

Appeal Decision

Site visit made on 19 January 2021

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 09 February 2021

Appeal Ref: APP/D1265/W/20/3261523

Land adjoining Nicks Nest, Chetnole, Sherborne, Dorset DT9 6PE

- 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 Nick Horsey against the decision of Dorset Council.
 - The application Ref WD/D/20/000817, dated 1 April 2020, was refused by notice dated 4 August 2020.
 - The development proposed is one dwelling and access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. I have considered the appeal on the plans submitted.

Main Issues

3. The main issues are;
 - The suitability of the proposed location of the development, with particular regard to accessibility to services;
 - The effect of the proposed development on the setting of the nearby listed building and;
 - Whether the proposed development would be acceptable with regard flood risk.

Reasons

Site location

4. Policy SUS2 of the West Dorset, Weymouth and Portland Local Plan, 2015 (LP) sets out the strategy for development in the area, distributing housing development to main towns, market and coastal towns. Chetnole lies outside of those areas allocated for development. In such instances residential development is strictly controlled and restricted to a number of circumstances, which the proposed development would not meet. The proposal would not therefore satisfy the requirements of Policy SUS2.
5. However, the proposed dwelling would be located in the grounds of the donor property and close to other existing development. With regard access to necessary services I accept that although existing service provision is limited within the village, I understand there is Post Office and pub, as well as a village hall. The appeal site is within a relatively close, level walking and cycling

distance from these facilities as well as Chetnole railway station, which offers connection to nearby main towns.

6. Whilst unlit, the route to the village facilities and station appears to have relatively good forward visibility and, on the whole, with space for pedestrians to walk unaffected by traffic. Therefore, I have no substantive reasoning to consider that with due care and attention, the rail service and other village facilities could not be accessible for future occupants of the proposed dwelling, albeit this is of neutral weight. I do though accept there would only be a small economic and social benefit associated with the likely support to local services.
7. Therefore, any reliance on a private car would be limited and given the proposal is for one dwelling, any adverse impact would be low, as such limited weight is afforded to this harm.
8. Similar conclusions have also been reached with regard other development proposals in the village of Chetnole in several previous appeals¹. However, I do consider the Halstock² appeal to differ somewhat to that before me given its distance from the appeal site.
9. Although I consider the site to be suitably accessible to necessary services, the proposal would not accord with Policy SUS2 of the LP. The proposal would accord with Policy HOUS6 of the LP in so far that it would be accommodated within the grounds of an existing dwelling.

Setting of the listed building

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires the decisionmaker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have a special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
11. The National Planning Policy Framework states that great weight should be given to the conservation of heritage assets. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
12. The neighbouring Grade II listed Chetnole Farmhouse sits close to and facing the road, adjacent to the appeal plot. The building is a historic longhouse and dates from around the late 16th Century. Its significance lies in its age and architecture but its setting forms part of that significance in terms of it being a historic farmhouse within a rural landscape. Development has occurred nearby, including within its historic curtilage, which has apparently eroded the space in which it sits. However, that which has been built closest-by generally links to its former agricultural origins, including barns and a barn conversion. The remaining space between it and the more recent built form clearly forms an integral component of its setting.
13. The proposed positioning of the intended dwelling would be close to the listed building. It would also be set further forward from more recent development, including the donor dwelling. The proposal would therefore harmfully encroach on the remaining valuable space around the listed building. This harm would be

¹ APP/F1230/W/18/3194073; APP/D1265/W/20/325055

² APP/D1265/W/20/3250576

- amplified given the scale of the proposal and its associated large footprint, which would fill much of the plot, albeit being similar in size to that of the donor dwelling.
14. The position of the proposed development would also result in it being clearly visible in the same context as the listed building when seen from the road, further harming its overall setting. Likewise, the northern elevation of the listed building is currently apparent when seen from the road to the north. This sight line would appear to be largely and harmfully lost as a result of the proposed development.
 15. The proposed design of the building incorporates materials intended to match that which currently exist nearby. However, the proposal appears as a modern addition to the setting, at harmful odds with the appearance of the listed building, particularly given the proposed glazed elements of the design, further harming the setting of the heritage asset.
 16. I acknowledge that the appeal plot currently includes disused leisure facilities comprising a swimming pool and tennis court. However, in my view the harm associated with the proposal would be greater than that which currently exists as the largely ground level development, albeit with associated fencing and remaining roof supports, would be largely replaced with a building, filling the valuable gap in built form.
 17. The appellant states that the proposal had been discussed with a previous Conservation Officer who had considered it to be acceptable. However, I must consider the appeal on the evidence before me.
 18. Therefore, the proposal would harm the setting of the listed building and not accord with Policies ENV4 and ENV12 of the LP which collectively seek to ensure the protection of heritage assets and that development relates positively to local character.
 19. Likewise, it would not accord with the Framework in this regard.

Flood risk

20. The appeal site is located within Flood Zone 2 and the proposal relates to a new house, rather than minor changes such as an alteration or extension. A sequential test is therefore required. I have no evidence before me to consider that a sequential test has been undertaken for the site previously and one has not been provided for the appeal. That the village may have been referred to in the Local Development Framework previously does not amount to the proposal not requiring a sequential test.
21. Without such information I cannot be certain that the proposal would be acceptable with regard flood risk. I note the content of the appellant's flood risk assessment. However, this does not overcome the issue referred to above as it is a requirement to submit the necessary information.
22. Therefore, in the absence of required evidence I must take a precautionary approach, the proposed development would not accord with Policy 5 of the LP, which amongst other things seeks to ensure there is no risk to life as a result of development in areas identified as at risk of flooding. Likewise, it would not accord with the Framework in this regard.

Other matters and planning balance

23. The loss of space around the listed building and the appearance of the proposed dwelling would result in harm to its setting and significance. Nevertheless, in my view given the presence of the existing tennis court and swimming pool, the harm would be less than substantial and in accordance with the Framework that harm should be weighed against any public benefits of the proposal.
24. The development would add to the local housing supply, making more efficient use of the land available, and would likely bring economic benefit during its construction and ongoing support to local services. However, as the proposal is for one dwelling these benefits are likely to be modest and I afford limited weight to this. The identified benefits do not outweigh the harm to the heritage asset.
25. That the Council have not objected on other grounds, including highway safety, is of no more than neutral weight in my determination of the appeal. Representations of support have also been received, I have dealt with the matters referred to above.
26. I note the Council cannot currently demonstrate a five-year housing land supply. As such, in accordance with Paragraph 11(d) of the Framework, the most important policies referred to above are considered out of date. This states 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. I have found that there would be less than substantial harm to the setting of the listed building and that that harm is not outweighed by public benefits. Likewise, I have found harm in relation to flood risk. This exercise provides clear reasoning for refusing the development proposed. Therefore, the tilted balance does not apply.
27. I have found that the proposal is broadly acceptable in terms of its accessibility to services and would be located within existing curtilage, this is of neutral weight. However, the harm to the setting of the listed building and that associated with flood risk significantly outweighs the identified benefits above. Therefore, the proposal would not constitute sustainable development.

Conclusion

28. For the reasons above, having had regard to the Development Plan and Framework as whole, the appeal is dismissed.

M Scriven

INSPECTOR