



Appeal Decision

Site visit made on 7 August 2020

by Thomas Bristow BA MSc MRTPI AssocRICS

an Inspector appointed by the Secretary of State

Decision date: 9 October 2020

Appeal A: APP/D1265/W/19/3241493

Slepe Green, Dorchester Road, Lytchett Minster BH16 6HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Selby-Bennett against the decision of Dorset Council.
 - The application Ref 6/2019/0398, dated 17 July 2019, was refused by notice dated 5 September 2019.
 - The development proposed is described on the application form as 'alterations and extension of Grade II Listed Building.'
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Appeal B: APP/D1265/Y/19/3241500

Slepe Green, Dorchester Road, Lytchett Minster BH16 6HS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended against a refusal to grant listed building consent.
 - The appeal is made by Mr & Mrs Selby-Bennett against the decision of Dorset Council.
 - The application Ref 6/2019/0404, dated 17 July 2019, was refused by notice dated 5 September 2020.
 - The works proposed are described on the application form as 'alterations and extension of Grade II Listed Building.'
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Decision

1. Appeals A and B are allowed. Planning permission and listed building consent is thereby granted for alterations to and extension of Slepe Green, Dorchester Road, Lytchett Minster BH16 6HS in accordance with the terms of the applications Ref 6/2019/0398 and 6/2019/0404, both dated 17 July 2019, subject to the conditions in the first and second schedule to this decision.

Preliminary matters

2. On 1 April 2019 the former Councils of North Dorset, West Dorset, Purbeck, East Dorset, and Weymouth and Portland combined to form a single Authority. Nevertheless, until superseded, the existing development plan documents of the former councils remain extant. In this instance the development plan includes policies of the Purbeck Local Plan, Part 1 (adopted 13 November 2012, the 'LP'). A review of the LP is at a relatively advanced stage of examination, albeit emerging policies are not referenced by the main parties.
3. Each proposal must be determined on its merits, where planning permission is sought in accordance with the development plan unless material considerations indicate otherwise. However there is an intricate planning history to Slepe Green, some of which has a bearing on present circumstances as noted below.

Previous appeals relate to land or buildings at Slepe Green, rather than to the dwelling itself.¹

Statutory and policy context

Heritage

4. The appeals relate to Grade II Listed Slepe Green (list entry No 1154766, the 'Listed Building'). Slepe Green, now the name of a dwelling, alludes to the existence of other properties here which have passed into history (as set out in the supporting Design and Access Statement, 'DAS'). Perpendicular to its north-eastern elevation is a Grade II listed cob barn within the same ownership (list entry No 1120331). The Listed Building falls quite some distance away from the nucleus of Lytchett Minter, outside of the Conservation Area there.
5. I have therefore approached the appeals in the context of sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended (the '1990 Act'). Those provisions require that special regard is given to the desirability of preserving a Listed Building, its setting, or any features of special architectural or historic interest. Albeit with a broader ambit, insofar as heritage assets are concerned those provisions are broadly reflected in LP policy LHH. Similarly, in recognition that heritage assets are an irreplaceable resource, the National Planning Policy Framework ('NPPF') guides that great weight should be accorded to an asset's conservation in assessing the implications of a proposal (in line with the significance of the asset).

Green Belt

6. LP policy CO applies broadly to the countryside. Countryside is defined via LP policy LD as all land outside of settlement boundaries, rather than to the South East Dorset Green Belt specifically in which the appeal site falls. Nevertheless, in summary and amongst other things, LP policy CO sets out how extensions to buildings in the countryside should 'not result in a disproportionate addition over and above the size of the original building'. LP policy CO does not appear to define 'original building' in a specific way.
7. The approach in LP policy CO mirrors the phrasing in NPPF paragraph 145. criterion c). Criteria under NPPF paragraph 145 set out exceptions to the general position that the construction of new buildings in the Green Belt is inappropriate development. The NPPF defines 'original building' as a building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was originally built.² That longstanding position is the lens through which the main parties have made their cases and I have assessed the scheme.
8. The essential characteristics of Green Belts are their openness and permanence.³ Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The logical corollary is that development which is not inappropriate, is not inimical in the Green Belt (albeit that it may not be acceptable as a whole, for

¹ APP/B1225/W/17/3171952, APP/B1225/W/17/3168628, and APP/B1225/W/17/3184479.

² Therefore successive 'proportionate' additions cannot be added *ad infinitum*, as incremental changes may over time may prove detrimental to the Green Belt.

³ NPPF paragraph 133; the five purposes served by Green Belt land as set out in NPPF paragraph 134.

example development that would be proportionate but nevertheless adversely affect broader landscape character).⁴

9. Considering the relationship of a proposed extension to the footprint of an original building is a logical starting point. However such a metric is inevitably simplistic; whether or not a scheme is 'disproportionate' cannot be reduced to numbers alone. Moreover, where a building has been enlarged and altered since 1948, it is difficult, or impossible, to gauge how a current proposal would relate to the form of the property on that date.
10. In that context, I have accorded disproportionate its ordinary dictionary definition of a 'lack of proportion or equality'. I am mindful that the effects of a proposal in the Green Belt involve planning judgement; openness has both numerical and visual dimensions.⁵

Main issues

11. Against the background above, I consider that the main issues are (i) whether or not the proposal represents a disproportionate addition relative to the original building, (ii) the effect of the scheme on landscape character, and (iii) whether or not the proposal would preserve the Listed Building and any features of special architectural or historic interest which it possesses.

Reasons

Whether or not inappropriate development

12. List entry No 1154766 sets out that Slepe Green originated in the seventeenth century. In line with my reasoning in paragraph 9, it is logical to consider how the size of the Listed Building has changed over time. The Council contend that the best indication of the footprint of the original building is 101 sqm. That is principally drawn from archives of the Royal Commission on the Historic Monuments of England ('RCHM').⁶ The Council's appeal statement sets out how approvals for alterations in 1958 and 1994 enabled increases to the footprint of the Listed Building of about 38 sqm, and 41 sqm respectively.⁷
13. Continuing on that basis, as the proposal is for around 20 sqm of additional floorspace, the scheme would result in a building of about 200 sqm in footprint. That is some 98% larger than 101 sqm. Numerically, an approximate doubling of floorspace may reasonably be described as a disproportionate addition; subsequent alterations would have no meaningful subservience in those terms.
14. However, based on the above figures, the Council has authorised the enlargement of the Listed Building's footprint by around 78% previously.⁸ That represents a significant addition in itself; the extension now proposed is approximately half of that approved in either the 1958 or 1994 scheme. In that regard, and in absolute terms, the proposal is modest.

⁴ See paragraph 24 of *Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor* (Rev 1) [2016] EWCA Civ 404.

⁵ See paragraph 26 of *R (on the application of Samuel Smith Old Brewery (Tadcaster) and others (Respondents) v North Yorkshire County Council* (Appellant) [2020] UKSC 3.

⁶ Volume 2, South East Part 1, published 1970.

⁷ Council references 305207 (1958), 6/1994/0339 & 6/1994/0340 (1994).

⁸ As follows $((38 \text{ sqm} + 41 \text{ sqm}) / 101 \text{ sqm}) * 100$, albeit at different times, and with reference to different circumstances and policy context.

15. That aside, in my view an accurate metric for the divergence between what is proposed and the footprint of the original building is not so great as the Council contend. There is some discrepancy between Ordnance Survey mapping of 1887 and that shown in the RCHM archives, related to the south-western element or extent of the original building.
16. The south-western element of the original building is referenced in the DAS to once have been an historic barn or store. Its existence is attested to by the recollections of a relative of the appellants, and is not specifically disputed by the Council. A barn in this location would also have been a rational arrangement. Historically the track from the A35 to fields beyond ran close to the south-western elevation of the Listed Building (before its relocation further westwards pursuant to permission granted in 2004).⁹
17. Historic mapping from 1888, whilst subject to an inevitable margin of error, appears to show a greater historic footprint. That is estimated by the appellants to be around 115 sqm. Slepe Green was first listed on 30 August 1984. At that point there is no dispute that its floorspace stood at between 139-141 sqm.¹⁰
18. As set out below the element of the Listed Building which attests most clearly to its origins is the cob cottage element to the north-east. Alterations related to the 1958 scheme appear to have replaced the historic barn referenced in paragraph 16 with an extension resulting in a 'T' shaped planform (as opposed to maintaining the line of existing front and rear elevations at that time).
19. It is, however, unclear to what extent the 1958 scheme went beyond the footprint of what existed previously. Hypothetically the existence of at least some floorspace here beforehand potentially accounts for the significant additions to the Listed Building referenced in paragraph 14 above.
20. Consequently, in my view, the most accurate estimate of the footprint of the original building is somewhat greater than 101 sqm, in all likelihood somewhere between 115 sqm and 141sqm. Halfway between 101 sqm and 141 sqm is 121 sqm, at the lower end of that range.¹¹ The floorspace of the extension pursuant to the 1994 permission plus that of the current proposal results in an aggregate figure of 60 sqm, about half of 121 sqm.
21. I have set out in paragraph 10 that there is a qualitative judgement as to whether an addition would be disproportionate; inevitably account must be taken of the building as it stands in that context. In this instance the extension would add very little to the overall floorspace or bulk of the Listed Building.
22. The proposed ridgeline would tie in with that of Slepe Green at present. In terms of details and materials the scheme would be consistent with that of the property as it stands. Those characteristics would assist the scheme in assimilating with the overall form and design of the Listed Building.
23. I acknowledge the Council's position that, in some cases, a relatively modest numerical increase in floorspace may amount to a disproportionate addition.

⁹ Ref 6/2004/0040.

¹⁰ The former being the Council's approach based on 101 sqm plus 38 sqm, the latter drawn from the DAS.

¹¹ 101 sqm representing the position of the Council, 141 representing the position of the appellants.

However on the balance of the evidence before me the numerical disparity between what is now proposed and the original building is not so great as the Council contend. Moreover I have reasoned that the modest scale and harmonious design of the proposal would be such that it would result in little visual change to the Listed Building as it stands. The scheme would neither dominate nor represent a discordant visual addition to the property. On that basis I conclude that the scheme would not represent a disproportionate addition within the terms of LP policy CO or of NPPF paragraph 145.¹²

24. By consequence it is unnecessary to consider whether 'very special circumstances' exist to justify allowing the appeal. Nevertheless I now turn to consider any effects on landscape character relative to the aims and purposes of the Green Belt, and thereafter effects in terms of historic integrity.

Landscape character

25. An aim of both LP policy CO and NPPF paragraph 145 is to maintain the fundamental characteristics of the Green Belt and the purposes that it serves (albeit that not all elements of Green Belt perform equally, or at all, in respect of each 'purpose' set out in NPPF paragraph 134). Physically, by virtue of the creation of additional built development, the proposal would inherently reduce the openness of the Green Belt, albeit to a very limited extent.
26. Slepe Green is accessed via a private track directly off the A35, via which Slepe Farm to the south is also reached. As set out above, that track has been relocated from its former orientation, giving Slepe Green a wider berth. The relocated track is demarcated by a hedgebank punctuated by occasional trees, such that there is little meaningful visibility of the property from vantage points along it. I saw that is similarly the case of other nearby private vantage points; visibility of the appeal site is highly limited by virtue of established boundary features and mature garden planting and trees.
27. The landscape here is characterised by relatively flat topography and good sized irregular arable fields demarcated by traditional hedgerows and cut by streams. There are also patches of woodland, including along the Sherford River beyond Slepe Farm and Morden Bog next to it. However there is little, if any, visibility of the appeal site from the A35 on account of intervening trees and vegetation. Likewise there is no appreciable visibility of the appeal site from the nearest public right of way on account of its distance from Slepe Green and intervening trees (bridleway SE25/3, running along the southern side of the Sherford River).
28. In my view given the modest and harmonious character of the extension proposed, allied with a *de minimis* visual effect on openness and landscape character as reasoned above, means that the proposal would have no adverse effect in respect of openness or landscape character.

Whether or not the proposal would preserve the Listed Building

29. Slepe Green has a somewhat complex form by virtue of its evolution over time. List entry No 1154766 indicates that the property originated at some point in the seventeenth century. Architecturally its current appearance is essentially

¹² Reasoning similar to, although arrived independently of, the Inspector who determined appeal Ref APP/B1225/D/15/2230025.

consistent with the rural vernacular of that era. Plastered cob walls give the Listed Building an authentic organic character, as is the case of a steeply-pitched thatch roof which laps tightly around first floor windows. Reflecting the practicalities of historic construction methods, internally individual rooms are generally modest, intimate, and with restricted head height.

30. However, to some extent, that overall appearance is artifice. As set out above the historic significance of the Listed Building is principally concentrated in its north-eastern part. That is most apparent internally. Honestly attesting to its evolution over time, there are substantial exposed beams and original joinery alongside historic domestic arrangements including a bread oven and curing chamber. Any discernible historic integrity fades through the mid twentieth century addition, and is absent in respect of the south-western part constructed pursuant to the 1994 scheme.
31. There is undoubtedly some value, aesthetically and in terms of understanding the evolution of the area, of the open land behind the Listed Building and its close association with the Grade II Listed barn next to it. Slepe Green originated and has evolved in a manner intertwined with the landscape. However the immediate surroundings of Slepe Green have been domestic in character for some time, in place of an historically agricultural context.¹³ The historic route of access resulted in the canted south-western elevation of the 1994 extension. However that historic route is now barely perceptible, aside from stunting the growth of grass, and is of no particular historic significance.
32. In that context, insofar as it relates to these appeals, I find that the special interest and significance of the Listed Building rests primarily in the authenticity and legibility of its vernacular materials and architecture, particularly concentrated in respect of the north-eastern element of it. Those features, alongside the interaction of the property and its surroundings, reflect the origins and evolution of Slepe Green in physical form.

The proposal

33. Simply the proposal is to enlarge and square-off the south-western element of the property. Therefore only recently added elements of the Listed Building would be directly affected, i.e. elements of the property built around 1994. The proposal would enable the enlargement of the lounge at ground floor level, and the creation of two rooms at first floor level (including some internal reconfiguration).
34. As set out above, the ridgeline and roof pitch would tie in with that of the property at present. New windows would be added, aligning in location and design with those already present. As shown in particular on plans 18121.25 A and 18121.27 A, the scheme would result in greater overall symmetry to the Listed Building, effectively creating two wings of similar design astride the mid twentieth century element of it. The proportions, details and materials proposed would mirror those characteristics of Slepe Green as it stands (and could, in my view, be secured via appropriately worded conditions).

¹³ The Council's officer report associated with application Ref 6/2019/0404 sets out that in 2014 a certificate of lawfulness was issued for the use of surrounding land as residential in association with Slepe Green.

The effect of the proposal

35. The proposal would alter the overall form of the Listed Building. With reference to approach in NPPF paragraph 193, the Council is of the view that 'if the extension is not seen as a positive change to the designated heritage asset, such a proposal should not be supported', and also that harm has already been 'caused to the Listed building' by virtue of alterations over time.
36. The presence of discordant development does not justify allowing further harm. However the latter point is not for me to reach a view on; there is no suggestion from the Council that anything as it stands is unauthorised. Moreover the Council's position in that respect appears to argue that works they, or the relevant authority at the time, authorised were harmful.
37. NPPF paragraph 192. criterion c) sets out that consideration should be taken of 'the desirability of new development making a positive contribution to local character and distinctiveness'. The NPPF uses the term 'conserve' insofar as heritage assets are concerned, rather than 'preserve' as in the 1990 Act. NPPF paragraph 130 further sets out how 'planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area...'.
38. However, the Planning Practice Guidance ('PPG') is instructive. It explains how 'proposed development affecting a heritage asset may have no impact on its significance or may enhance its significance and therefore cause no harm to the asset'.¹⁴ In my view if a proposal has a neutral effect in respect of a Listed Building, it would thereby preserve it in line with section 16(2) and 66(1) of the 1990 Act.
39. There is a parallel with section 72 of the 1990 Act. That section similarly sets out how in respect of Conservation Areas 'special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area'. Associated case law affirms how that objective could be fulfilled by development which leaves character or appearance unharmed.¹⁵
40. It is relevant to consider whether opportunities have been taken for enhancement; both NPPF paragraphs 130 and 192 are caveated in that manner. In theory there may be occasions where a proposal has 'missed the mark' and failed to contribute positively to local character where that would have been readily possible. However, equally, there may be certain circumstances where there is no such opportunity.
41. Further, were I to accept the Council's position on this matter as a rule, given that modern development is inherently anachronistic, it would logically follow that any development related to a heritage asset would likely be unacceptable. That would, as set out above, run contrary to the approach in the PPG and case law. In that context, the Council's central position is that 'the understanding of the original listed building has been harmed and this would be further compounded by the proposals'.¹⁶ I disagree.

¹⁴ Reference ID: 18a-018-20190723.

¹⁵ *South Lakeland DC v SSE & Carlisle Diocesan Parsonages Board* [1992] WLR 204, [1992] 2 AC 141.

¹⁶ Notwithstanding that conflates 'original building' in respect of Green Belt policy, with the initial listing of Slepe Green in 1984.

42. The proposal would represent a modest, and as reasoned above, proportionate addition to the Listed Building. It would not fundamentally or discordantly add to its overall bulk or form. Whilst the resultant footprint would diverge from the humble origins of the property, that would be to a limited extent. I have also reasoned that in proportions, materials and design, the proposal would integrate harmoniously with Slepe Green as it stands.
43. No historic fabric would be lost, overwritten, or directly affected. The scheme would not meaningfully affect the relationship of the Listed Building to its surroundings, or reduce any significance resulting from the interplay of landscape and built development. Elements of the property which most clearly reflect its heritage, i.e. the north-eastern cob cottage, would be unaffected. The extension is also sufficiently separated from the Grade II listed barn, such that there would be little appreciable visual relationship between the two.
44. Therefore whilst I accept that Slepe Green has been considerably altered over time, in that context the proposal would be so limited as to preserve the Listed Building in line with the expectations of section 16(2) and 66(1) of the 1990 Act. Returning to my reasoning in paragraphs 35 to 41, in this specific instance it is difficult to see what opportunity there is for works that could positively enhance the significance of the Listed Building. To fault the proposal on that basis would be in the absence of any planning harm.
45. I therefore conclude that the proposal accords with the expectations of the relevant statutory and policy provisions referenced in paragraphs 4 and 5 of this decision. On account of that finding it is unnecessary to weigh any countervailing public benefits relative to any harm that would result, such as securing the optimum viable use of the Listed Building.

Conclusion

46. For the above reasons, and having taken account of all other relevant material considerations, I conclude that appeals A and B should be allowed subject to the conditions in the first and second schedule to this decision respectively.

Conditions

Appeal A

47. In addition to requiring commencement within the relevant statutory period,¹⁷ I have imposed conditions specifying compliance with the supporting plans for certainty, so as to ensure that the proposal is implemented as assessed above, and to ensure that the proposal integrates suitably with its surroundings.

Appeal B

48. Similarly, in addition to requiring commencement within the relevant statutory period,¹⁸ I have imposed conditions requiring that works are carried out in accordance with the approved plans for certainty and so as to ensure that the scheme is likewise implemented as assessed above. Following my reasoning in

¹⁷ Section 91 of the Town and Country Planning Act 1990 as amended.

¹⁸ Section 18 of the 1990 Act.

paragraph 34 it is also necessary and appropriate to specify that agreed external materials are used.

49. In imposing conditions I have had regard to the tests in the NPPF, the PPG, and to relevant statute. Accordingly I have amended the detail of conditions proposed by the Council without altering their fundamental aims.

Thomas Bristow
INSPECTOR

FIRST SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be undertaken in accordance with the following approved plans: 18121.23 A, 18121.24 A, 18121.25 A, 18121.26, 18121.27 A.

SECOND SCHEDULE OF CONDITIONS

- 1) The works hereby authorised shall begin not later than three years from the date of this consent.
- 2) The works hereby authorised shall be undertaken in accordance with the following approved plans: 18121.23 A, 18121.24 A, 18121.25 A, 18121.26, 18121.27 A.
- 3) Notwithstanding condition 2, before their installation in the works hereby authorised, details or samples as necessary of all external materials shall have been submitted to and agreed in writing by the local planning authority (including in respect of product names, manufacturer references and colours where relevant). The works hereby authorised shall be undertaken in accordance with the details or samples thus agreed, which shall thereafter be retained.