

Appeal Decisions

Site visit made on 19 July 2022

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2022

Appeal A Ref: APP/D1265/W/21/3287677

New Inn, Highgate Lane, West Knighton DT2 8PE

- 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 Barry Crook (G.Crook & Sons Ltd) against the decision of Dorset Council.
 - The application Ref WD/D/20/002435, dated 30 September 2020, was refused by notice dated 11 October 2021.
 - The development proposed is single-storey extension to form a commercial kitchen.
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Appeal B Ref: APP/D1265/Y/21/3287680

New Inn, Highgate Lane, West Knighton DT2 8PE

- 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 Barry Crook (G.Crook & Sons Ltd) against the decision of Dorset Council.
 - The application Ref WD/D/20/002436, dated 30 September 2020, was refused by notice dated 11 October 2021.
 - The works proposed are single-storey extension to form a commercial kitchen.
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Decisions

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

Preliminary Matters

3. The appeal scheme affects listed buildings located in a conservation area, and I have therefore had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. As both appeals relate to the same site and some of the issues raised are of a similar nature, I shall consider them in a single document, in the interests of brevity.

Main Issues

5. The main issues are:
 - Whether the proposal would preserve the Grade II listed buildings known as 'The New Inn' (List Entry Number: 1304003) and 'Yoah Cottage' (List Entry Number: 1119212), and any of the features of special architectural or historic interest they possess; and

- In respect of Appeal A, the effect of the proposal on the living conditions of the neighbouring occupiers of Yoah Cottage, with particular regard to noise and odour.

Reasons

Heritage

6. Located within a picturesque village setting, the appeal site comprises a prominent Grade II listed public house dating from the early 19th century. Whilst the building has been extensively altered internally and has been previously extended, it nevertheless retains much of its original character. The significance of the New Inn is not solely derived from its historic interest and communal use as a public house, but also its architectural interest, having particular regard to the building's vernacular construction and detailing. These include brick walls in Flemish bond, clay tile roofs, stone slate eaves and prominent chimney stacks, as well as a section of historic wall, which runs parallel to the public house's rear elevation.
7. The boundary wall is proposed to be retained, but this historic feature would be largely screened by the new extension. This would compromise the ability to appreciate this historic feature and could also give rise to access and maintenance issues, as the walls would in effect become enclosed between the existing addition and the proposed kitchen extension.
8. Whilst the proposal would largely be sited to the rear of the New Inn's extension, it would nevertheless represent a significant addition to the listed building. By reason of its excessive width and depth, the proposed built form would exacerbate the scale and prominence of previous additions, and harmfully dominate the historic public house and its setting. Furthermore, the rear projection of the extension would erode the historic plan form of the Grade II listed building. The appeal scheme includes the enlargement of an existing opening to create a doorway connecting the commercial kitchen to the public house premises, resulting in a loss of historic fabric which would compound the identified harm.
9. The proposed extension would also be sited within relative proximity to Yoah Cottage, a Grade II listed thatched cottage dating from the 17th century. The vernacular construction of this property makes a significant contribution to its special architectural and historic interest as a traditional Dorset style cottage. Due to its scale and proximity to Yoah Cottage, the appeal scheme would appear as a harmful intrusion into the setting of this listed building, though the effect would be to some extent mitigated by the intervening vegetation.
10. The appeal scheme would not lead to a total loss of significance and would therefore not constitute substantial harm which, as noted in the National Planning Practice Guidance¹, is in general terms a high test, and may not arise in many cases. Nevertheless, the proposed development and works would cause less than substantial harm to the special interest of the New Inn and Yoah Cottage, to which I ascribe considerable importance and weight.
11. In accordance with paragraph 202 of the National Planning Policy Framework (the Framework), the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The

¹ Paragraph: 018 Reference ID: 18a-018-20190723.

provision of enlarged kitchen facilities would help sustaining the use of the appeal premises as a public house, which can be regarded as a public benefit. Additionally, it may enable the business to operate more efficiently, whilst supporting an enhanced working environment and the local economy. Indirectly, these considerations could also help securing the long-term future of the building as a designated heritage asset.

12. However, there is no substantive evidence before me which demonstrates that the proposed development and works are required to sustain the optimum viable use of the premises, and that the appeal scheme is the only option to provide a larger commercial kitchen. Overall, when considering the harm that the proposed development and works would cause to the special interest of the listed buildings and their settings, such harm would not be outweighed by the public benefits associated with the appeal scheme.
13. Given the above, the proposal would fail to preserve the special interest of the Grade II listed New Inn public house and Yoah Cottage. As a result, it would be contrary to Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan 2015 (WDWP LP), which requires development proposals to conserve and where appropriate enhance the significance of heritage assets. For these reasons, the proposal would also be contrary to Section 16 of the Framework.

Living conditions

14. The proposed extension would be sited closer to Yoah Cottage than the existing kitchen. The appellant has confirmed that the current extraction system would be re-used for the new kitchen, but this is not supported by additional information, such as manufacturing specification, noise/odour assessment and/or detailed plans showing where the apparatus would be precisely located.
15. Consequently, it cannot be ascertained whether the extraction system would be suited to a larger commercial kitchen and whether the living conditions of the occupiers of Yoah Cottage would be safeguarded as a result of the proposal. Furthermore, I do not have sufficient information before me to come to the conclusion that a condition could adequately overcome the concerns raised by the Council regarding noise and odour.
16. In the absence of substantive evidence to the contrary, I cannot be satisfied that the appeal proposal would not adversely affect the living conditions of the neighbouring residents of Yoah Cottage. It would therefore fail to accord with the requirements of Policy ENV16 of the WDWP LP, which notably seeks to ensure that development proposals are designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents.

Other Matters

17. No objection has been raised by the Council regarding the effect of the proposal on the character or appearance of the West Knighton Conservation Area, which owes much of its special interest to its collection of historic buildings, but also the form and layout of the village, set against a rural backdrop. Having regard to the available evidence, there are no reasons for me to reach an alternative view, and I confirm that the proposed development and works would preserve the special interest of the West Knighton Conservation Area.

Conclusion

18. There are no material considerations, which indicate that the appeals should be determined, other than in accordance with the development plan. For the reasons detailed above, and having regard to all other matters raised, I conclude that both appeals should be dismissed.

S Edwards

INSPECTOR