead. An established hedgerow and the change in levels between the appeal site and these dwellings moderate the impact of these dwellings on views from the west. The site is adjoined by open countryside to the north, west and south. It slopes downwards from 70 metres AOD to 52 metres AOD at its northern boundary.
57. The site fronts Ryme Road which links the villages of Yetminster and Ryme Intrinsic. The appeal site falls predominately within the Thornford Ridge Character Area as defined by the West Dorset Landscape Character Assessment however, the lower third of the site lies within the Blackmore Vale character area. The essential characteristics of the Thornford Ridge include large scale arable and pasture fields defined by hedgerow boundaries with incidental hedgerow trees, and some dog-leg field boundaries. It has an open character and benefits from views across the surrounding countryside due to its elevation.
58. Whilst the layout of the site is a reserved matter the illustrative green infrastructure plan, together with the Design Code, provide an indication as to how the site could be developed. It shows the proposed vehicular access to the site from Ryme Road in the approximate position of an existing field access towards the eastern boundary of the site. There would be three separate groups of dwellings stepping down the slope and separated by green corridors. The houses would be set back from the western and southern boundaries to allow for structural landscaping. The existing trees along the site boundaries will be retained and additional trees will be planted throughout the green corridors and within the open space. Within the landscape buffer planting larger growing native tree species will be used.
59. The indicative layout includes footpath links through the site. An equipped play area would be provided in the north eastern corner of the site with a balancing pond towards the north western corner.
60. Policy ENV1 requires development to be located and designed in a manner that does not detract from and, where reasonable, enhances the local landscape character. Amongst other matters it encourages proposals that conserve, enhance, and restore locally distinctive landscape features. It also states that appropriate measures will be required to moderate the adverse effects of development on the landscape and that development that significantly adversely affects the character or visual quality of the local landscape will not be permitted. The parties agree that this is a policy that restricts the supply of housing and therefore should not be considered up to date. Nonetheless the appellant concedes that it should be afforded weight since it allows for a balancing exercise to be undertaken and only precludes development where significant adverse landscape harm cannot be mitigated against. I share this view and afford policy ENV1 considerable weight.

61. Policy ENV10 requires development to contribute positively to the maintenance and enhancement of local identity and distinctiveness. It states that development should be informed by the character of the site and its surroundings.
62. The appellant submitted a Landscape and Visual Appraisal (LVA) in support of the proposal. The Council does not dispute the methodology of the LVA, or the viewpoints selected. The parties agree that the three most sensitive viewpoints are those identified as viewpoints 1, 2 and 3 by the Council. These correspond to viewpoints 11, 5 and 1 in the LVA.
63. Viewpoint 1 is from a public footpath to the west of the appeal site. From this viewpoint the site is seen as part of the countryside setting to the existing residential development within the village. The proposed dwellings would be closer to this viewpoint and on higher land than those which currently form the backdrop to this view. Such views would be largely confined to walkers using the footpath and would be filtered by the existing vegetation. In time as the proposed structural planting matures views of the dwellings will further diminish. Given the distance of the dwellings from this viewpoint and the proposed landscaping I consider that the proposal would not significantly harm views from this footpath or the tranquillity of the location.
64. Viewpoint 2 is from the footpath to the north of the site at Coles Lane. The housing would be separated from these views by the intervening field and hedgerows, as well as the proposed play area and open space. The proposed dwellings would extend along the hillside. The existing views of the roofline of scattered buildings, trees and hedgerows which contribute to the semi-rural character of Yetminster would be replaced by the roofline of the proposed dwellings. This would significantly change the character and appearance of the landscape. Whilst the visual prominence of these dwellings would diminish over time as the structural planting matures, the existing open landscape which is typical of the Thornford Ridge would be lost.
65. The final viewpoint is from the entrance gate to the western part of the site. At the present time this gateway permits extensive views across the countryside towards the opposite side of the valley towards the ridge. Similar views are afforded by the gateway at the eastern end of the site. Although the landscape is not designated, it is an attractive landscape and reflects the characteristics of the Thornford Ridge landscape character area.
66. Based on the indicative layout the proposed dwellings would be set back from the boundary with Ryme Road. The green infrastructure plan also shows an extensive area of tree planting adjacent to this boundary. The appellant suggests that once it matures this planting will mitigate views from Ryme Road. It will however take a number of years until such planting has established to the extent whereby it will significantly mitigate views of the proposed dwellings.
67. The LVA does not include any views from Scraps Way to the west of the site. Whilst this is not a public right of way it is a permissive path. In my view most pedestrians would choose to walk along Scraps Way rather than Ryme Road for reasons of safety and also because of the more tranquil environment and attractive views from this footpath.

68. From Scraps Way there are views towards the appeal site and across the appeal site towards the opposite side of the valley. These views are rural in character, with the existing dwellings at Cloverhay, Clovermead and Bucklers Close defining the edge of the village. Due to the topography of the locality the proposed dwellings would be built at a higher level than these existing dwellings which currently form the settlement boundary. As such they would be more conspicuous in views from Scraps Way. Whilst the proposed landscaping to the western boundary would soften views of these dwellings, the houses would be seen as an extension of the existing residential development on the western side of the village. Nonetheless, I am not convinced that structural planting shown on the illustrative green infrastructure plan would in itself be compatible with the open character of surrounding landscape which comprises predominantly open fields with hedgerows and intermittent trees. Whilst I acknowledge that the proposed planting would mitigate views of the proposal, it would also limit views across the site towards the opposite side of the valley.
69. Wider views of the site are available from a number of more elevated locations to the north and west, but are over a considerable distance (3-5km). Over this distance, development would be seen in the context of the adjoining settlement, and therefore the impact on these views is not considered to be significant.
70. It was also suggested that the proposal would contribute towards the merging of Yetminster and Ryme Intrinseca. The appeal site forms part of a gap which separates the two settlements and the proposal would reduce the separation by about 40%. However, the settlements would continue to be separated by about 3 fields which extend up to Manor Farm. Whilst the proposal would reduce the extent of the gap the villages would remain distinct. They would be separated by a clearly identifiable tract of countryside and each would retain its own distinctive character.
71. The appeal site is not subject to any national or local landscape designation. Notwithstanding this, it is representative of the local landscape character area and is clearly valued by local residents for the contribution it makes to the character of the area.
72. Paragraph 17 of the NPPF states that planning should recognise the intrinsic character and beauty of the countryside and should contribute to conserving the natural environment. The Council does not seek to suggest that the appeal site is a valued landscape for the purposes of paragraph 109 of the NPPF.
73. The appeal site does have demonstrable physical attributes. These include its slope and elevation, and the visibility across it to a wide range of viewpoints. These attributes are evident from public viewpoints particularly from Scraps Ways and Ryme Road. It is an integral part of the surrounding landscape. Although it is not a designated landscape, through its openness it contributes to the distinctive character and setting of Yetminster.
74. While clearly valued by local people the appeal site does not contain particular physical attributes that would 'take it out of the ordinary'. In my view, while the green and open aspect of the appeal site, and its pleasant rural character, are clearly appreciated and valued by local residents and those who travel through the area, it does not amount to a "valued landscape" within the meaning of paragraph 109 of the NPPF. This does not mean that the site is

without value. The countryside protection policies within the Local Plan and NPPF paragraph 17 remain material considerations. Although the landscape is not a valued landscape for the purposes of the NPPF, I consider that the value placed upon by the Council and local residents is very much in the spirit of the countryside aims of the Framework.

75. The proposal would have a significant adverse effect on the landscape contrary to policy ENV1 and would fail to maintain or enhance local identity and distinctiveness. I appreciate that the most significant effects would be confined to views from Ryme Road and Scraps Way. However, as evidenced by the Transport Assessment, a considerable number of pedestrians use this route on a daily basis and the proposal would also be noticeable from the surrounding residential properties. I therefore conclude that the proposal would significantly harm the character and appearance of the surrounding countryside and setting of Yetminster.

Pedestrian and highway safety

76. Following the consideration of the planning application by the Council, the proposal was amended in the manner set out above. Notwithstanding this, local residents remain concerned that the proposal could have a detrimental effect on pedestrian safety and the local highway network. They consider that the increase in traffic arising from the proposal would exacerbate the already hazardous walking conditions between Yetminster and Ryme Intrinseca and that the increase in traffic would be greater than suggested by the appellants.
77. The figures within the appellants' transport assessment rely on an automated traffic count carried out between 16-22 July 2014. This found an average AM peak traffic flow of 162 vehicles per hour, a PM peak flow of 209 vehicles per hour, with a total daily average flow of 1854 vehicles. Although the timing of the traffic survey was criticised by some residents, it took place during term time and the Highway Authority was satisfied that it provided a suitable basis against which to assess the impact of the proposal. A second survey took place during the week of 24-30 July 2014 to assess traffic speeds rather than the overall volume of traffic.
78. Local residents conducted a traffic survey between December 2015 and July 2016. This included details of the average number of vehicles per hour and the maximum number of vehicles per hour. For Ryme Road the maximum number of vehicles per hour (on weekdays) varied between 162 and 217, and the maximum number of vehicles per day varied from 1338 and 1574. I consider the peak hour movements to be comparable to those submitted by the appellants. Whilst the appellants relies on a higher number of average daily vehicle movements it is likely that this is due to the use of an automatic traffic count which took place over a 24 hour period, whereas the figures submitted by residents represent a 10 hour period. I am therefore satisfied that the traffic survey relied on by the appellants is reasonably robust.
79. The appellants' assessment concluded that the appeal proposal would give rise to 64 additional vehicles during the AM and PM peak hours, rising to 89 vehicles per hour when Folly Farm is included. The Highway Authority agrees with these figures.
80. The appeal scheme aims to encourage future residents to use the footpaths within the site and the appellants believes that it would be unlikely to add

significantly to the number of pedestrians currently using Ryme Road. Nevertheless, the surveys submitted by the appellant indicate that this part of Ryme Road is regularly used by pedestrians⁶.

81. Ryme Road is subject to a 40 mph speed limit along most of the site frontage. The proposal does not include a footpath link between the appeal site and Ryme Intrinseca. Although there is a slightly wider verge a short distance to the west of the appeal site, for the most part the road is narrow with several bends. Within Ryme Intrinseca, there is a footpath that varies in width and in some places it provides little more than a pedestrian refuge. Residents are concerned that any additional traffic arising from the appeal scheme and the Folly Farm scheme would exacerbate the existing difficult walking conditions.
82. At the request of residents I walked along Ryme Road from the appeal site to Ryme Intrinseca. There was a steady flow of traffic, including a considerable number of larger commercial/agricultural vehicles. I have no doubt that such a walking route for pedestrians is hazardous and that few people with young children would choose to walk along this stretch of Ryme Road. There is however, a permissive footpath known as Scraps Way, which commences about 90 metres to the west of the appeal site and continues as far as Manor Farm at Ryme Intrinseca. Scraps Way is separated from the road by a hedgerow and provides a safer and more attractive route between the two settlements. I appreciate that it is not a public right of way, however, it is rented to a charity and is intended to benefit the local community. Whilst it may be closed from time to time to facilitate farming operations, on the basis of the evidence submitted to the inquiry, I am satisfied that the use of Scraps Way is likely to continue for the foreseeable future.
83. Whilst the proposal would be likely to give rise to an increase in the number of cars using this stretch of Ryme Road, I am not convinced that the increase in traffic would be such that it would be detrimental to pedestrian safety. Therefore whilst I understand the concerns raised by residents, when the footpaths which form part of the proposal are taken into account, together with the proposed traffic calming measures, including the reduction in the speed limit, I consider that overall the proposal would be beneficial to pedestrians.
84. Residents were also concerned that the proposed shuttle traffic scheme would not provide sufficient distance for drivers to see approaching vehicles and stop safely. The scheme has been subject to an independent road safety audit which found that, subject to some minor revisions, the proposed footway and traffic calming measures would not be hazardous.
85. The Transport Assessment also considered the effect of the proposal on the capacity of the wider road network. The scope of this work was agreed with the Highway Authority, and in the case of the A37 with Somerset County Council. On the basis of the evidence submitted to the inquiry I have no reason to consider the findings of the Transport Assessment to be other than robust.
86. Overall the proposal would provide safe and convenient access for future residents to facilities within the village. Whilst there would be some increase in traffic, when balanced against the safer and more convenient pedestrian routes

⁶ About 91 pedestrian movements a day on weekdays rising to 111 on Sundays

Although proposed, I conclude that the proposal would not have a harmful effect on pedestrian and highway safety.

Whether the development would be of an appropriate scale having regard to the location of the appeal site outside the Defined Development Boundary and the spatial strategy for the District

87. The Local Plan seeks to achieve a sustainable pattern of development. The strategic objectives include the provision of high quality better paid jobs; the protection and enhancement of the built and natural environment; and the provision of greater opportunities to reduce car use and ensure convenient and appropriate public transport services. It states that influencing the pattern of development is a crucial element in seeking to achieve development that is more sustainable and to provide opportunities for people to make sustainable choices.
88. Local Plan policy SUS2 outlines the spatial strategy for the District. The greater proportion of development is directed towards the larger and more sustainable settlements such as Dorchester and Weymouth, followed by the market and coastal towns of Beaminster, Bridport, Lyme Regis, Portland and Sherborne and the village of Crossways. Within rural areas development is directed to the settlements with Defined Development Boundaries (DDB) where development at an appropriate scale to the size of the settlement is acceptable. Policy SUS2 further states that outside of the DDB development will be strictly controlled, having particular regard to the need for the protection of the countryside and environmental constraints.
89. The appeal site lies outside of the DDB and therefore would conflict with policy SUS2. The parties agree that policy SUS2 is a policy for the supply of housing in that it restricts development outside of the DDB. In the absence of a five-year supply of deliverable housing sites it cannot be considered up-to-date.
90. Policy SUS2 seeks to direct development to the most sustainable locations in accordance with the spatial strategy and to safeguard countryside from unnecessary development. These aims are consistent with the core planning principles at paragraph 17 of the NPPF which include recognising the intrinsic character and beauty of the countryside and paragraph 37 which advises that planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities as well as. SUS2 also provides for some development within villages to maintain the vitality of rural communities. Therefore whilst policy SUS2 is out of date and cannot be afforded full weight in that the DDB limits the supply of housing, I afford significant weight to the spatial strategy within it and the extent to which it aims to safeguard countryside from unnecessary development.
91. In addition to restricting development outside of the DDB, policy SUS2 also requires proposals to be of an appropriate scale. Whilst the policy does not provide any indication as to what constitutes an *'appropriate scale to the size of the settlement'*, the accompanying text explains that amongst other matters the distribution of development set out by the policy takes account of the needs, size, and roles of the area's settlements, including any current imbalances in housing or jobs and the benefits of concentrating most development in locations where homes, jobs and facilities will be easily accessible to each other and there is a choice of transport mode.

92. The parties agree that Yetminster is a sustainable location in principle for some additional development at an appropriate scale. It is one of the largest villages in the northern part of the District. It benefits from a range of facilities including a primary school, a public house, village shop and post office, train station, health centre, hairdressers, children's nursery, church, jubilee hall, scout hut, garage, children's play area, sports club including two football pitches, an all-weather tennis court and sports field. I am therefore satisfied that future residents would be able to meet their day to day needs within the village. No evidence was submitted to suggest that these services and facilities would be unable to accommodate the additional growth in population arising from the appeal proposal. The site would be physically integrated with the village by the network of footpaths proposed in a similar manner to the existing dwellings at Clovermead, Cloverhay and other more recent development.
93. At the present time there are about 513 dwellings within Yetminster, and the recently permitted scheme at Folly Farm would add 87 additional dwellings. Together with the Folly Farm scheme the proposal would increase the number of dwellings in the village by almost 20%. Local residents are concerned that it would be difficult for the village to assimilate this number of additional dwellings.
94. Some residents expressed concern about the additional pressure on services such as the health centre and school. However, the proposal would be liable for a CIL contribution towards health and other services, moreover I understand that the primary school is able to accommodate any additional places required by occupants of the proposed dwellings. I do not doubt that many future residents would be reliant on their cars for their weekly shopping, but I do not consider that this matter weighs against the proposal in that most households, even if they live in towns, either use a car for their weekly shop or arrange a weekly grocery delivery.
95. The appellant estimates that the proposal would increase the economically active population by about 100 persons. There are some employment opportunities with the settlement and several residents work from home. On behalf of local residents Mr Rice provided an analysis of the current employment situation within Yetminster. He estimates that there are about 60 full time jobs within the village and 75 part-time compared to a working age population of about 500 persons. Whilst local residents stated that few local people were employed in the jobs within the village, the presence of these jobs means that there are employment opportunities in the village. Nonetheless, although the proposal may give rise to some additional jobs in the form of the establishment of small businesses or people working from home, in practice many of the future residents would be likely to commute to work. The nearest towns with significant employment opportunities are Yeovil (in Somerset) and Sherborne.
96. Yetminster is served by both bus and train services. The bus service provides a link with Yeovil and Sherborne, the two nearest towns. Due to the current timetable the bus service to Sherborne is unlikely to provide a realistic alternative to the use of a car for anyone in full time employment. The service to Yeovil is slightly more accommodating in terms of the times at which it operates, although it allows little opportunity for flexibility. There is a train service to Yeovil, Dorchester, and Weymouth. Although the number of trains is

limited, the times of the trains would provide an alternative means of transport to employment in these areas.

97. Together with the Folly Farm development the appeal proposal is likely to give rise to a significant increase in the number of residents commuting out of the village to work. The Transport Assessment suggests that there would be 63 additional journeys to work by car during peak hours.
98. These journeys would not be especially long given the proximity of Yetminster to Sherborne and Yeovil. Nevertheless, due to the number of dwellings proposed and the absence of any commensurate increase in employment the proposal would be likely to lead to an increased reliance on the use of cars to access employment and a range of shops, services and facilities which are regarded as reasonably necessary to modern life.
99. The appeal proposal together with the scheme at Folly Farm would significantly increase the population of the village, nevertheless, Yetminster would remain a moderately sized village. I am satisfied that the number of dwellings proposed would not place undue pressure on existing services within the village, and residents would be able to meet most of their day to day needs in Yetminster. Notwithstanding this, there is no evidence to suggest that the development is necessary in order to support the existing services or enhance the vitality of the existing community.
100. I conclude that the proposal would not be of an appropriate scale and would conflict with policy SUS2 and the spatial strategy within the recently adopted Local Plan. Nonetheless, for the reasons given above policy SUS2 is not up to date.

Other Matters

101. The Neighbourhood Plan is at an early stage and has yet to assess the amount of development the village can accommodate. The Parish Council advised that it is currently considering a number of different sites within the village, and considers that some of these may integrate with the village better than the appeal site. Given the very early stage the Neighbourhood Plan has reached I am unable to afford it any significant weight.
102. Residents of the properties adjoining the appeal site are concerned that the proposal could have an overbearing effect on their outlook and perhaps impact on their privacy. The submitted illustrative plans indicate that the rear gardens of the proposed dwellings backing onto these dwellings would be about 15 metres in length. Some of the existing dwellings have very short rear gardens and others have windows in close proximity to the appeal site. Taking account of the difference in levels between the appeal site and some of these dwellings, and the short gardens, I consider that the proposal as indicated on the Development Framework Plan could have an adverse effect on the living conditions of these residents. Notwithstanding this, I am conscious that this is an outline application and the scale and layout of the proposal are reserved matters. Consequently, having regard to the number of dwellings proposed I am satisfied that this matter could be addressed by increasing the separation from the existing and/or providing single storey dwellings on this part of the site. Accordingly the effect of the proposal on the living conditions of adjoining residents does not justify the dismissal of the appeal.

103. Local residents are concerned that the proposal would not reduce flooding either on the appeal site or within the area more generally. A number of residents provided anecdotal evidence of surface water run-off from the fields leading to flash flood in spring and autumn. They also drew attention to flooding in the locality of the appeal site including Bow Bridge. Photographs were submitted showing the northern part of Coles Lane under water following recent heavy rain. Indeed, at the time of the site visit this part of Coles Lane was still very wet and muddy making it difficult for pedestrians to use.
104. The Flood Risk Assessment (FRA) confirms that the site lies wholly within Flood Zone 1. The submitted FRA found that the site is not at risk of either fluvial or surface water flooding and that provided SUDS principles are incorporated into the detailed design to manage the outflow, the proposal will not increase flood risk elsewhere.
105. Due to the geology of the site the drainage strategy relies on the use of field boundary ditches which will discharge into an attenuation pond. The rate of discharge from these ponds into the watercourse will then be controlled. Whilst the proposal would be unlikely to resolve existing flooding problems within the locality, on the basis of the submitted information I am satisfied that the proposed development would be safe from flooding and would be unlikely to increase the risk of flooding elsewhere.
106. The proposal will deliver a number of benefits. These include the provision of market and affordable housing which will help to meet the needs of the present and future generations and support the aspirations of the District in terms of growth.
107. The most recent SHMA published in July 2014 identified a total annual affordable housing need in West Dorset of 104 units. The parties agree that there are currently 17 households registered as being in affordable housing need with a connection to Yetminster or Ryme Intrinseca and a further 9 households that fall within the catchment area for the primary school. There is a recently completed development of affordable houses at Thornford Road and 35% of the dwellings on the Folly Farm would also be affordable. Therefore whilst the delivery of affordable housing is a benefit of the proposal, on the basis of the submitted evidence I am not persuaded that it is required to meet the housing needs of Yetminster.
108. The proposal would also provide economic benefits through investment and the provision of jobs during the construction period. The increase in population would add to household expenditure and economic activity within the District. It would also attract the New Homes Bonus which recognises the efforts made by authorities to bring residential development forward. However, PPG explains that whether or not a 'local finance consideration' is material to a particular decision will depend on whether it could help to make the development acceptable in planning terms. Therefore in the circumstances of this case I do not consider the New Homes Bonus to be a benefit of the proposal.
109. The proposal would deliver benefits in terms of the provision of public footpaths through the site and the provision of a footpath along part of Ryme Road. These footpaths would benefit the existing population as well as the future residents of the scheme. The ecological appraisal found that the overall biodiversity value of the site was low and typical of edge-of-settlement pastoral

farmland in Dorset / South Somerset. The habitats of higher value were the species-rich hedgerows that supported dormice and semi-improved grassland that supported slow worm and grass snake. It concluded that subject to appropriate mitigation the proposal would have a minimum negligible effect on the protected species recorded. Whilst in the medium to long term due to the provision of more varied habitats there would be likely to be benefits to biodiversity. Although the unilateral undertaking covenants to make a financial contribution towards a biodiversity mitigation plan, the purpose of this contribution is to mitigate the effects of the proposal and therefore it is not a matter that weighs in favour of the proposal.

110. The proposal would make a contribution towards the vitality of Yetminster with support for local services and facilities. However, there is no evidence before me to indicate that the additional business is necessary to sustain these services or facilities.

Folly Farm

111. The Folly Farm site adjoins the DDB in a similar manner to the appeal site and was for a similar number of dwellings. The appellant considers that the Council's approach to the appeal scheme is inconsistent with its approach to Folly Farm. The committee report in relation to the permitted Folly Farm scheme reached a clear conclusion that the proposal would conflict with policy SUS2. It did not however specifically address whether the proposal was of an appropriate scale.
112. It confirmed that at the time of the decision the Council had in excess of a five year supply of housing land and therefore the Local Plan was up to date and could be afforded full weight. The report went on to assess whether the proposal would comply with the development plan as a whole, or whether any other material considerations would justify granting planning permission despite the conflict with policy SUS2. As part of the overall balance it found that the proposal would deliver some economic and social gains. The Housing Enabling Officer drew attention to the need for affordable housing within Yetminster. The report considered that smaller development sites would be unlikely to deliver the much needed affordable housing due to recent changes in government policy. These factors, together with other material considerations, including the lack of environmental harm weighed in favour of the proposal.
113. The committee report in relation to the original Folly Farm application (the withdrawn appeal scheme) did seek to assess whether the proposal was of an appropriate scale and did so by reference to the extent of the population increase that would arise from the proposal and the sustainable location of Yetminster. It concluded that the scale of the proposal was acceptable, however this view was not endorsed by the Committee and planning permission was refused.
114. For the reasons given above, I have found that the appeal proposal would be contrary to policy SUS2 and would not be of an appropriate scale. I have also taken account of other relevant material considerations. The weight to be afforded to such considerations is a matter for the decision maker and I do not consider my approach to be inconsistent with the Council's approach to the permitted Folly Farm scheme.

Policy INT1

115. Policy INT1 reflects the presumption in favour of sustainable development within paragraph 14 of the NPPF. This states that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
116. For the reasons given above policies SUS2 and ENV1 are out-of-date. Policy INT1 states that where there are no policies relevant to an application, or relevant policies are out-of-date at the time of making the decision, the extent to which the proposal positively contributes to the strategic objectives of the local plan will be taken into account.
117. The appellant considers this to be an anomaly in that proposals which conflict with an up-to-date policy are not required to be assessed against the strategic objectives of the plan, whereas proposals considered in the context of an out-of-date policy do fall to be assessed as such. Whilst I understand why the appellant considers this to be an anomaly, I disagree. I consider that INT1 broadly reflects the presumption in favour of sustainable development within the NPPF. It explains how proposals will be assessed in the absence of an up to date development plan policy. The policies within the plan provide the mechanism for the delivery of the strategic objectives of the plan. Therefore proposals which accord with the strategic objectives are likely to be in accordance with the development plan as a whole.
118. It is not uncommon for proposals to conflict with one policy but comply with others. In such circumstances proposals are assessed against the development plan as a whole, and this consideration is weighed in the context of the overall planning balance. In doing so the decision maker will generally have indirectly assessed the extent to which the proposal complies with the strategic objectives.
119. The strategic objectives identify the priorities of the Local Plan. The proposal would not provide opportunities for higher quality better paid jobs within the District. It would not contribute towards meeting local housing needs. It would however, support the safe, healthy community with access to a range of services. It would fail to protect and enhance the natural and built environment. Through the provision of a SUDS scheme it would help to minimise the potential effects of climate change in respect of flooding and would improve the pedestrian environment through the provision of a network of footpaths throughout the site. Balanced against this it would be likely to increase reliance on the use of cars. Overall it would fail to achieve a high quality sustainable design that would reflect local character and distinctiveness.

Overall planning balance

120. I have found above that the proposal would be acceptable in terms of its effect on pedestrian and highway safety. Balanced against this, it would harm the character and appearance of the surrounding countryside and would conflict with the spatial strategy of the recently adopted Local Plan, including policies SUS2 and ENV1.

121. It is common ground that the Council is unable to demonstrate a five year supply of housing land and therefore for the purposes of paragraph 49 of the NPPF, both policies are to be considered out-of-date. Notwithstanding this, for the reasons given above, I accord significant weight to the spatial strategy within policy SUS2 and the protection of the countryside afforded by both policies. Paragraph 14 of the Framework indicates that where relevant policies are out-of-date permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Policy INT1 requires a similar balancing exercise.
122. The proposal would assist with addressing the current undersupply of housing land. This matter weighs in favour of the proposal. The proposal would also provide economic benefits in terms of jobs during the construction period and increased spending in the District. Whilst the proposal would also be likely to lead to increased spending and demand for facilities within Yetminster, there is no evidence that the shops and services within the village are vulnerable. In addition, the provision of a footway along Ryme Road and pedestrian routes through the site would be beneficial for pedestrians, including existing residents. In the longer term the proposal would also deliver benefits in terms of biodiversity.
123. The proposal would result in significant harm to the character and appearance of the landscape. It would also add to the existing imbalance between jobs and homes within the village and would be likely to lead to an increased reliance on the use of cars and an increase in carbon emissions contrary to the strategic objectives of the Local Plan. It would therefore not satisfy the environmental dimension of sustainability.
124. Having regard to the extent of the housing land supply shortfall and the measures the Council is putting in place to address it, I consider that the adverse impact of granting permission that I have identified would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Overall the proposal would not represent sustainable development.
125. Although policies SUS2 and ENV1 are out-of-date the proposal would nevertheless be contrary to the development plan as a whole and the harm would not be outweighed by other material considerations including the provisions of the Framework and paragraph 14 in particular. Therefore the appeal should be dismissed.

Conclusion

126. For the reasons given above, and taking account of all material considerations. I conclude that the appeal should be dismissed.

Lesley Coffey

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Wadsley	Of Counsel Instructed by West Dorset District Council
He called	
Mark Wood BA (Hons)B.TP, MSc, PG.Dip MRTPI, MCILT	Planning Consultant
Andrew Galpin BSc(Hons),MA,MRTPI	Planning Officer
Mark Baker B Sc, MICE, C Eng FCIT FCILT Eur Ing	Highways Consultant
Peter Radmall MA , B. Phil, CMLI	Landscape Consultant
David Gould	Chairman Yetminster and Ryme Intrinsic Parish Council

FOR THE APPELLANT:

Thomas Cosgrove	Of Counsel Instructed by Gladman Developments
He called	
Diana Richardson BA (Hons) MA MRTPI	Gladman Developments
Desmond Dunlop BA(Hons) MRTPI	Planning Consultant
Lara Atree	Planning Consultant
Carl Philip Rech BA, B Phil LD, CMLI	Landscape Consultant
Benjamin Jackson	Highway Consultant

INTERESTED PERSONS:

Councillor Margaret Lawrence
Councillor Peter Neal
Peter John Lawrence

David Torrance
Delerie Chambers
Kim Richards
John Howes
Judith Cooper
Peter Newton
Barrie Allington
Sarah Batten
Susan Footner
Geoffrey Goater
Andrew Footner
Douglas Rice
Hugh Drake
David Stedeford
David Batten
C Taylor

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Draft Unilateral Undertaking submitted by the appellant
- 2 Draft condition regarding footway provision submitted by the appellant
- 3 Extract from Parish Council Traffic Survey submitted by Mr Footner
- 4 Consultation details in respect of revised scheme
- 5 Local Plan policy ENV3 submitted by the Council
- 6 Clarification in respect of sites at Wessex Water, Dorchester and Land North of the Sports Centre at Weymouth College submitted by the Council
- 7 Updated summary of disputed sites delivery schedule submitted by the Council
- 8 Additional note in relation to five year supply from disputed sites submitted by the Council
- 9 Suggested Condition regarding conformity with the Masterplan submitted by the Council
- 10 Executed Unilateral Undertaking submitted by the appellant
- 11 Revised list of draft conditions submitted by the Council
- 12 CIL compliance Statement submitted by the Council
- 13 East Staffordshire Borough Council v SoS and Barwood Strategic Land II LLP Judgement submitted by the appellant
- 14 Submission on behalf of David Torrance
- 15 Submission on behalf of Delerie Chambers
- 16 Submission on behalf of Kim Richards
- 17 Submission on behalf of John Howes
- 18 Submission on behalf of Judith and Alan Cooper
- 19 Submission on behalf of Peter Newton
- 20 Submission on behalf of Barrie Allington
- 21 Submission on behalf of Sarah Batten
- 22 Submission on behalf of Sue Footner
- 23 Submission on behalf of Geoffrey Goater
- 24 Submission on behalf of Andrew Footner
- 25 Submission on behalf of Douglas Rice
- 26

- 27 Submission on behalf of Hugh Drake
- 28 Submission on behalf of David Stedeford
- 29 Submission on behalf of Councillor Margaret Lawrence
- 30 Submission on behalf of Councillor Peter Neal
- 31 References to appeals referred to by Councillor Neal
- 32 Letter dated 20 October 2016 regarding delivery of dwellings at Barton Farm, Sherborne submitted by Councillor Neale
- 33 Petition submitted by Sue Footner

PHOTOGRAPHS

- 1 Bundle of Photographs submitted by Councillor Margaret Lawrence