



Appeal Decision

Site Visit made on 11 August 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/D1265/W/21/3274747

Narbtoc, Brewery Lane, Gillingham, SP8 4NN

- 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 Frank Burton against the decision of Dorset Council.
 - The application Ref 2/2020/0771/FUL, dated 11 June 2020, was refused by notice dated 13 November 2020.
 - The development proposed is to create agricultural vehicular access and erect gate.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Wyke Conservation Area (the Conservation Area) and its effect on the setting of nearby listed buildings.

Reasons

4. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building, conservation area or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
5. The appeal site is located within the Conservation Area on the southern side of Wyke Road. The Conservation Area appraisal indicates that the significance of the Conservation Area is defined by the manner in which it encompasses a range of buildings of historic interest and open green spaces, reflecting particular periods in the development of the area. The Conservation Area appraisal further provides that characteristic features include open fields, mature trees and hedgerows. From observations made on my site visit, I have no reason to disagree with this assessment and find that the hedgerow which separates the site from Wyke Road makes a positive contribution to the character and appearance of the Conservation Area.

6. As Wyke Road descends downhill from the more built up area of Gillingham, the hedgerow enclosing adjoining fields on the southern side of the road are located close to the highway edge. Whilst it is acknowledged that there are other points of access onto Wyke Road adjacent to and opposite the site, those points of access are relatively narrow and do not include substantial visibility splays. The appeal scheme seeks to introduce a new vehicle access which includes the removal of a section of hedgerow and the translocation of a substantial section of hedgerow to provide visibility splays.
7. Whilst the appeal scheme would remove a relatively small section of hedge, the proposal would also translocate the hedgerow back into the field in order to facilitate substantial visibility splays. The set back of the hedge from the edge of the highway over a substantial length to facilitate the required visibility splays would, in my view, introduce a somewhat discordant feature within the Conservation Area which would draw the eye. In this respect the proposal would reduce the value the appeal site makes to the significance of the Conservation Area, being harmful to the character and appearance of the Conservation Area, albeit that harm would be limited.
8. Further to the above, the site is also located in close proximity to the listed buildings at Wyke Hall, The Old Brewery and Brewery House. From the evidence before me and from observations made on my visit, the significance of the listed buildings identified above is largely derived from their historic and architectural interest.
9. The Conservation Area appraisal provides that Wyke Hall and its landscape setting form important elements of the Conservation Area with the special interest of Wyke Hall being derived from the nature of its construction, historical associations and its landscape setting. The Old Brewery and Brewery House are located within the more built up area of the settlement with the Conservation Area appraisal indicating that these buildings formed part of a later settlement expansion following transition from its agricultural roots to industry.
10. By reason of the residential development that surrounds the listed buildings at The Old Brewery and Brewery House any association which once existed between the appeal site and these listed buildings has been significantly eroded. In my view, the significance and setting of these listed buildings would not be unduly harmed by the appeal proposal.
11. However, as noted in the Conservation Appraisal, in terms of Wyke Hall the landscape setting forms part of the special interest and significance of this heritage asset and, based on the evidence before me and on my observations, in my view the appeal site contributes to the landscape setting of Wyke Hall maintaining its separation from the built up area of the settlement. As noted above, the appeal scheme would introduce a discordant feature within the area and given that the highway and hedgerow help define the approach to Wyke Hall when travelling out of the settlement, the introduction of this incongruous feature would not preserve the setting of Wyke Hall and harm to its significance would result.
12. Paragraph 199 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Any harm should

require clear and convincing justification in line with paragraph 200 of the Framework.

13. In terms of the advice in the Framework, the harm to the significance of the Conservation Area and the harm to the setting and significance of Wyke Hall would be 'less than substantial', affecting only its immediate surroundings. As such the Framework sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes. Whilst I acknowledge the Appellant's submissions with regards to the maintenance and upkeep of the appeal site, in this instance there are no public benefits put forward by the Appellant which would outweigh the harm to the Conservation Area and to the significance and setting of Wyke Hall as described above.
14. In summary of the above, the appeal scheme would fail to preserve or enhance the character or appearance of the Conservation Area and would result in harm to the setting and significance of Wyke Hall. The proposal would, therefore, conflict with Policies 5 and 24 of the North Dorset Local Plan Part 1 (January 2016) which, amongst other matters, require development to be designed to improve the character and quality of the area in which it is located and ensuring that great weight is given to the conservation of designated heritage assets when considering proposals that would have an impact on their significance. Furthermore, and for the same reasons given above, the appeal scheme would fail to accord with those parts of the Framework which concern conserving and enhancing the historic environment.

Other Matters

15. Interested parties raise additional objections to the proposal on the grounds of highway safety and ecology. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR