



Appeal Decision

Site visit made on 10 September 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 1 October 2025

Appeal Ref: APP/D1265/W/25/3369689

Land on south side of Back Drove, Leigh, Sherborne

- 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 David and Linda Ford and Bickle against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/06633.
 - The development proposed is the erection of one self-build residential dwelling and garage (Use Class C3).
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. The appeal is accompanied by a Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS), Amended Nutrient Neutrality Assessment and Mitigation Strategy (ANNAMS) and Phosphate Budget Calculator (PBC) that state that the development can achieve nutrient neutrality through mitigation measures, thereby safeguarding the integrity of the Protected Sites of the Somerset Levels and Moors Catchment. I will return to this below.
2. The appeal is also accompanied by a Biodiversity Mitigation and Enhancement Plan (BMEP) that has been approved by Dorset's Natural Environment Team confirming that the development will result in measurable net gain in biodiversity. The Council have confirmed that the BMEP overcomes reason for refusal number 4, and as I have no reason to disagree, I do not need to deal with this as a main issue.
3. Last year the Secretary of State agreed the Council's 5-year Housing Land Supply position through an Annual Position Statement (APS), with a base date of April 2024. The Inspector's report, published in October 2024, has confirmed that the Council can demonstrate a 5.02 year HLS position until 31 October 2025. This is up to date, independent confirmation of the housing land supply and carries weight. Although the new version of the National Planning Policy Framework (the Framework) has removed the ability of Council's to seek an APS, an existing APS will remain in full force until it expires.

Main Issues

4. In light of the above, the main issues are:
 - whether the appeal site is an appropriate location for housing, with particular regard to the local development strategy; and,

- the effect of the proposal on the character and appearance of the area including whether the proposal would preserve the setting of the Grade II listed Pound Farm House.

Reasons

Whether appropriate location

5. Policy INT1 of the West Dorset, Weymouth & Portland Local Plan (2015) (LP) states that there will be a presumption in favour of sustainable development that will improve the economic, social, and environmental conditions in the area.
6. In this regard, the spatial strategy for residential development is set out in LP Policy SUS2. The strategy is based on the needs and size of the area's settlements, and the benefits of concentrating most development in locations where homes, jobs and facilities will be easily accessible to each other, and there is a choice of transport modes. The policy therefore dictates that most development will be located in the larger and more sustainable settlements. Development in rural areas will be directed to settlements with Defined Development Boundaries (DDB). As the appeal site does not fall within a DDB, and the village of Leigh does not have a DDB, it lies in open countryside where development is strictly controlled and is limited to specified categories. The only scope for new unrestricted housing is through the re-use of existing rural buildings.
7. While I acknowledge that LP Policy SUS2 states that 'Settlements with no defined development boundary may also have some growth to meet their local needs', I have not been provided with substantive evidence demonstrating how the appeal proposal meets an identified local need for Leigh. Although I note the appellants local connection and the affordability of properties in the area, these matters do not amount to an identified local need. Furthermore, I will deal with the matter of self-build below but note that I have not been advised of a neighbourhood development plan or other identified need for a self-build plot on the appeal site or identified elsewhere within Leigh.
8. Therefore, and as the proposal is for an open market self-build dwelling in the countryside in the village of Leigh that does not have a DDB or other identified need for a dwelling in this location, it is contrary to the local development strategy for the location of housing as set out in the LP.
9. I acknowledge that the appeal site is located close to the edge of the built form of Leigh that benefits from a combined village shop/coffee shop/community library, church and village hall. However, access to a wider range of services and facilities such as health, employment, leisure and retail are a considerable distance from the site accessed via unlit narrow roads without footpaths.
10. While I note reference to the North Dorset Community Accessible Transport (NORDCAT) giving access to surrounding towns and villages, I also note the comment from an interested party advising that this service ceased in February 2025 being replaced by a more restricted Wriggle Valley Bus service that operates on alternative Fridays and the last Wednesday of the month.
11. In light of the above, I find that the site is not in a location that is easily accessible by means other than by the motor vehicle. This is the case even when considering

paragraph 110 of the Framework that recognises that opportunities to maximise sustainable transport solutions will vary between urban and rural areas.

12. It follows that I conclude that the appeal site is not an appropriate location for housing, with particular regard to the local development strategy. Consequently, the proposal is contrary to LP Policies INT1 and SUS2, the aims of which I have outlined above. For the same reasons, the proposal is also contrary to the provisions of the Framework that promotes sustainable transport.

Character and appearance and setting of listed building

13. The appeal site is located to the south of Back Drove off a narrow rural lane edged by a grass verge and hedgerows and trees. The appeal site is relatively flat, benefits from a gated access onto Back Drove and is enclosed by boundary planting. It has the appearance of a small paddock.
14. The appeal site fronts onto Back Drove and is adjoined by open fields and a detached garage to the rear that serves Pound Farm. The site sits between Pound Farm to its north-west and Black Barn Farm to the south-east.
15. Pound Farm is a Grade II listed building¹ (LB) comprising a two-storey dwelling and outbuildings. Black Barn Farm comprises a two-storey building with associated outbuildings. These buildings are set back from Back Drove behind frontage landscaping partly screening the buildings. They are adjoined by open fields giving the immediate area and the buildings a predominately verdant rural setting and appearance. The open nature of the appeal site aids in providing the rural setting to these buildings.
16. The built form of Leigh is predominately located to the north and north-west of the appeal site. However, given the position of the appeal site slightly detached from the groups of buildings forming the settlement, and location off a narrow rural lane beyond the 30mph speed limit, the appeal site appears and feels slightly detached from the settlement.
17. The proposal would see a two-storey stone faced dwelling and detached double garage introduced centrally within the site served off the existing gated access. However, due to the limited depth of the appeal site, the built form would not be set back from the road to a similar extent as Pound Farm and Black Barn Farm. The proposal would therefore result in the introduction of significant built form into the open gap between Pound Farm and Black Barn Farm fairly close to the road. This would undermine the open rural character and appearance of the site.
18. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the local planning authority or, as the case may be, the Secretary of State, to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses. There is no disagreement between the parties that the proposal would be within the setting of the LB. Given the proximity of the appeal site to the heritage asset, I see no reason to disagree.
19. From my observations on the site visit and the evidence before me, the significance of the LB is derived mostly from its age, architectural quality, and its historic

¹ List Entry Number 1153652

association with the area as a farmhouse in a rural setting. The location and its rural setting therefore make a valuable contribution to its significance.

20. The open undeveloped nature of the appeal site helps to provide the LB with its rural setting that is also open and rural in nature to its rear, front and north-western boundaries. In light of this, the appeal site does not compete with or detract from the LB at present. This allows the appeal site to make a positive contribution to the setting and significance of the LB.
21. Whilst I appreciate that the context to the appeal site has altered over time with the development of the settlement, nearby properties are generally set away from the LB with gaps between, or on the opposite side of the road, respecting the modest scale and setting of the LB. As such, they do not share the same close visual relationship as the appeal site to the LB. The introduction of a dwelling and detached double garage onto the appeal site would urbanise the site, remove the open setting to this boundary with the LB and be of a scale and position that would be visually prominent, particularly when viewed through its access.
22. I have had regard to the evidence from the appellant indicating the presence of a previous building on the site. However, given that this was a long time ago, is not accompanied by substantive evidence of a dwelling or details of the type and height of the building, with no clear signs of a previous building on the site, I give this very little weight.
23. Although the design of the dwelling and materials would be acceptable in isolation, given my findings above that the proposal would be harmful to the character and appearance of the local area, it follows that it would cause harm to the setting of the heritage asset in that it would compete with the LB due to its scale and location and removal of part of its open setting. It would also fill the gap between the LB and Black Barn Farm resulting in a linear extension of the built form into the countryside. This would negatively affect how the LB is experienced despite the planted nature of the lane. Accordingly, the proposal would fail to preserve the setting of the Listed Building and as such would not meet the statutory requirements of the Act. I give great weight to the conservation of these heritage assets.
24. Accordingly, the proposal would result in 'less than substantial harm' to the setting of the LB, although as this is at a very local level, the harm would be at the low end of the spectrum. It is important to note however that 'less than substantial harm' does not equate to a less than substantial planning objection. Paragraph 215 of the Framework requires that 'less than substantial harm' should be weighed against public benefits of the proposal. While I acknowledge the proposal results in some public benefits through the provision of a new affordable self-build dwelling for people with a local connection that could be built out quickly, provision of a dwelling boosting the Council's Housing Land Supply, and economic benefits from construction and subsequent spend from occupiers, I do not find that these benefits outweigh the 'less than substantial harm' to the heritage asset.
25. Based on the foregoing, the proposal would harm the character and appearance of the area and cause less than substantial harm to the setting of the LB. This would be contrary to LP Policies ENV4, ENV10 and ENV12. These seek, among other things, that development conserve and where appropriate enhance the significance of designated heritage assets, contribute positively to the maintenance and

enhancement of local identity and distinctiveness, and respects the character of the surrounding area.

26. The Councils second reason for refusal also references LP Policy ENV11 but given that this relates to patterns of streets and spaces with the proposal suitably facing the road, not amending the road layout, being easily identifiable with provision for waste collection and parking, I find no direct conflict with this policy.

Other Considerations and Planning Balance

27. I have found above that the development would harm the character and appearance of the area, cause harm to the setting and significance of the listed building and be contrary to the local development strategy. The relevant policies in these regards are largely consistent with the Framework where it states that planning decisions should protect and enhance our historic environment whilst reflecting the character of an area and promoting sustainable transport. Therefore, the proposed development would be contrary to the development plan as a whole.
28. I have had regard to the appeal decision at Marnhull² where the Inspector concluded that the LP is more than 5 years old, its spatial strategy not being designed to accommodate the currently identified levels of local housing need in Dorset, significant shortfalls in delivery, expiry of the five-year housing land supply position on the 31 October 2025 and the emerging local plan being at an early stage of preparation. As a result, that Inspector concluded that the LP housing policies now carry little weight. Although that proposal was for a greater number of dwellings, I have no reason to disagree with the findings in relation to this appeal.
29. Furthermore, under the Self-build and Custom Housebuilding Act 2015³ (the 2015 Act), the Council has a 'duty to grant planning permission' and a 'duty as regards registers'. The Council must give enough suitable development permissions in its district to meet the identified demand for self-build and custom-build housing and should not treat the need as a component of general market housing. These duties are also emphasised in paragraph 63 and Footnote 28 of the Framework. The appeal is accompanied by a Unilateral Undertaking securing the dwelling as a self-build unit.
30. The Council's evidence demonstrates that the number of self-build CIL Exemptions granted for the shown Base Periods exceeds the demand for plots on Part 1 of the Self Build Register. The Council points out that the demand for plots is reducing year on year. However, when including the demand for plots under Part 2 of the Self Build Register and including recent permissions at Blandford⁴ and Fortmell Magna⁵, there is a shortfall in provision over the Base Periods for which the information is supplied. This is a material consideration for this appeal.
31. Within the context of the Council's duties under the 2015 Act, the provision of one self-build dwelling would be a small contribution to the demand identified. Furthermore, the proposal would contribute to housing land supply at a time when the Government seeks to significantly boost the supply of housing and provide benefits to the local economy from construction works. Moreover, the proposal could be built out quickly, would create construction jobs and promote spend in,

² APP/D1265/W/24/3353912

³ Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016)

⁴ P/OUT/2020/00026

⁵ P/OUT/2023/02893

and the retention and expansion of local services and facilities in this and other nearby settlements. These matters weigh in favour of the proposal, but I give them moderate weight as they are tempered by the small scale of the development.

32. I give very limited weight to the low impact, energy efficient sustainable construction and biodiversity benefits given that they are requirements of local planning policy. I also give very limited weight to costs savings from the use of the applicant's trade skills as they could equally apply to other sites.
33. Therefore, I find that the moderate and very limited benefits would not in this instance be sufficient to outweigh the conflict with the development plan as a whole.
34. I am aware that although the Council can demonstrate a five-year supply of deliverable housing sites until the 31 October 2025, after this date the Council will have a significant shortfall in its supply. This is a material consideration and post the 31 October 2025, Paragraph 11d of the Framework currently indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed. Footnote 7 of the Framework lists designated heritage assets as such assets of importance.
35. In relation to this, I have found harm from the development on the setting of the listed building, which, in accordance with Footnote 7 of the Framework, provides a strong reason for refusing the development proposed. Thus, as it stands, post 31 October 2025, the proposal would not benefit from the presumption in favour of sustainable development outlined at Paragraph 11, and, as a material consideration, the Framework would not indicate that permission should be granted.

Other Matters

36. As stated above, the appeal is accompanied by a NNAMS, ANNAMS and PBC with the Council agreeing to the purchasing of P-Credits and agreeing to the calculations used. However, as I am dismissing the appeal for other reasons, I do not need to consider this, or any likely significant effects on the Protected Sites of the Somerset Levels & Moors and the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Conclusion

37. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR