



Appeal Decision

Hearing held on 27 & 28 March 2024

Site visit made on 28 March 2024

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2024

Appeal Ref: APP/D1265/W/23/3323728

Land northeast of Musbury Close, Marnhull, Dorset DT10 1JP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Mr Paul Crocker against Dorset Council.
 - The application Ref is P/OUT/2022/07629.
 - The development proposed is up to nine dwellings and associated infrastructure.
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Decision

1. The appeal is dismissed and planning permission for up to nine dwellings and associated infrastructure is refused.

Preliminary Matters

2. The Hearing related to this appeal and another elsewhere in Marnhull, reference APP/D1265/W/23/3323727. That appeal is the subject of a separate Decision.
3. The appeal relates to an application for outline planning permission. Approval is sought for access at this stage with all other matters being reserved for subsequent consideration. Plans have been provided showing possible layouts for developments of 8 and 9 dwellings, which I have treated as illustrative.

Main Issues

4. The main issues are:
 - a) The effect on the setting of grade II listed Pond Farmhouse;
 - b) The effect on the character and appearance of the area; and
 - c) Whether the site is in an appropriate location with regard to planning policies controlling the location of development.

Reasons

Pond Farmhouse

5. The historic farmstead and buildings of Pond Farmhouse were lost prior to the date of its listing. Now, the listed building adjoins and faces the site across its own private garden and open boundary. The three other sides are closely surrounded by modern housing development. Thus, its significance is mainly derived from its age and architectural interests as a vernacular farmhouse.

6. Nevertheless, the remaining undeveloped landscape, that includes the appeal site, maintains a tangible link to the building's past. While there may have been no historic functional link between the farmhouse and appeal site, it nevertheless provides informative agrarian context to the building and its previous use. The open farmland is, therefore, important to the setting and contributes to the significance of the heritage asset.
7. The Council's planning officer's report to committee suggested that it might be possible to develop the site while keeping the area between a footpath that crosses the site and Pond Farmhouse open and that such an approach would maintain more undeveloped space around the listed building. However, an indicative plan showing only 8 instead of the originally suggested 9 dwellings showed no significant alteration to the layout or spread of development across the site. The application is for 'up to' 9 dwellings, suggesting that lesser schemes could ultimately be approved pursuant to this outline application. However, I have no substantive evidence that any number could be provided while maintaining any realistic agrarian setting to the listed building.
8. Therefore, I find that the proposal would result in less than substantial harm to the significance of the listed building and such is undisputed by the main parties. Policy 5 of the North Dorset Local Plan Part 1 (LP) and the National Planning Policy Framework (the Framework) require that great weight is given to the conservation of designated heritage assets and that less than substantial harm to its significance should be weighed against the public benefits of the proposal.
9. At the Hearing, the appellant suggested that the harm would be at the lower end of a spectrum of less than substantial harm. Even if that were the case, neither Policy 5 nor the Framework provide any rationale for apportioning varying weight to differing degrees of less than substantial harm. Indeed, Policy 5 indicates that clear and convincing justification for any development that would cause harm to the significance of a designated asset will be required however slight. In this context, I give great weight to the harm that I have identified.
10. The appellant believes that the Council is failing to meet its housing delivery requirements, suggesting a shortfall of around 0.9 years against what he believes to be the required supply. The proposal would provide a maximum of 9 dwellings, which, while not an insignificant number, would be relatively small. Even with the suggested shortfall, and notwithstanding my finding on this matter in the simultaneous appeal, in light of the scale of the development, I ascribe only moderate weight to the benefits associated with the delivery of up to 9 dwellings, which would not outweigh the harm to the heritage asset. There is no substantive evidence of any other significant benefits. Accordingly, the proposal would conflict with LP Policy 5.

Character and appearance

11. Musbury Lane is at the edge of the built up area of Marnhull. The village contains a mix of organic, piecemeal development, interspersed with more modern housing. In some ways, Musbury Lane as it passes the site has more rural characteristics than much of the village, being narrow, sunken relative to the appeal site, and lined by a number of informally positioned vernacular-style dwellings that front the highway.

12. The single-sided nature of development opposite appeal site is characteristic of an edge of settlement location, but from my site visit, the appeal site appears to be differently situated to one at Three Acres, where an Inspector found harm to the character and appearance of the area. Unlike that site which does appear to be at a point that development becomes appreciably more spread out, the present site does not form a break in the built form. There are buildings along the other side, leading to a group including some modern dwellings on both sides of the road and a utility building. There is continuous built form along Musbury Lane to this point, albeit predominantly only on the side opposite the site.
13. It was confirmed at the Hearing that the development of the site would necessarily result in a cul-de-sac form and layout. This would differ from the frontage development that lines Musbury Lane beyond Musbury Close. While the development could use vernacular materials, buildings could be informally positioned relative to the internal site road, and the appellant is committed to a careful choice of building contractor, this does not convincingly suggest how a rural-style development would be achieved. As such, I find that it would most likely have a predominantly suburban character and appearance.
14. When travelling along Musbury Lane from Burton Street, the existing cul-de-sac development of Musbury Close is a significant visual influence. The bungalows beyond the appeal site also have a suburban character. This is clearly apparent when viewed from the footpath that crosses the site where they, and other suburban-style dwellings at nearby Burges Close are clearly visible. Therefore, I find that while Musbury Lane as it passes the site itself can be seen to have localised rural characteristics, the general area into which development would be inserted is not a particularly visually distinct part of the village to its wider surroundings.
15. The levels would mean that any dwellings at the site were visible above the hedge. Nevertheless, the retention of that hedge and steep bank rising up from the highway, would maintain the essential characteristics of the immediately adjoining stretch of Musbury Lane, with the development appearing as a typical addition to the village scene.
16. Therefore, I find that there would be no harm to the character and appearance of the area and no conflict with those aims of LP Policies 4 and 24 that seek to ensure that development respects its landscape setting and reinforces local character.

Location of development

17. Marnhull is identified in the LP as a location suitable for some growth. There are defined parts of the settlement, where development is allowed, situated beyond the site relative to the main part of the village. Therefore, as the site abuts the settlement boundary on three sides, the proposal may well accord with the broad aims of the settlement strategy set out in the LP.
18. However, it is, technically, outside the defined settlement boundary and, therefore, is required to be for an essential rural need to comply with LP Policy 2 or an overriding need to meet LP Policy 20. The supporting text to Policy 20 suggests that an overriding need is one where the development necessarily requires a countryside location. There is no compelling evidence to lead me away from that position.

19. Even in a scenario where the Council cannot demonstrate an adequate supply of housing land, and so the release of additional sites beyond settlement limits may be required to meet housing needs, general housing cannot be said to require a countryside location, or be for a rural need. As such I find that the proposal would conflict with Policies 2 and 20.

Planning Balance and conclusion

20. I have found that the harm to the significance of the designated heritage asset would not be outweighed by the public benefits of the proposal. Such results in conflict with policies of the Framework that protect areas or assets of particular importance and provide a clear reason for refusing the development proposed. Therefore, irrespective of the housing land supply position, the proposal does not benefit from the presumption in favour of sustainable development outlined at paragraph 11 of the Framework.
21. I have found no harm to the character and appearance of the area. However, the conflict with Policies 2, 5 and 20 that I have identified bring the proposal into conflict with the development plan read as a whole. There would still be some benefits arising from the provision of additional housing, however, I have only attributed moderate weight to these. No other material considerations, including the Framework, have been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with the development plan.
22. Therefore, the appeal should be dismissed and planning permission should be refused.

M Bale

INSPECTOR

APPEARANCES¹

FOR THE APPELLANT:

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Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Rob McDonald
Case officer
Hannah Smith
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Philip Reese
Senior Planning Policy Officer
Sara Hardy
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Steve Savage
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Alister Trendell
Lead Local Flood Authority Project Engineer
Cass Worman
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Tobias Carleton-Prangnell
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INTERESTED PARTIES:

Julie Bartlett	Terry Rickeard
Lucy Bowden	Jenifer Selim
Stephen Boyce	Tim Selim
Rob Cullender	Mark Turner
K Emery	Peter Watts
Ros Eveleigh	Steve Winder
Terry Howells	

DOCUMENTS SUBMITTED AT THE HEARING

1. LP Policy 24 – Design, including supporting text and figures

¹ Persons who appeared at the Hearing, whether or not they spoke in connection with this appeal.