



Appeal Decision

Inquiry opened on 5 April 2022

Site visit made on 8 April 2022

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State

Decision date: 1st July 2022

Appeal Ref: APP/D1265/W/21/3289314

Land north of Crown Road, Marnhull, Dorset DT10 1HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Cicero Estates against the decision of Dorset Council.
 - The application Ref 2/2018/1124/OUT, dated 8 August 2018, was refused by notice dated 18 June 2021.
 - The development proposed is erection of 72 No. dwellings and new community facilities. (Outline application to determine access and layout).
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Preliminary matters

1. The application was submitted in outline with matters of landscaping, scale and appearance reserved for later approval. The proposed site layout including access is shown on drawing ref SK010 Rev P. An unnumbered indicative scale parameter drawing dated 3 May 2019 indicating the intended height of dwellings as part of the layout has been provided, along with early years and established photomontages of the proposed development based on viewpoints 7 and 9 in the Landscape and Visual Impact Assessment. I have considered the appeal on the basis of these drawings.
2. The original description of development was 'Development of Land Comprising the erection of 103 No. dwellinghouses with associated access and public highway improvements, open space and new community facilities'. During subsequent discussions, the above description including 72 dwellings was agreed by the Council. I have considered the appeal accordingly.
3. The Inquiry sat for 5 days. Closing remarks were submitted on 22 and 29 of April and the Inquiry was closed in writing on 29 April 2022.

Decision

4. The appeal is allowed and outline planning permission is granted for erection of 72 No. dwellings and new community facilities (Outline application to determine access and layout) at Land north of Crown Road, Marnhull, Dorset DT10 1HW in accordance with the terms of the application, Ref 2/2018/1124/OUT, dated 8 August 2018 and the plans submitted with it, subject to the conditions in the schedule at the end of this decision.

Main Issues

5. The Council acknowledged that reasons for refusal concerning a mechanism to ensure sufficient affordable housing, contributions to green, grey and social

infrastructure, and biodiversity, could be satisfied by provision of a planning obligation. I agree. The main issues are therefore:

- The effect of the proposed development on the character and appearance of the area;
- The effect on the setting of heritage assets including St Gregory's church (listed Grade I), Nash Court (Grade II), Laburnum Cottage (Grade II) and Shaston View (Grade II); and
- Whether the Council can demonstrate a five year supply of housing land in accordance with the guidance in the National Planning Policy Framework (NPPF).

Reasons

The site and surroundings

6. Marnhull is a large village lying roughly equidistant (around 5-8 kilometres) from the towns of Gillingham, Shaftesbury and Sturminster Newton, with Sherborne further away towards the west. The settlement lies in the wide valley of the Blackmore Vale and consists of several hamlets conjoined by minor roads along ridges of higher ground east of the valley of the River Stour. Older buildings along the winding main lanes of Burton Street and New Street have been augmented in the 20th century by linear infilling and backland development of bungalows and houses, many in culs-de-sac. These now characterise the majority of the residential areas. Facilities are scattered throughout the village but the central church of St Gregory is a strong focal point centrally located near the school.
7. The site of approximately 5.24 hectares comprises three pastoral fields at the eastern end of the village where the land begins to slope down towards Chivrick's Brook. It is bordered by the B3092 Crown Road on higher ground to the south and Sodom Lane to the north. The eastern boundary is defined by the narrow Tanzey Lane which is sunken behind tall hedges and this meets Crown Road where the Council's proposals map shows 2 separately designated small parts of the settlement at Stoneylawn and Corner Close. The western boundary is largely defined by a large post-war estate-style development of bungalows and houses along Ashley Road, the gardens of which back directly onto the site.

Policy background

8. North Dorset District became part of the Dorset unitary authority area in April 2019. At the current time, the development plan for the area includes the North Dorset Local Plan Part 1 (LP) of 2016 covering the period 2011-2031 setting out the strategic policy framework, and the saved policies of the North Dorset District-Wide Local Plan 1st Revision of 2003. The emerging replacement Dorset Local Plan 2021-2038 is at an early stage of preparation and its policies can be attributed no more than limited weight.
9. The main thrust of LP policies is to adopt a general policy of restraint outside the District's four main towns whilst also enabling essential rural needs to be met, focusing on meeting local (rather than strategic) needs in Stalbridge and the larger villages such as Marnhull. LP Core Spatial Strategy policies 2 and 6 note that the four main towns will be the focus for growth for the vast majority

of housing as follows: (Blandford Forum– at least 1,200 homes; Gillingham – at least 2,200 homes; Shaftesbury – at least 1,140 homes; and Sturminster Newton – at least 395 homes). Stalbridge and eighteen larger villages are identified as the focus for growth to meet local needs outside of the four main towns, and the explanatory text envisages a minimum of 825 dwellings out of 5700 in the former District will be provided in the countryside. Beyond the defined boundaries of these areas, development will be strictly controlled unless it is needed to enable essential rural needs to be met.

10. Policy 4 advises amongst other things that landscape character will be protected through retention of the features that characterise the area. Where significant impact is likely to arise as a result of a development proposal, developers will be required to clearly demonstrate that the impact on the landscape has been mitigated and that important landscape features have been incorporated into the development scheme. Policy 5 advises that any development proposal affecting a heritage asset (including its setting) will be assessed having regard to the desirability of sustaining and enhancing the significance of that asset.
11. Also relevant, though not mentioned in the reasons for refusal, is policy 20 which advises that development in the countryside outside defined settlement boundaries will only be permitted if a) it is of a type appropriate in the countryside, as set out in the relevant policies of the LP; or b) for any other type of development, it can be demonstrated that there is an 'overriding need' for it to be located in the countryside.

Character and appearance

12. Various landscape assessments and studies have been published which help in assessing the character of the area. The village lies within National Landscape Character Area 133 *Blackmore Vale and Vale of Wardour* which describes the area as 'gently undulating lush, remote and intensely rural in character, with a scatter of modest settlements and few major buildings, other than imposing churches such as Witham Priory'. The only direct reference to Marnhull states 'Ridgetop roads with long views connect villages such as Hinton St Mary and Marnhull and scattered farmsteads'. Dorset Council's *Limestone Hills* character type refers to the development pattern of some villages following the ridgetops, as at Marnhull. Its key land management guidance notes refer to the need to, amongst other things, 'conserve and enhance the varied settlement pattern of the different limestone villages and their relationship with the associated surrounding copses/woodlands'; and 'maintain the undeveloped character of the area, for example by resisting intrusive developments on sensitive and exposed hillside locations'.
13. The North Dorset LDF Landscape Character Area Assessment of 2008 refers to plateau top settlements and notes that Marnhull is one settlement that has some 'poorly integrated urban edges'. LUC¹ produced the *Strategic Landscape and Heritage Study for North Dorset Area* in 2019. For Marnhull, under 'Guidance and opportunities for mitigation' it advises that development should not be sited in visually prominent locations; proposals should not detract from landmark views, including views to the church tower; and development should not detract from the existing prominent skyline features such as the grade I listed St Gregory's Church.

¹ Land Use Consultants

14. The appeal site is sited on the crest and north flank of a gentle ridge extending eastwards from the settlement. The ridge is similar in profile to elsewhere in the village where development has taken place over many years. The western boundary of the site is defined by the back gardens of a line of 20th century bungalows and houses extending up the slope with boundary fencing, or none, of varying visual permeability. Much of the original boundary hedge² has been removed. Towards the top of the ridge, the site borders on the spacious gardens of much larger and older houses including a small paddock. The suburban nature of the nearby estate is clearly apparent but mitigated somewhat because the roofs of the dwellings are relatively low and planting in the rear gardens softens the interface between field and estate. Housing in the village 'outliers' at Stoneylawn and Corner Close are on the descending ridgeline on the eastern side of the site. The site itself is obviously open and agricultural in nature but the adjacent built development along the line of an old hedge and at Stoneylawn means that the sensitivity of the site to new residential development is reduced. Moreover, the proximity of housing means that the site makes only a limited contribution to the landscape character of the Blackmore Vale locally. As a result, the proposed scheme, which would be of relatively low density and would incorporate significant new planting, would have only a limited effect on the surrounding landscape. It would be highly visible and adverse, but only medium in magnitude of change. There would be a moderate significance of effect³.
15. Turning to visual amenity, the site is much appreciated by local occupiers because it separates established built-up parts of the village and imparts a strongly rural feel in a prominent position. The 2 public footpaths across the site and the views they afford from a steep slope northwards across lower land towards Fifehead Magdalen and Stour Provost and eastwards towards the Cranborne Chase AONB are greatly valued. Whilst open space proposed at the centre of the development would preserve many of these views, the perception of open countryside very close to existing development in Ashley Road would be lost. The use of the site for recreational activity including picnicking and sledging is frequently mentioned by objectors. Though in practice this would depend on the landowner and any livestock present, this amenity value to local residents should not be underestimated.
16. Local occupiers of Ashley Road appreciate the views available from their dwellings and gardens and would normally be considered to be receptors of high sensitivity. Walkers using the Hardy Way long distance trail⁴ and footpaths to the north of the site would readily perceive the encroachment of built form on the hillside but this would be seen in the context of other existing houses and gardens. I conclude that the proposed development would form a significant and immediately apparent part of the view with long term and irreversible changes to its character equating to a high magnitude of change for local residents and a moderate magnitude for recreational walkers in the wider landscape. The significance of effect would be substantial adverse for existing nearby residents and moderate for others.

² 1838 Marnhull Tithe map (Heritage Assessment) and following

³ Adopting the brief methodology used in the LVIA appendix 3 for consistency but having regard to GLVIA 3rd edition

⁴ Though the section north of Marnhull appears to be less used than other parts of the Hardy Way nearer Dorchester

17. With regard to the Council's assertion that the site is of high landscape value and should be considered a 'valued landscape' for the purposes of paragraph 174 of the National Planning Policy Framework (NPPF), the site does not benefit from any form of statutory or local designation. There is no agreed definition of what constitutes a 'valued landscape' if it is not designated as such or otherwise identified in the development plan. I have already indicated the negative influence of the Ashley Road development, and the site's proximity to housing at Stoneylawn and Corner Close. The village is predominantly built on connected ridges of higher ground which include the appeal site. The site is less sensitive to residential development and this is apparent looking at the site from longer distances in its wider landscape context, from Great Down Lane, for example. It does not contribute to the significance of either of the Marnhull Conservation Areas. Its value to local residents is undisputed but stems mainly from visual amenity including views and recreational considerations because of its location adjacent to existing housing. Its demonstrable physical attributes are not very different to many other fields and slopes around the village and in the locality generally including others crossed by public rights of way. It does not contribute to the wider landscape character any less or more than other similar fields around the settlement. Having regard to the advice in the Landscape Institute Technical Guidance Note 02/21, and recognising the intrinsic character and beauty of the countryside, the site does not deserve any higher level of protection that might be claimed under paragraph 174(a) of the NPPF.
18. I have taken account of the more detailed drawings provided during the Inquiry indicating the intended main vehicular access from Crown Road into the site at the Tanzey Lane junction. Whilst the levels would necessitate some earthworks including possibly retaining walls, the character of the area is already affected by nearby development and is adjacent to housing at Stoneylawn. The civil engineering works would change the appearance of the existing junction but the appearance could be subject to a condition controlling detail design and would not prevent people's enjoyment of most of Tanzey Lane as a rural walk or appear unreasonably out of place on the edge of the settlement.
19. The appearance of new development is a reserved matter but the height of buildings in terms of storeys is the subject of a parameter drawing and the design of new dwellings could be controlled by condition. Views of the tower of St Gregory's from further afield and its important prominence in the Vale would not be affected. Although the tower would be hidden by new houses seen from some points on the site, its role as a marker and focal point for users of the footpath crossing from Sodom Lane to Ashley Road would not be seriously compromised. The development would be of relatively low density with a significant proportion of open space, and existing trees would be retained and new planting introduced, which over time would do a great deal to mitigate the appearance of new built development⁵. Nevertheless the introduction of new housing would in principle be harmful to visual amenity and landscape character and this would conflict with the relevant aims of LP policies 2 and 4.

⁵ Having regard to photomontages of Views 7 and 9 SK023 and SK025

Setting of heritage assets

St Gregory's Church (Grade I)

20. St Gregory's Church, a Grade 1 listed building, is a focal point for many miles around and it is where roads leading from Gillingham, Dorchester and Sturminster Newton all converge. Views of the tower from most points of the compass would be unaffected. Only in views from the north and north east within about 2-3 kilometres would the proposed development be apparent in views together with the church tower. Even in these views, the tower would be the dominant feature. The main impact would occur for walkers approaching the village along the historic footpath across the site, in which the tower would appear to rise above the roofs of Ashley Road bungalows. Insofar as the existing rural surroundings impart a sense of pilgrimage and approaching a settlement, then the new development would change this by introducing dwellings. But it is a far greater step to assume that the experience of the asset would be seriously harmed or that the heritage significance of the church would be so changed that it could not be properly experienced or that its function as a waymarker or its architectural and cultural significance would be seriously diminished. I consider that there would be a very small degree of 'less than substantial' harm to heritage significance. Having said that, the overall height of any new dwellings would need to be controlled to ensure that the approach to the church across the field from the north east would not affect perception of the tower as an important focal point.
21. The development would have no impact on the immediate setting of the church. The tower is a landmark on high ground visible for many miles, similar to other prominent church towers in the district. In longer views, the development would be visible in conjunction with the tower, but would be seen along with and in scale with existing mixed development which surrounds the church. Its value as a historical landmark would remain unaffected and the contribution that these longer views make to its heritage significance would be unchanged.
22. I have taken into account the far-reaching views from the top of the tower of St. Gregory's and agree that the appeal site and development on it would be visible from there. The tower is not easily accessed due to the narrow and constrained nature of the stair and is not designed for regular visits by the public. The layout of Marnhull, its position within the Vale and its development over centuries can be readily understood from the tower and much of the village's 20th century development is clearly apparent. The proposed scheme would represent a relatively small incursion into a broad 360 degree panorama, on the edge of the village in the view to the east. It would represent further development and evolution of the community that supports and is ministered to. No harm to heritage significance arises in this respect.

Nash Court

23. Nash Court, Manor House and Nash Lodge, formerly a 16/17th century single house of coursed stone, is listed for its architectural and historic interest and as the home of the Hussey family. There is general agreement that the site is visible from the south façade including Laburnum Cottage and St Gregory's Church. It is around 660 metres north of the appeal site. There are strong historical links to the land around Marnhull and the church. Over the centuries, land forming a disjointed and random collection of plots was sold off, including

the appeal site, and now there is little to show common ownership apart from old tythe maps. The proposed dwellings would be visible from the grounds and the windows facing south as an extension of other 20th century development.

24. The appeal site forms part of the field system in the view which historically formed part of the estate including Laburnum Cottage. As such, the setting contributes to the significance of the listed building. However the contribution of the estate to heritage significance has been eroded away over many years, to the extent that it is much more difficult now to appreciate it. The proposed scheme would include new tree planting which will mitigate its visual impact. Laburnum Cottage would remain clearly in view with a significant gap between it and the nearest new dwelling. The effect on heritage significance would be minor adverse and low on the scale of 'less than substantial' in the terms used in the NPPF.

Laburnum Cottage

25. Laburnum Cottage lies on Sodom Lane adjacent to the north eastern corner of the appeal site at the lowest end of the site. Its heritage significance derives from its architectural and historical interest as a 17th century coarsed rubble agricultural worker's cottage. It lies alongside Ashley Gate, a cottage of similar materials (unlisted) which also borders Sodom Lane. Ashley Gate adds to the significance of the group as an example of basic rural worker's accommodation. Though altered over time, Laburnum Cottage retains much of its rural simplicity. A modern dormer window added on the main roof of the western elevation in the 20th century diminishes somewhat the originally quite plain vernacular appearance of the building, which originally comprised two dwellings.
26. The cottage backs directly onto the appeal site. I agree that the significance of the building is enhanced by its stand-alone location on the opposite side of the field from the village. This enables its purpose to be understood and appreciated in its original context. The proposed development would introduce a strongly suburban setting immediately to the rear with a gap between the cottage and the next house of about 70m. The proximity of modern 1.5 storey dwellings in domestic gardens to Laburnum Cottage, together with the change from pastoral field to managed public open green space would noticeably alter and diminish the setting of the listed building. The proposal also includes one of two Sustainable Urban Drainage System (SUDS) run-off ponds near the house and this would represent a further change from a simple agricultural setting to a more suburban type of managed environment.
27. Having said that, there would remain a significant area of unobstructed open space which would allow Laburnum Cottage to be seen from the upper slopes along the footpath across the field from very near to where it is appreciated now. It is possible for the Council to control new planting in this area by means of planning conditions, to ensure a clear view remains along reciprocal sightlines which would include, in part, the tower of St Gregory's. The domestic gardens of new dwellings are likely to be planted up and the boundary treatments can be controlled (under reserved matters) to ensure they do not detract unduly from the rural character of the area (ie native planting, natural materials). The SUDS could be reinforced by suitable native planting and would enhance ecological interest. The height of the new dwellings can be controlled by conditions limiting slab and ridge heights to ensure they do not

unnecessarily project above the natural lie of the land more than necessary (as some in Ashley Road do). Taking these factors in to consideration, even bearing in mind the possibility that vegetation would be subject to weather and management, it is not unreasonable to conjecture that the view to and from the rear of Laburnum Cottage would be much altered but would not be unacceptably diminished from the point of view of the heritage significance of Laburnum Cottage or the amenity of the occupants. The appearance of Laburnum Cottage seen from Sodom Lane and Tanzey Lane would not change appreciably. The setting and consequently heritage significance of the listed building would be diminished seen from the west but would not approach the higher levels of 'less than substantial harm' in terms of the NPPF.

Shaston View

28. Shaston View is a late 17th or early 18th century house. It is conspicuous on the top of the ridge to the south of the appeal site. A converted barn to the rear now in separate ownership would have formed part of the original farmstead. A large Victorian extension to the side illustrates evolution of the property but the official listing notes that it is the 17/18th century original range that demonstrates heritage significance and justifies listing. Further extensions at the rear diminish the ability to perceive and appreciate the original listed structure from the appeal site. Its heritage significance today derives mainly from its architectural and historical interest as a dwelling. Its wider historical importance as a farmhouse is now much diminished due to subsequent disposal of land and 20th century development.
29. The Council relies mainly on the effect of the proposed scheme on the ability to understand former physical and functional connections between the dwelling and its agricultural surroundings including from a nearby footpath which is to be retained. There would be no impact on the relationship between Shaston View and farmland to the south. There would be no effect on the ability to appreciate the important remaining intact front range of the building from the B3092. Paddocks between the listed building and the appeal site together with existing mature trees would remain. There is no obvious functional connection today between the building and the field subject to appeal. Inasmuch as the open field allows appreciation of an old farming connection, this would be diminished further, but the harm to heritage significance would be very low on the scale of 'less than substantial' in the terms of the NPPF.
30. I have taken account of the interconnecting views between heritage assets and understand that much surrounding land in the past formed part of the Nash Court estate. However the records appear to suggest that this was in separate parcels with no evidence of any desire to bring these together by means of deliberate landscape planning. There is little to suggest any common theme in terms of design or planting or building design and it would be expected that similar stone would be used for construction. The ability to appreciate them as part of a common land ownership at one time does not add a great deal to the heritage significance of the assets individually or because there are lines of sight between them.
31. I have had regard to other listed buildings in Marnhull not referred to in the reasons for refusal and undesignated heritage assets but do not find that the appeal proposal would have any impact on their heritage significance. Inasmuch as there would be a degree of less than substantial harm as outlined

above, this would conflict with the heritage protection aims of policy 5 of the LP. Paragraph 199 of the NPPF indicates that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. This needs to be fed into the final balance.

Housing supply

32. The Statement of Common Ground on Housing Supply dated 8 March 2022 advises that the Council considers that for the purposes of NPPF paragraph 74⁶, it can demonstrate a deliverable housing land supply (HLS) of 5.17 years (2060 homes) for the relevant agreed period April 2021 – March 2026. The appellant says that the comparable housing supply figure is 4.17 years (1640 homes), a difference of 420 dwellings. Moreover, recognising that actual figures change from day to day, there is only a small margin. A shortfall in supply of 69 dwellings would mean the supply would fall below 5 years, on the Council's own figures.
33. I turn to the evidence on the disputed sites and consider them in terms of the definition of 'deliverable' in the NPPF.

Small permitted sites (category A)

34. The Council assumes 440/441 small sites with planning permission would be built within 5 years. It is common ground that some of these sites would not proceed or not be completed for various reasons, or planning permission would lapse and not be renewed. The Council's point that there has been an uninterrupted steady flow of unanticipated applications or 'windfall' sites in the past is accepted, but these have become more difficult to predict and are no longer included in HLS calculations in the most recent Annual Monitoring Report for 2021. Historically in North Dorset a non-implementation rate has not been applied to housing land supply figures. Accordingly the Council's submission that non-implementation would be generally cancelled out by windfall sites is reasonable, but precise figures have not been provided and it would be unusual if North Dorset was different from other similar authorities which the appellant suggests a non-implementation rate of around 22-32%. In accordance with the NPPF, the HLS requirement is subject to a 20% buffer to account for non-completion and given the lack of firm data the Council deserves the benefit of the doubt.

Large sites with detailed planning permission (category A)

Wessex Park Homes

35. The Council anticipates 44 homes at this former brickworks, a brownfield site on the edge of a village. Brownfield sites are favoured for redevelopment for housing over green field sites in national policy and the principle of development is accepted. Currently there are 16 prior approvals and 1 full planning permission. An application for 70 dwellings has not been determined. Pre-application discussions have taken place and the agent for the developer has indicated a willingness to amend the scheme to 47 dwellings which the Council considers the maximum that might be allowed under permitted development rights. Given the brownfield status of the site and the status of

⁶ For the predecessor authority area of North Dorset, against the minimum local housing need identified by the standard method, including a 20% buffer

the existing approvals, there is little evidence that this site will not come forward.

Allocated sites without planning permission (category B)

Land north and east of Blandford Forum

36. The Council anticipates that 49 units will come forward from this site allocated in the Blandford + Neighbourhood Plan for a mix of uses. Planning permission had not been granted in March 2022 and there are significant objections including from the AONB Partnership Board, the Council's Landscape Officer, Sport England and members of the public. The developer indicated that if permission was granted in early 2022, then 42 completions would occur in 2025/26 with 50 per annum thereafter. As far as I am aware, no committee date has yet been set to consider the outline application and further approval of details would be necessary before commencement. Insufficient reliance can be placed on the Council's confidence that this scheme would come forward quickly enough and 49 dwellings should be deducted from the Council's HLS.

Ham Farm and Newhouse Farm

37. Part of the allocated strategic Gillingham extension, the Council anticipates 100 units by 2025/26. The slow delivery of the Gillingham strategic site allocation is due to infrastructure requirements and legal agreements with a consortium of landowners. The pandemic has also played a part. The required highway junction improvement works along the B3081 have been completed and I saw works in progress to complete Principal Street connecting the B3092 to the B3081 and understand this is to be completed in June 2022. Welbeck Land succeeded in obtaining outline planning permission subject to a S106 Agreement but there is no evidence to suggest that reserved matters are approved or that more than one condition has been discharged. The Council will need a 2023 start to be able to reach 100 dwellings in 2025/2026. Previous trajectories published by the Council have failed to materialise⁷. There is no firm information to confirm an actual start on site date or to indicate that developers will actually be able to complete 100 dwellings, let alone the near 1000 dwellings anticipated in year 6 as part of the Gillingham allocation. I have no doubt that this large scheme is moving forward apace now, and understand the Council's desire to include a modest quantum, but retain considerable doubt that any units should be included in the 5 year HLS for the purposes of this appeal.

Park Farm

38. 50 dwellings have been included in another part of the Gillingham extension which includes up to 634 dwellings including a primary school. CG Fry, one of the major stake holders in the Gillingham southern extension, anticipates a start on the first phase of 300 dwellings in 2023, but at the time of writing, a start on site depended on a detailed application being made in early 2022 with a start on site in summer 2023. No further progress has been made and the reasons relate to the progress on Ham Farm and Newhouse Farm as set out above. For the same reasons, no firm reliance can be placed on deliverability of any units in the 5 year HLS from this source.

Land east of Franwill Industrial Estate

⁷ See fig 6.2 Mr Tiley's proof of evidence

39. 15 dwellings anticipated here as part of an allocation in the Pimperne Neighbourhood Plan were the subject of an application for full planning permission in December 2020 but this remains undecided. Numerous objections were made based on flooding and landscape, and modifications have been requested in connection with the AONB, housing and urban design. The case officer considers that the combination of Neighbourhood Plan support and a full application should provide confidence, but I disagree. Notwithstanding that the scheme is for only 15 homes, no explanation has been forthcoming for the lack of progress since 2020 and there is no documentary evidence of the developer's intentions.

Land adjacent to Wincombe Business Park

40. Full planning permission was granted in June 2016 for 191 dwellings and works have been commenced by Barratts. A revised permission for 162 dwellings excluded an area of land subject to dispute and was permitted in early 2022. The Council concedes that delivery is behind schedule but considers that the inclusion of 20 units to make the full 162 within the 5 year HLS is appropriate. The planned release of dwellings by developers is beyond the Council's control and may depend upon the local market and other factors. Barratts indicated in a letter of June 2021 that delivery of the final units in 2026 would depend on receiving planning permission in early autumn 2021. Based on this, it is difficult to be confident that this scheme will be complete within the 5 year HLS period. Moreover, I note that an Inspector considering this scheme in a decision issued in June 2022⁸ came to the conclusion that 40 units should be deducted from the available supply. I do not have access to the same evidence but consider that a deduction of 20 units would be appropriate in line with the appellant's assessment.

Conclusion on supply

41. The evidence indicates that there is a shortfall of 166 dwellings against the Council's anticipated 5 year HLS, equating to 4.58 years supply. Even if the 130 dwellings recently allowed at appeal (ref 2/2019/1799/OUT)⁹ were considered to be 'windfall', completions here are unlikely to contribute significantly before 2026: there would remain a significant deficit. The deficit has to be seen against the conclusions in the Council's Housing Delivery Test Action Plan of March 2022 which points out that actual delivery rates have not matched those set out in planning policy in three of the four of the predecessor Council areas. Only 69% of North Dorset's housing requirement was being met: the lowest of all the 4 predecessor Councils. An Action Plan is in place and it is understood that measures have been enacted to improve the situation including the significant urban extension to Gillingham comprising 39% of the District's supply, locating 21% of supply at Blandford Forum, positively encouraging allocations in Neighbourhood Plans, better identifying brownfield sites, supporting community land trusts, bringing together the various planning IT systems across Dorset, and facilitating quicker legal agreements. All of these measures are likely to help in bringing forward supply beyond 2026, but the fact remains that there is significant doubt that Dorset's current need is being satisfied. Moreover, there remains the substantial need for affordable homes, acknowledged by the Council to be a key challenge and accepted as such at the Inquiry.

⁸ Appeal ref APP/D1265/W/21/3284485, inquiry held in February 2022

⁹ As above footnote 8, advised by the appellant on 22 June 2022- comments were invited from the Council

42. When the North Dorset LP was examined in 2016, a review against the objectively assessed need identified in the Eastern Dorset Strategic Housing Market Assessment was promised for completion in 2018. This fell by the wayside due to the disappearance of North Dorset as a separate organisation. After the close of the examination hearings the 2015 Strategic Housing Market Assessment (SHMA) was published, which suggested an Objectively Assessed Need for North Dorset 45 dwellings per annum higher than the LP. There remains the concern that there may be a level of unmet need from neighbouring authorities and this is yet to be tested.
43. Notwithstanding that there are 13000 dwellings granted planning permission in the Dorset area not yet brought forward by developers, the NPPF emphasises the Government's objective of significantly boosting the supply of homes. The shortfall in delivery in recent years, especially of affordable housing, coupled with the failure to demonstrate a 5-year supply of deliverable housing sites, means that having regard to paragraph 11(d) of the NPPF, the most important policies for determining the appeal are out-of-date and the tilted balance is engaged.

Other matters

44. The Council's refusal notice refers to the sustainability of the location as a disbenefit. Marnhull is the largest village in the former North Dorset area and is identified in the LP as an appropriate location to absorb additional housing to meet local needs. Although services are limited, it is the most well served of the 18 larger villages in the district and benefits from proximity to facilities in nearby Sturminster Newton and Stalbridge. The LP notes that Sturminster Newton, about 4.5 km south, plays an important role in serving the rural hinterland and many day-to-day needs can be met locally through relatively short trips. The site is within walking distance of a post office, a general store and the medical centre. The development would enhance and help to maintain the vitality of Marnhull and nearby villages which share facilities. Nevertheless there is a conflict with the Council's adopted spatial strategy in principle that needs to be recognised in the balance.
45. A signed and dated S106 Agreement has been provided which facilitates the delivery of affordable housing; a contribution towards existing community facilities, this being the enlargement or enhancement of the existing village hall; contributions towards allotments, ecology and conservation; formal outdoor sports and facilities; informal outdoor space and management; a Local Equipped Area for Play (LEAP) and maintenance; a clinical room at the surgery; the upgrading of public footpaths; and a contribution towards secondary education. These benefits are necessary to make the development acceptable. The S106 Agreement meets the tests set out in paragraph 57 of the 2021 NPPF and Regulation 122 of the CIL Regulations. As such the S106 Agreement attracts significant weight.
46. I have taken account of all the other matters raised including the change that would occur to the outlook of occupiers of dwellings in Ashley Road who currently look out across an open field towards hills in the distance. However there is no right to a view and this consideration does not weigh heavily against development which would be otherwise found acceptable in the overall planning balance.

Conditions

47. Apart from the usual conditions concerning reserved matters (appearance, landscaping and scale), conditions are necessary in order to control details of the accesses, the pedestrian route to the British Legion Club and the link between the Sodom Lane access and the existing footway, including visibility splays, for reasons of visual appearance and highway safety. The accesses must be completed before any occupation in the interests of the appearance of the scheme as a whole. For reasons of certainty, a condition requiring the development to be carried out in accordance with the approved plans is necessary, including the scale parameter plan indicating the intended range of building heights. A Construction Traffic Management Plan is necessary to ensure that construction vehicles and activities follow prescribed routes and do not prejudice safety on the highway. Travel Plans should be provided for future residents and users of the community use buildings in order to reduce the numbers of private motor vehicle trips and encourage sustainable modes of transport. A linked Construction Environment Management Plan is also necessary to avoid all unnecessary potential detrimental impact on the environment including by dust, noise and vibration but also to avoid harm to trees and nesting birds and other creatures. Because of the particular circumstances of the location, schemes for foul and surface water drainage systems and their management need to be approved by the Council.
48. Potential contamination is the subject of a suite of model conditions. A Landscape and Ecological Management Plan in accordance with the recommendations of Ecosupport is required to support the establishment and maintenance of the green spaces and ecological objectives of the scheme in the long term, including future management. The site has varying slopes and it is important that the profile of the new housing on sloping land does not dominate or appear unacceptably bulky in silhouette seen against the backdrop of housing in Ashley Road, as this could harm perception of the tower of St Gregory's in views across the landscape. For this reason, slab and ridge levels need to be approved by the Council before any construction begins. Finally, no more than 72 dwellings shall be constructed, to preserve the desired sense of openness and low density appropriate for this edge of village location.

Conclusion

49. The proposed 72 dwellings would make a significant contribution to housing supply and this attracts very substantial weight. The site is in the countryside but is in the largest village in the district with a reasonable range of day to day facilities including an up-to-date surgery shared with Stalbridge and a range of other services a short drive away. The provision of 28 affordable homes and a commuted sum towards 0.8 of a further affordable home attract important and significant weight.
50. I have taken account of the fact that another housing scheme has been granted planning permission in Marnhull and that the Council's LP aim of providing no more than 825 dwellings in the countryside settlements is already exceeded. However there is no cap and the numbers are still relatively low compared with the anticipated long term dwelling completions in the four main towns and there is a pressing need for new housing in the district as a whole. The development would enhance and help to maintain the vitality of Marnhull and nearby villages which share facilities. The allocation in the LP of Marnhull

as a location for growth to serve local needs and its location near other villages with a range of services indicates that less weight attaches to this concern than might in other parts of the countryside.

51. The significant shortfall in housing completions indicates that LP policies 2, 6 and 20 that are most important for determining the application are out-of-date, and the 'tilted balance' inferred in NPPF paragraph 11(d)ii comes into play. This states 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. Considerable importance and weight attaches to the desirability of preserving heritage assets, but the public benefits of the proposal appreciably outweigh the less than substantial harm to heritage significance in this case. That harm together with the extent of harm to landscape interests and the character and appearance of the area, taking into account the locational disadvantages, fall short of significantly and demonstrably outweighing the benefits overall and for this reason, the appeal should be allowed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

George Mackenzie	Of Counsel
He called	
Adrienne Ridler-Lee MSc	The Estate Office
Neil Williamson BA (Hons)	Neil Williamson Associates Ltd
MA FLI PPLI FCMI	
Philip Reese BA (Hons) MA	Dorset Council
Jo Witherden BSc (Hons)	Dorset Planning Consultant Ltd
DipTP DipUD MRTPI	

FOR THE APPELLANT:

Zack Simons	Of Counsel
He called	
Duncan Coe HND BA (Hons)	Cotswold Archaeology
MCifA FSA	
Andrew Cook BA (Hons)	Pegasus Group
MLD CMLI MIEMA CEnv	
Neil Tiley Assoc RTPI	Pegasus Group
Adam Bennett BA (Hons)	Ken Parke Planning Consultants
MRTPI	

INTERESTED PERSONS:

Cllr Robert Cullender	Marnhull Parish Council
Stephen Boyce	Local resident
Siobhan Boyce	Local resident

DOCUMENTS

- CD14.3 Guidelines for landscape and visual impact assessment 3rd edition 2013
- CD14.4 Buses of Somerset Service X10 from 25 June 2018
- CD14.5 2022-04-12 Tanzey Lane late access proposal - final version
- CD14.6 2022-04-12 Tanzey Lane late access proposal - final version – update 1
- CD14.7 CIL Compliance Schedule 12.04.22
- CD14.8 Grey Green Social Infrastructure note V2 August 2018
- CD14.9 Crown Road & Tanzey Lane Highway Response Note 13.04.22
- CD14.10 Crown Road & Tanzey Lane Landscape Response Note 14.04.22

Schedule of conditions

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.

- 2) Application for approval of any reserved matters must be made to the local planning authority not later than 2 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 1 year from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - SK010 Rev P - Proposed Site Layout
 - SK026 Proposed Sodom Lane Access (in relation to access only)
 - Scale Parameter Plan dated 03/05/2019
 - CTP-18-125 SK02 Rev C; Access Arrangements - Crown Road / Tanzey Lane (see Transport Statement Addendum November 2018) (in relation to access only)
 - CTP-18-125 SK03 Preliminary Access Road Levels Plan
 - CTP-18-125 SK04 Access Road Preliminary Longitudinal Sections
 - CTP-18-125 SK05 Road 2 Preliminary Cross Sections
 - CTP-18-125 SK06 Road 3 Preliminary Cross Sections
- 5) Notwithstanding the information shown on the plans approved by this application, prior to the commencement of any works on site, details of the access, geometric highway layout, turning and parking areas shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried-out and completed in accordance with the agreed details and maintained in the approved form thereafter.
- 6) Prior to any other works of construction occurring on the site the first 55 metres of the main vehicle access onto Crown Road/Tanzey Lane, 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 up to and including its base course. Before occupation of any of the dwellings hereby approved, the accesses shall be completed in accordance with the approved specification including the final wearing course.
- 7) Prior to occupation of any dwelling or use of any building hereby approved, the visibility splay areas as shown on the submitted plan (ref: CTP-18-125 SK02 Rev C; Access Arrangements – Crown Road / Tanzey Lane (see Transport Statement Addendum November 2018)) must be provided to a level not exceeding 0.6 metres above the relative level of the adjacent carriageway. The splay areas must thereafter be maintained and kept free from all obstructions.
- 8) Prior to occupation of any dwelling or use of any building hereby approved, details in relation to the following listed matters shall be submitted to and agreed in writing by the Local Planning Authority, and works completed in accordance with the agreed details prior to the occupation of any dwelling or building:

- how the access from Sodom Lane will be designed, constructed, signed and marked to ensure that this access may only be used by pedestrians and cyclists and for access only by the emergency services,
- the provision of an internal footway along the site's frontage with Sodom Lane, providing a link to a safe pedestrian crossing point immediately opposite the Royal British Legion Club,
- precise details of public and private cycle parking facilities.

Thereafter, the agreed schemes must be permanently maintained and kept free from obstruction and available for the purpose specified.

- 9) Prior to occupation of any dwelling or use of any building hereby approved, the following works must have been constructed in accordance with details to be submitted and agreed in writing by the Local Planning Authority:
- The alterations to the junction of Tanzey Lane with Crown Road, Salisbury Street and Stoneylawn, as shown on CTP-18-125 SK03, (or similar scheme to be agreed in writing with the Local Planning Authority).
 - The provision of a 2m wide footway along the southern side of Sodom Lane, from the site access westwards to join with the existing footway on the eastern side of Ashley Road (scheme to be agreed in writing with the Local Planning Authority).
- 10) Prior to commencement of any works on site, a Construction Traffic Management Plan (CTMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CTMP shall provide for and include:
- construction vehicle details (number, size, type, and frequency of movement)
 - a programme of construction works and anticipated deliveries
 - timings of deliveries to avoid peak traffic periods
 - contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
 - wheel cleaning facilities
 - vehicle cleaning facilities
 - Inspection of the highways serving the site (by the developer (or contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
 - a scheme of appropriate signing of vehicle routes to the site
 - a route plan for all contractors and suppliers
 - temporary traffic management measures where necessary
- The development shall not be carried out otherwise than in accordance with the approved CTMP.
- 11) Prior to the first occupation of the residential development hereby permitted, the applicant shall submit for the written approval of the local planning authority a Travel Plan, written in accordance with the aims and objectives of the NPPF which shall as a minimum:

- i. Raise awareness and promote sustainable transport modes for accessing the site;
- ii. Reduce the numbers of trips generated by private motor vehicles;
- iii. Improve air quality through the reduction of carbon emissions and other pollutants; and
- iv. Promote healthier and more active lifestyles to residents including appointment of a Travel Plan Co-ordinator.

The development hereby permitted shall not be occupied until the approved Travel Plan has been implemented. Within 6 calendar months of 50% occupation of the development hereby permitted, a baseline travel survey shall be carried out and the results submitted to the local planning authority in an updated version of the Travel Plan. Thereafter on an annual basis for a period of 5 years a monitoring travel survey shall be carried out and submitted to the local planning authority in a monitoring report. The survey shall confirm whether or not the objectives of the Travel Plan have been achieved and shall contain, where necessary, recommendations for amendments or improvements to the Travel Plan.

- 12) Prior to the first occupation of the community use buildings hereby permitted, the applicant shall submit for the written approval of the local planning authority a Travel Plan, written in accordance with the aims and objectives of the NPPF, which shall:
- i. Raise awareness and promote sustainable transport modes for accessing the site.
 - ii. Reduce the numbers of trips generated by private motor vehicles.
 - iii. Improve air quality through the reduction of carbon emissions and other pollutants; and
 - iv. Promote healthier and more active lifestyles to residents including appointment of a Travel Plan Co-ordinator.

The development hereby permitted shall not be occupied until the approved Travel Plan has been implemented. Within 6 calendar months of the occupation of the development hereby permitted, a baseline travel survey shall be carried out and the results submitted to the local planning authority in an updated version of the Travel Plan. Thereafter on an annual basis for a period of 5 years a monitoring travel survey shall be carried out and submitted to the local planning authority in a monitoring report. The survey shall confirm whether or not the objectives of the Travel Plan have been achieved and shall contain, where necessary, recommendations for amendments or improvements to the Travel Plan.

- 13) Prior to the commencement of any works on site, a surface water management scheme for the site, including all construction phase(s) and based upon the hydrological and hydrogeological context of the development, shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme thereby approved, shall be implemented in accordance with the approved details before the development is completed.
- 14) Prior to commencement of any works on site, details of the maintenance & management of the surface water sustainable drainage scheme shall be

submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan which covers the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure and maintain the operation of the surface water drainage scheme in perpetuity.

- 15) Prior to the commencement of any works on site, a detailed foul drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details prior to occupation or use of any dwelling hereby permitted.
- 16) Prior to the commencement of development, a scheme shall be submitted to the Local Planning Authority to deal with potential contamination of the site. Such scheme shall include the following actions and reports, which must be carried out by appropriately qualified consultant(s):
 - (a) A Preliminary Risk Assessment (site history report), which shall, by reference to site layout drawings of an appropriate scale, include a history of the site, past land uses, current and historical maps, site plans, locations of any known spillages or pollution incidents and the location and condition of old tanks, pits, fuel or chemical storage areas, and site reconnaissance to produce a conceptual site model and preliminary risk assessment. (Please note it is the responsibility of the landowner, developer or consultant to provide and disclose all relevant information).
 - (b) A Field Investigation (site investigations) and Detailed Quantitative Risk Assessment (based on the information contained in the site history report), will be required where the appointed consultant and/or the Local Planning Authority anticipate that contamination may be present in, on or near the proposed development area. The site investigation report must characterise and identify the extent of contamination, identify hazard sources, pathways and receptors and develop a conceptual model of the site for purposes of risk assessment.
 - (c) Before any works commence on site, should (in the opinion of the Local Planning Authority) investigation works be required, consultants appointed to carry out intrusive site investigation work must submit their sampling strategy to the Local Planning Authority for approval.
 - (d) Where contamination is found which (in the opinion of the Local Planning Authority) requires remediation, a detailed Remediation Strategy, including effective measures to avoid risk to future and neighbouring occupiers, the water environment and any other sensitive receptors when the site is developed, shall be submitted to the Local Planning Authority. Any remediation scheme(s), or part(s) thereof recommended in the remediation strategy, shall require approval to be obtained in writing from the Local Planning Authority.
 - (e) No development shall occur until the measures approved in the remediation strategy have been implemented in accordance with the remediation statement to the satisfaction of the Local Planning Authority. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than

that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority.

(f) If, during works on site, contamination is encountered which has not previously been identified, the additional contamination shall be fully assessed, and an appropriate remediation strategy submitted to the Local Planning Authority. Any such scheme shall require approval to be obtained in writing from the Local Planning Authority.

(g) On completion of all the works detailed in the agreed Remediation Strategy, a Remediation Verification Report must then be completed by the environmental consultant(s) who carried out the remediation work confirming that they have supervised all the agreed remediation actions. This report to be submitted to the planning authority confirming that all works as specified and agreed have been carried out to the point of completion. Until the Planning Authority is in receipt of said Remediation Verification Report and is satisfied with the contents of the statement and the standard of work completed it will be viewed that the remediation of the site is incomplete.

- 17) Prior to commencement of development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority demonstrating mitigation strategies to be used on site during development. As a minimum the CEMP shall include details of the following:
- Measures to control the emission of dust, dirt and smoke during construction, together with a scheme to control noise and vibration during the construction phase of the development,
 - Measures to protect all retained and newly created hedgerows and trees with an appropriate buffer for the duration of the construction period in line with BS 5827:2012 and the recommendations of the submitted Arboricultural Impact Assessment (18171-AA3-PB) and Tree Protection Plan (18171-BT4); and
 - Avoidance measures in relation to the potential presence of nesting birds, badgers, hedgehogs, dormice and reptiles for the duration of the construction period.

The approved CEMP shall be adhered to throughout the construction period for the development.

- 18) The development hereby approved shall be carried out in accordance with the submitted Biodiversity Plan prepared by Ecosupport, dated 15/02/2022, and signed by NET 10/03/2022.
- 19) Prior to commencement of any development on site and having regard to the Biodiversity Plan prepared by Ecosupport, dated 15/02/2022, and signed by NET 10/03/2022, a landscape and ecological management plan (LEMP) shall be submitted to, and be approved in writing by, the local planning authority. Notwithstanding the details on any approved plan, the content of the LEMP shall include the following:
- a) Description and evaluation of features to be managed.
 - b) Ecological trends and constraints on site that might influence management.

- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The LEMP shall be based on accurate measured survey plans identifying the location and ground levels of all features to be retained and provide details of all works of removal, or supplanting of hedgerow, including a methodology for the work to be undertaken.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan shall be implemented in accordance with the approved details.

- 20) Prior to the commencement of the development, details of the proposed ridge heights and finished floor levels above existing ordnance datum level as measured from immediately adjacent to the building/dwelling of any building/dwelling hereby approved shall be submitted for the approval of the Local Planning Authority (an ordnance datum survey plan showing existing and proposed site levels throughout the site must be submitted with the reserved matters applications relating to either appearance or scale.) The development shall be carried out in accordance with those details approved in writing with the Local Authority.
- 21) Notwithstanding the details as set out upon the approved plans, no more than 72 dwellings shall be erected on the development site.

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