



Appeal Decision

Site visit made on 16 April 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 April 2024

Appeal Ref: APP/D1265/W/23/3314838

Cains Farm, Main Street, Chideock DT6 6JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Colin Brown against the decision of Dorset Council.
 - The application Ref is P/FUL/2021/04618.
 - The development proposed is construction of a dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 22 November 2023, all designated Areas of Outstanding Natural Beauty (AONBs) in England and Wales became "National Landscapes". I have therefore referred to the Dorset AONB as the Dorset National Landscape. However, for the avoidance of doubt, the legal designation and policy status of these areas are unchanged. I have proceeded on this basis, continuing to refer to the AONB where relevant.
3. The Council have confirmed that the biodiversity plan and certificate of approval¹ submitted in support of the appeal, is sufficient to enable them to withdraw their third reason for refusal. Having considered the submitted information, I too find there would be no conflict with Policy ENV2 vii of the West Dorset, Weymouth and Portland Local Plan 2011-2031 adopted October 2015 (LP) which seeks to prevent development which would have an adverse effect on protected species. Given that this issue was not the subject of comments by interested parties, I am satisfied, in applying the 'Wheatcroft Principles', that I am able to accept the submitted details and determine the appeal on that basis.

Main Issues

4. Therefore, the main issues in this appeal are:
 - Whether the appeal site is a suitable location for the appeal scheme having regard to the spatial strategy for housing in the development plan;
 - Whether the appeal site is a suitable location for the appeal scheme having regard to the accessibility of services and facilities;

¹ from Dorset Council Natural Environment Team dated 22 March 2023

- The effect of the proposed development on the character and appearance of the area including the Dorset National Landscape (DNL); and
- Whether the proposed development would preserve or enhance the setting of the Chideock Conservation Area and other designated and non-designated heritage assets.

Reasons

Spatial strategy

5. Policy SUS2 of the LP sets out the development strategy in the plan area and steers development towards larger settlements and those smaller settlements with defined development boundaries which can support development to meet the needs of the local area.
6. Chideock is not included in the list of settlements with defined development boundaries. This confirms that the more restrained approach to new development in Policy SUS2(iii) is applicable to the appeal site where development outside defined development boundaries is strictly controlled due to environmental constraints and the need to protect the countryside. Policy SUS2 iii) permits some development but the exceptions listed in the policy do not apply to the appeal proposal.
7. The Council have referred to Policy HOUS6 of the LP which sets out a range of 'other' residential development permitted outside defined development boundaries. The appellant argues that this policy is not relevant to the proposal before me. However, as I have concluded that none of the exceptions in SUS2 apply, it is appropriate that I consider whether the proposal before me complies with the requirements for 'other' residential development and I find that it does not.
8. Therefore, the proposal would introduce new housing into the countryside in a way which would not adhere to the distribution of development policies of the LP including Policies SUS2 and HOUS6 which set out a range of residential development permitted outside defined development boundaries. Accordingly, the proposal would undermine the objectives of the spatial strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

Access to services and facilities

9. Chideock has two pubs, a tearoom, the village hall and playing fields, a church and convenience store. Seatown, a kilometre away, has a pub and a holiday park. It is accessed by a narrow rural lane with high hedges. It is unlit and does not have a footway. For these reasons I find it highly unlikely that residents of the proposed dwelling would walk or cycle to Seatown on anything other than a very occasional basis. The facilities in Chideock however are all within a short walk of the appeal site along footways which are lit. However, these services would not be sufficient to meet the daily needs of occupiers and it would be essential for them to travel further afield for services including education and healthcare.
10. There is an hourly bus service to Weymouth, Dorchester, Bridport, Lyme Regis and Axminster. These are larger centres providing a range of shops and

services. The evidence provided indicates that there are 10 schools within 5 miles of Chideock and 35 schools within 10 miles. The appellant says that several of the schools can be accessed by public transport from the village, with one secondary school having a dedicated school bus service from Chideock.

11. In my view this represents a reasonable level of provision for a rural settlement taking into account that opportunities to maximise sustainable transport solutions vary between urban and rural areas.

Character and appearance including the DNL

12. The appeal site lies with the DNL and the Heritage Coast. It comprises a paddock and part of the land to the south side of an existing bund. The proposal would include removal of the bund to facilitate the siting of the dwelling. The design and materials of construction would replicate those of the original farmhouse to the north.
13. Notwithstanding that there is evidence that the bund is of recent construction, it marks the southern most extent of the commercial buildings and yard at Cains Farm. It provides clear delineation between this land and the countryside beyond. It marks the built extent of development in this part of the settlement. I understand that the appellant may use the land to the south of the bund as part of their garden and that at some point in the past there may have been glass houses on the land. However, it currently has the appearance of being part of the wider countryside setting of Chideock.
14. The appeal site is located to the east of the public footpath which runs from Main Street down to the recreation field and Mill Lane. The appeal site and its relationship with the wider countryside setting of Chideock is visible particularly from the footbridge to the south of the site.
15. The siting of the proposed dwelling and its domestic garden would relate poorly to the existing built form of the settlement, extending built development onto land which forms part of the undeveloped countryside setting of Chideock and thereby harmfully altering the character and appearance of the area.
16. The siting, design and mass of the proposed building, particularly in respect of the treatment and detailing of the southern elevation would result in a development which appears highly prominent from the footbridge and imposing from parts of the public footpath which runs along the western boundary of the site. This would harmfully detract from the landscape setting of the settlement.
17. The appellant has drawn my attention to the lorry parking at Cains Farm when viewed from Chideock Hill, which they say detracts from the rural setting of the settlement. Even if I agreed, this is already taking place and is not a reason to further erode the undeveloped landscape around the village.
18. Accordingly, the appeal proposal in terms of its siting, design, scale and mass fails to respect the character of the surrounding area and to reinforce local identity, distinctiveness and the sense of place contrary to Policies ENV10 and ENV12 of the LP.

19. I am required to further the purpose of conserving and enhancing the natural beauty of the AONB² and Paragraph 182 of the Framework requires that I give great weight to conserving or enhancing landscape and scenic beauty. For the reasons set out above, I find that appeal proposal would not conserve the natural beauty of this part of the DNL. The proposal therefore fails to comply with Policy ENV1 of the LP which seeks to prevent harm to the character and natural beauty of the AONB.

Setting of the Conservation Area

20. The appeal site is located outside but adjacent to the southern boundary of the Chideock Conservation Area (CA). The significance of a heritage asset derives not only from its physical presence but also from its setting. The Glossary to the Framework defines the setting of a heritage asset as the surroundings in which it is experienced.
21. The Charmouth and Chideock (incl Seatown) Conservation Area Appraisal identifies that the settlement is positioned astride a Roman route from Dorchester to Axminster. Its linear form has a reasonably intact historic plan and its pre-twentieth century plan showed development on both sides of the road to a single plot depth. Most of the historic development consists of short terraces built at the edge of the carriageway or set behind small front gardens. Larger detached houses set back from the road are in the minority. There are a number of listed buildings and unlisted buildings of character arranged in several coherent groups of good quality buildings, displaying distinctive local building materials and boundary treatments all located within an attractive wider landscape setting. This is consistent with what I saw.
22. The CA therefore gains significance from its architectural and historic interest in respect of the layout of buildings, the concentration of attractive period buildings, the use of local building materials and their interrelationship with the rolling landscape which surrounds the village.
23. The appeal site is located to the rear of development on the main street frontage. The appellant argues that the setting of a conservation area will generally be focussed on an appreciation of the internal arrangement of trees, buildings and key spaces. My attention has been drawn to 'Historic Environment Good Practice Advice in Planning: Note 3 (second edition) – The Setting of Heritage Assets³. However, in this instance the undeveloped character of the appeal site at the rear of buildings fronting onto Main Street, reinforces the historic interest of the CA and in particular its single plot depth plan and the linear form of built development. For this reason, the undeveloped appeal site makes a positive contribution to the setting of the CA.
24. The erection of a dwelling on the appeal site, would extend the built form of development in this part of the settlement southwards. Notwithstanding that there has been modern infill and estate development in the vicinity of the site, erecting a dwelling on the appeal site on land behind the houses fronting onto Main Street would detract from both the single plot depth and the linear form of built development which prevails here. This would detract from the historic significance of the CA to a harmful extent.

² Section 85 of the Countryside and Rights of Way Act 2000 as amended by Section 245 of the Levelling-up and Regeneration Act 2023

³ Historic England 2017

25. Whilst the CAA identifies views into the settlement, out to the landscape and of townscape elements, this does not mean that other views into the settlement are not important in appreciating its significance. The appeal site and the rural setting of the settlement are highly visible from the footbridge to the south. The size and mass of the proposed dwelling would dominate views from here and its siting would extend development into the surrounding landscape. The appeal proposal would therefore appear as a conspicuous intrusion into the surrounding landscape. The appeal proposal would not preserve those elements of the setting which make a positive contribution to the significance of the CA.
26. I therefore conclude that the erection of a new dwelling on the appeal site would erode the historic form of the settlement and detract from its surrounding landscape setting which contributes towards the significance of the CA.

Other designated heritage assets

27. The Council have drawn my attention to listed buildings in Mill Street. However, they are some distance from the appeal site and there are intervening gardens and trees. Development on the appeal site would not affect the way in which the listed buildings can be appreciated. The appeal proposal would therefore have a neutral effect on the setting of the designated heritage assets and no conflict would arise with Policy ENV4 of the LP in this respect.

Non-designated heritage assets

28. The appeal site is located on land to the rear of Cains Farm, a former farmhouse located on the road frontage with its range of associated buildings in a yard area to the rear. It lies adjacent to the proposed access point to the appeal site. This is identified as an important unlisted building in the CAA. It is a non-designated heritage asset, its prominence in the main street enhanced by the openness of the street frontage either side of it.
29. The Council are concerned that the scale and massing of the building would compete with the primacy of the existing farmhouse. Notwithstanding my findings above, the appeal site is set well back from the former farmhouse and therefore would not affect the way in which the building is appreciated from Main Street. From the footpath, Cains Farm is seen in the context of the complex of modern commercial buildings and the yard area. For these reasons, the appeal proposal would have a neutral effect on the setting of the non-designated heritage asset and no conflict would arise with Policy ENV4 of the LP in this respect.

Heritage Balance

30. Whilst I have found that the impact of the appeal proposal on the setting of nearby listed buildings and the non-designated Cains Farm would be neutral, I have found harm in respect of the setting of the CA. As the proposal relates to the erection of a single dwelling, I am satisfied that the harm in this respect is less than substantial. Policy ENV4 of the LP and Paragraph 208 of the Framework require that I weigh the less than substantial harm against the public benefits of the proposal.
31. The appellant would move into the proposed dwelling and Cains Farm would be occupied by one of his sons. This would enable them to continue to run their

business from Cains Farm. However, in the absence of any legal agreement securing this, I have attributed very limited weight to this.

32. The erection of the dwelling would make a positive contribution to housing supply and there would be economic benefits arising from the construction and occupation of dwelling. This would generate spending in the local area and support local facilities and services. However, the extent of this has not been evidenced and given that the appeal relates to a single dwelling, the benefits arising would be limited.
33. Mitigation by way of the provision of a new native hedge to south of the appeal site and compliance with LP standards relating to parking are neutral in the planning balance but I have given some weight to the biodiversity enhancements proposed.
34. The appellant has drawn my attention to Policy ENV15 of the LP which relates to the efficient use of land. However, this is subject to the impact on local character and for the reasons set out in the main issues above, I give this very limited weight.
35. My attention has been drawn to a planning permission granted by the Council at Greenhills⁴. This was permitted at a time when the Council could not demonstrate a five-year housing land supply and therefore paragraph 11.d) of the Framework was engaged. In addition, no harm was identified to heritage assets. I therefore do not find the circumstances surrounding that permission to be comparable to the appeal before me and give this very little weight.
36. Planning permission was granted for an agricultural and commercial storage building⁵ 50m to the east of the appeal site. The details provided indicate that the building would be closely grouped with the existing commercial buildings and was considered under Policy ECON1 of the LP which does not apply to the proposal before me. For this reason, I give this limited weight.
37. Therefore, giving great weight to the conservation of the designated heritage asset, I consider that the less than substantial harm I have identified would not be outweighed by any public benefits. Accordingly, the appeal proposal would conflict with Policy ENV4 of the LP which seeks to conserve the significance of designated heritage assets. There would also be conflict with Paragraph 206 of the Framework as the harm to the designated heritage asset would not have clear and convincing justification.

Planning Balance

38. I have found that the occupiers of the appeal site would have reasonable access to services and facilities and that the proposed dwelling would have a neutral effect on the setting of listed buildings and the non-designated Cains Farm. There are also limited benefits which would ensue from the proposed development.
39. The appellant does not dispute the Council's five year housing land supply position nor that the general approach in the LP to the location of housing is generally compliant with the Framework as it directs development to the most sustainable locations. However, the appellant's case is that the LP should be

⁴ LPA Ref: WD/D/18/001997 Erection of dwelling

⁵ LPA Ref: WD/D/19/001716 Erect storage building for agriculture and commercial use

considered out of date⁶ as Policy SUS2 applies a blanket approach to the prohibition of development outside named settlements and does not enable, other than in limited circumstances, any development in smaller villages or other locations which could help sustain rural communities as set out in Paragraph 83 of the Framework.

40. However, even if I agreed with the appellant, I have found harm to the setting of the CA and the DNL which provides a clear reason for refusing development⁷. As such, the presumption in favour of sustainable development in Policy INT1 of the LP and Framework Paragraph 11.d) is not engaged.
41. Accordingly, the proposal would conflict with the development plan. A proposal should be determined in accordance with the development plan unless material considerations indicate otherwise. The cumulative benefits of the proposal are not of sufficient strength to outweigh the conflict with the development plan.

Other Matters

42. I have considered matters raised by the interested parties including, but not limited to, outlook, loss of privacy and the planning history of the appeal site but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.
43. The submissions indicate that the appeal site is in close proximity to the Chesil and the Fleet Special Area of Conservation (SAC), and the Chesil Beach and the Fleet Special Protection Area (SPA) and has the potential to affect its special interest features. However, given my overall conclusion, the proposal would have no effect on the SAC or SPA and therefore I have not considered this matter further.

Conclusion

44. The proposed development is contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR

⁶ With reference to Paragraph 225 of the Framework

⁷ See Footnote 7 and Paragraph 188 of the Framework