



Appeal Decision

Site visit made on 14 December 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 January 2021

Appeal Ref: APP/D1265/W/20/3259587

6 Back Lane, Cerne Abbas DT2 7JW

- 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 A Mancais against the decision of Dorset Council.
 - The application Ref WD/D/20/001162, dated 19 May 2020, was refused by notice dated 14 July 2020.
 - The development proposed is erection of 2 No. detached dwellings with associated access and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the conservation area.

Reasons

3. Much of Cerne Abbas is covered by an extensive conservation area. A Conservation Area Appraisal¹ (CAA) is now of some age and pre-dates the current development plan. As such, the policy references and some of points about the area's condition may now be out of date, but I have no reason to conclude that the area's special interest has changed markedly.
4. Back Lane sits behind a dense nucleated core. It is described in the CAA as a sinuous corridor with a mixture of older houses and modern development. Some modern closes, outside the conservation area, extend away from the lane and weaken the southern boundary of the heritage asset.
5. However, around the appeal site, the older dwellings facing the lane are included within the conservation area and their gardens extend towards open countryside beyond. Although boundary treatment is varied and the extent of individual rear gardens is not readily discernible from Back Lane, there are views between the buildings that provide a good connection of the historic areas to the surrounding landscape. This contributes positively a clear edge of settlement character and appearance of this part of the conservation area and the overall significance of the heritage asset as a large, coherent village with a rich archaeological heritage, within a fine landscape setting.

¹ Cerne Abbas, Charminster, Sydling St Nicholas & Godmanstone Conservation Area Appraisal

6. That said, there are no meaningful views through the appeal site, as a wall obstructs most views into No.6's garden and existing caged tennis court. As such, the proposal would not result in a significant loss in outward views. However, it would open up views of the new dwellings and their presence would undermine the edge of settlement character of this part of Back Lane diluting the connection to the countryside.
7. Development would not extend the overall settlement further into the countryside than the nearby modern closes and Barton Farm at the far end of The Folly, which continues the settlement edge beyond Back Lane. However, the proposal would dilute the intervening section where the connection to the landscape remains strong, and further weaken this boundary of the heritage asset.
8. The dwellings themselves would be outside the conservation area and would only be glimpsed over a small area, in direct views along the new access drive. Due to the set-back, they would not be imposing on the street scene. Nevertheless, despite a staggered siting and tree planting, their position and uniformity of design would result in a suburban appearance, at odds with the predominantly linear form of Back Lane and those varied dwellings, within the conservation area, that they would be seen in context with.
9. There is other development behind the main road frontage elsewhere in Cerne Abbas, but other than an example at Nos. 4 and 6 The Folly, it does not influence the character of this part of the conservation area. Nos. 4 and 6 have a closer and more informal relationship to the highway and the dwelling on the frontage than the proposal and so preserve the connection to the countryside. Development at Barton Farm, further along, has a different relationship to The Folly due to the topography and is not comparable.
10. I, therefore, find that the proposal would fail to preserve the character and appearance of the conservation area and cause less than substantial harm to its significance. It would conflict with those aims of Policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 (LP) that require development to respect the characteristics of the area and reinforce the sense of place. In accordance with the Paragraph 196 National Planning Policy Framework (the Framework) and LP Policy ENV4, the harm to the heritage asset must be weighed against the public benefits of the proposal.
11. The appellant indicates that the Council can only demonstrate a 4.83 year supply of deliverable housing land. In this context, there are significant benefits associated with the delivery of housing on previously developed land within the defined development boundary, during construction and ongoing occupation. Given the relatively small shortfall in supply and limited number of dwellings proposed, I attribute these benefits moderate weight. Framework Paragraph 193 indicates that, irrespective of the level of harm, great weight should be given to the conservation of the heritage asset. Therefore, the public benefits do not outweigh the harm in this case.
12. The housing land supply situation means that Framework paragraph 11(d) must be considered. The first limb of this paragraph indicates that permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. Footnote 6 to the paragraph confirms that policies relating to designated heritage assets are such policies. My findings on

the balance set out at Paragraph 196 indicate that permission should be refused and, so, the proposal does not benefit from the presumption in favour of sustainable development set out at Paragraph 11.

13. I have found that the proposal would conflict with the development plan. There are benefits that weigh in favour, but for the reasons given these nor any other material considerations do not indicate otherwise that permission should be granted. Therefore, I conclude that the appeal should be dismissed.

M Bale

INSPECTOR