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## Appeal Decision

Site visit made on 21 July 2025

by **H Smith BSc (Hons) MSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 August 2025

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**Appeal Ref: APP/D1265/W/25/3364583**

**Land at Colesbrook Farm, Purns Mill Lane, Colesbrook, Gillingham SP8 4HJ**

- 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 Gill East against the decision of Dorset Council.
  - The application Ref is P/FUL/2024/04665.
  - The development proposed is a single storey self-build dwelling with associated parking and garden areas and improvement to an existing vehicular access.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey self-build dwelling with associated parking and garden areas and improvement to an existing vehicular access at Land at Colesbrook Farm, Purns Mill Lane, Colesbrook, Gillingham SP8 4HJ in accordance with the terms of the application, Ref: P/FUL/2024/04665, subject to the conditions set out in the schedule attached.

### Preliminary Matters

2. A revised National Planning Policy Framework (Framework) was published in December 2024 after the Council made its decision. I have had regard to the revised Framework in reaching my decision.
3. The appellant has submitted a signed Unilateral Undertaking (UU), pursuant to Section 106 of the Town and Country Planning Act 1990. The UU, which would take effect should planning permission be granted, would ensure that the proposed development would comprise a self-build dwelling and secure an exemption from Biodiversity Net Gain.

### Main Issues

4. The main issues are:
  - whether the site is a suitable location for the proposed development, having regard to local and national policy, with particular respect to self-build development;
  - the effect of the proposal on the character and appearance of the area, having particular regard to the effect upon the Colesbrook Conservation Area and the setting of a non-designated heritage asset;

## Reasons

### *Suitability of location*

5. The appeal site relates to part of a field of rough grassland on the west side of Purns Mill Lane. The appeal proposal would see the erection of a self-build dwelling with vehicular access to the site off Purns Mill Lane.
6. The site is located beyond the settlement boundary for Gillingham and is therefore in the countryside in planning policy terms. Policy 2 of the North Dorset Local Plan Part 1 (adopted 2016) (Local Plan), sets out that, outside the defined boundaries of the four main towns and large villages, which includes Gillingham, the remainder of the district will be subject to countryside policies where development will be strictly controlled unless it is required to enable essential rural needs to be met.
7. Policy 6 of the Local Plan states that the vast majority of growth will be concentrated at the district's four main towns, which includes Gillingham. Policy 17, amongst other things, declares that growth in Gillingham will be taken forward in ways which respect the town's environmental constraints, support its role, function and identity and contribute to making it more self-contained.
8. Policy 20 of the Local Plan states that development in the countryside outside defined settlement boundaries will only be permitted providing it is of a type appropriate to the countryside, or there is an overriding need for it to be located there.
9. While the site is located in the countryside, it is partly contained by existing development to its south and west in the form of Bishops Cottage, Plum Tree Cottage, and Northmoor House. Colesbrook Farm building is also located slightly further away to the sites north-west. As a result, the site shares a strong visual relationship with the neighbouring built form which is readily apparent in the immediate vicinity.
10. The appeal site is within walking and cycling distance of services and facilities within Gillingham, including a primary school, GP surgery, and public house. The site is also within walking distance of bus stops. Thus, there are public transport links to other settlements and towns with facilities, services and employment opportunities. As such, the appeal site is within reasonable proximity to services and facilities and future occupiers would have a genuine choice of transport modes rather than an over-reliance on private vehicles.
11. Although the stretch of road between the appeal site and the B3092 highway lacks a pavement and street lighting, this is only for a short distance, which the appellant indicates is around 165 metres. Purns Mill Lane itself is a lightly trafficked no-through road, while the B3092 benefits from both pavements and street lighting. I acknowledge the Council's concerns regarding the absence of pedestrian footpaths and lighting; however, given the limited extent of this section and its characteristics, I do not consider it to significantly hinder the site's accessibility. Based on my own experience of driving and walking in the area, I find the site to be within a safe and reasonable distance of a range of local services and facilities, with genuine opportunities to walk, cycle or use public transport.

12. Consequently, while the proposal is contrary to the spatial strategy, any harm caused by its location would be minimal in terms of reducing the need to travel and protection of the countryside.
13. The appellant indicates that the proposal would be for one self-build dwelling. Nevertheless, the Council consider that the demand for self-build/custom dwellings is being met for the area. Meeting the demand simply means the Council has fulfilled its statutory requirements under the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), which obliges Councils to ensure enough permissions are granted to match demand for self-build and custom housebuilding, as evidenced by entries on their register.
14. Being located within open countryside, the proposal would fail to comply with Policies 2, 6, 7 and 20 of the Local Plan.

*Effect on character and appearance and heritage assets*

15. The appeal site is located within the Colesbrook Conservation Area (CA). The significance and special interest of the CA is partly drawn from its surviving historic buildings, including their modest rural form and historic fabric, the proportions of their gardens, and the tranquil rural character of the area. It is also the way the buildings of varying ages and styles reflect the evolution of the settlement.
16. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
17. As previously outlined, the proposed development would be situated adjacent to existing residential properties and enclosed by built form on several sides. It would be modest in scale and proportionate to its surroundings.
18. The presence of mature hedgerows and vegetation along the roadside boundary would naturally screen the proposed dwelling, thereby reducing its visual impact from Purns Mill Lane. Although the front elevation would not face the road, the development would remain legible through its defined access and coherent orientation.
19. Accordingly, the proposal would integrate well with the existing development within its vicinity and respond positively to the established pattern of development within the town. It would not constitute a disproportionate expansion, nor would it undermine the pastoral character of the area. The mature hedgerow and vegetation along the eastern boundary would provide a distinct and natural edge to the site, reinforcing its sense of containment and visual harmony. As such, the proposed development would be both unobtrusive and respectful of the area's character and appearance.
20. The Council contends that the proposal would result in the permanent loss of part of a historic green field and former orchard, which contributes to the area's character. However, the appellant has submitted evidence indicating that a building historically occupied the appeal site. The Council has not provided any substantive evidence to refute this. Furthermore, the appellant intends to replant the orchard, which would enhance the character of the area and contribute positively to the CA.

21. The Council refers to an open gap separating the linear development along Purns Mill Lane to the north and Bowridge Hill to the south. Nevertheless, I am not convinced that the appeal site constitutes a critical element of this perceived gap. In my view, the proposal would not disrupt the soft rural landscape setting, and the reinstated orchard would provide screening and preserve the area's rural qualities.
22. Regarding the proposed materials, the use of timber cladding combined with a traditional clay pantile roof would be sympathetic to the semi-rural context and would not appear incongruous. In terms of overall design, the proposed building's agrarian form would appropriately reflect the area's rural qualities. While features such as glazing and solar panels would introduce a contemporary element, these are sensitively incorporated and would not detract from the building's design.
23. Consequently, the proposed development would be viewed within the context of existing residential buildings. Given its siting, scale, and immediate surroundings, I find that it would not have an adverse impact on the character or appearance of the area, nor the CA as a whole.
24. The site lies within the setting of a non-designated heritage asset known as Northmoor House, which is currently in residential use. The significance and special interest of this asset are partly derived from its age, its relevance to the historic development of the area, and its retained historic building fabric. This significance is further supported by its architectural and historic value as a former vernacular agrarian complex.
25. Although the appeal site is located opposite Northmoor House, Purns Mill Lane provides a physical separation between the two. Given the sufficient distance and the substantial screening afforded by the intervening roadside hedgerow and vegetation, the proposed development would not be readily visible from the surroundings of the non-designated heritage asset. I am therefore satisfied that the site's undeveloped nature does not form a notable part of either the immediate or wider setting of this asset, and there is no evidence before me to suggest that it contributes to its significance.
26. Moreover, the site does not contribute to the experience or appreciation of Northmoor House, either visually or in terms of its historic context. Views from and towards the asset are limited and filtered, and the site does not play a discernible role in how the asset is perceived, understood, or enjoyed. Accordingly, the proposal would not result in harm to the immediate or wider setting of the non-designated heritage asset.
27. For the reasons given above, the proposal would not be harmful to the character and appearance of the area. It would preserve the significance of the Colesbrook Conservation Area and the setting of the non-designated heritage asset.
28. The proposal would therefore accord with Policies 4, 5, and 24 of the Local Plan, and Policies 24, 25, and 27 of the Gillingham Neighbourhood Plan 2016-2031 (made 2018). Collectively, these policies amongst other things, seek to ensure the protection of heritage assets, and that development is designed to improve and protect the features that characterise the area. It would also accord with the Framework (Section 16), which seeks to conserve and enhance the historic environment.

## **Other Matters**

29. The Grade II listed Purns Mill House is a mid-19<sup>th</sup> century property mainly constructed from ashlar with a hipped slate roof. It is associated with the nearby mill and river. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving the setting of this listed building. Pertinent to the appeal, its special interest and significance arises, in part, from its architectural and historic value as an illustration of a mid-19<sup>th</sup> century building. Significance is also derived from the contribution of its rural setting.
30. Owing to the site's position, remote from the listed building, and separated by a considerable extent of intervening countryside, the appeal site does not make a discernible contribution to the rural setting of the listed building.
31. The special interest and its significance of the listed building, including the contribution made by its setting, would thus not be harmed as a result of the proposed development. On this basis it would meet the requirements of the Act, the provisions within the Framework, and Policy 5 of the Local Plan, which together seek to conserve heritage assets in a manner appropriate to their significance. I note that the Council also had no concerns in this regard.
32. My attention has been drawn to other appeal decisions. However, I do not have the full details of these cases before me, and they appear to relate to different sites and settlements. Consequently, I cannot be certain that they are wholly comparable. Nevertheless, I have determined this appeal based on its own merits.

## **Planning Obligation**

33. The appellant has submitted a planning obligation in the form of a Unilateral Undertaking (UU) dated 20 June 2025. I am satisfied that its content is fit for purpose and secures the self-build nature of the proposal. With reference to paragraph 58 of the Framework, the UU is necessary to make the development acceptable in planning terms, is directly related to the development, and is fairly and reasonably related in scale and kind to the development.

## **Planning Balance**

34. The proposal would result in harm to the Council's spatial strategy and therefore conflicts with Policies 2, 6, 17 and 20 of the Local Plan.
35. However, the proposal would contribute towards the Government's objective of significantly boosting the supply of housing contributing one dwelling to the Council's housing land supply. Even though the Council can demonstrate a five-year housing land supply, this does not preclude the provision of further housing, and I give this significant weight given the site is located within an accessible location with sustainable travel options. There would be economic benefits from the construction of jobs created during the construction phase and the ongoing expenditure in the local area from the future occupants. The proposal would deliver a self-build dwelling in accordance with the Framework.
36. As such, I am satisfied that when taken together, the matters above, with particular merit to boosting the supply of housing, would outweigh the conflict with the development plan in this particular instance.

## Conditions

37. The Council suggested a number of conditions and the appellant had the opportunity to comment on them. I have considered the suggested conditions in light of the Framework and Planning Practice Guidance (PPG) and where necessary I have edited for clarity and precision.
38. In addition to the standard time limit condition, I have imposed a condition that requires the development to accord with the approved plans. This is necessary in the interest of certainty.
39. I have imposed conditions relating to site access, turning/manoeuvring space, and visibility splays, which are necessary in the interests of highway safety. I have also imposed a condition relating to biodiversity. This is to minimise impacts on and enhance opportunities for biodiversity.
40. A condition relating to external materials for the external walls, roof, and fenestration is necessary to ensure the external appearance of the development is satisfactory. I have also imposed a condition relating to hard and soft landscaping to ensure no harm is caused to the character and appearance of the area.
41. Finally, at the appellant's request, I have included two additional conditions to secure the reinstatement of a traditional orchard and archaeological investigation.
42. **Conclusion**
43. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

*H Smith*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development shall be carried out strictly in accordance with the following approved drawings:
  - Location Plan – dated 16 August 2024
  - Existing Site Plan – Drawing No: 01, dated August 2023
  - Proposed Site – Drawing No: 02, Rev D, dated: August 2023
  - Proposed Floor Plans and Elevations – Drawing No: 03, Rev B, dated: August 2023.
- 3) Before the development hereby approved is occupied or utilised, the visibility splay areas as shown on Drawing Number 02 rev D must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.
- 4) Before the development hereby approved is occupied or utilised, any entrance gates must be set back a minimum distance of 5 metres from the edge of the carriageway and hung so that the gates can only open inwards. Thereafter, the gates must be retained at their approved position, maintained, and kept free from obstruction.
- 5) Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 02 rev D must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction, and available for the purposes specified.
- 6) Before the development is occupied or utilised, the first 5 metres of the vehicle access, measured from the rear edge of the highway (excluding the vehicle crossing), must be laid out and constructed to a specification submitted to and approved in writing by the local planning authority.
- 7) The development hereby approved shall be carried out in full accordance with the approved Biodiversity Mitigation and Enhancement Plan and Certificate of Approval dated 20 November 2023.
- 8) Prior to development above damp-proof course level, details and samples of all external facing materials for the walls, roof and fenestration shall be submitted to, and approved in writing by, the local planning authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.
- 9) Prior to the commencement of any development hereby approved, above damp course level, a hard and soft landscaping plan and planting scheme shall be submitted to, and approved in writing, by the local planning authority. The approved scheme shall be implemented in full during the planting season November to March, following commencement of the development. The scheme shall be in broad compliance with the agreed Biodiversity Plan and include provision for the

maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

10) No development above damp course level shall take place until a scheme for the reinstatement of a traditional orchard on the area of land adjacent to the site outlined blue on the approved Location Plan has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting scheme and plan, a programme of implementation and a 15-year management plan. The scheme shall thereafter be implemented in accordance with the approved programme and managed in accordance with the approved plan.

11) No development (including demolition) shall take place until:

- a. An archaeological Written Scheme of Investigation (WSI) has been submitted to and approved in writing by the local planning authority; and
- b. Any necessary safeguarding measures to ensure the preservation in-situ of important archaeological remains and/or further archaeological investigation and recording identified in the WSI have been undertaken, in accordance with a specification and timetable that shall first have been submitted to and approved in writing by the local planning authority.

**\*\*End of Conditions\*\***