
Appeal Decision

Site visit made on 24 April 2025

by **J P Longmuir BA(Hons) DipUD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/D1265/W/24/3349921

Heathcote, Milborne St Andrew, DT11 0JG

- 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 Ms Teresa Carter against the decision of Dorset Council.
 - The application Ref is P/HOU/2024/01162.
 - The development proposed is reposition and widen existing vehicular access. Demolish part of and rebuild boundary wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The initial appeal submissions refer to the Council investigating potential traffic calming measures close to the appeal site. Both parties were asked for an update, which I have considered.
3. The appeal concerns the development of the Grade II listed wall.¹ The wall is also around the Grade II listed Heathcote² and opposite the Grade II listed The Royal Oak³. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special regard is given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
4. The appeal site and surroundings are within the Milborne St Andrew Conservation Area. Section 72(1) of the Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
5. I am also mindful of the historic environment policies within the National Planning Policy Framework (the Framework) that relate to the significance of designated heritage assets and their settings and the Planning Practice Guidance on the Historic environment.

Main Issue

6. The main issue is the effect of the proposal on the boundary wall, its contribution to the Conservation Area (CA) and the settings of the Grade II listed buildings The Royal Oak and Heathcote.

¹ List entry: 1118576

² List entry: 1118575

³ List entry: 1324266

Reasons

7. The CA is focussed around the road through the village and extends southwards to the church and its environs.
8. I find that the character and appearance of the CA is derived from the tight knit pattern of building, with limited outward views as well as the continuity of the building materials including brick and flint walling.
9. The special interest and significance of the wall is derived from its brick and flint coursed construction as well as its alignment close to the road which forms a sense of enclosure and focuses the eye along its length. In both of these respects the wall contributes to the character of the CA.
10. Heathcote's special interest and significance is demonstrated as an early nineteenth century house with characteristic sash windows and tall chimneys, plastered walls and slate roof behind a parapet. The form and detailing provide a sense of grandeur. The Milborne St Andrew Neighbourhood Plan (NP) has a photograph of Heathcote as an example of rendered walls.
11. The list description suggests The Royal Oak is probably late eighteenth century and comments on an extension with a central recessed section which may have formed a carriage entrance. Its special interest and significance lies in its architecture and siting close to the road.
12. The wall contributes to the setting of the pub opposite, whereby the proximity of both creates enclosure. The wall also forms the setting of Heathcote, helping to mark its grounds, which are perceived as stretching right up to the road and subsuming the space where a footpath would be expected.
13. The proposal would involve the removal of approximately 23m length of the wall⁴. This would be a significant loss of historic fabric, and the replacement would not have the patina of age.
14. The new position of the wall would be further away from The Royal Oak and the sense of enclosure within the main street would be reduced, thereby harming an important characteristic of the CA. Relatedly the new position would be less aligned to the road which would also undermine the focus of the view along the main street. In addition, the imposing nature of the wall would also be reduced as it would be set back when experienced from the road and footpaths.
15. The enclosed relationship with the pub would also be diminished, which would harm its setting. Similarly, it would reduce the perception of the extent and therefore importance of the grounds to Heathcote.
16. Whilst the Appellant suggests that this length of wall is of lesser importance than the other sides and the bricks and flints are probably on later than Victorian, that does not override the above impacts. In addition, I note the Design and Access Statement⁵ foresees the re-built [wall] match/ re-use the existing brick/ flint materials in the structure wherever possible, and conditions are suggested by both parties, but even the re-use of the materials and a sample panel template for re-construction would not alleviate the above harms.

⁴ i Transport Report paragraph 5.2.1

⁵ Paragraph 7

17. I therefore find that the proposal would lead to less than substantial harm to the listed buildings and Conservation Area, and a high point within that spectrum.
18. Policy 5 of the North Dorset Local Plan (LP) requires great weight is given to the conservation of a designated heritage asset, where there is an impact on its significance. A weighing up of the public benefits is required. Policy 24 requires development is designed to improve the character and quality of the area. Policy MSA13 of the NP seeks to improve locally important character features which are particularly iconic to the character of the village. It specifically includes the flint walls that run throughout the village and line many of the roads. In addition, MSA14 of the NP requires new development responds to the village's character and history. The proposal would conflict with all the above policies.

Heritage and Planning Balances

19. Whilst the harm arising would be less than substantial; however, paragraph 212 of the Framework advocates great weight to the asset's conservation. I therefore give considerable importance and weight to the harm I have identified in my balancing judgment below. In addition, Paragraph 213 of the Framework emphasises that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
20. Paragraph 215 directs that the harm should be weighed against the public benefits of the proposal including where appropriate securing its optimum viable use.
21. The appeal site is in the centre of the village, well within the 30mph speed limit and in a discernible residential area. Nonetheless the site is on the busy A354 through road and has an access with restricted visibility with 12m and 18m visibility splays, which the proposal aims to improve by re-positioning the wall to achieve 43m. The Appellant suggests that the revised access would help the safety of those accessing the property as well as motorists and pedestrians using the A354. An accident in 2019 outside the appeal site is highlighted⁶.
22. The Council has been investigating traffic calming measures, albeit the Appellant suggests they have not been successful. A finalised scheme has yet to be specified and implemented, and it is conjecture whether and by how much a scheme would help the situation. The proposed access works would therefore be a benefit, albeit moderate as its traffic usage as a proportion of movements along the A354 would be expected to be very limited.
23. The proposal would also widen the pedestrian footway. This is currently narrow and disconcerting, although the opposite side of the road is more of a desire line, particularly as there are other narrow points elsewhere along the appeal site side of the road. Consequently, I find that the proposed footway widening would be a very limited benefit.
24. The Appellant highlights that the wall needs repairs, has had a recent collision and has cement mortar. Whilst I noted a crack and deteriorating pointing, there is no submitted evidence to quantify any structural problems which would warrant demolition.

⁶ Appendix E i Transport Report

25. Taking the safety and the other public benefits together as a whole I conclude that they would not be of sufficient weight to outweigh the high level of harm within the less than substantial spectrum identified to the significance and special interest of the designated heritage assets. Accordingly, the proposal is contrary to sections 66 and 72 of the Act. In addition, the proposal would be contrary to Policies 5 and 24 of the LP and Policies MSA13 and MSA14 of the NP.
26. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states determination must be made in accordance with the plan unless material considerations indicate otherwise. Paragraph 11(c) of the Framework states that decision taking means approving development proposals that accord with an up-to-date development plan without delay. The proposal would be contrary to the Development Plan when taken as a whole and material considerations do not indicate the proposals should be approved.

Conclusion

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

John Longmuir

INSPECTOR