
Appeal Decisions

Site visit made on 19 May 2020

by **L McKay MA MRTPI**

Inspector appointed by the Secretary of State

Decision date: 18th June 2020.

Appeal A Ref: APP/D1265/W/20/3244812

Old Forge, Chapel Farm, East Woodyates, Salisbury, Wiltshire SP5 5QY

- 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 Mr & Mrs Nigel Cutler against the decision of Dorset Council.
 - The application Ref 3/19/1029/FUL, dated 25 April 2019, was refused by notice dated 2 August 2019.
 - The development proposed is described as old forge to be renovated, extended and converted to single storey dwelling.
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Appeal B Ref: APP/D1265/W/20/3244869

Old Forge, Chapel Farm, East Woodyates, Salisbury, Wiltshire SP5 5QY

- 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 Mr & Mrs Nigel Cutler against the decision of Dorset Council.
 - The application Ref 3/19/1968/FUL, dated 16 September 2019, was refused by notice dated 12 December 2019.
 - The development proposed is described as old forge to be renovated, extended and converted to single storey dwelling.
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Decisions

1. Appeals A and B are dismissed.

Procedural Matters

2. As set out above there are two appeals on this site. They differ only in the detail of the design of the proposed dwelling. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. Both proposals are described on the application forms as extension and conversion of the old forge, and I have used these descriptions in the headers above. However, only parts of the walls of the former forge remain. Both schemes propose extending both ends of the existing structure, re-building the buttresses, adding a completely new roof structure, new foundations, new openings and moving existing openings. As such, very little of the existing structure would be retained. The Council considered both schemes as being for a replacement building rather than a conversion, while in their submissions, the appellants variously describe their proposals as a replacement and a re-build. From the evidence before me, including my observations on site, it is apparent that the works needed to alter the existing structure to a dwelling would be of such magnitude that they would go beyond what might reasonably be described as a conversion. As such, I have considered both appeals as a fresh build rather than a conversion.

Main Issues

4. For both Appeals A and B, the main issues are whether the site represents an appropriate location for housing having regard to the settlement strategy and access to services and facilities; and the effect of the proposed development on the significance of nearby designated and non-designated heritage assets.

Reasons

Appeals A and B

Location

5. The appeal site is within the hamlet of East Woodyates and part of a complex of buildings comprising Chapel Farm and its outbuildings, stable blocks and barns. Policy KS2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (CS) sets out the settlement hierarchy and seeks to focus development in settlements that offer services and facilities. In hamlets, the Policy allows development where it is functionally required to be in the rural area. Although the appeal site is previously developed land (PDL) within the curtilage of an existing dwelling, CS Policy KS2 does not make any exception to allow a new dwelling in such circumstances unless it is functionally required.
6. The appellants suggest that occupation of the proposed dwelling could be limited to people keeping horses in the livery stables at Chapel Farm. While this would no doubt be convenient for horse owners, it has not been demonstrated that there is any functional requirement for an owner to live close to their horse(s) for welfare purposes or any other reason. Nor would restricting the tenure of the proposed dwelling to be let rather than sold create a functional relationship to the stables. In any event, there is no mechanism before me to secure such a restriction.
7. Furthermore, the information before me is that Chapel Farm has only 8 stables, employing 2 part-time staff. No evidence has been submitted of any functional need for a staff member to be on site 24 hours a day. It has not been demonstrated that those living in the existing dwelling on site could not deal with any issues that arise when staff are not present, such as overnight emergencies. It has not therefore been demonstrated that there is an essential need for an employee to live permanently at their place of work.
8. There is therefore no compelling evidence before me that a new dwelling is functionally required to be located in this rural area. Consequently, a planning condition to restrict the occupancy of the dwelling would not be necessary or reasonable.
9. East Woodyates has no services and facilities and future residents would need to travel several miles to Sixpenny Handley or further afield to larger settlements to meet their day-to-day needs. CS Policy KS2 identifies Sixpenny Handley as a Rural Service Centre (RSC) which provides facilities that support the village and adjacent communities. It allows residential development in RSCs of a scale that reinforces their support role and as such, accords with the provisions of paragraph 78 of the National Planning Policy Framework (the Framework).
10. While the occupants of the proposed dwelling would be likely to use and support the services and facilities in Sixpenny Handley, there is no indication that they are under threat. Furthermore, there is no compelling evidence before me that locating a single dwelling in one of the communities adjacent to Sixpenny Handley, rather than in the village itself, would enhance or maintain the vitality of the RSC.

11. To reach Sixpenny Handley, occupants of the proposed dwelling would have to travel a significant distance along the A354, a fast and relatively busy road, or via narrow lanes. Neither route is lit or has pavements, and therefore they are unlikely to be safe or attractive for use by pedestrians or, outside daylight hours, for cyclists. There are no details before me of any public transport options from the site to local services either in Sixpenny Handley or further afield. Consequently, although the Framework acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, the location of the appeal site significantly compromises the ability to access sustainable transport modes. Therefore, future occupants of the development would be largely reliant on the private motor car to access services and facilities.
12. Therefore, both Appeals A and B would conflict with CS Policy KS2 and the provisions of Framework paragraph 78. Accordingly, the appeal site would not be an appropriate location for housing having regard to the settlement strategy and access to services and facilities.

Heritage assets

13. The Framework requires that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 197 directs that the effect of an application on the significance of non-designated heritage assets (NDHA) should be taken into account when determining proposals, and that, 'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'.
14. As the village forge, the existing building would have been an important service and landmark in the village. It therefore has considerable local historic significance and can be considered an NDHA. The adjacent former chapel is also identified by the Council as an NDHA and although now a dwelling, it derives significance from its historic function as well as its built form and large arched windows, which reflect its ecclesiastical origins.
15. Chapel Farm, the former chapel and the forge are arranged as a group around a roughly rectangular open area and share many similarities in built form, roof pitch and use of brick and flint. The scale and amount of detailing reduces from the farmhouse down to the forge, indicating their importance and function and creating a clear visual hierarchy which is evident both from within the grounds of Chapel Farm and from the public highway. The group of buildings therefore has a degree of communal significance. Although the appellants dispute that communal significance has any basis in local or national policy, Historic England guidance sets out that heritage value can be categorised as aesthetic, evidential, communal or historic¹. Consequently, this group can also be considered an NDHA.
16. Tudor Cottage, a Grade II listed building, is a small thatched cottage with several modern extensions. It derives considerable significance from its architecture, particularly its thatched roof, which is a prominent feature in the street scene when approaching the cottage from both directions.
17. Both Appeals A and B would replace, rather than retain or restore the existing building and would therefore result in the complete loss of significance of the forge. The contribution of the forge to the hierarchy of the group at Chapel Farm would also be lost, resulting in modest harm to the communal significance of this NDHA.

¹ 'Conservation Principles', English Heritage, 2008

Although only parts of the walls remain, there is no substantive evidence before me that they are at risk of imminent collapse or are incapable of being retained. As such, there is no compelling justification for the complete loss of the existing building.

18. Limited information about the appearance of the original forge has been provided, however what is before me indicates that it was a simple building with a prominent chimney and few openings. The overall scale, materials, roof design and siting of both appeal proposals would be similar to the original building, and the rear and side elevations would be of simple design, drawing from the design of the few features that remain.
19. However, Appeal A proposes a substantial front porch, which would be overscaled in relation to the dwelling and a prominent feature from within the grounds of Chapel Farm. While Appeal B would have no porch, sizeable multi-paned sash windows are proposed on the front elevation. In both appeals, the resulting design of the front elevation would give the proposed building an overtly domestic appearance, at odds with the simple form of the original functional outbuilding which it seeks to reinstate. Although the appellants refer to other local forge buildings, I have not been provided with details of these, and there is no compelling evidence before me that such domestic features would be traditionally found on a forge. While I acknowledge that there are other unsympathetic developments in the local area, this does not justify allowing further harm in this regard.
20. Both proposals would involve the creation of a separate garden and parking for the proposed dwelling, and there would inevitably be some domestic paraphernalia, such as sheds and washing lines. The existing hedge along the road boundary and the height of the appeal site above road level would however largely screen these domestic features from view from the road. Given the space available within the site, with careful siting and landscaping, bins could also be screened from view. When viewed from the grounds of Chapel Farm however, the formation of an enclosure around the site would physically and visually separate it from the rest of the group of buildings, significantly altering the relationship between them. This separation would be readily appreciated by visitors to the house and stables.
21. The front elevation of the dwelling would also be seen in conjunction with Chapel Farm and the former chapel. The features of the proposed front elevations would compete with the level of detail of those other higher status buildings, particularly in respect of Appeal B, where the sash windows would match those of Chapel Farm, a substantial and high-status dwelling. Consequently, both appeal schemes would materially and harmfully alter the hierarchy and relationship between the buildings in the group and as such, would result in modest harm to the communal significance of this NDHA.
22. In both Appeal A and Appeal B the proposed dwelling would be seen in views towards Tudor Cottage when entering the village. However, due to the separation distance and the siting of the proposed dwelling back from the road, neither proposal would interrupt views of the cottage and its thatched roof. Furthermore, neither scheme would be unduly prominent in the street scene, and as such would not draw the eye away from the listed building. Therefore, the way in which Tudor Cottage is experienced would not be materially altered by either proposal. Accordingly, both schemes would preserve the listed building and its setting, and would not harm any features of special architectural or historic interest which it possesses.

23. From a distance the proposed dwelling would be seen in front of the former chapel, obscuring the decorative windows from view. However, it would occupy largely the same position as the original forge and as such, from the road it would have a very similar relationship with the former chapel. As such, neither appeal proposal would have a harmful impact on the setting of that NDHA individually, however for the reasons given above both would affect it as part of the group.
24. Accordingly, while neither Appeal A or Appeal B would harm the significance of the listed building, both would result in harm to the significance of NDHAs. The proposal would therefore conflict with CS Policy HE1 which requires the significance of all heritage assets and their settings (both designated and non-designated) to be protected and enhanced.
25. That Policy does not however include the balancing exercise set out in the Framework and as such is not wholly consistent with it. Having regard to the Framework, it is necessary to reach a balanced judgement taking into account the benefits of the appeal schemes.
26. Both appeals would contribute to housing supply on PDL and there would be economic benefits from construction and expenditure by future residents. The Council states that it cannot currently demonstrate a 5-year supply of housing land, however neither main party has provided me with details of the extent of the shortfall. Although in the context of any shortfall in supply all contributions to housing are valuable, the benefits of only one additional dwelling would be limited.
27. The site is well maintained and as a local landmark of historic significance, the forge contributes positively to the character of the area despite its current condition. Therefore, its removal would not demonstrably enhance the appearance of the site or the entrance to the village. As such, this can be afforded minimal weight. Furthermore, due to the inappropriate appearance of the front elevations, neither Appeal A or B would result in a replacement dwelling that would be sympathetic to the character and appearance of the original forge or reinstate the historical landmark as the appellant suggests. Therefore, neither proposal would make a positive contribution to local character and distinctiveness as supported by Framework paragraph 185.
28. As there would be no functional link to the stables, there is no compelling evidence before me that a dwelling in this location would encourage equine activities or farm diversification, or generate employment opportunities beyond the construction period. I note that the appellants have only recently erected more stables, which suggests that there is demand for such facilities irrespective of the outcome of this appeal.
29. Accordingly, both Appeals A and B would result in only limited benefits, and I find that these would not outweigh the scale of harm resulting from the complete loss of the significance of the forge, and the modest harm to the significance of the group of buildings from the loss of the forge and the appearance of both versions of the proposed dwelling. Consequently, the proposal would conflict with the provisions of the Framework in respect of NDHAs.

Planning Balance and Conclusions

Appeals A and B

30. I have found that both proposals would conflict with the settlement strategy and result in harm to NDHAs that would not be outweighed by the benefits of the scheme. While neither Appeal A or Appeal B would adversely affect the highway network, or the living conditions of neighbouring or future occupiers, these would

be neutral impacts of the schemes. Consequently, I find that both proposals would conflict with the development plan taken as a whole.

31. Although the appellants contend that CS Policy KS2 should be considered out of date, its approach is consistent with that of the Framework in seeking to promote development which supports rural communities. It allows for development in all types of settlement, including housing where justified, and as such does not seek to impose blanket restrictions on such development. Consequently, having regard to Framework Paragraph 213 it should not be considered out of date simply because it was adopted prior to the publication of the Framework. Given the degree of consistency with the Framework, I afford the conflict with Policy KS2 full weight.
32. CS Policy HE1 seeks to conserve and enhance heritage assets and values them as an irreplaceable resource. However, in the absence of a balancing provision, it is not fully consistent with the Framework. The conflict with that Policy therefore carries substantial, but not full weight.
33. Due to the Council's housing land supply position, Framework paragraph 11d is engaged. Both Appeal A and Appeal B would accord with the Framework objectives of boosting housing supply on PDL, however both would conflict with the Framework in respect of the historic environment and the location of rural housing. Consequently, even in the context of a shortfall in the 5-year housing land supply, the adverse impacts of granting permission for one dwelling would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Framework taken as a whole.
34. Overall, taking account of the Framework and the above considerations, including the benefits of the development, I conclude that there are no material considerations that would indicate that either decision should be taken otherwise than in accordance with the development plan. Therefore, both Appeal A and Appeal B are dismissed.

L McKay

INSPECTOR