



Appeal Decision

Site visit made on 22 April 2025

by Lynne Evans BA MA MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 01 May 2025

Appeal Ref: APP/D1265/D/24/3357977

Blackhills, Shitterton, Bere Regis, BH20 7HU

- 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 Mr J Whiteside against the decision of Dorset Council.
 - The application Ref is P/HOU/2024/04550.
 - The development is replacement of existing 5.5m x 3.6m outbuilding with new 8m x 6m outbuilding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application forms confirm that the development had been undertaken and completed at the time of the application. I have therefore considered the appeal as seeking planning permission for the development as already carried out, namely the erection of an 8m by 6m outbuilding. Whilst I have taken the further information set out under the description of development on the application forms fully into account, there is no need for it to be recorded in the header above.
3. From the information before me, I note that there has been enforcement involvement, but my consideration is solely related to the planning merits of the development before me.
4. I have taken the name of the property, Blackhills from the application forms rather than Blackhills Cottage, as used by the Council on the decision notice and in the officer's report.
5. At the appeal stage I have been provided by the Appellant with revised proposals to amend the form of the outbuilding and particularly its roof, which have been submitted to the Council as part of a pre-application process. I am, however, unable to take these revisions into account as I am required to consider the development as determined by the Council.

Main Issue

6. The main issue in this appeal is the effect of the development on the character and appearance of the local area, including the setting of the Bere Regis Conservation Area.

Reasons

7. The appeal site relates to a broadly rectangular piece of land, to the south and south east of a new house under construction, within the small hamlet of Shitterton and beyond the Bere Regis settlement boundary. Planning permission was granted under the Council's Ref: P/COU/2021/04183 in March 2022 for the change of use of this parcel of land from agricultural to ancillary garden use, but subject to a condition to remove permitted development rights for garages, sheds or other outbuildings or any hard surfacing.
8. The metal clad outbuilding is in the south east corner of the site and measures, on the basis of the submitted plans and information before me, approximately 8m by 6m with a pitched roof with its ridge up to 4m. There is a gravel area in front leading to access gates which open onto a narrow lane which leads down to the main road running through Shitterton. I understand that the existing outbuilding replaced a smaller structure in a similar location with timber walls and a felt roof.
9. The appeal site and the outbuilding lie outside of the designated heritage asset of the Bere Regis Conservation Area, the southern boundary of which runs along the rear boundaries of properties fronting the main road running through Shitterton, although the garden areas to some properties extend beyond the boundary. Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. Paragraphs 207 and 208 of the National Planning Policy Framework (Framework) confirm that in determining development proposals, consideration should include the setting of a heritage asset. The significance of the Conservation Area is focussed on the built development within the historic core of Bere Regis and the hamlet of Shitterton, both of which are rural settlements surrounded by open countryside.
10. Beyond the appeal site, the land opens out onto an attractive rural landscape, including Marys Wood and other woodland, criss-crossed by public rights of way. With the exception of the outbuilding the subject of this appeal and a very small number of other outbuildings, the setting of the Conservation Area is characterised by the general absence of built structures and marks the transition between built development within Shitterton and further to the east, Bere Regis, and opening out onto the rural landscape beyond
11. The outbuilding is not seen from along the main road running through Shitterton or at the entrance to the narrow lane leading up to the appeal site and its entrance close to the outbuilding. However, in both short and longer views from the south and south east, including from the several public rights of way, the outbuilding and in particular its roof form and gable end is a very dominant and visually intrusive structure. Its impact is exacerbated by the choice of materials which are harsh and visually discordant and stand out in this rural setting. The outbuilding, given its scale and particularly its height materially harms the intrinsic character and beauty of the countryside. I have taken into account the boundary fence which has been erected around the site together with the hedge planting within the site. However, I am not persuaded on the information before me that, over time and allowing for the hedge to grow, this would mitigate the harm I have concluded, particularly as a result of the scale and height of the outbuilding.

12. In addition to the harm to the character and attractiveness of the rural landscape I also consider that the development harms the setting of the Bere Regis Conservation Area, though its height and visual over prominence, and therefore detracts from the generally open buffer between the buildings within the village and its rural hinterland.
13. I therefore conclude that the development materially harms the character and the appearance of the local area, including the setting of the Bere Regis Conservation Area. This conflicts with Policies E1, E2 and E12 of the Purbeck Local Plan and the Framework and in particular sections 12, 15 and 16, all of which, amongst other matters, seek high quality design and to protect the intrinsic character and beauty of the countryside as well as the setting of designated heritage assets, including conservation areas.

Other considerations

14. Nos 10 and 12 Shitterton Road are both listed properties. They lie to the south east of Blackhills fronting the main road running through Shitterton with their rear gardens extending to abut the appeal site. I am required by Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of listed buildings. Given the distance between the outbuilding and the listed properties and its siting in the south east corner of the site as well as boundary treatments between the sites, I am satisfied that the outbuilding does not intrude into the setting of these two heritage assets; it is not harmful to but preserves the setting of both these listed buildings. The Council raised no issues in this regard.
15. The Appellant has drawn my attention to the views of a Council Officer which do not appear to concur with the decision reached by the Council. However, my decision is based on my own assessment, as I am required to do.
16. The Appellant has contended that the development would be permitted development had condition 3 of planning permission P/COU/2021/04183 for the change of use of this parcel of land from agricultural to ancillary garden use, not been imposed. However, the reason for the imposition of the condition was to protect the amenity and character of the area and the setting of the Conservation Area, in order that any proposals for such development could be considered in terms of their impact on these matters; these have been the issues pertinent to my assessment of this appeal.

Conclusion

17. The development does not accord with the development plan and there are no other material considerations to override this finding. For the reasons given above and having regard to all other matters raised, including in representations, I conclude that this appeal should be dismissed.

L J Evans

INSPECTOR