



Appeal Decision

Site visit made on 20 December 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/D1265/W/21/3280925

Land North of Mill Lane, Yetminster, Dorset DT9 6ND

- 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 Barfoot against the decision of Dorset Council.
 - The application Ref WD/D/20/002895, dated 13 November 2020, was refused by notice dated 15 July 2021.
 - The development proposed is the erection of a single storey single family dwelling with associated landscaping to accommodate parking.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Barfoot against Dorset Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area, with reference to the Yetminster Conservation Area (the CA), the Land of Local Landscape Importance (the LLLI), the settings of the Grade II listed Greystones and St Francis Cottage (the Listed Buildings) and the setting of the non-designated heritage asset The Pottery.

Reasons

4. The site is an open and fairly recently regraded paddock, accessed off Mill Lane, below the modern dwelling The Garden House, at the edge of Yetminster. It is within the CA and the settings of The Pottery and the Listed Buildings. I must therefore pay special attention to the desirability of preserving or enhancing the character or appearance of the CA and consider the proposal's impact on the special architectural and historic interest of the Listed Buildings.
5. The CA is fairly large and, as explained by the Yetminster Conservation Area Appraisal (adopted 2009), covers distinct areas. Drawing on the appraisal, and as identified in relation to a previous appeal at the site¹, I consider the significance of this part of the CA to derive from its 'fringe' character, and the interplay between its sparse historic buildings and the surrounding countryside.
6. As a prominent open space of undeveloped appearance set amongst the Listed Buildings and The Pottery, the site makes a positive contribution to the CA. Whilst the significance of the Listed Buildings (and The Pottery) is principally taken from their historic fabric, they are also constituent parts of the sinuous

¹ Appeal Ref: APP/F1230/W/15/3133130

Mill Lane scene experienced as one enters and leaves Yetminster. On this basis, the appeal site makes modest positive contributions to their settings too.

7. The site's importance is also reflected by its position partly within the LLLI, which slopes eastwards away from the village down to the River Wriggle. The role of the site within the LLLI is considered by the appellant's Landscape and Visual Appraisal. It considers the value of this LLLI as a whole and its findings are based, in part, on a premise that the buildings around the site establish a pattern of development which would contextualise the scheme. In my view, this fails to recognise the gravity of the CA designation in this part of the LLLI, and the role the site has in striking the balance between the built and natural environments along Mill Lane. This lessens the weight I attach to its conclusions.
8. The dwelling would be low slung and clad in wood under a green roof, in order to provide a discreet, contemporary response. However, its angular protrusion from the landform, glazed apertures and projecting overhang would be visible from Mill Lane, in addition to the inevitable domestic trappings, such as parked vehicles, that would populate its grounds. As such, despite its design ethos, the proposal would diminish the site's contribution to the CA, the LLLI, the settings of the Listed Buildings and The Pottery, as a valuable area of undomesticated, open space. This would not be mitigated by augmentation of its boundary hedgerows, nor a reinstated orchard within a less prominent area to the east.
9. My attention has been drawn to permissions granted respectively by the Council and at appeal for buildings with contemporary detailing elsewhere inside the CA². However, I note that these schemes relate to sites off High Street, Church Street and Brister End, within different parts of the CA. Their circumstances are therefore quite different to those at Mill Lane, and these schemes have consequently had only limited weight in my own assessment.
10. The harm to the settings of the CA and the Listed Buildings would be less than substantial in each case. Nonetheless, the National Planning Policy Framework (the Framework) states that great weight should be attributed to a heritage asset's conservation and that any harm falls to be weighed in the balance with the public benefits of the development. As heritage assets are irreplaceable, any harm requires clear and convincing justification.
11. There is no dispute that the Council cannot demonstrate a 5-year supply of deliverable housing sites and that this has been the case for some time. A 4.93-year supply is the most up to date position I have. The scheme would create an inclusively designed dwelling accessible to the facilities within Yetminster, which would gain from the increased footfall. There would be a boost to the Council through the New Homes Bonus and limited, temporary economic benefits during construction. These benefits would be modest, and do not provide a clear and convincing justification for the harms to the CA and the Listed Buildings, which in each case attracts considerable importance and weight.
12. Accordingly, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the CA, the LLLI, the settings of the Listed Buildings and the setting of The Pottery. The proposal would conflict with the respective heritage and landscape aims of Policies SUS2, ENV3, ENV4 and ENV10 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted 2015) and the Framework.

² Refs WD/D/17/002767, WD/D/17/000235 and Appeal Ref: APP/D1265/W/20/3245923

Other Considerations

13. There is a fallback position at the site in the form of extant permission for a 'stable/livestock' building and associated ground works³. Having due regard to the referenced case law on the subject⁴, I do not doubt that this building would be constructed in the event that this appeal fails. However, the building would be smaller in plan form, more utilitarian in design and would not be joined by the domestic trappings identified above. As it would likely have a more innocuous impact than the appeal proposal, it does not serve to justify it.

Other Matters

14. The Council has latterly referred to the effect of the scheme on the Somerset Moors and Levels Special Protection Area and Ramsar site, which is protected by the Conservation of Habitats and Species Regulations 2017 as amended. Had I been minded to allow the appeal, it would have been necessary for me to consider this matter within an Appropriate Assessment. However, as I am dismissing the appeal for other reasons, I have not taken it further.

Planning Balance

15. Paragraph 11 d) of the Framework states that in the circumstances where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 7, this includes designated heritage assets. Given my findings above, the Framework provides a clear reason to refuse the proposal, and the presumption in favour of sustainable development within Paragraph 11 d) ii) does not apply.
16. As such, and taking all matters raised into account, there are no other material considerations, including the Framework, that outweigh the conflict I have identified with the development plan when read as a whole.

Conclusion

17. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

³ Refs WD/D/20/000538 and WD/D/20/002238

⁴ Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314