



Appeal Decision

Site visit made on 27 April 2021

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2021

Appeal Ref: APP/D1265/W/20/3264587

Bucklers Farm, The Folly, Nether Compton DT9 4QG

- 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 Stephen Merrigan against the decision of Dorset Council.
 - The application Ref WD/D/20/002083, dated 1 September 2020, was refused by notice dated 19 November 2020.
 - The development proposed is change of use of land from garden to parking area, form vehicular access, construct bridge and bunds.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the setting of the Nether Compton Conservation Area and whether it would preserve the setting of the adjacent Grade II listed Bucklers Farm.

Reasons

3. The appeal site is a modestly sized area of grassland and scrubby vegetation elevated above the level of the highway and separated from it by a brook. The rear of the site is surrounded by trees. Whilst it is referred to as a 'disused garden', it does not have the appearance of a former garden and nor does it appear to be logically linked with any building or dwelling nearby. Rather, it appears to form a part of a widened area of vegetated verge separating the highway from the adjoining agricultural land.
4. Despite the Council's claim to the contrary, the appeal site is adjacent to, rather than within the Nether Compton Conservation Area (CA). The appeal site is also viewed in context with the Grade II listed Bucklers Farmhouse and associated listed barns. Under Section 66(1) of the LBCA Act¹, I am required to pay special regard to preserving listed buildings and their settings. Under the National Planning Policy Framework (the Framework), consideration and favourable treatment should also be given to those elements of a setting that make a positive contribution to, or better reveal the significance of, an asset. This would include features outside of a conservation area that positively contribute to its character or appearance in some way, and thus, I am also required to consider the setting of the CA.
5. Buckler's Farmhouse originates from the late C17 and is a two storey building with coursed and dressed stone walls and clay-tile roof with gable-ends and

¹ Listed Building and Conservation Areas Act 1990

stone gable-copings. The brick stacks are purportedly later additions from the C19, along with the casement windows from around the same period. The barns are later C19 buildings, subservient to the farmhouse and have rubble stone walls and a clay-tile roof. Their agricultural use is apparent from the two-leaf blank doors raised on brick piers which connected with its threshing floor. Consequently, the significance of the listed buildings, insofar as it relates to this appeal, includes the evidential, aesthetic and historic value of an example of a high status vernacular farmhouse and range of buildings. Whilst the appeal site was allegedly a kitchen garden used in association with the listed buildings, its location, nature of its separation and the land cover combine to diminish any perception of such a link.

6. The CA has a collection of remarkable, well-preserved vernacular high status dwellings and former farms. These are set within a rural swathe of land that links the two opposing ends of the CA. More modest dwellings are clustered close to the historic church, the village green and picturesque public house. In relation to this appeal, the CA is significant for its inclusion of farmsteads, its verdant qualities and the intimate character of the roads.
7. The rural, undeveloped nature of the site is a contributing feature to the setting of the CA, which contains many similar transitions between the built form and undeveloped green spaces. The site also forms a feature that encloses the road, retaining its intimate scale and allowing the farm buildings to form dominant features within the rural streetscene.
8. The proposal seeks to build a bridge across the brook, construct bunds across the front of the site and surface it to enable it to be used as an area for the parking of vehicles. This parking area is envisaged as being primarily for visitors to the adjacent Bucklers Farm buildings to be converted to dwellings under separate permissions. It is suggested that the occupiers will have their own dedicated parking within the courtyard enclosed by the barns and wall.
9. The proposal would introduce an opening, hardsurfaced space and bridge and bunds which would collectively form an urban feature within the intimately scaled road that would detract from the dominance of the listed buildings. The use of bunds, which in themselves are not locally distinctive features, would not completely conceal views of the hardsurfacing or the presence of parked cars in views from the road and from the public right of way opposite the site. Furthermore, the use of indigenous trees and shrubs to landscape the bunds would not sufficiently offset the urbanising effects on the rural streetscene.
10. In view of the above, the proposal would harm the character and appearance of the area and that of the adjacent CA and the setting of the adjacent listed buildings. It therefore conflicts with, in particular, Policies ENV4 and ENV10 of the West Dorset, Weymouth and Portland Local Plan (2015), which, amongst other things, seek to conserve and, where appropriate, enhance the significance of designated heritage assets and require development to contribute positively to the maintenance of local identity and distinctiveness.
11. The proposal would harm the setting of designated heritage assets, albeit that this harm would be 'less than substantial' under the terms of the Framework. This is a matter of considerable importance and weight. Paragraph 196 of the Framework nevertheless requires such harm to be weighed against the public benefits of the proposal.

12. Whilst it is claimed that the proposal would secure a beneficial long term use of the site and provide space for visitors to park vehicles, I am not persuaded that there is such an impetus to do so or that the proposal is the only way of achieving such an outcome. Whilst the barn conversions are yet to be completed, there is limited evidence to suggest that any parking pressures would be so acute on such a regular basis that such an urbanising intervention would be warranted. The planning benefits of the proposal would therefore be very limited.
13. A degree of harm to the setting of a Grade II listed building and CA would arise from the proposal and great weight should be given to the conservation of designated heritage assets according to paragraph 193 of the Framework. In this context, the harm would not be outweighed by the limited public benefits. The development would therefore fail to satisfy the requirements of the LBCA Act, the Framework and the LP.

Conclusion

14. The proposal would fail to preserve the setting of the listed buildings and that of the CA, contrary to the development plan, when read as a whole. There are no other considerations or public benefits that would outweigh this harm.
15. Accordingly, for the reasons given, the appeal fails.

Hollie Nicholls

INSPECTOR