
Appeal Decision

Site visit made on 6 July 2020

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 September 2020

Appeal Ref: APP/D1265/W/20/3246429

Land between Blandford Hill and Lane End, Milborne St Andrew, Dorset

- 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 Wessex Strategic Ltd against the decision of Dorset Council.
 - The application Ref 2/2018/1577/OUT, dated 2 November 2018, was refused by notice dated 18 October 2019.
 - The development proposed is described as develop land by the erection of up to 85 No. dwellings, a community facility (Use Class D1), form vehicular access and associated infrastructure. (Outline application to determine access).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made in outline, with permission sought for access only. Insofar as details of the layout, appearance, scale and landscaping of the development have also been shown on the plans submitted as part of the application, and with the appeal, I have therefore necessarily treated them as indicative/illustrative. Despite the various iterations, the layout depicted on these plans nonetheless shows very little overall change. For this reason, and taking into account the constraints which have informed the designs shown, I consider that the plans provide a strong indication of the layout likely to be presented at reserved matters stage. I have therefore placed considerable weight on these details in assessing appeal scheme, whilst recognising scope for change.
3. The appellant indicates that the Council changed the description of development without agreeing this, but does not object. I have therefore used the description of development provided on the decision notice in the banner heading above.
4. The application form provides the applicant's name as Wessex Strategic, however elsewhere in the submissions this appears with 'Ltd' or 'Limited' added. As this clearly forms part of the company name, I have included it in the banner heading above.
5. Whilst the planning application was being determined, North Dorset District Council (NDDC) merged with other Councils in the county to form Dorset Council. The development plan however continues to be that in force within the former NDDC area.

6. In response to the third reason for refusal of planning permission, which related to the absence of a Section 106 agreement, 3 planning obligations were submitted during the course of the appeal. Two of these obligations are indeed Section 106 agreements, which have been completed in counterpart (hereafter the S106). The S106 covers the provision/management of open space/play areas, SANGs, affordable housing and payment of a habitats mitigation contribution. The third obligation is a Unilateral Undertaking (hereafter the UU), which covers provision of a pre-school/payment of a community facility contribution.

Main Issues

7. The main issues are:

- whether the site is a suitable location for the development, with particular regard to its effect on the form and character of Milborne St Andrew; and
- the effect of the development on designated and non-designated heritage assets including: (a) listed buildings; (b) Milborne St Andrew Conservation Area (the Conservation Area); (c) archaeology; and (d) buildings of local interest; and, if any harm would be caused, (e) whether this would be outweighed by public benefits.

Reasons

Location, form and character

8. Policy 2 of the North Dorset Local Plan Part 1 2016 (the LP) sets out the spatial strategy for the former NDDC area, which, partly through use of settlement boundaries, seeks to direct housing, and thus population growth, to the most sustainable locations. Larger villages, including Milborne St Andrew, are identified as a focus of growth to meet local needs. In this context the Milborne St Andrew Neighbourhood Plan 2019 (the NP) defines a revised settlement boundary, and identifies both the scale of local housing need up to 2033, and a site allocation to cover this. The appeal site is located outside the settlement boundary, and is not covered by the allocation.
9. Policy 20 of the LP restricts the type of development which may occur outside settlement boundaries, in particular limiting this to cases where there is an overriding need for the development. Policy MSA1 of the NP similarly provides that greenfield sites outside the settlement boundary can be developed where a local need is demonstrated, or additionally, where substantial community benefits would be provided. In either case, Policy MSA1 requires development to strengthen the village form and character. In this regard the Council's key concern is the effect that the development would have on the form and character of Milborne St Andrew.
10. The village is located within a strongly rural setting, surrounded on all sides by the open agricultural land. It falls into 2 main north/south parts which are bisected east/west by the A354, and arranged on a distinct axis provided by Milton Road, Chapel Street and The Causeway. These run along the base of the broad valley through which the Bere Stream flows. Land rises to either side.
11. Most development of historic origin is located along the valley bottom, principally lining the 3 main streets and the A354 around the point of intersection. It thus has little exposure within the surrounding landscape. Some

more recent development climbs the valley sides along streets linked to the main north/south routes through the village. This is particularly the case on the north side of the village, but it has also occurred along Homefield, which is located immediately to the south of the appeal site, and linked, via Little England, to The Causeway. Development on the valley sides tends to be both prominent and exposed in long views, and this is especially true of that along Homefield, the ribbon-like layout of which accentuates its intrusive character.

12. A cluster of largely commercial development, including some dwellings and a sports ground (the cluster), occurs immediately to the north east of the site. This is linked directly to the village core by the A354, and also to Homefield along Lane End. However, due to the gaps between, which are largely provided by the appeal site itself, this cluster is otherwise perceived as being distinctly separate from the village core.
13. In this context, the appeal site is a large open agricultural field on rising ground. This accounts for much of the east side of the valley on the south side of the village. It is accessible and crossed in 3 directions by public rights of way. The parties dispute whether or not the site should be considered a 'valued landscape', and the appellant's Landscape and Visual Impact Assessment (LVIA) further describes it as having a curtailed visual envelope. Indeed, given that the site lies on the east side of a valley, views from and towards it principally exist from and towards the west. Be that as it may, experienced by passing through it, looking across it, or viewing it from outside, the field forms an attractive open space. From within it, pleasant views are also available both towards the village core, and towards the open landscape beyond. Despite the fact that its immediate setting is visually compromised by development along Homefield, I consider that the field therefore currently makes a strong contribution to the rural character and setting of the village.
14. The proposed access would adjoin the A354, well to the east of The Old Bakery, which is currently perceived as the first obvious outlier of the village core. Due to an abrupt rise in ground levels, dwellings in the northern half of the site would also, for the most part, be located at a much higher level than both the A354 and existing dwellings lying at the eastern edge of the village core. This would provide little scope for direct engagement or integration of the development with the existing street scene outside the site. Though dwellings on the south side of the site would back onto dwellings along Homefield, this time at a similar level, there would again be no scope for engagement with the street scene outside the site. For these reasons the layout of the development would be poorly integrated with the established street network within the village, and little potential would exist for it to directly engage with the established street scene.
15. The site would remain connected to the rest of the village via existing rights of way, some of which might be formalised as pavements or otherwise 'improved'. However, this would not compensate for the fundamental lack of integration of the street layout itself. Furthermore, the pleasant rural character of these rights of way would be severely compromised by their suburbanisation, and that of the space through which they would pass. Here the appellant's LVIA itself acknowledges a major adverse effect to visual amenity in relation to the rights of way crossing the site, and I agree. I further consider that the adverse effect would not be alleviated by any landscaping of the space between the

- north and south sides of the development, because the space would, in any event, be viewed and experienced as subordinate to the housing either side.
16. The development would, as a matter of fact, fill much of the space forming the current 'gap' between the village core and the cluster to the east. In this regard the development has been promoted as providing a linkage. However, no new linkage would in fact be provided within the development itself, and even though a new length of pavement would be constructed along the A354 frontage, this would go no further than the access. Indeed, in view of my findings above, the simple proximity of built form, new to old, would not alter perception of the development as being poorly integrated with the village at large. This would be further accentuated within the development itself by its separation into a northern and a southern part, further emphasising the degree of disconnection of the latter.
 17. The development would have a high level of visual exposure from viewpoints within the southern part of the village. From these locations, loss of the existing rural outlook would be clearly perceived, and accentuated by the amount of development, and the large area of land that would undergo suburbanisation. Given the visual intrusion already caused by development along Homefield, the harm caused within the landscape setting of the village would be amplified in cumulative terms. This loss could not be meaningfully alleviated by landscaping, or variation in the built scale of the dwellings, whilst concealment of the development by heavy screening would simply serve to further disconnect it from the village at large.
 18. The proposed dwellings could adopt a similar 'vernacular' appearance to that used in other recent developments in the village. However, whatever style was adopted for dwellings within the development, this would not in itself make any significant difference to its lack of integration in terms of layout, or visual intrusion in terms of location.
 19. I acknowledge the appellant's point that the site is not identified within the NP as a 'local green space' (LGS), which Policy MSA11 of the NP seeks to protect. However, this is not remarkable given that, with reference to the sites identified in the NP, LGS was clearly not intended to be used as a broader landscape designation. The fact that the site is not an LGS does not therefore make any difference to my findings above, and nor does the fact that the site does not lie within an Area of Outstanding Natural Beauty.

For the reasons outlined above I conclude that the site would not be an appropriate location for the proposed development given the harm that it would cause to the form and character of the village. It would therefore conflict with Policies 2 and 20 of the LP, and Policy MSA1 of the NP, as summarised above; Policy 4 of the LP and Policy MSA9 of the NP, which each seek to protect the landscape of the District, and respect local landscape character respectively; Policy MSA 14 of the NP which states that new development should respond to the area's local character; and Policy 24 of the LP which states that development should be designed to improve the character and quality of an area; all of which are broadly consistent with policy relating to design and the environment within the National Planning Policy Framework (the Framework). Whilst Policy MSA 6 of the NP was also cited by the Council, this policy does not contain any criteria against which to make an assessment.

Heritage assets

20. In the interests of clarity I have divided this matter into 5 parts, (a) to (e). All 5 parts should be read together, and are jointly concluded in part (e).

(a) Listed buildings

21. The decision notice identifies harm to the settings of 8 listed buildings located near to the site. Of these, St Andrew's Church is listed at Grade II*, whilst 36 Blandford Hill, 37 Blandford Hill, Saddler's Thatch (listed as 'The Cottage'), Little England Cottage, the gate piers to the former Milborne House, Manor Farm House, and the barn at Manor Farm, are listed at Grade II. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the Act), it is therefore necessary for me to have special regard to the desirability of preserving the settings of these buildings.
22. The Grade II* listing of St Andrews Church indicates its national importance. The church is located on the west side of the valley, directly opposite the site. Insofar as it relates to this appeal, its significance lies in the survival of historic fabric from a range of periods, and in particular the twelfth and fifteenth centuries. It is the oldest building in the village, and it occupies a typically prominent position relative to the historic street layout, underlining its past social importance. Whilst detailed aspects of the architectural design and fabric of the church are best appreciated close up, its general composition, prominent position, and resulting landmark quality are all best appreciated from afar, and in particular from elevated viewpoints along the full length of the east/west footpath crossing the site.
23. The footpath provides an eventual linkage with Church Hill, which also connects The Causeway and Chapel Street to the church. It is unclear whether the linkage is wholly coincidental, or reflects an intentional historic connection of the church with the broader landscape. Either way, the linkage amplifies the role the footpath plays in enabling the significance of the church to be appreciated and experienced.
24. A visual connection between parts of the churchyard and the site also exists, and in the absence of intervening vegetation or foliage, this would be strengthened. In these views the site provides an open outlook, which recalls the historic prominence of the church within its setting. The fact that this has been otherwise undermined by modern developments on the valley sides along Homefield and St Andrew's View, increases the importance survival of this outlook plays in contributing to the significance of the church.
25. The indicative layouts all show retention of an open area across the centre of the site. This would provide space from which the church could continue to be viewed, and it would also conserve part of the existing open outlook from the churchyard. As outlined above however, this space would be an appreciably subordinate component of the development, and this would be obviously apparent in views from the churchyard. It is also likely that the east/west path would run close to housing on the south side of the site, possibly formalised as a pavement, and bisected by one or more estate roads. Consequently, and notwithstanding the retention of open space, the church would most likely be viewed from afar, and experienced upon approach, via a suburban streetscene.

26. The development would thus sever the visual and physical interconnection of the church with its historic landscape setting, and undermine appreciation of its landmark quality and historic prominence within the village. Though, as considered above, landscaping could be used to screen the development and reduce or block inter-visibility, such intentional blockage would itself cause harm. The setting of St Andrew's Church would not therefore be preserved by the development. With reference to paragraph 196 of the Framework, I find that the development would cause less than substantial harm to its significance as a heritage asset. Whilst this is less than the level of harm identified by the Council, I have taken into account the fact that the church and its more immediate setting would not themselves be subject of any change.
27. The plot on which Sadler's Thatch is located backs onto the southwest corner of the site. Insofar as it relates to this appeal, the significance of this cottage resides in its likely early eighteenth century date, and modest vernacular character. Given that the plot adjoins the site, a visual connection between them exists. However, due to the presence and scale of modern extensions at the back of the cottage, its significance is principally appreciable from the street frontage to the south. The site therefore plays no obvious role in appreciation of the significance of the cottage, and no evidence of any historic linkage has been identified. Thus, whilst the development would entail change that would be visible from the plot on which Sadler's Thatch stands, based on the available evidence, this would not harm the setting of the listed building.
28. Little England Cottage is located to the southwest of the site, and faces onto Little England. Insofar as it relates to this appeal, the significance of this cottage resides in its early seventeenth century date and its vernacular character. The building has no direct physical or visual connection to the site, and no evidence of any historic connection has been identified. The site itself plays no obvious role in appreciation of the significance of the building. Though one of the public rights of way which passes through the site also eventually passes by the building, in this instance I see no reason to believe that the experience of passing the development before passing the cottage would have any bearing on the way in which the significance of the latter was perceived. Based on the available evidence, the setting of Little England Cottage would not therefore be harmed.
29. The gate piers to the former Milborne House lie some distance to the southwest of the site. They are aligned with the historic north-south axis of the village. Insofar as it relates to this appeal, the significance of the gate piers lies in their late seventeenth century date, their design, and historic association with the former manor house. They also provide a framed view of the landscape to the south, and an entry feature for Manor Farm and the barn which stands adjacent. Insofar as it relates to this appeal, the significance of Manor Farm lies in its age, size and the historic association of the site with the former manor house; that of the barn lies in its more direct historic association with the former manor house, as too its seventeenth century date, construction and design. None of these buildings, either individually, or as a group, have a direct physical connection to the site. Though the site can be viewed from parts of the driveway on which the gate piers are located, any visual connection is either limited or non-existent. Furthermore, no evidence of a historic connection between these buildings and the site has been identified. As such the site plays no obvious role in appreciation of the significance of any of these buildings, and this would not be changed were the development to take place. Based on the

available evidence the settings of the gate piers, Manor Farm and the adjacent barn would not therefore be harmed.

30. 36 Blandford Hill and 37 Blandford Hill are 'semi-detached' cottages which are located on plots adjoining the northwest corner of the site. Insofar as it relates to this appeal, the significance of the No 37 lies in its eighteenth century date and vernacular character, which features a thatched roof. The significance of No 36, which by contrast has a slate roof, derives in large part from its physical and visual relationship with No 37. In each case significance is principally appreciated from the A354 to the north. Due to a significant difference in ground levels, very little of these buildings can be viewed from within the site. Indeed, the site plays no obvious role in appreciation of the significance of either of building. Moreover, based on the layouts submitted, it appears unlikely that the development would be visible within the street frontage views featuring Nos 36 and 37. Based on the available evidence, the settings of No 36 and No 37 would not therefore be harmed.
31. In summary, I find that the only listed building whose setting would be harmed by the development would be St Andrew's Church. The harm caused would be less than substantial, and clearly contrary to the expectations of Section 66 of the Act, thus attracting considerable importance and weight.

(b) The Conservation Area

32. The Framework states that the significance of a heritage asset derives from both its physical presence and its setting. In this regard the site lies immediately to the east of the Conservation Area, with its western boundary either adjoining or separated by small open spaces. As the Conservation Area is designated to cover the historic core of the village, its significance in large part resides in the street layout, and evidence of the historic structure and organisation of the village. This includes key historic components such as the church, and their broader relationships with the surrounding landscape.
33. I have previously identified the positive contribution that the site makes to the physical and visual setting of the south side of the village; almost all of which is contained within the Conservation Area. I have also identified the importance the site plays in the setting of St Andrew's Church. In these regards the openness of the site, combined with the views available both from and towards it, assists in perception of the historic scale and layout of development within the village core, and its historic place within the rural landscape. For these reasons I find that the site makes a positive contribution to appreciation of the significance of the Conservation Area.
34. As previously explored in relation to St Andrew's Church, and the character and form of the village more generally, the development would harmfully diminish the extent to which the historic scale and layout of the village, and its relationship to the landscape setting, would remain appreciable. In these regards the development would fail to conserve the setting of the Conservation Area. The harm caused would be less than substantial.
35. In summary, I find that less than substantial harm would be caused to the significance of the Conservation Area. In view of the great weight which paragraph 193 of the Framework states should be given to the conservation of designated heritage assets, I attach great weight to this harm.

(c) Archaeology

36. Archaeological evaluation of the site has identified the presence of a range of features, notably including 4 Bronze Age ring ditches. These relate to former barrows, or burial mounds. Also identified were a series of Bronze Age pits, either confirmed or thought to contain burials. Historic England (HE) states that as a group these features constitute a cemetery, and the appellant's Archaeological Evaluation (the AE) provides a similar description. According to HE the site has the potential to be of national importance, whilst the significance of the identified features might be further enhanced if a relationship was shown to exist between them, and the earlier and later prehistoric features also identified on site.
37. Footnote 63 of the Framework states that non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments (SAMs), should be considered subject to the policies for designated heritage assets. In this regard paragraph 194(b) of the Framework lists SAMs as amongst assets of the highest significance. The comments provided by HE do not specifically address footnote 63, or reach any definitive conclusion on the archaeological significance of the site. In this regard the limits of the available evidence are apparent, highlighting the existence of some uncertainty. However, the fact that potential national importance has been identified indicates that, in view of paragraph 63, the development has the potential to affect heritage assets of the highest significance.
38. Insofar as it is possible to ascertain the significance of the archaeology on site, this is derived from the age of the funerary features it contains, their relationship to other funerary features in the broader landscape, evidence they provide individually and as a group of prehistoric burial and ritual activity, the potential time depth of such activity on site. It is of note that the AE draws attention to what would have been the prominent positioning of the barrows within the landscape, indicating that the open visual exposure of barrows within their setting was important historically. In this regard the continued openness of the site within its setting contributes towards an appreciation of the significance of the features it contains.
39. None of the archaeological features identified are clearly visible on site. However, insofar as these include burials and other intrinsically sub-surface features, this does not in itself diminish their significance. Some reduction in overall significance does nonetheless attach to the loss of the burial mounds.
40. Based on the submitted layout, and as confirmed by the appellant's Heritage Statement of Case, one of the ring ditches would be almost, if not entirely destroyed by creation of the site access. A second in the southwest part of the site would be destroyed by construction of dwellings, and a third would be truncated by footpath construction. Only one, the largest of the group, would be preserved. The potential complete or partial destruction of 3 out of 4 of the ring ditches would critically harm the significance these features hold as a group. Moreover, the historic open landscape setting of the sole surviving member of the group would be severely compromised by suburbanisation of its immediate surroundings. This harm would be compounded by loss of some of the likely pit burials identified in the north eastern part of the site. The harm caused to the archaeological significance of the site would be substantial.

41. I appreciate that HE has not on this basis raised objection to the scheme as a whole, and has so far made no apparent move to schedule the site. It nonetheless recommended the need for mitigation and the offsetting of impacts through a scheme of design and archaeological works, with this to be finalised prior to the determination of the application. However, no such scheme was or has been produced.
42. Mitigation or the offsetting of harm by design would principally involve avoiding the physical destruction of archaeological features. In the absence of a complete understanding of the significance of archaeology on site, avoidance would represent the most precautionary approach. However, none of the indicative plans submitted indicates that much scope for avoidance exists, or therefore provides any certainty that avoidance could be secured in clearance of the reserved matters. Furthermore, as noted by both HE and the Council, changes required to enable avoidance might have a fundamental impact on the nature and scale of the proposal, and thus potentially also its deliverability. For these reasons, the use a condition to specifically require the avoidance of archaeological features would be inappropriate. A grant of planning permission would in any case inevitably allow destruction of the ring ditch at the access, and suburbanisation of the open landscape setting.
43. The County Archaeologist recommended imposition of a condition requiring a programme of works/scheme of investigation. This would be a necessary counterpart to mitigation/offsetting by design, but not a substitute. Indeed, paragraph 199 of the Framework states that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. I note the proposal to install an interpretation panel. However, as the value of an interpretation a panel largely depends on there being something to interpret, it could not mitigate the destruction likely to be caused by the development.
44. In summary, I find that the development would cause substantial harm to non-designated archaeology of potentially national importance. This is a consideration to which I attach great weight.

(d) Locally important buildings

45. The decision notice additionally refers to 2 buildings which are identified as locally important historic buildings within the NP, and thus considered to be non-designated heritage assets. These are 15 Blandford Hill/The Old Bakery, and Gould's Farm. Both are located within the Conservation Area.
46. Insofar as it is relevant to the appeal, the significance of No 15/The Old Bakery derives from their age and vernacular character. They stand adjacent to No 36 and No 37 on the A354 frontage, and have a similar relationship to the site. In common with No 36 and 37, the development would not affect appreciation of their significance. No harm would thus be caused.
47. Again, insofar as is relevant to the appeal, Gould's Farm draws significance from its former function as a farmhouse, its age, and prominent position in the streetscene. Though the open setting of the site a short distance to the rear could be held to evoke the historic functional character of the house, it is unclear whether any direct relationship between Gould's Farm and the site actually existed in the past. Furthermore, the absence of any group of farm buildings, old or new, adjacent to Gould's Farm, minimises the extent to which

its historic function as anything other than a dwelling is now perceived. This is notwithstanding the fact that some of the modern houses built adjacent appear to have been designed to roughly emulate agricultural forms. For these reasons the development would not harm appreciation of the significance of the building.

48. In summary, I find that no harm would arise in relation to locally important buildings as a result of the development.

(e) Public benefits

49. Through my assessment in subsections (a) to (d) above, I have found that the proposed development would cause less than substantial harm to the significance of both St. Andrew's Church, and the Conservation Area, and that substantial harm would also be caused to the significance of non-designated archaeology of potentially national importance. In so doing I have attached considerable importance and weight to the harm that would be caused by the failure to preserve the setting of St. Andrew's Church, and great weight to the harm that would be caused to the setting of the Conservation Area, and to on-site archaeology. In accordance with the Framework it is necessary to balance this harm against the public benefits advanced in favour of the appeal scheme.
50. The development would provide up to 85 dwellings, up to 34 of which would be affordable. This would comply with a 40% requirement for affordable housing set out in Policy 8 of the LP, and would be secured by the S106. In general terms the development would therefore make a substantial contribution towards addressing a shortfall in the Council's 5-year supply of deliverable housing sites (5YHLS), which is currently set at 4 years by the Council's Annual Monitoring Report, and is not a position otherwise clearly contradicted by any of the evidence set before me. It would also help to address the high level of need for affordable housing which exists across North Dorset.
51. In local terms however, the site allocation set out in Policy MSA5 of the NP already provides capacity to more than fulfil the outstanding local housing need of at least 32 dwellings up to 2033. It also provides capacity to more than fulfil the need for 14 affordable dwellings set out within both the NP, and in the North Dorset Housing Register. The allocated site is currently subject of an outline planning application for up to 61 dwellings. Even if this was not approved, it is clear that the appeal scheme would deliver substantially more dwellings than are required within the village over the plan period. Whilst the scale of development proposed would not therefore cater for any clear local need, given the level of oversupply that would result both individually, and potentially also cumulatively, it would inevitably draw people into the village. This would run clearly contrary to the strategic rationale underpinning the settlement strategy, which seeks to focus growth on large towns. For these reasons, notwithstanding the level of contribution that the development would make towards meeting general needs for both market and affordable housing, in this instance I attach limited weight to the benefits.
52. Support for facilities and services within the village would be provided during construction, and by future occupants of the development. Though the appellant additionally makes reference to services in other villages, none are specifically identified. In this context I acknowledge that paragraph 78 of the Framework states that in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. However, I am also

mindful of paragraph 77, which states that decisions should support housing developments that reflect local needs. In this regard, and in view of my findings above, the provision of housing substantially in excess of local needs would not necessarily bring a proportionate level of benefit to local businesses. This is because facilities and services within the village appear to lack the diversity and scale required to cater for such demand. Indeed, this reflects the position of the village in the settlement hierarchy as set out in Policy 2 of the LP, considered above. It is therefore most likely that future occupants of the development would travel to larger centres to access facilities and services. Whether or not public transport is available, this would reduce the environmental sustainability of the development, once again at odds with the strategic rationale underpinning the LP. For these reasons I attach limited weight to the local economic benefits of the development.

53. The appellant has indicated that the provision of a SANG, which would be secured by the S106, should also be considered as a benefit of the development. However, whether or not the SANG would see broader use, both its provision, and that of a policy compliant financial contribution towards Site Access Management and Monitoring, would be in order to avoid or mitigate the potential adverse effects of the development on the integrity of European sites due to increased recreational pressure. These sites are identified as the Dorset Heathlands Special Protection Area and Ramsar site, Dorset Heaths Special Area of Conservation (SAC), and Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC. The requirement for the SANG and contribution has been confirmed by Natural England, and further confirmed within an Appropriate Assessment undertaken by the Council. In this regard, even if the SANG was larger than is strictly necessary, it could be held to do little more than is required to enable compliance of the scheme with the Conservation of Habitats and Species Regulations 2017. On this basis provision of the SANG attracts little weight as a consideration in favour of the scheme.
54. In addition to the provision of outdoor open space and a play area on site, payment of financial contributions towards education, healthcare and play and sports provision would be secured by the S106. This would be in compliance with Policies 14 and 15 of the LP. Given that in each regard these obligations would be required to cater for or to mitigate additional demand generated by future occupants of the development, they attract little or no positive weight in favour of the scheme.
55. The submitted UU commits to the on-site provision of a new pre-school, or payment of an equivalent sum towards the extension of the village hall. The Council has not indicated that either is a requirement. Indeed, identified policy requirements are all covered within the S106, which notably secures a payment towards pre-school provision. Though Policy MSA4 of the NP sets out a generalised basis for seeking developer contributions towards community facilities where reasonable and necessary, the provision of a pre-school is itself again a matter specifically covered within the allocation set out in Policy MSA5 of the NP. As I have been provided with no evidence that provision of a pre-school cannot be delivered in this context, its provision by the appeal scheme would not be demonstrably necessary. The fact that the site is closer to the rest of the village than the allocated site makes no difference to this finding. With regard to the level of the contribution itself, costings have been provided in relation to the pre-school, but not in relation to any specific scheme of extension of the village hall.

56. I appreciate that a key purpose of UU is to demonstrate the potential of the development to deliver substantial community benefits over and above the standard requirements. However, in view of my findings above, this would not alter the existence of conflict with Policy MSA1, and the obligations themselves would not be justified by Policy MSA4. As the UU would not therefore be necessary to make the development acceptable in planning terms, it would not pass the tests set out in Regulation 122 of the CIL Regulations 2010. As I cannot therefore take the UU into account, it does not attract any weight in favour of the scheme.
57. The appellant notes that the development would provide a pedestrian crossing. However, no location is indicated, and no requirement for this has been identified by the Highways Authority. This consideration therefore attracts little or no weight.
58. In summary, the public benefits of the appeal scheme attract limited weight in its favour, which is insufficient to outweigh the harm that would be caused to the significance of heritage assets, as outlined above. As such the harm would not be clearly or convincingly justified, contrary to paragraph 194 of the Framework. This is a consideration which provides a clear reason for refusal of planning permission.
59. For the reasons outlined above, I conclude that that the development would have an unacceptably harmful effect on heritage assets. It would therefore conflict with Policy 5 of the Local Plan, which largely mirrors heritage policy set out within the Framework; Policy MSA 13 of the NP, which seeks to retain and where possible improve features including listed buildings; and, as applicable, conflict with the expectations of both the Act and the Framework.

Other Matters

60. In view of the Council's 5YHLS position, my attention has been drawn to the tilted balance set out in paragraph 11 of the Framework. However, given that, with reference to footnote 6 of the Framework, my findings in relation to heritage policy provide a clear reason for refusing planning permission, the tilted balance does not apply.
61. I acknowledge the concerns raised by the appellant regarding the way in which the Council dealt with its determination of the planning application. However, these are matters which fall outside the scope of the appeal.

Conclusion

62. The location of the development would be unacceptable with regard to its impact on the character and form of the village, and the development would also cause unacceptable harm to the settings of St Andrew's Church and the Conservation Area, and to archaeology. This would conflict with both the development plan as a whole and the Framework. There are no other considerations which alter or outweigh this finding. For the reasons set out above I therefore conclude that the appeal should be dismissed.

Benjamin Webb

INSPECTOR