

Appeal Decisions

Site visit made on 6 January 2021

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 March 2021

Appeal A Ref: APP/D1265/W/20/3260119

Land adjacent to Brambles House, Church Lane, West Parley BH22 8TR

- 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 R Parker against the decision of Dorset Council.
 - The application Ref 3/19/2469/FUL, dated 18 December 2019, was refused by notice dated 14 August 2020.
 - The development proposed is construction of a single detached house with parking and access.
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Appeal B Ref: APP/D1265/Y/20/3260120

Land adjacent to Brambles House, Church Lane, West Parley BH22 8TR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr R Parker against the decision of Dorset Council.
 - The application Ref 3/19/2470/LB, dated 18 December 2019, was refused by notice dated 14 August 2020.
 - The works proposed are construction of a single detached house with parking and access.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The proposal affects a Grade II listed building, and I shall therefore have special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
4. Both appeals relate to the same site and raise similar issues, and I shall therefore consider them in a single document, in the interests of brevity.

Main Issues

5. The main issues are:
 - Whether the proposed development and works would preserve the special interest of the Grade II listed building known as Brambles Farmhouse and its setting; and
 - In respect of Appeal A, the effect of the proposal on the rural character and appearance of the area.

Reasons

Heritage

6. The appeal site forms part of the curtilage of Brambles Farmhouse, a Grade II listed building dating from the early 18th century. The property retains much of its original character, including a symmetrical front elevation defined by a central entrance flanked by ground and first floor casement windows and prominent gable chimney stacks, which add to the architectural composition of the dwelling. The significance of this listed building derives notably from its architectural interest, by reason of the elegant proportions and detailing which characterise the property, but also its historic interest as a key component of an 18th century farmstead.
7. The appeal site itself consists of the former walled garden to Brambles Farmhouse, and benefits from a wide frontage onto Church Lane. Some sections of the historic wall remain in place, although they are to a large extent screened by overgrown vegetation and in a poor state of repair. The historic function of the site and its association with the farmhouse remain discernible and as such, it makes a positive contribution to the significance of the listed building.
8. I appreciate that the size of the house may have been reduced compared with the previous scheme, and there is no doubt that the detailed design approach is not objectionable in isolation. However, in this sensitive context, the proposal would still appear as a large built form, having particular regard to its depth and overall footprint, but also its eaves and ridge heights required for the provision of first floor accommodation.
9. Despite the degree of separation with Brambles Farmhouse, the new dwelling, which would remain visible from Church Lane and the adjacent footpath, would, due to its size and detailed design, significantly change the historic function of the site as a former walled garden. The creation of a new domestic curtilage, resulting from the construction of a new dwelling on a distinct plot, with a separated vehicular access onto Church Lane, would essentially lead to the loss of the functional link which would have historically connected Brambles Farmhouse and the appeal site.
10. This would be exacerbated by the footprint of the proposed dwelling which, together with the proposed patio and driveway, would diminish the sense of space within the walled garden and erode the sense of green space. For these reasons, the proposal would erode the ability to understand and appreciate the historic function of the appeal site and its historic links with Brambles Farmhouse, to the detriment of the significance of this Grade II listed building.
11. The proposal would not lead to a total loss of significance and would not therefore cause substantial harm to the special interest of Brambles Farmhouse, including as derived from its setting. Nevertheless, the appeal scheme would cause less than substantial harm to the significance of this Grade II listed building, to which I ascribe considerable importance and weight.
12. In such circumstances, paragraph 196 of the National Planning Policy Framework (the Framework) indicates that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There is little evidence before me suggesting that the proposal would constitute the optimum viable use for the site, but it is clear

that it would nevertheless make a modest contribution towards housing supply and choice.

13. Moreover, the benefits of the scheme include the repair and reinstatement of collapsed and damaged sections of the boundary walls to the eastern and northern boundaries of the site, although it is of note that the walled garden would not be restored in totality, notably due to the creation of a vehicular access for the proposed dwelling. It would also bring the site back into use. However, when considering the harm that the proposal would cause to the significance of the listed building and its setting, such harm would not be outweighed by the presented public benefits.
14. For the foregoing reasons, the appeal scheme would fail to preserve the special interest of Brambles House and its setting, and would therefore be contrary to Policy HE1 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy¹ (CS) and Section 16 of the Framework, which notably seek to ensure that the significance of all heritage assets and their settings are protected and enhanced.

Character and appearance

15. The appeal site lies within a rural area predominantly characterised by a loose-knit pattern of development along Church Lane. It is in an elevated position in relation to the road, and looks out onto open fields on the opposite side of Church Lane. As noted above, the site presently comprises dilapidated sections of boundary wall, which are largely overgrown by vegetation and emphasise its undeveloped character. As a result, it provides a visual break, which makes an important contribution to the spacious and rural character of this area.
16. The appeal scheme has sought to address the concerns expressed by the Inspector as part of the previous appeal². The new dwelling would be set away from the road frontage, and present its flank elevation to Church Lane. It is intended to look like an ancillary cart shed style building, which would be located on the edge of the former walled garden, along the northern boundary of the site. However, the footprint of the new dwelling would erode the largely undeveloped character of the walled garden and the contribution it presently makes to its rural surroundings.
17. I also share the concerns raised by the Council regarding the detailing of the proposal, which would be more akin to a Victorian industrial building than a structure typically found in a kitchen garden. The vast expanses of glazing and plethora of rooflights would give the building an overtly domestic character, which would only exacerbate its awkward appearance as a hybrid structure. The harm would be compounded by the proposed vehicular access and design of the proposed entrance which, whilst providing additional screening for the development, would have an urbanising effect and appear at odds with the rural character of this area. Additionally, it would draw further attention to the site as a separate residential plot. In my view, this matter could not be satisfactorily addressed by the imposition of a condition requiring the approval of a detailed design for the proposed gates.

¹ Adopted April 2014.

² APP/U1240/W/18/3203088.

18. In such a sensitive context, the new building would appear as an incongruous feature, which would have a detrimental effect on the rural character and appearance of the area. Whilst it would be largely screened by the boundary walls and mature landscaping, it would, by reason of its position and scale, remain visible from Church Lane, notably from the vehicular access, and from the footpath adjacent to the site's northern boundary.
19. My attention has been drawn to the land immediately to the west of the site, which is allocated as a strategic development site, and for which a planning application has been submitted to the Council. There is however limited information before me which suggests that this particular development, if it was approved and constructed on this site in the foreseeable future, would affect the Church Lane frontage. Therefore, this is a consideration which can only be ascribed very limited weight.
20. Given the above, I find that the proposal would unacceptably harm the rural character and appearance of the area. It would therefore fail to accord with the design aims of CS Policies HE2 and HE3, Saved Policy DES11 of the East Dorset Local Plan and Section 12 of the Framework. These notably seek to ensure that development proposals are of high quality, reflecting and enhancing areas of recognised local distinctiveness.

Other Matters

21. The appeal site lies within proximity to Parley Common Site of Special Scientific Interest, due to its heathland habitats and associated plant and animal species. It forms part of the Dorset Heathlands Special Protection Area, the Dorset Heaths Special Area of Conservation and Ramsar site, as designated under the Habitats Regulations.
22. Natural England has advised the Council that the appeal scheme would have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans or projects), notably by reason of additional recreational pressures resulting from residential development, unless suitable mitigation is provided. As the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have had to undertake an Appropriate Assessment, to ensure the proposal's compliance with Habitats Regulations.
23. The appellant notes that the Council is presently unable to demonstrate a five-year supply of deliverable housing sites. This is not contested by the Council. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 7, advises that the policies which are most important for determining the application are considered out-of-date, and planning permission should be granted.
24. This presumption does not however apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed in Footnote 6 to the Framework, such areas or assets of particular importance include designated heritage assets. The appeal scheme would fail to preserve the significance of Brambles House, and the policies of the Framework in that regard provide a clear reason for refusing the appeal scheme. The tilted

balance set out in paragraph 11 of the Framework is therefore not engaged in this instance.

Conclusion

25. The appeal scheme would support the local economy through construction works, and make a modest contribution towards housing supply and choice. However, these considerations would not outweigh the harm which I have identified. For the reasons detailed above, and having regard to all other matters raised, I therefore conclude that both appeals should be dismissed.

S Edwards

INSPECTOR