

Appeal Decisions

Site visit made on 29 June 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 August 2020

Appeal A Ref: APP/D1265/W/20/3248499

The Former Military Hospital, Marabout Estate, Dorchester DT1 1YA

- 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 planning permission.
 - The appeal is made by Mr Barry Crook (G Crook & Sons) against Dorset Council.
 - The application Ref WD/D/19/000867, is dated 18 March 2019.
 - The development proposed is change of use of vacant Former Military Hospital to Residential.
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Appeal B Ref: APP/D1265/Y/20/3248496

The Former Military Hospital, Marabout Estate, Dorchester DT1 1YA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Barry Crook (G Crook & Sons) against Dorset Council.
 - The application Ref WD/D/19/000868 is dated 18 March 2019.
 - The works proposed are change of use of vacant Former Military Hospital to Residential.
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Decision

1. Appeal A is dismissed, and planning permission for change of use of vacant Former Military Hospital to Residential is refused.
2. Appeal B is dismissed, and listed building consent for change of use of vacant Former Military Hospital to Residential is refused.

Procedural Matters

3. On 1 April 2019, West Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeals having regard to the policies set out within the West Dorset, Weymouth and Portland Local Plan (LP), which was adopted in 2015.
 4. As the proposals relate to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 5. The appeals are against the Council's failure to give notice, within the prescribed timescales, of decisions on applications for planning permission and
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listed building consent. However, the Council have detailed their concerns within their submissions. Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.

Application for costs

6. An application for costs was made by Mr Barry Crook (G Crook & Sons) against Dorset Council. This application is the subject of a separate Decision.

Main Issues

7. The main issues are:

- Whether the proposal would preserve the special architectural and historic interest of the Grade II listed building known as Former Hospital, Marabout Barracks; and
- In respect of Appeal A, the effect of the development on the supply of employment land and premises within Dorchester.

Reasons

Heritage

8. The appeal building was constructed in 1799 as a military hospital for the Royal Horse Artillery Barracks, which was used for that purpose until the mid-20th century, and was designated as a Grade II listed building in 1975. The appellant's submissions suggest that it was also used by families living in the Depot Barracks on the southern side of Poundbury Road and, during World War 1, by those held at the Prisoner of War Camp in Dorchester.
9. The setting of this Grade II listed building is somewhat compromised by its location at the heart of an industrial estate, as it is surrounded by commercial premises. Nevertheless, the former hospital certainly stands out as a building of institutional yet restrained character, with its chequered brick walls, hipped slate roof, prominent brick chimney stacks, and the strong rhythm provided by the large, slender timber sash windows which dominate the front elevation.
10. Like other health and welfare buildings constructed at that time, this former hospital combines architectural presence with functional interest. The large sash windows and substantial chimneys reflect the greater emphasis which was placed on the importance of heating and ventilation. Despite the fact that internal alterations have taken place over time, including some subdivisions, the original plan form of the building as a medical institution is in part still apparent, with a central entrance, a number of staircases and evidence of regular, linear open spaces which may have historically functioned as wards. Having regard to the available evidence, I therefore consider that the significance of this Grade II listed building derives principally from its architectural and historic interest as a military and medical institution, including its characteristic layout.
11. As part of the proposal, it is of note that some architectural features, such as the steel columns situated at ground floor level and the fireplaces, would be retained and, where necessary, restored. However, the proposed conversion of the building to residential accommodation would require the erection of a number of partition walls which would appreciably erode the evidential and

historic value of the listed building as a former hospital. As a result of the proposed subdivisions, the open plan form of the building would be unacceptably diminished. In the absence of clear evidence to the contrary, I find that the proposed development and works would be too invasive and cause unacceptable harm to the special interest and significance of the listed building.

12. Although external alterations would overall remain limited, it is of note that one of the ground floor windows to the rear elevation would be blocked and a new opening would be created, thus disrupting the otherwise largely cohesive pattern of fenestration which contributes to the significance of this designated heritage asset. Whilst the proposed changes to the openings would not be fatal to the scheme by themselves, they nevertheless add to my concerns in respect of the proposed development and works.
13. In accordance with paragraph 196 of the National Planning Policy Framework (the Framework), great weight should be afforded to the conservation of designated heritage assets. The harm to the special interest of the Grade II listed building would lie at the lower end of the less than substantial spectrum, a matter to which I nevertheless attach considerable importance and weight, having regard to my statutory duties. In such circumstances, the identified harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use, which I shall return to later in my decision.
14. For these reasons, the proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building. As well as being contrary to the requirements of the Act, the proposal would therefore not accord with paragraphs 194 and 196 of the Framework and LP Policy ENV4. Amongst other things, this policy requires applications to be weighed against the public benefits of the proposal, showing that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset.

Loss of employment

15. The appeal site lies within the Grove Trading Estate, a designated 'key employment site', which LP Policy ECON2 seeks to retain for employment uses. The policy permits various types of employment uses other than B1, B2 and B8, subject to a number of criteria. However, it does not permit other uses that do not provide direct, on-going local employment opportunities.
16. The appellant's submissions confirm that the appeal building was last used as an office and has remained vacant for approximately 25 years. Whilst I understand that the premises have been advertised, I have not been presented with substantive evidence showing the extent and form of the marketing exercise. I have had regard to the submitted viability information, and it is clear that the appeal building would require significant investment in order to meet modern standards, notably to improve its accessibility. However, it cannot be ascertained from the presented information whether the premises were marketed appropriately, particularly given their current condition. Consequently, there is no certainty that all suitable uses providing direct, on-going local employment opportunities, including mixed use options, have been fully explored and if so, why they were not pursued further.

17. The appellant has drawn my attention to the neighbouring commercial premises, which could potentially be converted to residential accommodation through the prior approval procedure afforded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). However, these remain hypothetical and there is no greater than theoretical possibility that these commercial premises could or would be converted to residential accommodation. I have assessed Appeal A, having notably regard to the site's location within a key employment area identified as such throughout the plan-making process. Accordingly, I afford limited weight to the contention that neighbouring buildings within this industrial estate could be converted to residential use.
18. Although some employment uses may not be suitable for the appeal building, by reason of being listed, I am not satisfied, having regard to the available evidence before me, that all employment and mixed uses have been duly considered. Accordingly, I cannot conclude that there is no reasonable prospect of the appeal building being brought back into employment use, and therefore consider that the proposal would not accord with LP Policy COM2, by resulting in the unjustified loss of employment premises in Dorchester.

Other Matters

19. The appeal building also lies within the setting of a Scheduled Monument. However, no concerns have been raised by the Council in that particular regard, and there are no reasons for me to take a different approach.
20. As stated within their submissions, the Council is only able to demonstrate 4.83 years of deliverable housing sites. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 7, advises that the policies which are most important for determining the application are considered out-of-date, and planning permission should be granted. The presumption in favour of sustainable development does not however apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed which, as listed in Footnote 6, includes designated heritage assets.
21. For the reasons detailed above, the proposed development and works would cause harm to the significance of the appeal building, and the policies of the Framework would in that regard provide clear reasons for refusing the appeal scheme. The presumption in favour of sustainable development which is articulated in paragraph 11 of the Framework is therefore not engaged in this instance.

Overall Planning Balance

22. The proposed development would make a modest contribution towards housing supply, and there would be short-term benefits to the local economy as a result of the development works. The site is located within an accessible location, and future occupiers would in all likelihood support the wide range of facilities and services available within Dorchester. Additionally, the proposed landscaping works would marginally improve the setting of the listed building, but this is a consideration to which I can only ascribe little weight, by reason of the limited contribution such works would make overall.

23. Against that, I have found that the proposal would result in the loss of employment premises in the area and cause harm to the significance of the former Military Hospital, at the lower end of the less than substantial spectrum. In accordance with paragraph 193 of the Framework, great weight should be afforded to the conservation of designated heritage assets. Whilst it is accepted that the proposal would provide additional dwellings and sustain the long term retention of the appeal building by bringing it back into use, I am not however convinced that, having regard to the available evidence, the proposal would secure the optimum viable use of this designated heritage asset. Overall, the proposed development and works would fail to preserve the special architectural and historic interest of the Grade II listed building, and the harm would not be outweighed by the relatively limited public benefits which have been identified.

Conclusion

24. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR