



Appeal Decision

Site visit made on 6 January 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 January 2020

Appeal Ref: APP/D1265/W/19/3237836

Norton View, Shaston Road, Stourpaine, Dorset, DT11 8TA.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Trustees of Norton View against the decision of Dorset Council.
 - The application Ref. 2/2019/0506/OUT, dated 25 March 2019, was refused by notice dated 2 July 2019.
 - The development proposed is 9 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Only appearance has been reserved for subsequent consideration.
3. The appeal site forms part of the settings of the grade II* listed Church of the Holy Trinity¹ and its grade II listed lychgate. The site also lies within the Stourpaine Conservation Area² (CA) and the Dorset Area of Outstanding Natural Beauty³ (AONB).
4. On behalf of the appellant, it is accepted that the proposals would result in less than substantial harm ("*lowest end of less than substantial*") to the significance of the Church of Holy Trinity and its lychgate.
5. I understand that the LPA is unable to demonstrate a five year supply of deliverable housing sites⁴ (HLS). The 'tilted balance' contained within paragraph 11(d) of the National Planning Policy Framework (the Framework) would be engaged if harm to designated heritage assets or any harm to the AONB were to be outweighed by the public benefits of the proposal.
6. Outline permission exists for the erection of two pairs of semi-detached dwellings on the south eastern part of the appeal site (ref. 2/2018/1021/OUT).

Main Issues

7. The two main issues are: firstly, whether the proposal would preserve the settings of the Church of the Holy Trinity and its lychgate and preserve or enhance the character or appearance of the CA and; secondly, the effect upon

¹ The provisions of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

² The provisions of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 are engaged.

³ I am mindful of the duty under section 85 of the Countryside and Rights of Way 2000.

⁴ I understand that there is only about 3.3 years HLS. This is a significant shortfall in supply.

the living conditions of neighbouring residents, having particular regard to the privacy and outlook of the occupiers of 15 and 23 South Holme.

Reasons

8. The development plan includes the North Dorset Local Plan Part 1 2011-2031 (LP), which was adopted in 2016. The appeal site lies within the settlement boundary for Stourpaine and the northern part of the site, together with the church and churchyard to the west, is part of an identified Important Open or Wooded Area (IOWA).
9. My attention has been drawn to numerous LP policies. The most relevant ones to the determination of this appeal are policies 1.9 (IOWA)⁵, 2 (spatial strategy)⁶, 4 (AONB), 5 (historic environment) and 25 (amenity).
10. The four houses proposed on the northern part of the appeal site would be at odds with the provisions of LP policy 1.9. However, the LP was adopted over three years ago and if the proposed review of this policy is taken forward the IOWA designation for this site would be removed. This policy does not add anything different to the protection afforded by LP policies 4 and 5. The conflict with policy 1.9 would not, by itself, justify withholding permission.

Public Benefits

11. The proposed erection of five additional dwellings on the appeal site would help to address the shortfall in HLS within a village that has been identified for growth. The development would accord with the provisions of LP policy 2. In addition, the proposal would increase the mix and choice of housing within this part of Dorset. It would also support the construction industry and occupiers of the proposed dwellings would help support local services and facilities. These public benefits carry considerable weight in the planning balance.

Impact on Heritage Assets

12. This 0.63 hectare appeal site abuts the eastern boundary of the churchyard of the Church of the Holy Trinity. The heritage interest (significance) of this listed church is derived primarily from its architectural qualities, which include its 15th century tower of greensand ashlar and its mid-19th century nave, chancel and south aisle, as well as its historic interest, which includes much of its fabric.
13. Over time, there have been changes within the setting of this listed building⁷. Nevertheless, the church retains a largely open setting which includes the northern part⁸ of the appeal site. The green, unspoilt, open qualities of this part of the site afford an appreciation of the historic/rural landscape setting of this parish church and maintain a tranquil setting to the churchyard. The northern part of the appeal site makes a positive contribution to the heritage interest of this designated heritage asset.
14. The significance of the late 19th century stone, timber and tiled roof lychgate is derived primarily from its architectural qualities, which include its wooden

⁵ I note from the supporting text to this policy that a review of all IOWAs was to be undertaken "as soon as possible after adoption" of the LP. As part of a review of the LP the former North Dorset Council proposed that those IOWAs that are protected by other planning policies or legislation should be deleted.

⁶ Stourpaine is one of eighteen larger villages that have been identified as the focus for growth to meet local needs outside of the main towns.

⁷ This includes the housing development at Trinity Close.

⁸ Roughly equating to the area of land to the north of the immediate garden/driveway to Norton View.

superstructure, pierced panels with quatrefoils and wrought-iron cross-finial, as well as its historic qualities which include much of its fabric and its function as a meeting point and shelter at the entrance to the churchyard. The northern part of the appeal site forms part of the largely open and historic landscape setting to this listed structure. It assists in affording an appreciation and understanding of this designated heritage asset.

15. The CA covers a large part of the village. It includes the church, lychgate and a number of open spaces. The significance of the CA is derived from its architectural and historic qualities. These include: the contribution made by various listed and vernacular buildings; the Saxon origins of the settlement; a moated site and; many of the open spaces around the buildings, which assist in retaining the attractive, historic rural character of Stourpaine.
16. The LPA has identified Norton View as a non-designated heritage asset. This early 20th century, two storey, red brick and tiled roof dwelling is of a pleasing design and appearance. However, there is nothing of substance before me to demonstrate that the appeal site contributes to the significance of this building.
17. The proposed siting of five detached and semi-detached dwellings would be on an area of land that is similar in extent to the permitted scheme for two pairs of semi-detached dwellings. None of these houses would intrude into the settings of the church or its lychgate. Furthermore, when compared to the approved scheme for four dwellings, this element of the appeal proposals would not have a materially greater impact upon the significance of the CA.
18. In contrast, the proposed terrace of four dwellings would extend development into the northern part of the appeal site. These new houses and the extensive tract of access road that would bisect the site would be readily visible from the churchyard and the lychgate. Whilst seeing a development does not in itself amount to a harmful impact, this element of the proposals would markedly erode the green, unspoilt, open qualities of the site and the contribution it makes to the significance and settings of these important buildings. The increase in activity would also erode the tranquil setting of the churchyard.
19. The proposed terrace would be set back from the church and lychgate. There would be some landscape planting and the new buildings could be finished using traditional materials. Nevertheless, I concur with the LPA and Historic England that these new houses and the access road (including the inevitable street lighting) would diminish an appreciation and understanding of the significance of these designated heritage assets.
20. In the context of the Framework, this would amount to less than substantial harm. If there is a sliding scale of harm within this category, the impact of the proposed development would be somewhere between the middle and lower end of less than substantial harm. However, this does not amount to a less than substantial planning objection. All harm to designated heritage assets must be given great weight in the planning balance and, in this instance, there would be harm to the significance of a building that is of more than special interest.
21. The above noted harm to the significance and settings of the church and the lychgate and the erosion of an attractive open space would fail to preserve the character of the CA. I also agree with Historic England that the proposed layout and form of the terrace of houses would be inconsistent with the grain of the CA which is predominantly of modest, detached cottages with gardens,

often perpendicular to one another. This proposed curved terrace would be an incongruous addition to the CA.

22. When the above harm to the significance of the listed buildings and CA is weighed with the public benefits, the balance tips against an approval. This in turn leads me to find that the proposal conflicts with LP policy 5.
23. I conclude on the first main issue that the proposal would fail to preserve the settings of the Church of the Holy Trinity and its lychgate and would fail to preserve the character or appearance of the CA.

Living Conditions

24. The LPA has calculated that the proposed terrace of houses would be about 15 metres from 23 South Holme and about 18 metres from 15 South Holme. There are some windows to habitable rooms in these neighbouring properties overlooking the appeal site and there are gardens immediately adjacent to the common boundary. However, the proposed two storey terrace would not be so close or tall as to be overbearing or oppressive when seen from 15 or 23 South Holme. Whilst the outlook for the occupiers of these existing properties would change, insofar as the relationship to the proposed new buildings, this would not be so great as to justify withholding permission.
25. As I saw during my visit, some windows in the south facing elevations of 15 and 23 South Holme are immediately behind the common boundary with the appeal site. The facing windows in the proposed terrace would be sited and orientated so as not to result in any significant overlooking or serious loss of privacy for neighbouring residents. However, when standing towards the northern end of some of the proposed gardens, it would be possible to clearly see into these neighbouring dwellings. If this were to occur it would result in significant overlooking and a serious loss of privacy for neighbouring residents who could be made to feel uncomfortable in their homes.
26. The submitted plans show some new boundary planting. This, and/or any new boundary fences, could avoid any significant overlooking and safeguard the privacy of neighbouring residents. However, if, as seems most likely, this was provided along the common boundary, it could severely restrict the outlook from these neighbouring rooms and significantly erode the living conditions of the occupiers of 15 and 23 South Holme. This would be at odds with the provisions of LP policy 25. This harm adds further weight to the case for withholding planning permission.
27. I conclude on the second main issue that the proposal would harm the living conditions of some neighbouring residents.

Other Matters

28. I have not been provided with any extracts from the AONB Management Plan. However, from my experience of other appeals within this AONB, the special qualities of this designated landscape include its unspoilt rural character and tranquillity. The proposed development would not disrupt any long distance views across the landscape. However, the erosion of the green, unspoilt, open qualities of the appeal site and tranquillity that I have found above would have an adverse, albeit very localised, effect upon the attributes of this nationally important landscape. Whilst my decision does not turn on this matter, in

failing to conserve the natural beauty of the AONB the proposal would be at odds with the provisions of LP policy 4.

29. I note that the Parish Council supported the application and there were no objections from neighbouring residents. However, local support is not by itself adequate justification for granting planning permission. In this instance, the harm that I have found to two nationally important buildings, the CA and the living conditions of some neighbouring residents, as well as the failure to conserve this nationally important landscape, outweighs this support.

Planning Balance / Overall Conclusion

30. I have found that the proposed development would accord with LP policy 2 but would conflict with several other LP policies. One of the objectives of the development plan is to meet the housing needs of the community. However, this should not be achieved at the expense of other important objectives which include, conserving and enhancing the historic and natural environment and improving the quality of life for residents. When the development plan is considered as a whole, the proposal would be in conflict with it. Whilst mindful of the HLS situation, there are no material considerations that lead me to determine the appeal otherwise in accordance with the development plan. I therefore conclude that the appeal should not succeed.

Neil Pope

Inspector