



Appeal Decision

Hearing held on 5 January 2023

Site visit made on 16 January 2023

by S Edwards BA MATCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 June 2023

Appeal Ref: APP/D1265/W/22/3291668

Land South of Westleaze, Charminster, Dorset, DT2 9QL, 368173, 092442

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Land Value Alliances LLP against the decision of Dorset Council.
 - The application Ref WD/D/20/003004, dated 24 November 2020, was refused by notice dated 30 September 2021.
 - The development proposed is Outline planning application for residential development for up to 80 dwellings, public open space, landscaping & associated works with access from Westleaze (all other matters reserved).
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline. The application form indicates that approval is only sought for access. Appearance, landscaping, layout and scale are reserved for subsequent determination. I have had regard to the drawings showing the illustrative layout of the scheme insofar as they indicate how the site could be developed, and show the quantum of development that could be accommodated on the site.
3. The application as originally submitted was for a residential development comprising up to 89 dwellings, with public open space, landscaping and associated works, and access from Westleaze. The number of residential units proposed was however amended during the course of the planning application and revised plans were submitted for a scheme of up to 80 dwellings. In the banner heading, I have therefore adopted the description included on the decision notice, which reflects the scheme as considered by the Council.
4. A Section 106 Legal Agreement (the S106), signed and dated 7 November 2022, was submitted during the course of the appeal. The S106, which would take effect should planning permission be granted, is intended to address the Council's second reason for refusal, which I shall return to later in this decision.
5. The main parties have referred to an emerging Dorset Council Local Plan. As it is still at an early stage of preparation, minimal weight can be afforded to this emerging Local Plan.

Main Issues

6. The main issues are:

- The effect of the proposal on the setting of heritage assets with particular regard to:
 - Wolfeton House (Grade I);
 - The Riding House (Grade II*);
 - Wolfeton House Lodge and associated gate piers and gates (Grade II);
 - The Gate Piers and Flanking Walls 50m ESE of Wolfeton House (Grade II);
 - The Gate Piers and Low Flanking Walls 125m SE of Wolfeton House (Grade II);
 - Charminster Conservation Area;
 - The deserted settlement of Wolfeton (non-designated); and
- The effect of the proposal on the character of the area, including the surrounding landscape.

Reasons

Description of the site and the development proposal

7. The appeal site comprises a large parcel of open pastoral farmland situated to the south and south-east of the village of Charminster, which can be divided into two separate areas. The Eastern Land Parcel (ELP) is the largest and forms a roughly rectangular enclosure, which is bordered to the north by Westleaze and is adjacent to Charminster Conservation Area. The smaller Western Land Parcel (WLP), which is roughly triangular in shape and is contained by trees to the southern and eastern boundaries, lies within the Conservation Area and incorporates the deserted medieval village of Wolfeton. Whilst it forms part of the appeal site, no built development is proposed on this parcel of land, which is proposed to be used as public open space, with the grassland and existing trees and boundary hedgerows being retained.
8. As noted above, the appeal scheme seeks to construct up to 80 dwellings, including a number of affordable units, with pedestrian, cycle and vehicular access being provided from Westleaze. The southern part of the site would provide a landscape buffer incorporating an area of public open space, as well as an infiltration basin to deal with surface water drainage. The appeal proposal also seeks to make provision for enhanced public access to the deserted medieval village of Wolfeton.

Heritage

The significance of the Heritage Assets affected by the proposal

Wolfeton complex

9. Listed at Grade I, Wolfeton House is a great surviving example of a gentry courtyard house with an attached gatehouse to the east side. It was built in

phases by the Trenchard family, probably from the late 15th century, though only one part of the early house ranges survives. The house was extended in the 16th century and was also subject to substantial transformations during the 19th century. Whilst the building complex is now of a reduced scale, the listed manor house and the gatehouse retain much of their historic detailing and finesse, including windows with arched lights, foliage in the spandrels and elegant mouldings brought down on to pedestal bases.

10. The scale of the manor house and the intricate level of detail are reflective of the conscious display of status and power of its historic owners, but also the architectural styles which have influenced its evolution over the centuries. There is no doubt that Wolfeton House holds great historic and architectural significance, which reflect its status as a listed building of exceptional interest. The special interest of Wolfeton House is also derived from the strong links it holds with Thomas Hardy who described it as 'an ivied manor house, battlemented towers, and distinguished by the size of its many mullioned windows'¹. The house and the Trenchard family are believed to have inspired some of Hardy's characters.
11. The significance of Wolfeton House is also greatly derived from its setting, as the property lies within spacious grounds. It is clear that the position and relationship of the manor house and its associated garden and grounds, including the approach from the south make an important contribution to the special interest of this Grade I listed building. As pointed out by the previous Inspector, 'the setting extends well beyond the immediate grouping. Wolfeton House is located on the lower slopes of the valley, close to the watercourse near the confluence of the Cerne and Frome. This siting reflects the very direct link between the natural resources of the landscape and development of the buildings in the C15th'.
12. Within proximity to Wolfeton House, there are several buildings which are separately listed. These include the Riding House, a Grade II* listed building dating from the late 16th century, which has been beautifully restored in recent years. The Riding House is believed to be one of the earliest, if not the earliest surviving riding schools in England. The visual experience of the Riding House is to some extent compromised by the more modern agricultural structures sited on the northern side, but this heritage asset nevertheless holds considerable architectural, evidential and historic interest, by virtue of its detailed design and the rarity of this particular type of building.
13. Furthermore, and although there is no direct visual relationship between the Riding House and Wolfeton House, the historic connection between the two assets amplifies the experience of the significance of each. As noted by Historic England, "the Riding House [also] reinforces the status of the Wolfeton Estate and its former occupants as people of significant ambition and wealth".
14. The lodge situated adjacent to the south entrance drive to Wolfeton House, together with its associated gate piers and gate made in Purbeck stone, became separately listed at Grade II during the course of the appeal. The building is recognised as a well-executed and suitably restrained mid-C19 lodge which, by virtue of its high-quality materials and architectural detailing, anticipates the main house and contributes to the sense of arrival at Wolfeton House.

¹ Representation made by the Chairman of the Thomas Hardy Society.

15. The stable block, gate piers and flanking walls sited 50 metres ESE and 125 metres SE of Wolfeton House are all also listed at Grade II. The significance of these designated heritage assets derives from their architectural and historic interest, as valuable components of the Wolfeton House estate, which make an important contribution to the understanding and appreciation of this historic site.
16. All these assets, by virtue of their individual listing, are recognised nationally for their inherent value which, as detailed above, is derived from their architectural and historic interest. However, their significance in each case is also derived from their group value and the contribution which these listed buildings make collectively as important components of the Wolfeton estate.
17. Furthermore, other nearby buildings have been linked to the listed complex, such as the Grade II listed ice house and shed (Grade II) and the Dairy House (unlisted) on East Hill, also contribute to the special interest of the Wolfeton estate, in that they provide further assistance with the understanding of its historic significance.
18. The garden surrounding Wolfeton House has been previously added to the Dorset Gardens Trust List of Historic Parks and Gardens of Local Significance, and is thus recognised as a non-designated heritage asset. The garden areas form an essential part of the Wolfeton complex and, combined with the earthworks of the deserted medieval settlement and surrounding parkland, contribute to the setting of the house, in terms of aesthetic value but also in assisting with its historic understanding.
19. Regardless of whether there were historically any designed views or vistas encompassing land beyond the Wolfeton estate, there is no doubt that its setting extends well beyond the immediate grouping. Wolfeton House lies on the lower slopes of the valley and within proximity to the watercourse near the confluence of the Cerne and Frome rivers. As noted by the previous Inspector, 'this siting reflects the very direct link between the natural resources of the landscape and development of the buildings in the C15th'.
20. Moreover, the extract from an estate map² dating to 1772 and from Charminster Tithe Map (1838) confirm that the estate landholdings, which the appeal site forms part of, historically covered a much wider area surrounding Wolfeton House. To my mind, the available evidence clearly establishes the existence of a historic connection between Wolfeton House and the spacious areas falling within its setting, including the appeal site, which would have helped to signify the wealth and influence of the Trenchard family.
21. Whilst the ownership ties between Wolfeton House and the wider area which encompasses the appeal site appear to have ceased a long time ago, the relationship between the listed property and the surrounding landscape can still be experienced today. As emphasised by Historic England, the wider landscape surrounding the house is still an open agricultural panorama of water meadows, pasture and arable land. It is clear that the undeveloped nature of the land contributes to the ability to appreciate the property within a relatively secluded, rural setting, and thus adds to its significance.

² 'Plan of Wolfeton Farm in the Parish of Charminster, the Property of William Trenchard Esq'.

Charminster Conservation Area

22. Wolfeton House lies within the Charminster Conservation Area, which also includes the historic core of this settlement and the site of the deserted Medieval Settlement of Wolfeton, as well as large undeveloped areas. Within the Conservation Area Appraisal³, West Hill and the A352 ribbon, the village core and East Hill are grouped under sub-area (i), whilst Wolfeton House and its surrounds form sub-area (ii).
23. Having regard to the presented evidence, I find that the special interest of Charminster Conservation Area is primarily derived from the well-preserved layout of the village, with its rich collection of historic buildings, and its relationship with the Wolfeton estate, but also its rich archaeological heritage. The high-quality landscapes and features adjacent to and within the Conservation Area, in particular the river and mill features, water meadows, mature trees and green spaces also make significant contributions to the special interest of this designated heritage asset.
24. Within sub-area (ii), East Hill is characterised by its sense of enclosure, which is provided by the built forms and boundary walls lining the road, as well as the mature vegetation. This contrasts with the changing character to the southern end of East Hill which becomes distinctly more agricultural. Although they may not be publicly accessible, views out in this location constitute a key aspect of the Conservation Area's character.
25. By virtue of its undeveloped character, the land to the east and west of sub-area (ii) contributes positively to its significance and the special interest of the Conservation Area as a whole, by demarcating the historic settlement of Wolfeton and preserving a degree of separation from the settlement of Charminster. This open landscape also plays an identifiable role in framing the rural setting of the Wolfeton complex and the Charminster Conservation Area.

Deserted Medieval Settlement of Wolfeton

26. As noted above, the WLP comprises parts of the earthwork remains of the deserted medieval settlement of Wolfeton which, as agreed by the main parties, represent a non-designated heritage asset within the Conservation Area. Wolfeton was a village distinct from Charminster and formed part of an extensive early medieval settlement pattern along the eastern bank of the River Cerne and northern bank of the River Frome. The significance of this non-designated heritage asset does not solely lie in the physical form of the earthworks, but also in its historic and archaeological interest, as a representative example of the remnants of a medieval settlement in this location. Views of the earthworks can be appreciated from the southern end of East Hill, which adds to their significance.
27. Views of the ELP from East Hill are to a large extent restricted to the southern and central areas but nevertheless contribute to the character of the deserted medieval village and its sense of seclusion. The undeveloped character of the landscape to the east, including the ELP, makes a positive contribution to the setting of the deserted settlement having particular regard to the environment in which it is experienced, and thus adds to its special interest.

³ Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal (adopted in 2007).

The effect of the proposal on Heritage Assets

28. The proposal subject to this appeal has sought to address the concerns raised as part of the previous appeal, notably by reducing the quantum of development from a maximum of 120 dwellings to a proposal for up to 80 units. It is agreed by the main parties that views of modern development from within the surrounds of a heritage asset does not necessarily equate to harm being caused to the overall heritage significance of said asset. However, the proposal would in this particular instance erode the spaciousness and the openness of the site to a substantial degree, and lead to the loss of the rural and undeveloped character of the field.
29. Within such a sensitive context, the construction of a large residential estate as proposed would harmfully intrude in the setting of Wolfeton House. This, together with the permanent loss of agricultural land, would compromise the ability to understand and appreciate Wolfeton as a high-status manor house set within extensive, agricultural grounds. This is particularly important, given that it is highly likely, having regard to the available evidence, that the house was orientated and designed with an approach from the south, characterised by a tree lined driveway and parkland setting.
30. The other listed buildings sited within the estate are all part of the ensemble which collectively assist with the understanding and appreciation of Wolfeton House as a historic asset of exceptional interest. The appeal proposal would not solely be harmful to the significance of Wolfeton House for the reasons I have already set out, but would also adversely affect the setting of all the listed buildings within the complex.
31. Views of the development from within and across the grounds of Wolfeton would also disrupt the relative sense of isolation and tranquillity that can presently be experienced in this location, and the strong sense of connection with the surrounding agricultural landscape. Whilst there is already modern residential development on the northern side of Westleaze, the degree of visibility is presently limited. To my mind, this certainly provides no justification for constructing a development of the scale proposed to the southern side of Westleaze, which would only exacerbate the visual intrusion caused by existing properties.
32. As shown on the proposed indicative plans, the appeal scheme seeks to soften the visual presence of the new dwellings through the provision of public open space and landscaping in particular to the south. However, this would do little to soften the strong visual presence of the dwellings, which could not therefore meaningfully mitigate the harm caused to the heritage assets affected. Even accepting that, as shown within the appellant's submissions, the proposed landscaping would by year 15 provide effective screening, this would in any event only address the visual experience of the setting. This would not overcome the irreversible harm caused by the change of use of the agricultural land and proposed built form.
33. Furthermore, the appeal scheme would diminish the contribution that the ELP makes to the rural setting of the Conservation Area, to the detriment of its special interest. This would result in a form of development which would inevitably fail to preserve the character of this designated heritage asset. As the development would occur on an area of open land which contributes to the sense of isolation of the deserted Medieval Settlement of Wolfeton, it would

also undermine the ability to appreciate the special interest of this non-designated heritage asset within a secluded, remote setting. This would compound the harm caused to the special interest of the Conservation Area, of which the deserted Medieval Settlement is an important component.

34. My attention has been drawn to several developments, which have been approved by the Council in recent years, within proximity to Wolfeton House and the Riding House, including a scheme for the construction of two dwellings⁴. I do not have the full details of the circumstances which led to this application being accepted, but understand that this was a scheme on a previously developed site, and no harm was identified in respect of the effect of the development on nearby heritage assets.
35. I have also had regard to the Council's decision to grant planning permission⁵ for the erection of an agricultural building for livestock, fodder and straw storage to the south-east of the WLP. A Certificate of Lawfulness⁶ has subsequently been granted by the Council, confirming that the works had started. Whilst the permission enables the construction of a large agricultural building within proximity to the Wolfeton complex, I am not persuaded that this particular development represents a direct parallel to the proposal before me, especially in respect of scale, use and development plan policy. Very limited weight can therefore be ascribed to these examples.

Conclusion on Heritage Assets

36. For the foregoing reasons, the proposal would cause harm to the setting of the heritage assets which form part of the Wolfeton House complex, to the detriment of their significance. It would also fail to preserve the special interest of the deserted Medieval Settlement of Wolfeton, and would neither preserve nor enhance the character of the Charminster Conservation Area, with particular regard to its setting. These are considerations to which I ascribe considerable importance and weight.
37. Accordingly, the appeal scheme would be in conflict with Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan⁷ (WDWP LP), which requires the impact of development on a designated or non-designated heritage asset and its setting to be thoroughly assessed against the significance of the asset. It also stresses that development should conserve and where appropriate enhance the significance of the asset.

Character

38. As noted above, the appeal site lies to the south east of the settlement of Charminster, and comprises the western part of a larger field which is managed as grazed pasture. The ELP is bounded to the west by a mature line of sycamore trees along the access drive to Wolfeton Manor residential home, which is adjacent to the deserted medieval village of Wolfeton (the WLP). Westleaze runs along the northern boundary of the site, which is separated from the road by mature hedgerow.

⁴ Local Planning Authority Reference WD/D/20/000901.

⁵ Local Planning Authority Reference WD/D/20/001110.

⁶ Local Planning Authority Reference P/CLE/2022/07716.

⁷ Adopted October 2015.

39. The eastern boundary of the ELP is partially enclosed by a line of conifer hedgerow trees, whilst further south, the site is open to the wider field extending to the east, which is marked by a mixture of mature trees and intermittent hedging on the boundary shared with the residential properties of Westleaze Close. The ELP is separated from the pastoral land further south by a distinctive row of Alder trees located just outside the boundary of the site. Wolfeton House and its spacious grounds lie further to the south-west, and the River Frome to the south. Beyond this, the Dorset Area of Outstanding Natural Beauty extends to the south-west, but also to the west and north of Charminster.
40. The site forms part of an area of Land of Local Landscape Importance (LLLI), though I have been presented with no clear evidence of landscape character work to support this designation which, I understand, has been rolled forward since the preparation of the 1998 Local Plan. As noted in the previous Appeal Decision, the LLLI designation appears to have a spatial planning function, notably to act as a landscape buffer between Charminster and Dorchester. The Inspector however took the view that the appeal site is too small and the separation between the two settlements too great for coalescence to be an issue here, a view I concur with.
41. The appeal site lies within the Dorset Downs and Cranborne Chase National Character Area (Area 134) and is identified by the Dorset Landscape Character Assessment as a 'Valley Pasture' Landscape Character Type. At a more local level, the West Dorset Landscape Character Assessment 2009 places the site within the Cerne and Piddle Valleys and Chalk Downland Landscape Character Area (LCA).
42. In 2018, the Council also published the West Dorset, Weymouth and Portland Landscape and Heritage Study (prepared by LUC), as part of the supporting work for the preparation of a new Local Plan for Dorset, which also places the site within the Cerne and Piddle Valleys and Chalk Downland LCA. Within the LCA, the site is identified as forming part of 'Area H: South East of Charminster', which is one of steep slopes rising up from the Cerne Valley to large scale downland, gently undulating land on the Frome floodplain, post-medieval strip fields and traditional grazing regimes. The area also includes visible earthworks and medieval farmsteads, as well as the C20th housing estates of Charminster, and lies within the setting of the Charminster Conservation Area.
43. It is acknowledged that the site suffers from some detracting influences, such as the uncharacteristic line of conifers which forms part of the north-eastern boundary of the ELP, though this is proposed to be removed as part of the proposal. The background hum of traffic on Westleaze Road and vehicles using the A37 further south adversely affects the tranquillity of the area to some degree. Notwithstanding this, I experienced a strong sense of being in the countryside and the valley from most parts of the site and its immediate surroundings.
44. I note that some of the key characteristics of the LCA or Area H are not applicable to the site itself, notably by virtue of its position on the upper parts of the slope rather than the flat valley floor. Nevertheless, the site's character exemplifies the regular pattern of large-scale fields given over to grazed

- pasture, and complimented by hedgerow boundaries and occasional tree groups associated with built form or acting as shelter belts.
45. Furthermore, the site's strong association with its undeveloped and agricultural surroundings enable this area to be experienced and viewed as one continuous landscape, which provides a pleasant rural setting to the Wolfeton House complex and on the edge of the settlement of Charminster. This is particularly evident from Poundbury Hill, which provides views across the valley. There, the site and its wider surroundings exhibit some of the qualities associated with a valued landscape and, in these wider views, other characteristics of the LCA such as the valley form and the water meadows can be appreciated. Representations made by interested parties also emphasise the cultural importance of this rural area, which features prominently in Thomas Hardy's novels and poetry.
46. Whilst the site lies outside the Dorset Area of Outstanding Natural Beauty (AONB) and does not exhibit all the characteristics of the LCA, I am in no doubt that for the reasons detailed above, the appeal site forms part of a valued landscape for the purposes of paragraph 174 of the Framework. As this valued landscape contributes to the rural setting of Charminster and the Wolfeton House complex, as well as the recreational value of the public rights of way, particularly the Cerne Valley Trail, the appeal site has a high degree of sensitivity to change.
47. The appellant's Landscape and Visual Impact Assessment (LVIA) is accompanied by a number of views to and across the site and includes a number of Accurate Visual Representations from various public vantage points in the surrounding area. These seek to demonstrate that whilst the appeal development would be clearly visible in year 1, the landscaping scheme within the public open space would to a large extent screen it from view by year 15.
48. The existing vegetation on the outer edges of the site is to a large extent proposed to be retained and in places enhanced, except for the line of conifer trees sited on part of the ELP's eastern boundary, which would be replaced with native deciduous trees. The appeal scheme would otherwise largely consist of built development and associated open space/landscape areas, notably to soften the impact of the proposal. The construction of a large residential estate comprising up to 80 dwellings would however lead to the loss of a large agricultural field. Due to the scale and nature of the development, the proposal would introduce an element of suburbanisation and harmfully erode the spaciousness and openness of the site, which would have an adverse effect on the area's landscape character.
49. In a number of distant viewpoints, the development would not be visible, notably thanks to the screening provided by mature trees. When viewed from Poundbury Hill and from Roman Road in particular, the intensification of development on the edge of the settlement and the resulting change that this would have on the area would however be more noticeable, by intensifying the existing line of development sited to the northern side of Westleaze. The adverse effect would be more evident in winter when trees are not in leaf.
50. The harm would be of a higher magnitude in closer views, where the change caused to the rural character of the area would be particularly evident. As the proposal would require the removal of a large section of mature hedgerow for the creation of access and associated visibility splays, the development would

be clearly visible from Westleaze. The appeal scheme would have a detrimental effect on receptors walking, cycling or driving past the site along Westleaze Road, which should be treated as receptors of high sensitivity, notably due to the proximity of the Conservation Area.

51. The development would also affect users of the public footpath S14/12 (PRoW), which forms part of the Cerne Valley Trail. As shown on the 1889 Ordnance Survey map, this is a historic route which runs along the northern boundary of the WLP and adjacent to the ELP's southern edge before heading in a northerly direction. In this area, walkers are currently able to enjoy pleasant views across agricultural fields and the wider historic landscape, which are only interrupted by sporadic development and filtered by the existing vegetation. The route also enables recreational walkers to enjoy views of the medieval deserted village and the heritage assets at Wolfeton House, before entering Charminster Conservation Area. As such users of the PRoW should be regarded as high sensitivity receptors with a high susceptibility to change.
52. The open pasture farmland which the ELP forms part of would be partially replaced with a large residential estate which, despite the mitigation provided by soft landscaping, would remain visible and prominent. The experience for users of the Cerne Valley Trail would consequently be significantly degraded, as the development would give rise to significant and permanent harm, with the magnitude of change resulting in a major adverse visual impact.
53. I acknowledge that the current scheme has sought to address the issues notably raised as part of the previous appeal and through further engagement with stakeholders such as Historic England. In particular, the maximum number of units proposed and the size of the gross developable area have been reduced, which in turn would present increased opportunities for open space in the southern part of the site. This in turn would however result in a compact and dense built form, which would emphasise the suburbanising nature of the development and fail to provide a soft enough transition to the rural edge of the settlement.
54. This point is in particular illustrated by the indicative layout which shows the proposed dwellings in a relatively regimented and formal layout. The houses would be bunched together within the northern section of the site, notably to address the concerns raised as part of the previous appeal, but this would in turn give the appearance of a high-density development, which would be perceptible in a number of views. As a result, the development would have a distinct urban grain which, in such a sensitive context, would appear uncharacteristic and wholly inappropriate. Whilst the layout of the site may only be indicative at this stage, I am not persuaded by the available information that such a quantum of development can be successfully accommodated on the site whilst protecting and enhancing the character of this area and valued landscape.
55. The appeal proposal is also supported by a 'Design Principles' drawing, to provide a greater level of detail and control over the design quality and layout which the appellant would seek to adopt as part of a subsequent Reserved Matters application. In that respect, I have had regard to the appellant's suggestion that conditions to secure compliance with these Design Principles and requiring the submission of a Design Code could be imposed. However, the

imposition of such conditions would not overcome my concerns in respect of the appeal proposal.

56. Drawing all the above together, the proposal would suburbanise an important area of countryside, which presently makes a significant contribution to the rural setting of Charminster and, in doing so, would cause unacceptable harm to the character of the site and its wider surroundings. The appeal scheme would therefore conflict with Policies ENV1 and ENV10 of the WDWP LP which, amongst other things, require development proposals to be located and designed so that they do not detract from and, where reasonable, enhance the local landscape character. As the appeal scheme would not protect and enhance a valued landscape, and recognise the intrinsic character and beauty of the countryside, it would also conflict with the aims of paragraph 176 of the Framework.

Other Matters

Housing Land Supply

57. The appellant considers that the Council is unable to demonstrate a five-year supply of deliverable housing sites, and my attention was drawn in that respect to the Annual Monitoring Report published in March 2021, which indicates that the deliverable housing land supply for the West Dorset, Weymouth and Portland area was 4.93 years.
58. A revised position dated 28 November 2022 was however submitted by the Council during the course of the appeal, which suggests that it is now able to demonstrate 5.75 years of housing land supply. The Council's supply calculations are however contested by the appellant, notably in respect of the relevant baseline date for setting the housing requirements and appropriate affordability ratio.
59. When calculating the projected annual household growth over a 10-year period, the national Planning Practice Guidance (the PPG) is clear that the current year should be used as the starting point from which to calculate growth over that period. I agree with the appellant that for the purposes of this appeal, the Council should have used 2022 as the first of 10 consecutive years for establishing the baseline.
60. Step 2 requires the average annual projected household growth figure to be adjusted, based on the affordability of the area. The most recent median workplace-based affordability ratio published by the Office for National Statistics should be used which, for Dorset, is 12.2. For re-organised authorities such as Dorset Council, the PPG explains that if the latest affordability ratios are available at predecessor local authority level, these should be used for the affordability adjustment. The Council confirmed at the hearing that the affordability ratio is 12 for West Dorset and 9.81 for Weymouth and Portland.
61. Using the period 2022-2032 for setting the baseline and the respective affordability ratios available for the predecessor local authority levels, the annualised housing requirement is approximately 893 dwellings per annum, which would give a five-year requirement of 4,465 dwellings, taking into account of the 5% buffer based on the Housing Delivery Test result.

62. There are however some disagreements regarding some of the sites which have been added as part of the supply's calculations, including a number of sites allocated in the development plan, or that have outline planning permission for major development. The onus is on the Council to provide clear evidence that the sites can be considered as deliverable. The Framework states that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. Moreover, the PPG provides additional advice in respect of the evidence required to demonstrate deliverability.
63. Having regard to the available evidence, I consider that the deliverable supply as detailed in the Report⁸ published in May 2022 should be re-evaluated, in line with the reduced figures presented by the Council for the former QinetiQ Site, St Michael's Trading Estate and Southwell School. In respect of the other sites contested by the appellant, I am satisfied that the evidence presented by the Council is sufficiently robust and up to date to demonstrate deliverability. Accordingly, there is a reasonable prospect of delivery within 5 years and I see therefore no reasons why the number of units included within the Report should be reviewed for these sites.
64. Overall, this is a matter with a great number of variables. However, based on the standard method, and for the reasons detailed above, I consider that the Council can demonstrate approximately 5.25 years of deliverable housing sites, allowing for rounding.
65. I also note that a significant number of units on sites within one of the affected catchments that are not able to demonstrate nutrient neutrality have been removed from the supply, due to the recent advice issued by Natural England on nutrient neutrality. Furthermore, the Council applies a 10% buffer in the event that some of the sites are not delivered, which helps ensuring that the Report provides a realistic overview on housing land supply. The housing land supply may therefore be in excess of 5.25 years, but not as high as envisaged by the Council.

Planning Obligations

66. The S106 would secure the on-site provision of at least 35% affordable housing to deliver the identified wider strategic need. It would take the form of affordable rented units, social rented dwellings and/or shared ownership units, the mix of which would be agreed as part of a subsequent reserved matters application. This obligation would accord with the requirements of Policy HOUS1 of the WDWP LP and paragraph 65 of the Framework.
67. The S106 would also secure the on-site provision of 3.76 hectares of public open space, which would include access to the deserted medieval village of Wolfeton and the creation of a Locally Equipped Area of Play, as well as details for the management of these area. Details of a pedestrian provision scheme would also have to be agreed with the Council, before being implemented on site. These obligations would meet the requirements of Policy COM1 of the WDWP LP, which seeks to ensure new development makes suitable provision for community infrastructure. The main parties agree that the proposed off-site highway improvements would be secured by way of a Section 278 Agreement.

⁸ West Dorset, Weymouth and Portland Five-year housing land supply – April 2021.

68. I have had regard to the requirements of Regulation 122 of the CIL Regulations 2010 (as amended), as well as national policy and guidance on the use of planning obligations. Overall, and having regard to the available evidence, I am satisfied that the obligations secured as part of the S106 are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development.

Special Protection Areas

69. The appeal site lies within the catchment of Poole Harbour, a natural harbour that is designated as a Site of Special Scientific Interest (SSSI) for the special interest of its wetland birds, wetland and intertidal habitats and subtidal habitats, as well as invertebrate communities. Poole Harbour is also notified as a Special Protection Area (SPA) and Ramsar site.
70. There is sound evidence that increasing nitrogen levels from sewage and agriculture are contributing to the growth of algal mats in the Harbour, which is restricting the growth, distribution and variety of important food available for protected wading birds and smothering estuarine habitats. Concerns have therefore been raised by Natural England regarding the likely significant effects which the appeal development would have on the integrity of these sensitive areas (either individually or in combination with other plans or projects), unless suitable mitigation is secured, notably through nutrient neutrality.
71. In March 2022, Natural England have provided updated advice regard the effect of new development on water quality, which applies to nitrogen and phosphorous nutrient deposition in Poole Harbour. Currently the Council therefore requires both nitrogen and phosphorous mitigation, to ensure that nutrient neutrality can be achieved in perpetuity.
72. The appellant's submissions are supported by a site-specific assessment and nutrient budget for the site, and a land area suitable for delivering off-site mitigation has been identified. The appellant is confident that the appeal scheme would be nutrient neutral, provided that the recommendations for mitigation described by the appellant are carried out.
73. As the appeal is being dismissed on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to undertake an Appropriate Assessment, to ensure that the proposal's compliance with the Habitats Regulations.

Heritage Balance

74. The appeal development would also cause less than substantial harm to the special interest of the listed buildings forming part of Wolfeton House complex, the Charminster Conservation Area, and the deserted settlement of Wolfeton, a non-designated heritage asset. This would be contrary to the aims of Policy ENV4 of the WDWP LP. With regard to the weight to be attached to the harm, my attention has been drawn to the national Planning Practice Guidance, which advises that the extent of the harm may vary and should be clearly articulated. The Courts⁹ have however confirmed that there is no obligation for the decision-maker to place harm that would be caused to the significance of a

⁹ Shimbles v City of Bradford MBC [2018] EWHC 195 (Admin).

heritage asset, or its setting, somewhere on a “spectrum” in order to give the necessary great weight to the asset’s conservation. The two categories of harm are considered more than adequate in enabling the weighted balance exercise to be carried out.

75. Furthermore, and as stressed by paragraph 199 of the Framework, great weight should be afforded to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. Wolfeton House is regarded as ‘one of the finest houses in Dorset¹⁰’ and, as a Grade I listed building, is recognised as being of exceptional interest nationally and forms part of the assets of the highest significance. The Riding House was listed as a particularly important building of more than special interest. Other listed buildings affected by the proposals are also by definition considered as assets of national importance. Consequently, I give each incidence of harm considerable importance and weight.
76. Paragraph 202 of the Framework advises that where a development proposal would lead to less than substantial harm to the significance of a *designated* (my emphasis) heritage asset, this harm should be weighed against the public benefits of the proposal. The appellant has put forward a number of social, economic and environmental benefits in favour of the scheme.
77. There is no doubt that the appeal scheme would make an important contribution towards the provision of market and affordable homes, to which I ascribe significant weight. The appeal proposal would also support the local economy, during the construction phase, but also in the longer term, as it is likely that future occupiers of the development would make use of local facilities and services. This consideration is afforded some weight. The appeal proposal also includes the provision of additional public open space, including the creation of a play facility, as well as biodiversity and habitat improvements, which are afforded moderate weight.
78. The appeal proposal would also enable public access to the deserted medieval settlement, and an interpretation board associated with the earthworks would also be provided. Whilst this would be a positive aspect of the scheme, which could be beneficial to a range of visitors, I also note that the settlement earthworks can already be experienced by users of the Cerne Valley Trail PRoW, thus limiting the weight which I ascribe to this public benefit. Furthermore, I see no reason why providing public access to this deserted settlement should be dependent on the construction of a large residential estate on the ELP, particularly given the magnitude of the harm which such a scheme would cause. Overall, the presented benefits would not outweigh the harm which I have identified.

Planning Balance

79. Policy INT1 of the WDWP LP sets out a presumption in favour of sustainable development. The appeal site falls outside the defined settlement boundary for Charminster and therefore lies, for planning policy purposes, in the countryside. The proposal would therefore appear in conflict with the spatial strategy set out in Policy SUS2 of the WDWP LP, which seeks to direct new development to the more sustainable parts of the area administered by the Council. I have however had regard to the conclusions reached by the previous

¹⁰ Letter from Historic England dated 20 July 2021.

Inspector, who noted that the site is adjacent to the defined settlement boundary of Charminster and in proximity to Dorchester. For these reasons, and given that there would be relatively good access to the facilities available in Charminster, I ascribe limited weight to the conflict with Policy SUS2.

80. However, I have found that the proposal would cause considerable harm to the character of the area and the significance of heritage assets. Taking into account the primacy of development plan policy, it is clear from the above reasoning and conclusions that the proposal would conflict with the development plan as a whole.

81. On the basis of the available evidence, I consider that the Council can demonstrate a five-year supply of deliverable housing sites. However, even if that was not the case, the harm to designated heritage assets, as directed by Footnote 7, would provide a clear reason for refusing the development proposed, and the proposal would not benefit from the presumption in favour of sustainable development. I would not, therefore, need to consider further whether the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

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

S Edwards

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Alex Bullock	Appellant (LVA)
Chris Marsh	Pegasus Group (Planning)
Hannah Armstrong	Pegasus Group (Heritage)
James Atkin	Pegasus Group (Landscape)
Nigel Jacobs	Intelligent Land

FOR THE LOCAL PLANNING AUTHORITY:

Ross Cahalane	Dorset Council (Case Officer)
Debbie Turner	Dorset Council (Housing Land Supply)
Sarah Baines	Dorset Council (Heritage)
Colm O'Kelly	Dorset Council (Landscape)

INTERESTED PERSONS:

David Shaw	Local Resident
Matthew Clark	Local Resident
Gwen Yarker	Local Resident
Councillor Tim Tarker	Parish Councillor
Councillor David Taylor	Ward Councillor
Christopher Clarke	Dorset Gardens Trust
Richard Thimbleby	Speaking on behalf of Mr and Mrs Thimbleby, owners of Wolfeton House

DOCUMENTS SUBMITTED AT THE HEARING

1. Sites in Dorset Council's 5-year Housing Land Supply contested by Appellant (updated Statement dated 4 January 2023)
2. Letter from Pegasus Group dated 27 October 2022 regarding Land at Newton's Road, Weymouth, Dorset DT4 8UR