



Appeal Decision

Site visit made on 25 March 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/D1265/Y/21/3288370

2 Wayside Cottage, Main Street, Stoke Abbott, Beaminster, Dorset DT8 3JP

- 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 George Hart against the decision of Dorset Council.
 - The application Ref WD/D/20/001139, dated 10 May 2020, was refused by notice dated 5 July 2021.
 - The works proposed are demolition of front garden wall to provide vehicle access and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published after the determination of the application. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties have had the opportunity to comment on this matter as part of the appeal process, and I have had regard to the revised Framework in determining this appeal.
3. The proposed works affect a listed building sited within a conservation area, and I have therefore had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The description of the proposed works as detailed on the application form has been amended in subsequent documents. I have adopted the description included within the Council's Decision Notice, which detail the extent of the proposed works more concisely.

Main Issue

5. The main issue is whether the proposed works would preserve the special architectural and historic interest of the Grade II listed building known as 2 Wayside Cottage, and preserve or enhance the character or appearance of the Stoke Abbott Conservation Area.

Reasons

6. The appeal property forms part of a pair of semi-detached stone cottages dating from the 18th century, which are listed at Grade II. The special interest of these designated heritage assets does not solely derive from their

- architectural and historic interest, having regard to their surviving fabric, but also to the group value which they hold collectively with other nearby listed buildings. The area includes a number of attractive properties characterised by their intimate domestic scale which, together with boundary walls, create a continuous building line and give the village a pleasant sense of enclosure.
7. The site lies within the Stoke Abbott Conservation Area, which draws much of its special interest from its rich collection of historic buildings, but also the form and layout of the village, which sits within an attractive rural backdrop. For these reasons, the appeal building and the front boundary wall make a significant contribution to the picturesque character and appearance of the village and the Stoke Abbott Conservation Area as a whole.
 8. There is a lengthy planning history associated with the appeal site, including several planning and listed building consent applications seeking the removal of the front boundary wall sited between the appeal property and Raleigh Cottage, to enable the creation of a vehicular access. Proposals affecting the wall have also been previously considered as part of a number of appeals¹.
 9. At the time of the appeal in 2011, the wall had been demolished, but having regard to the presented evidence, the Inspector confirmed that “the wall formed part of the listed building”, and that “the proposed works would harm, albeit in a manner that is not substantial, the historic character and significance of the listed building and the wider conservation area”. The wall was subsequently reinstated. Though the Council’s submissions highlight several points of concern in that regard, these are not matters for me in the consideration of this appeal.
 10. I note that the front boundary wall is not expressly mentioned in the listing details of Wayside or Raleigh Cottages. However, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the special interest. Whilst the wall has been rebuilt and is therefore not an original structure, its removal would disrupt the continuity and strong sense of enclosure which it provides to the street scene. It would thus erode the contribution it makes to the special interest of Wayside Cottage, to the detriment of its significance, and to the Stoke Abbott Conservation Area. It follows that the proposed works would also fail to preserve the character and appearance of the Conservation Area.
 11. In reaching this view, I have considered the appellant’s suggested compromise in the form of a moving wall, though this is not supported by detailed information, and there is no certainty that this would represent a suitable alternative. This is therefore not a consideration which can be afforded much weight.
 12. The proposed works would cause less than substantial harm to the Grade II listed building and the Stoke Abbott Conservation Area as a whole, to which I ascribe considerable importance and weight. In such circumstances, paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal.
 13. My attention has been drawn to a number of benefits, particularly in respect of highway safety. Whilst I understand that the proposed works would enable

¹ APP/F1230/A/08/2087158 & APP/F1230/E/08/2087165, and APP/F1230/E/11/2145839.

occupiers of the appeal property to park one or two vehicles on site, I have been presented with no mechanism to ensure that these would reduce on-street parking and in turn improve highway safety along the Main Street.

14. Furthermore, and in the absence of substantive evidence to the contrary, I cannot be certain that other options have been considered to address the highway safety and traffic flow issues which the appellant and other interested parties are referring to. Overall, I have been presented with no public benefits which would outweigh the identified harm.
15. Given the above, the proposed works would fail to preserve the special architectural and historic interest of the Grade II listed building, and fail to preserve the character and appearance of the Stoke Abbott Conservation Area. Accordingly, the appeal scheme would be contrary to Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan (October 2015), which requires proposals to conserve and where appropriate enhance the significance of heritage assets, and Section 16 of the Framework.

Other Matters

16. Whilst I have sympathy for the appellant and the frustration he has experienced in respect of the planning application process, this is not a matter for me to consider as part of this appeal. I am required to assess the proposal, having regard to its individual merits.
17. The appellant's submissions include a Transportation Advisory Note, which refers to a number of appeal decisions. However, these are not considered of relevance to the appeal before me, which was made against a refusal to grant listed building consent.

Conclusion

18. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR