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## Appeal Decision

Site visit made on 9 February 2021

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

**an Inspector appointed by the Secretary of State**

**Decision date: 03 March 2021**

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**Appeal Ref: APP/D1265/W/20/3258455**

**Land South of the Church of St John the Baptist, Spetisbury, Dorset  
DT11 9DF**

- 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 John Fromage against the decision of Dorset Council.
  - The application Ref 2/2020/0605/FUL, dated 6 May 2020, was refused by notice dated 24 July 2020.
  - The development proposed is described as construct one new dwelling and access drive.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. Local planning authorities across Dorset merged in 2019. The adopted development plan however remains that relating to the former North Dorset District Council (NDDC) area.

### Main Issue

3. The main issue is whether the site is a suitable location for the proposed development having regard to:
  - its effect on the character and appearance of the area, including whether it would preserve the settings of listed buildings; and
  - the ability of future occupants to access services and facilities.

### Reasons

#### *Background*

4. Policy 2 of the North Dorset Local Plan Part 1 (the Local Plan) sets out the spatial strategy for the former NDDC area. Through use of settlement boundaries this seeks to achieve a sustainable distribution of development by focusing new housing on 4 towns, with Stalbridge and 18 larger villages identified as suitable for growth to meet local needs. As Spetisbury lacks a settlement boundary, the site is located within the 'countryside' for Local Plan purposes.
5. Policy 20 of the Local Plan further restricts housing outside settlement boundaries to that which is affordable, or for which there is an overriding need

for a countryside location. As the proposed development would not provide either, it would conflict with Policies 2 and 20 of the Local Plan.

6. In this regard the Council's concerns are that harm would be caused to the character and appearance of the area, including to heritage assets, and that future occupants of the development would have limited access to services and facilities, thus giving rise to environmental harm through a need to travel.

#### *Character and appearance*

7. The site lies at the northern edge of the village of Spetisbury. Most dwellings within the village front the A350, which runs north-south through the village, thus producing a strongly linear layout. Whilst there is a reasonably dense developed frontage through the central portion of the settlement, the pattern loosens considerably towards the northern end, becoming more spacious, before ultimately merging with the agricultural landscape beyond.
8. Within this context the site is currently a raised grass paddock, enclosed across its frontage with the A350 by a wall and railings. It is physically defined to the rear by a former railway embankment along which tall trees grow. Towards the north, on the same side of the road, lie only the parish Church of St John the Baptist, the village school, and the associated school house. A single dwelling is located on the opposite side of the road, beyond which are fields and agricultural buildings. The site is therefore located at a point of transition between the village and its broader landscape setting, within which its openness and verdant backdrop make a positive contribution to the character and appearance of the streetscene.
9. The adjacent parish church is a Grade I listed building. Its former rectory, currently named Spetisbury Hall, is located within view on the opposite side of the road, a short distance to the south. This is listed at Grade II\*. Each are therefore designated heritage assets of the highest significance. The adjacent churchyard additionally contains 2 Grade II listed structures: the Rackett monument, and the parish war memorial.
10. Insofar as it is relevant to this appeal, the special interest and significance of the parish church lies in its modest form, thirteenth to sixteenth century fabric, and prominent position at the head of the village. It is complemented by the surrounding churchyard, within which the 2 listed monuments stand: of which the Rackett monument close to the church, and the war memorial close to the site boundary. Again, insofar as it is relevant, the special interest and significance of the Rackett monument lies in its unusual shape, and the fact that it was erected to a former vicar who resided in the former rectory, lends further associative interest. That of the war memorial lies in the social and historic importance of the people and events that it commemorates. Finally, insofar as it is relevant, the special interest and significance of the former rectory lies in its eighteenth century date, formal architectural design, visual prominence, and its historic relationship with the church. Indeed, as a group, all 4 listed buildings draw significance partly from their spatial, visual, social and historic associations and relationships.
11. The sparse nature of development at the north end of the village, including its absence from the site, and the simple uncluttered gap that this provides, serves to assist in appreciation of these associations and relationships. This is particularly true with regard to the spatial and visual relationship between the

church and former rectory, which are most clearly appreciated when entering the village from the north along the A350. Given that the site and churchyard are separated only by a low wall, the site's openness also serves to lend visual prominence to the church and war memorial upon approach from the south. The site furthermore forms a simple, attractive, and in these regards, complementary backdrop to the war memorial.

12. The roadside boundary wall of the site is contiguous with that of the churchyard, and that the adjoining section is of matching construction and appearance. This further accentuates a sense of visual and spatial relationship between the churchyard and the site. For this and the above reasons, I find that the site currently makes a positive contribution to the settings of all 4 listed buildings, assisting in appreciation of the significance of each.
13. The development would see a large detached dwelling of generally suburban design built on the west side of the plot. The plot would be spacious, and generally reflect that of other large dwellings at the north end of the village. It is neither realistic nor reasonable to suppose that a fully open frontage would be retained given that the plot would lack privacy. The development would thus inevitably give rise to the domestication and greater enclosure of the plot. This would result in the loss of its openness, and its value as an open green space and gap within the street scene. The transitional character of the location within the village would in turn be seriously undermined.
14. The positioning of the dwelling would avoid direct site lines between the former rectory and church, and provide some physical clearance from the boundary of the churchyard. The presence of the dwelling would nonetheless be apparent from the street frontage and from within churchyard, as would domestication of the plot. The loss of openness and change in character would serve to undermine and to generally detract from appreciation of the associations and relationships between the 4 listed buildings outlined above. It would further directly diminish the prominence of the church, and compromise the visual backdrop of the war memorial.
15. The harm caused in each of the above regards would be accentuated by the realignment and partial loss of the boundary wall across the site frontage, including formation of the site access immediately adjacent to the churchyard, in reasonably close proximity to the war memorial. It would be worsened further still by the proposed urban/suburban house design, whose bulky, bland and somewhat incoherent composition would detract from the architectural quality of adjacent heritage assets. In all these regards the development would be both physically and visually intrusive.
16. I appreciate that an Inspector in a previous appeal relating to 9 dwellings on the site (the previous appeal), took a more limited view of the setting of the former rectory, and in that case found that no harm would be caused. However, contributors to the current appeal, including Historic England, take a different view, as do I. This is explained in my reasons above.
17. With reference to paragraph 196 of the National Planning Policy Framework (the Framework), I find that the development would cause less than substantial harm to the significance of the parish church, former rectory, war memorial and Rackett monument through a failure to preserve their settings. In each case I attach considerable importance and weight to the harm that would be

caused. In accordance with paragraph 196 it is necessary to balance this harm against the public benefits advanced in favour of the appeal scheme.

18. The main consideration advanced in favour of the scheme is that it would provide an additional dwelling, making better use of the site. In this regard the Council acknowledges that it does not have a demonstrable 5-year supply (5YHLS) of deliverable housing sites. The evidence referenced by the appellant describes a 4-year supply. The social and economic benefits arising from the provision of a single dwelling would however be very limited in scale, both in themselves and in relation a 5YHLS shortfall of any given size.
19. In this case the benefits would be further reduced by the fact that the development would not serve any identified local need. I therefore attach very limited weight to the scheme's provision of housing.
20. Realignment of the boundary wall would allow for a wider pavement. This would make use of the pavement across the site frontage safer, facilitating access to the church and school from the rest of the village. The widened section would however be relatively short in length and would be compromised by the site access. That being so I attach limited weight to the benefit.
21. An energy efficient design is proposed which would utilise sustainable energy generating technologies. This would help to mitigate the environmental footprint of the development, the nature of any broader public benefit is unclear. I cannot therefore attach any weight to this consideration.
22. The public benefits of the scheme would therefore be insufficient to outweigh the harm that would be caused to the significance of the above listed buildings. This provides a clear reason for refusing planning permission.
23. For the reasons outlined above I conclude that the site would be an inappropriate location for the proposed development given the unacceptable harm that it would cause to the character and appearance of the area, including through a failure to preserve the settings of listed buildings. In this regard the development would additionally conflict with Policy 5 of the Local Plan which seeks to sustain and enhance the significance of heritage assets, and Policy 24 of the Local Plan, which seeks to secure development whose design improves the character and quality of the area within which it is located.

#### *Services and facilities*

24. Spetisbury contains a limited range of services and facilities, including a village hall, small garage, and a pub, albeit the latter has closed and is currently on the market. As considered above, the site is additionally located adjacent to the church and primary school, and a farm shop/café bar is located on the opposite side of the road. A bus service described as 'regular' otherwise connects the village to Poole to the south and Blandford to the north, which contain a wide range of services and facilities. Bus stops lie a short distance from the site, and so could be easily accessed by future occupants of the development.
25. My attention has also been drawn to services in Charlton Marshall which lies a short distance to the north, and is one of the 18 larger villages identified in the Local Plan. These could presumably be accessed by bus, by cycling, or by walking. Indeed, a pavement indeed runs along the road as far as Blandford, and a railway following the disused railway line to the rear of the site runs in the same direction. It is however likely that the narrowness of the pavement,

the business of the road, and lack of consistent lighting along both routes would reduce the attractiveness and practicality of their use on a year-round day to day basis.

26. In summary, the village contains services and facilities likely to support a limited range of the day to day needs of future occupants. As such, travel elsewhere would be required. In this regard, even though future occupants might favour the convenience of using a private motor vehicle, the alternative of bus travel would be available, and walking and cycling would exist as options. Moreover, even if private motor vehicles were to be used, little more environmental harm would be caused by travelling to Blandford, than from Charlton Marshall, given the modest difference in the distance between. On this basis the environmental impacts of the development likely to arise from travel would not be unacceptably harmful.
27. I have taken into account paragraph 103 of the Framework which supports management of patterns of growth on the basis of travel. At the same time however it indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. In this case, relative to some other rural areas, opportunities for use of sustainable transport solutions to access services and facilities from the site would be reasonably good. I am therefore again satisfied that on these grounds the location would not be inappropriate.
28. I am again mindful of the fact that the Inspector in the previous appeal found that the location would be unsuitable. However, as that scheme involved 9 dwellings, the scale of potential impact in terms of both travel and the Council's overall housing strategy, would have differed significantly from that of a single dwelling. I have therefore considered the current scheme on its own merits.
29. The Council has cited paragraph 79 of the Framework. However, this is not applicable, as a dwelling on the site would not be isolated.
30. For the reasons outlined above I conclude that, notwithstanding further conflict with Policies 2 and 20 of the Local Plan, the location of the development would be acceptable with regard to the ability of future occupants to access to services and facilities.

### **Other Matters**

31. In view of the Council's 5YHLS position, both parties have drawn my attention to the tilted balance set out in paragraph 11 of the Framework. However, having regard to footnote 6 of the Framework, in this case national policy related to designated heritage assets provides a clear reason for refusing planning permission. That being so, the tilted balance does not apply.

### **Conclusion**

32. The location of the development would be unacceptable with regard to its effects on the character and appearance of the area, including heritage assets. For the reasons set out above, I therefore conclude that the appeal should be dismissed.

*Benjamin Webb*

INSPECTOR