



# Appeal Decision

Inquiry held on 27,28 March 2007  
and 25 June 2007

Site visit made on 26 June 2007

by **Susan Holland** MA DipTP MRTPI

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

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Date: 22 August 2007

## Appeal Ref: APP/F1230/A/06/2028880

### Land at Priory Gardens, Priory Lane, Bridport

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by The Thomas-Davies Trust against the decision of West Dorset District Council.
- The application Ref 1/W/06/000820, dated 20 April 2006, was refused by notice dated 7 September 2006.
- The development proposed is residential development of 26 dwellings with associated access road.

**Summary of Decision: The appeal is dismissed.**

### Main issues

1. The main issues are, firstly, whether the appeal proposal would preserve or enhance the character or appearance of the Bridport Conservation Area; and, secondly, whether the appeal proposal is needed to contribute to the housing supply.

### Reasons

#### The Conservation Area

2. The Bridport Conservation Area includes much of the urban area between the Rivers Brit and Asker, and is extensive. The Conservation Area Appraisal, adopted as Supplementary Planning Guidance in 2004, distinguishes 9 Sub-Areas for which it sets guidelines, of which some are common to all, and others specific to the identified Sub-Area. The appeal site lies within Sub-Area 7, the SW Quadrant. Here, guideline *(k)(I)* is to *preserve the character of the riverbank and its role in the setting of the Sub-Area* and *(k)(III)* is to *safeguard the physical and visual eminence of St Mary's Church*. In addition, general guideline *(f)(VIII)* is to *respect significant open space that reinforces historic character/layout or is associated with the net and cordage industry*. The appeal proposal would conflict with each of these guidelines.
3. The proposed development would stop short of the existing flood bank of the River Brit, leaving untouched the raised bank itself, and a broad green triangle of land at the river bend. The proposal would preserve the character of the immediate riverbank (as previously altered in the course of flood reduction measures). However, as seen from the opposite bank, the land stretching away from the river is included in the open setting for the historic town. Cottages and mill buildings (including the Northover and Gilbert Mill) rise in a

succession of tiers, their roof ridges aligned in parallel. Whilst development on the allocated site would partially obscure this striking tiered roofscape, the appeal proposal would do so far more thoroughly, and in particular would obscure the whole of Priory Cottages in the lowest tier. The appeal proposal would replace the currently open setting with a solid phalanx of 3-storey modern terraced houses, its height further raised by the flood protection platform of 600mm which is required in this riverside location. The appeal development would thus dominate the setting of the riverside and would greatly reduce both the visible extent and the complexity of the historic town view, which is visible from many points along the riverside and from St Mary's Playing Fields.

4. St Mary's Church stands high on the hillside above the appeal site. Whilst many views of the Church would not be compromised by the proposal, there is one exception. On leaving Foundry Lane and moving south along the public footpath between the river and St Mary's Playing Fields, there is a fine view of St Mary's Church. This view would be largely obscured by the proposed 3-storey town houses (though not by development on the allocated site).
5. The southern part of the appeal site has strong historical associations with the defining industries of Bridport. In making post-Inquiry modifications to the West Dorset District Local Plan, the Council did not accept the recommendation of the Local Plan Inspector's Report that the Draft Deposit Housing site WA9 adjacent to Priory Mills (the northern end of the appeal site) should be extended to include the land to the south (the southern end of the appeal site) which was designated in the Deposit Draft Local Plan as Important Open Space under Policy WA8. The Council's stated reasons for rejecting that recommendation included the need for investigation of the historic interest of the site as part of consultation on the potential schedule of historic parks and gardens of local importance, the site being included on the provisional list held by the Dorset Gardens Trust. The subsequent appraisal by English Heritage was made in the context of the Register of Parks and Gardens of Historic Interest; the Register being *a very selective list of designed ornamental landscapes which are considered to be of 'special historic interest' in the national context*. English Heritage rejected the Bridport Rope Gardens and associated landscape (including the appeal site) because *Bridport Rope Gardens were not consciously laid out for ornamental effect or for recreational purposes and we cannot link them to the history of gardening and landscaping*.
6. The rejection of the appeal site as an historic garden was not surprising, given that it was indeed not an ornamental garden, but a drying ground associated with the hemp and flax industries and once occupied by wooden frameworks on which the materials to be dried were draped<sup>1</sup>. However, as such the site carries strong functional, historical associations with the defining industries of Bridport. In its proximity to the former ropewalks, to the Rope Gardens, to Priory Mills and other mills, and to the industrial building now the Evangelical Church, the site forms part of a set of spaces and buildings important to the industrial history of the town, and in which it appears to be the only remaining example of its particular type. If the whole site (that is, including the southern element not already allocated for housing) were to be occupied by built development, these historical associations would, in future, be hard to visualise

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<sup>1</sup> Photo at Kim Winter's Appendix C

and to communicate, and would effectively be lost. The publication by English Heritage, in 2006, of the substantial guide to *Bridport and West Bay: The Buildings of the Flax and Hemp Industry* represents a recent and significant step in publicising and popularising this aspect of industrial history.

Heightened future emphasis upon spaces (such as the appeal site) in addition to buildings is likely to increase popular awareness of the historical geography which the Conservation Area Appraisal highlights in its guidance.

7. To the south and west of the appeal site, modern houses and flats occupy the land to either side of the playing fields. In contrast, the area surrounding the appeal site is dominated by development characteristic of various earlier historical periods, with irregularity of form and layout. The appeal proposal makes efforts to attach to the proposed dwellings various items of detail borrowed from period buildings in the main body of the town. However, such detail is not in itself sufficient either to relieve the regularity of the massed dwellings, or to overcome the incongruity of the proposed conventional estate layout with its straight, wide cul-de-sac, front gardens and kerbside parking.
8. Accordingly, I conclude that the appeal proposal would neither preserve nor enhance the Bridport Conservation Area either as a whole or in part. In my view the Local Plan designation as Important Open Space under Policy H8 is justified and should not be set aside in the face of this appeal. The proposal would conflict with Policies SA21 for Conservation Areas and DA3 for local distinctiveness; and with the Supplementary Planning Guidance represented by the Conservation Area Appraisal.

#### The Housing Supply

9. The Council has (at the time of the Inquiry) a 5-year supply of housing land in the District as a whole; but its assumption of a 7-year land supply depends upon the inclusion of windfalls at a continuation of their recent rate. Their inclusion is in conflict with the provision of PPS3 against allowance for future windfalls. In practice, however, windfalls which come forward in sufficient number are, under the Plan Monitor and Manage process, capable of displacing allocated sites. In that sense, windfalls can continue to contribute in the short term to housing provision and to maintain an appropriate housing land supply even though they are no longer to be included as formal forecast elements in development plans and housing trajectories. The recent performance of the windfall element in West Dorset as a whole and in Bridport in particular is such that slippage from a 5-year land supply appears unlikely in the short term.
10. The housing allocation which forms the northern part of the appeal site is itself partly greenfield, to about 50%: though in the context of allocation this is acceptable in terms of PPS3. The position with regard to the appeal site is very different. National housing policy guidance does not accept greenfield windfalls. That element of the appeal site which is not already allocated consists entirely of greenfield land. Essentially, therefore, the appeal proposal represents a greenfield windfall, and so conflicts with national planning policy. In the context of a reduction in the housing requirement of the emerging RSS, to accept the scheme might ultimately lead to the displacement of a brownfield windfall which would itself have accorded with national and local planning policy; and to that extent the appeal proposal could harm the appropriate operation of the Plan, Monitor and Manage process.

11. A high proportion of housing provision for Bridport is to come from 2 large allocated sites, both in the SW Quadrant. These sites are largely in current use. Their development would require the relocation of uses, together with the preparation of a brief for comprehensive redevelopment. The sites have been recently examined via the development plans process which has confirmed their allocation. In the terms of PPS 3, therefore, they are available, suitable, and achievable *within 5 years* at the point of adoption. The Local Plan was adopted in 2006. PPS3 does not demand that these allocated sites should immediately be ready; nor, given that they are not currently ready, that some other site or sites in Bridport itself should at this point in time be granted planning permission in their stead. The evidence does not demonstrate a shortfall in housing provision, and in particular any shortfall to the point of material harm to the housing supply, which the appeal scheme might remedy.
12. The size of the appeal site would trigger a requirement for an element of affordable housing provision: whereas the smaller allocated site would not. However, few affordable dwellings would be required of the appeal scheme. Though the evidence suggests that more than 400 affordable dwellings are needed in Bridport, the appeal proposal would in itself do very little to redress the balance, so that this matter carries little weight.
13. Accordingly, I conclude that the appeal proposal is not needed to contribute to the housing land supply; that it would conflict materially with national and local planning policies which favour brownfield development; and that its yield of affordable housing would be insufficient to outweigh these considerations.

#### Other Matters

14. Past use of the appeal site as private allotment land was discontinued some 10 years ago. The Town Council has shown that demand for allotments has increased in recent years, and I note that surrounding allotment land on either side of the River Brit is largely in active cultivation. Whilst the Local Plan appears to contain no policy which would actively promote allotment use of the site, I saw no evidence that allotment use could be reasonably discounted as a potential use for the site. Designation as an Area of Outstanding Natural Beauty washes over the entire settlement of Bridport. Whilst the Council argued that the proposal would conflict with that designation, I note that a similarly-sized area of open land on the east side of the town, above the River Asker, is allocated for housing as site WA16. In my view, AONB designation in itself is no bar to the development of the appeal site. As amended (Document 13) the Unilateral Obligation provides satisfactorily for a contribution to the provision of open space within the local area. The siting of the proposed open car park would limit, even though it would not eliminate, the overshadowing of Priory Cottages. However, these factors do not outweigh my conclusions on the main issues. My overall conclusion is that the appeal should be dismissed.

#### Formal Decision

15. I dismiss the appeal.

*Susan Holland*  
INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Peter Woodcock	Solicitor, instructed by WDDC
He called	
Mr Gerald Hughes	Principal Planning Officer, WDDC
Ms Kim Winter	Design & Conservation Officer, WDDC
Mr Malcolm J Woodward	Strategic Policy Team Leader, WDDC

### FOR THE APPELLANT:

Mr Adrian Trevelyan Thomas	Of Counsel, instructed by Mr David Lander
He called	
Mr David Lander	MD, Boyer Planning Ltd
Mr Denis F McCoy	Director, McCoy Associates Ltd
Mr John Watts	MD, Olorun Planning Partnership Ltd

### INTERESTED PERSONS:

Mr Charles Wild	Leader, Bridport Town Council
Mr Colin Sparkes	Chair, Bridport & District Allotment Society

### DOCUMENTS SUBMITTED AT THE INQUIRY

Document	1	List of persons present at the inquiry
Document	2	Council's Letter of Notification and List of persons notified
Document	3	Statement of Common Ground
Document	4	List of Suggested Conditions (Council)
Document	5	Closing Submissions (Council)
Document	6	Closing Submissions (Appellant)
Document	7	Statement on behalf of Bridport & District Allotments Society
Document	8	Table of Housing Completions 1/4/05 – 31/3/06 (Council)
Document	9	Table of Percentage Completions within 5 years of PP (Council)
Document	10	Table of Completions (net) on Windfall Sites (Council)
Document	11	Table of Housing Land Supply April 2006 (Council)
Document	12	Unilateral Planning Obligation (Version A) (Appellant)
Document	13	Unilateral Planning Obligation (Version B) (Appellant)

### PLANS

Plan	A	Application Plans
Plan	B	Proposals Map Extract for Bridport (Inset 4) from adopted WDLP 2006
Plan	C	Plan of photo viewpoints (Council)
Plan	D	Layout of ropeworks and plots off St Michael's Lane (Council)

### PHOTOGRAPHS

Photo	1	Local buildings (Appellant)
Photo	2	Use of balconies in renovated local building (Appellant)