

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report:	To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.
Recommendations:	It is RECOMMENDED that: This report is for Information
Wards:	Council-wide

Appeal Reference : [APP/D1265/W/20/3254594](#)

Planning Reference: 2/2019/0626/OUT

Proposal: Outline Planning Application for up to 70 dwellings, open space and landscaping (including children's play and community orchard), new vehicular and pedestrian access, parking, engineering (including ground modelling and drainage) works and infrastructure (including cycle and pedestrian connections).

Address: Land West of Bournemouth Road (at E 389797 N 104244), Charlton Marshall, Dorset.

Decision: Dismissed

The main issues in this case were:

- Whether the development would accord with the spatial strategy for the area;
- Whether the appeal site represents a suitable location for housing, having particular regard to its accessibility by sustainable modes of transport and access to services and facilities;
- the effect of the development on the character and appearance of the area;
- the effect of the development on designated heritage assets, in particular whether the development would preserve or enhance the character or appearance of the Charlton Marshall Conservation Area (CA); and the effect of the development on the setting of the Grade II listed Old Dairy Cottage.

The applicant appealed against non-determination of the planning application. The reasons for refusal that were put forward as part of the Council's case at the informal hearing were as follows:

1. The proposed development by reason of its siting and scale would result in less than substantial harm to the setting of heritage asset (Old Dairy Cottage) and the character and appearance of the Charlton Marshall Conservation Area contrary to Policy 5 of the adopted North Dorset Local Plan

Part 1 (January 2016) and paragraphs 193, 194, and 196 of the National Planning Policy Framework.

2. The proposed development by reason of its siting and scale, and lack of any demonstrable local need, would have a significantly adverse landscape and visual impact on the countryside contrary to Policies 2, 4, 6, 9, and 20 of the North Dorset Local Plan Part 1 (January 2016).

The inspector's conclusion on the application of the North Dorset Spatial Strategy was as follows:

I therefore conclude that due to its location beyond the settlement boundary for Charlton Marshall, the proposal conflicts with the spatial strategy for the area contrary to Policies 1, 2, 6, and 20 of the NDLP, Saved Policy 1.7 of the DWLP, and to the aims of Paragraph 9 of the Framework in guiding development towards sustainable solutions. These policies seek, amongst other things to concentrate development in sustainable locations, directing development to the main settlements in order to minimise the need to travel; protect the countryside; or, deliver affordable housing on rural exceptions sites where it would meet local rather than strategic need.

The inspector supported the Council's case in relation to the location of the development:

The appellant's concede that the village does not have day-to-day facilities but argues that the strong functional relationship overcomes that deficiency. Paragraph 78 of the Framework also states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Where there are groups of smaller settlements, development in one village may support services in a village nearby.

However, the site's location adjacent to a village with only a very small number of facilities of its own, limits the potential for the proposed housing to carry any particular health, social benefits, or convenience for future occupants. Residents are therefore likely to be car dependant to meet their needs; a factor which weighs heavily against the scheme. In this regard the proposed development would have insufficient accessibility by sustainable modes to be considered a sustainable location for development.

Consequently, taking all these factors into account, the development would not represent a suitable location for housing having regard to accessibility to facilities by sustainable modes of transport. The proposal would conflict with Policies 1, and 2 of the NDLP and to the aims of the Framework at paragraph 9 and 108. These Policies seek, amongst other things, to concentrate development in sustainable locations, directing it to the main settlements in order to minimise the need to travel.

On character and appearance of the area, the inspector commented as follows:

The illustrative plan indicates that landscaping would help to soften the visual impact; and that parts of the site would be dedicated to open space, allotments, or community orchard. However, these provisions would not be sufficient to mitigate the visual harm which would be caused. Furthermore, the topography would prevent the effective landscaping of the site particularly from longer range views. Development would effectively merge the built form with the group of houses at Charlton on the Hill which are presently physically and distinctly separate from the village of Charlton Marshall.

I have considered the various sites drawn to my attention within or adjacent to the village settlement boundaries which have been granted planning permission. However, I am satisfied that the circumstances of this appeal are sufficiently different from those other sites. Furthermore, the decision to approve planning permission for residential development elsewhere does not justify allowing the appeal before me given the harm that I have identified.

Consequently, the development would harm the character and appearance of the area in conflict with Policy 4 of the NDLP and the aims of the Framework in Paragraph 170. These, amongst other things, seek to respect the natural environment including features which make it special and to recognise the intrinsic character and beauty of the countryside.

The inspector identified less than substantial harm to designated heritage assets, which would not have been outweighed by public benefit:

However, taking all of these matters into account the public benefits of the proposal would not, either individually or cumulatively, be sufficient to outweigh the harms that would be caused to the CA by the alteration to the site frontage, or to the wider settings of the CA and Old Dairy Cottage which would result from the urbanising effect of the development.

The inspector upheld all of the matters that were raised by the Council in the overall planning balance, and the appeal was dismissed:

Paragraph 11(d)(i) of the Framework states that the presumption in favour of sustainable development should be engaged unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development; or, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Importantly, footnote 6 includes policies relating to the protection of designated heritage assets, a factor applicable in this appeal. Given this conflict the presumption in favour of sustainable development does not apply.

The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise. Development which would conflict with and undermine the

strategy of an approved development plan and the Framework when read as a whole would, in planning terms, be harmful.

For the reasons given above the appeal scheme would conflict with the spatial strategy for the area, would result in unsustainable travel patterns and a reliance on the use of the private car, would be harmful to the character and appearance of the area, the character and appearance of the CA and the setting of the Grade II listed Old Dairy Cottage. Whilst the scheme would provide notable public benefits, including the provision of much needed market and affordable housing, the other material considerations in this case do not justify taking a decision other than in accordance with adopted development plan policy.

An application for an award of costs against the Council was refused.

Appeal Reference: [APP/D1265/W/20/3256221](#)

Planning Reference: 2/2019/1627/REM

Proposal: The development proposed was described as ‘develop land by the erection of up to 350 dwellings and community uses (commercial and non-commercial), including vehicle access from A350, public open spaces, play areas, car parking, including ancillary works and associated infrastructure, (outline application to determine access)’. The details for which approval was sought were appearance; landscaping; layout; and scale.

Address: Land South-West of Blandford Forum By-Pass, Blandford St Mary, Dorset

Decision: Allowed

The applicant appealed against non-determination of the reserved matters application. The reasons for refusal that were put forward as part of the Council’s case at the public inquiry were as follows:

1. The proposed development by reason of its layout, scale, and landscaping would result in an overly prominent development in a sensitive, valued landscape and within the setting of both the Cranborne Chase AONB and Dorset AONB which would result in significant harm to the intrinsic character and beauty of the area. The scheme therefore fails to comply with Objective 2, Policy 1 Presumption in Favour of Sustainable Development, Policy 4 Natural Environment, Policy 15 Green Infrastructure, Policy 16 Blandford and Policy 24 Design, of the North Dorset Local Plan Part 1 (2016), paragraphs 127, 170 and 180 c) of the NPPF (2019), the Cranborne Chase Partnership Plan 2019-2024 and Dorset AONB Management Plan 2019-2024.
2. The proposed development by reason of its layout, scale, appearance, and landscaping would fail to provide an acceptable design by reference to its topography, prominence, and the importance of the existing group of protected lime trees, resulting in a harmful impact on the character and appearance of the site. The proposed layout does not provide an acceptable design response to the visually sensitive nature of the site, by virtue of the extent of the built form, including the height and design of houses on the

upper slope. By failing to provide for a high standard of design it conflicts with Objective 2, Policies 1, 4 and 24 of the North Dorset Local Plan Part 1 (2016), paragraphs 117, 124, 127 and 130 of the NPPF (2019) and the National Design Guide (2019).

The Council concludes that the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against Policy 1 in the North Dorset Local Plan Part 1 (2019) and policies in NPPF (2019).

The main issues were the effect of the development in seeking approval for the matters reserved, in respect of character and appearance and having regard to the site and its surroundings, with particular reference to its potential impact on the settings of the Cranborne Chase and Dorset AONBs, but also whether on-site features, notably the group of lime trees have been properly considered.

The inspector did not agree with the argument that the design, layout and landscaping of the reserved matters application was unacceptable. The inspector commented as follows:

Before one embarks on an appraisal of the details proposed, it is essential to set out the baseline against which that appraisal must take place. The Council granted outline planning permission for up to 350 dwellings on the site, amongst other things, and approved access at that stage.

This was the subject of much debate at the Inquiry, but it is clear to me that in doing so, the Council must have satisfied itself that 350 dwellings could be satisfactorily accommodated on the site. If it was not satisfied that this number of dwellings could be satisfactorily accommodated, then it is difficult to see why outline planning permission was granted in these terms.

The inspector found no harm to landscape and scenic beauty, and no harm to the setting of the AONB:

As a final point, I would say, that in reaching those conclusions, against the baseline set out, I am conscious that the site was identified as suitable for the necessary provision of housing after a rigorous site selection process. It was chosen because it was the least harmful option. If the Council's assertion that the site cannot accommodate 350 dwellings is correct, then the shortfall would have to be made up elsewhere. In the light of the conclusions of the site selection process, they would have to be accommodated on sites where their impact on the setting of AONBs would be greater, or on sites in the AONBs themselves. To my mind, that further demonstrates why the position of the Council in relation to the amount of housing the site can accommodate is untenable. It is even more difficult to understand when the Council readily accepts that it cannot demonstrate a five-year supply of housing land.

Concerns about the potential impact of the proposal on dark skies have to be seen through that prism too. Even with careful design of the lighting to public

areas, something that can be secured by condition, there will no doubt be some impact as a result of the proposal. However, it would be an extension of the existing settlement, bordered on two sides by major roads. The existing settlement is lit up at night, as are the roads, and the vehicles upon them. These are already negative influences on dark skies. It seems to me that placing necessary new housing in such a context would mitigate its additional impact, to a degree. Certainly the housing is far better located on the appeal site than in places where its negative influence on the night-time environment might not be so readily accommodated.

For all these reasons, in the light of the identified baseline, I find that the scheme put forward in seeking approval for the matters reserved is acceptable in character and appearance terms, having regard to the site itself, and the group of lime trees upon it in particular, and its impact on the settings of the Cranborne Chase and West Wiltshire Downs and Dorset AONBs.

The inspector went on to state the following in terms of compliance with policy:

As such, I find the details submitted to be in accord with Local Plan Policy 16 that deals with Blandford, and Policy 24 that addresses design. I see no departure from the requirements of Local Plan Policy 1 that deals with the presumption in favour of sustainable development or Local Plan Policy 4 that covers the natural environment. As such there is compliance with the development plan, read as a whole.

On top of that, the details submitted are in alignment with the expectations of the Neighbourhood Plan and I see no divergence from the requirements of the National Planning Policy Framework⁹, taken as a whole. These important material considerations weigh in favour too.

I note the references to the Cranborne Chase Partnership Plan 2019-2024 and The Dorset AONB Management Plan 2019-2024 but against the baseline I have set out, any variance from the requirements of these documents is insufficient as a material consideration to outweigh compliance with the development plan, and other material considerations.

The inspector went on to conclude that the appeal should be allowed, and the submitted details of appearance; landscaping; layout; and scale, pursuant to condition No.3 attached to the original grant of outline planning permission, should be approved.

A costs claim was awarded in full against the Council.

Learning:

It is important to learn lessons from this case. Issues can be traced back to the outline consent. The indicative drawings that were relied upon at the outline stage, showed significantly fewer than 350 dwellings. They did not, therefore, adequately represent the quantum of development that would have to be accommodated at the reserved matters stage across the site.

The following points help to reflect on the approach to outline and reserved matters applications going forward:

1. Ensuring that the total up-to figure of dwellings can be successfully accommodated on the application site at the outline stage through properly scrutinising indicative layouts.
2. Early consideration of whether sufficient information has been provided to determine whether the number of units sought can be accommodated on the site in an acceptable way.
3. If an illustrative plan has been provided – check that it shows the quantum of development sought, and not a lesser quantum.
4. Use of Article 5 of Town and Country Planning (Development Management Procedure) (England) Order 2015/595, to require further details for consideration:

“5.— Applications for outline planning permission

 - (1) Where an application is made to the local planning authority for outline planning permission, the authority may grant permission subject to a condition specifying reserved matters for the authority's subsequent approval.
 - (2) Where the authority who are to determine an application for outline planning permission are of the opinion that, in the circumstances of the case, the application ought not to be considered separately from all or any of the reserved matters, the authority must within the period of 1 month beginning with the date of receipt of the application notify the applicant that they are unable to determine it unless further details are submitted, specifying the further details they require.
 - (3) Where access is a reserved matter, the application for outline planning permission must state the area or areas where access points to the development proposed will be situated.”
5. Note that where details/information is provided by the applicant, PPG says: "Unless the applicant has indicated that those details are submitted “for illustrative purposes only” (or has otherwise indicated that they are not formally part of the application), the local planning authority must treat them as part of the development in respect of which the application is being made; the local planning authority cannot reserve that matter by condition for subsequent approval."
6. Further emphasis on our pre-app advice – this can assist in managing expectations about illustrative information that will be required, raising concerns early etc.

Appeal Reference : [APP/D1265/W/20/3259557](#)

Planning Reference: 2/2019/0824/OUT

Proposal: Demolish barns and develop land by the erection of up to 30 No. dwellings, form new vehicular and pedestrian access, public open space, landscape planting, pumping station, electricity substation, surface water

attenuation, and associated infrastructure. (Outline application to determine access, layout and scale).

Address: Land at E381099 N102326 Catherines Well, Milton Abbas, Dorset, DT11 0AZ

Decision: Dismissed

A proposal to erect up to 30 dwellings on the edge of Milton Abbas was judged to be contrary to the Council's adopted spatial strategy, the inspector placing weight on the need to respect settlement boundaries despite the absence of a five-year supply of housing land.

The proposal was refused under delegated powers for the following reasons:

1. The proposed siting and scale of development located in the countryside would result in an unsustainable form of development and would be contrary to and undermine the policies of the emerging Milton Abbas Neighbourhood Plan. In the absence of any evidence of essential rural needs or any other 'overriding need or public benefit' for this type of development, and number of dwellings proposed, in this location the proposed development would be contrary to Policies 2, 6 and 20 of the adopted North Dorset Local Plan Part 1 (January 2016), Policy MA1 of the emerging Milton Abbas neighbourhood Plan (2019) and paragraph 14, 49, 79 of the National Planning Policy Framework.
2. The proposed development by reason of its location and number of dwellings would result in harm to the Dorset AONB, harm to the character and appearance of Milton Abbas, and less than substantial harm to the setting of Milton Abbas Conservation Area and grade ii listed Hill Lodge, contrary to Policies 2, 4, 5, 20, and 24 of the adopted North Dorset Local Plan Part 1 (January 2016), Policies MA4, MA6, MA8 of the emerging Milton Abbas Neighbourhood Plan (2019), and paragraphs 14, 127, 170, 172 and 192, 193, 196, 197 of the National Planning Policy Framework (February 2019).
3. In the absence of completed and signed Section 106 legal agreement to secure affordable housing, protected habitat mitigation, and community benefits (infrastructure: grey, social, green) the proposal would be contrary to Policies 4, 8, 13, 14 and 15 of the adopted North Dorset Local Plan Part 1 (January 2016), Policies MA9 of the emerging Milton Abbas Neighbourhood Plan (2019) and paragraph 54, 175 National Planning Policy Framework.

The North Dorset adopted spatial strategy seeks to focus development on the four main market towns within the former North Dorset area. The appeal site bordered one of eighteen larger villages with a focus on meeting local rather than strategic needs. Settlement boundaries had been agreed in an adopted local plan in 2003 and recently reviewed in a neighbourhood plan, the inspector noted.

The appeal site had also been considered for housing development in the made Milton Abbas Neighbourhood Plan, and had been rejected. The Neighbourhood Plan had identified a suitable range of sites, which together with existing

permissions, allowed for 27 dwellings to meet the local need. No justification for allowing a further 30 dwellings, 40 per cent of which would be affordable, had been presented. The inspector who had examined the neighbourhood plan had also carefully considered the suitability of the site which was not included as a possible reserve in the event that the allocated sites did not come forward.

The site also lay within the Dorset AONB and, as proposed, the inspector concluded that scheme would appear as a suburban housing estate. The scheme did not reflect the historic character of properties nestled within the landscape. While the details were subject to reserved matters approval this did not justify an inappropriate layout. As a major development within the AONB, no exceptional or public interest arguments were sufficient to outweigh the harm, and the advice in footnote 6 of paragraph 11(d)(i) of the NPPF provided a clear reason for refusing permission.

The impact on heritage assets were outweighed by the public benefits, but the conflict with the spatial strategy and the impact on the AONB provided clear reasons for dismissing the appeal.

Appeal Reference : [APP/D1265/W/21/3269271](#)

Planning Reference: 2/2020/0530/FUL

Proposal: The development proposed is a new contemporary dwelling on the bank of the river Stoor and associated parking

Address: Land at E 388783 N 106219, Langton Road, Blandford Forum DT11 7EN

Decision: Dismissed

A proposal for a contemporary dwelling on the riverbank of the Stour, was considered by an inspector to fail to preserve or enhance the character or appearance of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area, due to the adverse effect on its setting. It was also held that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It was also upheld that the proposal would adversely affect protected trees, and that insufficient ecology information was provided by the appellant.

The application was refused under delegated powers for the following reasons:

1. The proposed development, by virtue of its location along the river corridor, represents an overdevelopment of the site and will be detrimental to the setting of the Stour Meadows conservation area and is therefore contrary to section 16 of the National Planning Policy Framework and policy 5 of the North Dorset Local Plan.
2. The proposed development, by virtue of its location along the river corridor, represents an overdevelopment of the site and will be detrimental to the setting of the Cranborne Chase Area of Outstanding Natural Beauty and is therefore

contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

3. The application as submitted is considered to supply insufficient Arboricultural information to be able to fully assess the impact the proposal will have upon protected trees on site and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

4. The application as submitted is considered to supply insufficient biodiversity information to be able to fully assess the impact the proposal will have upon local ecology and how the site will be enhanced and is therefore contrary to section 15 of the National Planning Policy Framework and policy 4 of the North Dorset Local Plan.

The appeal site and surrounding area along the riverbank has a sylvan and natural character. The opposite bank of the river, facing towards the appeal site, has a similar character, with Stour Meadows, an area of semi-natural publicly accessible open land beyond.

The appeal site lies within the Cranbourne Chase and West Wiltshire AONB. The AONB is a landscape of outstanding value, protected for its national significance. The National Planning Policy Framework (the Framework) sets out that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. The AONB is also an International Dark Skies Reserve.

The wooded riverbank contributes to the visual qualities and landscape setting of the AONB through its verdant and natural character, visible in views along the A350 and from the opposite side of the River Stour.

The proposal is for a single-storey property of a contemporary design that would be raised on stilts with an associated terrace and parking area. It would share the access for the approved dwelling. The proposed building would be cut into the bank against a brickwork retaining wall to the rear. It would be clad in timber with a flat, green sedum roof. Due to the difference in ground levels would extend approximately 1.6 metres above the road level on Langton Road.

The inspector noted that the Council allowed a contemporary development of one dwelling along this riverbank. The appeal proposal, unlike the approved scheme, also lies within the AONB which adds further weight to the harm it causes. Due to its proximity to the A350 and the cycle path, it would be more visually prominent. This previous permission does not therefore justify the scheme before the inspector.

The inspector concluded that the proposed development would harm the character and appearance of the AONB. It would therefore conflict with Policy 4 of the Local Plan which requires development to conserve and enhance its natural beauty. It would also conflict with the Framework as referred, to which the inspector attached great weight to the identified harm.

The appeal site was also on the edge of the Blandford Forum, Blandford St Mary & Bryanston Conservation Area (CA). The CA is extensive, encompassing the historic core of the town with the River Stour running to its south and west. The open land, including Stour Meadows opposite the appeal site, and verdant banks around the river form an important part of the setting of the historic settlement and contribute to the significance of the CA.

The inspector concluded that the proposal would lead to less than substantial harm to the significance of a designated heritage asset, namely the CA. As required by paragraph 196 of Framework harm needs to be weighed against the public benefits of the proposal.

The scheme would have delivered one dwelling, within a reasonably accessible location. It would provide local economic and social benefits during the construction phase and subsequent occupation of the property through use of local services and facilities as well as a contribution to Council tax revenues. These would be a benefit of the scheme but as a single dwelling this contribution would be very limited and they therefore carry limited weight in the balance. The harm to the significance of the CA, due to the adverse effect on its setting, carries great weight, and it is not outweighed by the combination of public benefits which would arise from the proposed development.

The inspector concluded that the proposed development would fail to preserve or enhance the character or appearance of the CA due to the adverse effect on its setting. It would therefore conflict with Policy 5 of the Local Plan which requires development affecting the setting of a heritage asset to be assessed having regard to the desirability of sustaining and enhancing the significance of that asset and for any harm to be weighed against the public benefits of the proposal. It would also conflict with the Framework which recognises that heritage assets are an irreplaceable resource and harm to them should require clear and convincing justification.

Appeal Reference : [APP/D1265/W/21/3270690](#)

Planning Reference: 2/2020/1301/FUL

Proposal: The development proposed, 'Convert redundant agricultural building into 1 No. dwelling'.

Address: The Chymes, Westbrook Road, Gillingham SP8 5DT

Decision: Dismissed

The inspector in this case considered whether the site constitutes a suitable location for the proposed dwelling, having regard to local and national planning policies which seek to restrict residential development in the countryside; and the effect of the development on the rural character and appearance of the area. This decision is of note as despite the existing agricultural building appearing slightly domestic in nature, the inspector upheld the refusal and found harm due to the unsustainable location of the development, and harm to the character of the area that would result, in the absence of any enhancement to the site and its setting.

The application was refused under delegated powers for the following reasons:

1. Having regard to site's location well outside the town envelope (and established settlement boundary as designated within the adopted North Dorset Local Plan Part 1), without safe & convenient access to local services & facilities within the town of Gillingham other than by private car; it is considered that the application site is within an unsustainable location and the scheme is therefore contrary to policies 1, 2, and 20 of the adopted North Dorset Local Plan Part 1 2011- 2031.
2. The scheme would not enhance the character of the immediate setting, Green Lane being of an unspoilt rural character. The proposals which include: a substantial garden area; the 'refurbishment' of the tumbledown shed (which has a fairly substantial footprint when compared to the existing barn); the creation of a new turning and car parking area, and the associated residential paraphernalia associated with the domestic use of the site, would introduce a more intensive suburban appearance to the site which is not in keeping with, and would detract from, the sporadic and rural character of the area. It is therefore contrary to policies 1, 4, 20, 24 and 29 of the adopted North Dorset Local Plan Part 1 (2011-2031) and advice contained within the National Planning Policy Framework (Feb 2019).

The appeal site formed part of an agricultural holding located on the edge of Lower Langham, approximately one mile west of Gillingham. It comprised a large timber-clad building with a plain clay tiled pitched roof, and a dilapidated tumbledown shed, which were to some extent screened by the surrounding vegetation. The site is accessed by Green Lane, a leafy and largely unmade track.

Policy 2 of the North Dorset Local Plan Part 11 (LPP1) sets out the area's spatial strategy. It identifies Blandford, Gillingham, Shaftesbury and Sturminster Newton as the four main towns to accommodate the vast majority of housing and other development, whilst Stalbridge and larger villages will be the focus for growth to meet the local needs outside the four main towns.

The inspector commented that the site was largely surrounded by open fields and was located some distance away from the hamlet of Lower Langham and the town of Gillingham. The proposal would therefore result in the creation of a dwelling which would be physically separate or remote from the nearest settlement. In that regard, it is also of note that the closest residential properties are distinctly separated from the appeal site by intervening fields and tree belts.

The road network reflects the rural character of the area. Roads are generally narrow and unlit, and do not include footways. Whilst there are a number of footpaths in the area, I find it unlikely that, for the vast majority of trips, future occupiers would use alternative modes of transport to the private car to access most everyday facilities and services.

Consequently, the inspector held that the appeal site would not represent a suitable location for residential development, having regard to local and national planning policies which seek to restrict residential development in the countryside, particularly as the new dwelling would be at some distance from existing settlements. The proposal would therefore conflict with Policies 1, 2 and 20 of the LPP1, which set out a presumption in favour of sustainable development and seek to protect the countryside.

The inspector also held that the proposed development would have an adverse effect on the rural character and appearance of the area. Subsequently, it would be contrary to Policies 1, 4, 20, 24 and 29 of the LPP1, as well as paragraphs 127 and 130 of the Framework. Amongst other things, these seek to ensure that the re-use of existing buildings in the countryside would enhance their immediate setting, and development proposals are designed to improve the character and quality of the area within which they are located.

Appeal Reference : [Appeal A Ref: APP/D1265/W/21/3270132](#) and [Appeal B Ref: APP/D1265/Y/21/3268110](#) (planning and listed building consent).

Planning Reference: WD/D/20/001983 & WD/D/20/001984

Proposal: The works proposed were the extension of the residential care home with a conservatory on the west elevation.

Address: Eastbury House, Long Street, Sherborne DT9 3BZ

Decision: Appeal A and Appeal B, Dismissed

The proposed development and works related to the listed building Eastbury House, located within the Sherborne Conservation area. The inspector concluded that the proposal would fail to preserve the significance of the Grade II listed building and the character and appearance of the Sherborne Conservation Area. Accordingly, it would conflict with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (Adopted October 2015), and section 16 of the Framework. Amongst other things, these require proposals to conserve and where appropriate enhance the significance of designated heritage assets.

The proposal was refused under delegated powers for the following reasons:

1. The addition of this structure would compromise the architectural and aesthetic interest of the west elevation. The 'M'-profile roof would introduce a discordant visual form that detracts and distracts from the simple horizontal forms of the existing range and the gable and as such the proposal would not help to preserve or enhance the Listed Building. Therefore, in contrary to Policy ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (2015) and Part 16 of the National Planning Policy Framework.

The inspector found that Eastbury House holds significant architectural interest, which notably derives from the hierarchy of its design. The elegant and polite façade fronting Long Street is clearly defined by the strong symmetry of its detailing, which includes a central stone doorway with Tuscan half-round pilasters, flanked by large sash windows at ground and first floor levels. The stone plinth and

chamfered quoins and gable ends with stone parapet copings, as well as the prominent gable chimney stacks, add to the overall composition of the listed property.

The inspector found that the listing description refers to the group value which Eastbury House holds, collectively with other nearby listed buildings. This indicates that the significance of the appeal building also derives from the contribution it makes to the townscape, and the Sherborne Conservation Area as a whole, which is characterised by its rich collection of historic buildings reflecting the progressive development of the settlement.

The appeal scheme entailed the construction of a conservatory to the western elevation, with a double pitched roof profile to ensure that existing first floor windows are not obstructed. However, the inspector held that by virtue of its size and design, the proposed addition would appear as a discordant and overly complicated built form, which would harmfully detract from the simpler and functional appearance of the western range, but also the horizontal emphasis of this elevation.

Furthermore, the conservatory would protrude beyond the flank of the main part of the building and disrupt the historic plan form which characterises Eastbury House. The inspector concluded that this would erode the ability to appreciate the historic and architectural special interest of this designated heritage asset.

Despite the use of sympathetic materials, the proposed development and works would therefore fail to preserve the significance of the Grade II listed building. As Eastbury House makes an important contribution to the character and appearance of the Sherborne Conservation Area, it follows that the appeal scheme would also cause harm to this designated heritage asset.

The magnitude of the harm resulting from the proposed development and works would be less than substantial, to which the inspector ascribed considerable importance and weight. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) states that the harm should be weighed against the public benefits of the proposal.

The inspector stated that the appeal scheme would provide additional space for residents to socialise, and spend time with visitors or family members, and there would also be benefits for the mental health of the residents. However, there was limited information before the inspector which suggested that such benefits could not be achieved by other means. In the absence of substantive evidence to the contrary, the inspector found no reason to believe that the continued occupation of the listed building is dependent on the construction of the conservatory. Overall, the harm identified would not be outweighed by the presented public benefits, including securing the optimum viable use of the designated heritage asset.

The inspector concluded that the proposal would fail to preserve the significance of the Grade II listed building and the character and appearance of the Sherborne Conservation Area. Accordingly, it would conflict with Policies ENV4 and ENV12 of the West Dorset, Weymouth and Portland Local Plan (Adopted October 2015), and section 16 of the Framework. Amongst other things, these require proposals to conserve and where appropriate enhance the significance of designated heritage assets.