

Statement of Common Ground

Land west of Church Hill and land off Butts Close and Schoolhouse Lane, Marnhull

LPA ref: P/OUT/2023/02644

Appeal ref: APP/D1265/W/24/3353912

Appellant: Mr P Crocker

Local Planning Authority: Dorset Council

Date of Inquiry: Commences 8th April 2025

MARCH 2025 v1

Agreed	Name	Date
Chapman Lily Planning (Appellant)	Clare Spiller BSc (Hons) PG Dip TP MRTPI Signed 	13/03/2025
Dorset Council (LPA)	Robert Lennis Signed <i>Robert Lennis</i>	14/03/2025

This statement addresses the following areas of common ground and should be read together with the topic papers on relevant planning policies, housing land supply, highways issues and heritage

- 1.0 The appeal site and its surroundings
- 2.0 Planning history of site
- 3.0 Application plan and drawings
- 4.0 List of new plans and documents
- 5.0 Background and reasons for refusal
- 6.0 Planning policy and material planning considerations
- 7.0 Matters not in dispute
- 8.0 Matters in dispute
- 9.0 Itinerary for Inspectors Site Visit

Appendices

1. List of plans and reports the decision was based on
2. Itinerary for Inspectors Site Visit

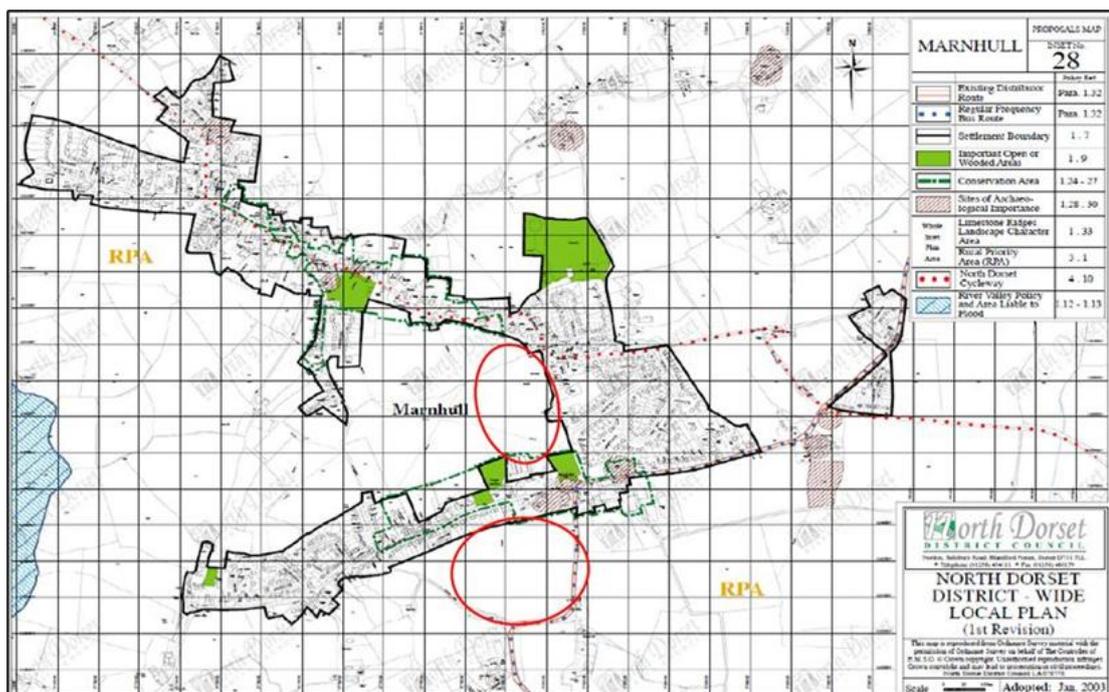
1. Introduction

- 1.1 The appeal site is split across two parcels (edged in red) as shown on the location plan, inset below, alongside an aerial photo of the village for context.



- 1.2 The northern parcel sits to the west of Church Hill. It is 5.21ha in size. The topography rises some 10m to the south toward St Gregory the Great Church. Present on the site are: the existing doctors' surgery, pharmacy and car park accessed off Church Hill.
- 1.3 Other retail and service facilities available in Marnhull village include: Robin Hill store & Post Office, Spar convenience store, hair/beauty salon, curtain shop, Blackmore Vale Inn, the Crown Hotel and Cooks garage.
- 1.4 The southern parcel (Butts Close) sits to the west of Schoolhouse Lane, east of Butts Close and northeast of Chippel Lane. It is c 7.99ha in size. The topography rises some 10m to the north toward St Gregory's. When approaching Marnhull from the south along the B3092 there are distant views of St Gregory's church tower through a gap in the hedge close to the junction with Chippel Lane.
- 1.5 There are also views of the church tower from Butts Close. Dwellings along the northern side of the application site off Butts Close are bungalows. Further south and west of the proposed access point into the site are 2 storey dwellings in Butts Close.
- 1.6 Footpaths: N47/28 & N47/29 run through the southern parcel (Butts Close), and footpaths N47/30 & N47/31 run through the northern parcel (Tess Square).
- 1.7 The sites are in agricultural use and constitute Grade 3 agricultural land.

- 1.8 According to the Environment Agency website and as identified in the accompanying FRA and drainage reports, both site lies within Flood Zone 1.
- 1.9 Parts of the northern parcel are potentially affected by surface water flooding, however those areas at risk of elevated surface water flooding are not intended to be developed.
- 1.10 The southern parcel lies in an area with 'Very Low' (less than 1 in 1000 (0.1%)) chance of surface water flooding. There is a very small area of low risk (less than 1 in 100 (1%)) on the western boundary and towards to east. Due to the topography of the site, any floodwaters would run downslope away from the development.
- 1.11 The agricultural sheds which are in the northern parcel and proposed to be demolished lie within the Marnhull Conservation Area (MCA). To note is that the middle shed was partly destroyed in a storm (high winds) in 2024, and it was unsafe to leave the remaining parts of the agricultural shed in situ. Therefore, this shed no longer exists on site. The remainder of the northern parcel lies outside of the MCA.
- 1.12 The southern parcel of the site shares a boundary with the MCA of about 100m along the northeast boundary which runs along the rear of Blenheim House, Braeburn House and Fig Tree Cottage.
- 1.13 There are a small number of listed buildings proximate to both parcels of the site- these are identified in the Topic Paper: Heritage [CD4. 017].
- 1.14 The local plan map for Marnhull is inset below with the broad location of the application site parcels indicated in red. The inset plan illustrates the location of the site parcels in the immediate vicinity of the settlement boundary.



2. Relevant planning history of the site

- 2.1 Prior to the submission of the appeal scheme an outline application to 'Develop land by the erection of up to 39 No. dwellings, form vehicular and pedestrian access, and public open space on land at Butts Close' was granted planning permission on 2 March 2023.

3. Application plans and documents

- 3.1 The application plans and supporting documents that comprised the planning application at the time it was determined are set out in **appendix 1**.

4. List of new plans/documents

- 4.1 The following list of new plans were not previously seen or consulted upon by the local planning authority, including a brief explanation of any revisions or amendments with reference to the judgement in *Holborn Studios Ltd v The Council of the London Borough of Hackney (2018)*, which refined the "Wheatcroft principles" set out in *Bernard Wheatcroft v Secretary of State for the Environment (1982)*.

- Geophysical Survey on Butts Close parcel of land

Reason- this was requested within the Archaeology consultee comments.

- Retail Sequential Test for (i) Sturminster Newton, (ii) Gillingham, (iii) Shaftsbury, and (iv) Blandford

Reason-this evidence was submitted to overcome reason for refusal no. 2 on the decision notice should the Inspector consider that the proposed retail is not small-scale rural development.

- Highways Response Technical Note by Paul Basham Associates which includes the following within:

Tess Square Parking provision

Proposed Delivery Arrangements supported by Delivery Vehicle Tracking plans

Pedestrian Connectivity- surfacing of PROWs can be secured by condition and 2m footways either side of vehicular access onto B3092/Schoolhouse Lane have been removed (Butts Close parcel).

Revised Modelling -trip generation/trip distribution

Reason- To overcome reason for refusal no. 3/narrow areas of dispute

- Plans**-Tess Square Proposed site layout plan no. 101 rev 3

removing the separate access to the proposed 30 car parking spaces for school drop off/pick up and church users in lieu of an internal link to the school drop off/pick up from the proposed car park serving retail/commercial units.

showing the PROW as trodden rather than the definitive map.

Reason- To overcome reason for refusal no. 3/narrow areas of dispute.
- For completeness the landscape plans for the Tess Square parcel of land comprising the 'full' element of the appeal proposal has been amended as follows:

Softworks Plan (Whole Sheet 1 of 5) LHC-00-XX-DR-L -94.01 rev P5 scale 1:500@ A1

Softworks Plan (Sheet 3 of 5) LHC-00-XX-DR-L -94.03 rev P4 scale 1:250@ A1

Softworks Plan (Sheet 4 of 5) LHC-00-XX-DR-L -94.04 rev P4 scale 1:250@ A1

Hardworks Walls & Fencing Plan-Detail LHC-00-XX-DR-L -93.01 rev P5 scale 1:500@ A1

Hardworks Walls & Fencing Plan-Detail LHC-00-XX-DR-L -93.02 rev P4 scale 1:250@ A1

4.2 Following the exchange of the SoC the appellant commissioned a Retail Impact Assessment (January 2025) by Lichfields.

5. Background and reasons for refusal

5.1 Planning application P/OUT/2023/02644 was refused on the 16th July 2024 for the following reasons:

1	The proposed development by reason of its location outside of the settlement boundary of Marnhull would be contrary to Policies 2, 6, and 20 of the adopted North Dorset Local Plan Part 1 (January 2016).
2	The proposed development includes main town centre uses (use class E) measuring 2,356 sqm which is not considered to be small scale rural development contrary to Policies 2, 11 and 12 of the adopted North Dorset Local Plan Part 1, and paragraphs 90 and 91 of the National Planning Policy Framework.
3	Insufficient details of the proposed development have been submitted to enable the Highway Authority to fully assess the highway safety and sustainable transport implications of the proposal and, consequently, it is not clear whether the proposal would be likely to endanger road safety or result in other transport problems contrary to Objective 6 – Improving the Quality of Life, and Policies 2 and 13 of the adopted

	North Dorset Local Plan Part 1, and paragraphs 108 criteria d) and e), and paragraph 117 of the National Planning Policy Framework.
4	The proposed development by reason of its siting, scale (in terms of mass and quantum), and appearance would have a less than substantial harm on grade I listed Church of St Gregory, grade II* listed Senior’s Farmhouse and Attached Barn, and Marnhull Conservation Area. It is considered that the harm identified would not be outweighed by the public benefits of the proposal contrary to Policies 2 and 5 of the adopted North Dorset Local Plan Part 1, and paragraphs 199, 200, and 202 of the National Planning Policy Framework.
5	The proposed development would require financial contributions towards off-site improvements and possibly on-going maintenance, ecology, and affordable housing, that must be secured by a Section 106 legal agreement. The applicant has not submitted such an agreement, contrary to policies 4, 8, 13, 14, and 15 of the North Dorset Local Plan Part 1 (January 2016).

6. Planning Policy and Material Planning Considerations

6.1 This section identifies the planning policies and guidance that will be of most relevance to this appeal.

The Development Plan

6.2 The most important Development Plan Policies for the determination of the appeal are addressed in the relevant Topic Paper as agreed between the Appellant and the Council [CD4.018]

6.3 It is understood that the Rule 6 party (Marnhull Parish Council) raises the following development plan policies as being relevant:

Policy 3- Climate Change ([C3.001]

Policy 24- Design [CD3.001]

Other material considerations

6.3 There are a number of policy statements and guidance dealing with planning policy at the national level which comprise other material considerations in the determination of the appeal. These include the revised National Planning Policy Framework (NPPF) (December 2024) and the National Planning Practice Guidance (NPPG). The revised NPPF was issued subsequent to Appellants SoC consequently the Appellant will refer to the relevant chapters, and will also respond to Marnhull Parish Council who is now a Rule 6 party.

LPA/Appellant/Rule 6 party 'other' relevant policies/material considerations	Appellant and Rule 6 party 'other' relevant policies/material considerations
<p>NPPF (December 2024)</p> <p>Chapter 2 Achieving sustainable development</p> <p>Chapter 4 – Decision-making</p> <p>Chapters 5- Delivering a Sufficient Supply of Homes</p> <p>Chapter 6- Building a strong, competitive economy</p> <p>Chapter 7- Ensuring the vitality of town centres</p> <p>Chapter 16- Conserving and enhancing the historic environment</p> <p>Sustainable development and decision making:</p> <p>Annex 1- Paragraph 232 and 233</p> <p>Annex 2- Glossary</p>	<p>NPPF (December 2024)</p> <p>Chapter 8- Promoting healthy and safe communities</p> <p>Chapter 9- Promoting sustainable transport</p> <p>Chapter 12- Achieving well-designed places</p> <p>Chapter 15- Conserving and enhancing the natural environment</p>

Case Law

6.4 Where relevant and kept to a minimum this will be added to the relevant Proofs of evidence.

7. Matters not in dispute (with the LPA)

7.1 The appellant and the Council agree on the following:

1. The North Dorset Local Plan Part 1 has not been reviewed since its adoption in 2016.
2. The existing development policies for North Dorset DC (as was) should not be considered out-of-date simply because they were adopted or made prior to the publication of the current Framework. Due weight should be given to them, according to their degree of

- consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).'
3. With regards to Housing Land Supply (HLS) and Housing Delivery (HD) the Topic Paper on HLS and HD [CD4.015.] sets out the areas of common ground.
 4. Marnhull is defined as a larger village in the adopted North Dorset Local Plan Part 1 (January 2016) (NDLP).
 5. Paragraph 1.7 of the NDLP (2016) states "Part 1 of the Local Plan (this document) sets out the strategic planning policies for North Dorset. Part 2 (a subsequent document) will allocate specific sites for housing and employment growth in the main towns, Stalbridge and the larger villages and will include a review of other land allocations and settlement boundaries." Part 2 of the North Dorset Local Plan was never published.
 6. The proposed development sites are in the countryside outside of the defined settlement boundary for Marnhull.
 7. The proposed location(s) for development does not accord with the core spatial strategy of the development plan.
 8. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
 9. The National Planning Policy Framework is a material consideration in the determination of the appeal. General references to planning policies in the Framework will be applied in a way that is relevant to the proposed development. The Framework should be read as a whole.
 10. Written Ministerial Statements can be a material consideration.
 11. The emerging Dorset Local Plan is at a very early stage and the policies therein should not be given weight at this time.
 12. The Reg 14 Marnhull Neighbourhood Plan is at an early stage and the policies therein should not be given weight at this time.
 13. The provision of affordable housing and market housing are material considerations and should be weighed separately in the planning balance.
 14. The most important policies for determining this appeal are those reference in the reasons for refusal.
 15. Landscaping matters, in and of itself, are not a reason for refusal.
 16. Design matters, in and of themselves do not comprise a reason for refusal. It is acknowledged that MPC in capacity as a Rule 6 party has expressed concern over the impact of the proposal on the character of Marnhull. All parties reserve the right to submit further evidence if required.
 17. In respect of Highway safety matters, as a result of additional information submitted by the appellant, the Council will not be defending the third reason for refusal [CD4.016].
 18. Flood risk matters can be adequately addressed through planning conditions

7.2 With respect to the proposed mix-use retail/commercial/residential development, the appellant and the Council agree on the following:

1. The second reason for refusal would be better understood with reference to Section 7 of the NPPF 'Ensuring the vitality of town centres' of the Framework rather than just paragraphs 90 and 91.
2. Marnhull is a village as defined in the development plan and is not a one of the four main town centres of North Dorset.
3. The proposed development is not in or on the edge of a main town centre.
4. The term 'out of centre' is defined in the Framework, Appendix 2: Glossary as "A location which is not in or on the edge of a centre but not necessarily outside the urban area." Therefore, the proposed development should be referred to as 'out of town' development as defined by the Framework "A location out of centre that is outside the existing urban area."
5. The proposed mixed-use development and the housing development are major development(s) as defined by the Town and Country Planning (Development Management Procedure) (England) Order 2015. This states: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more.
6. There was no policy requirement for the submission of a Retail Impact Assessment (RIA) by the Appellant because the proposal is below the 'threshold' set in the NDLP Policy 12 (i) & (ii) and the NPPF para. 94.

7.3 With respect to heritage assets, the appellant and the Council agree on the following:

1. The proposed development would result in 'less than substantial harm' to the heritage assets listed in the fourth reason for refusal.
2. The fourth reason for refusal contains error(s). The Framework paragraphs referred to (paragraphs 199, 200, and 202) are incorrect and should refer to paragraphs 212, 213, and 215.
3. The northern parcel of land projects into Marnhull Conservation Area, but only with the dilapidated barns/sheds.
4. The southern parcel of land shares a boundary with the MCA; a length of approximately 100m in the north-eastern.

8. Matters in Dispute with the LPA

1. That the Local Plan is out of date.
2. The weight to be given to the provision of open market housing in the planning balance.
3. The weight to be given to the provision of affordable housing in the planning balance.
4. Harm to heritage assets can be considered on a sliding scale.
5. The weight to be attributed to the public benefits of the scheme.

9. Itinerary for Inspectors Site Visit

- 8.1 The LPA, Rule 6 party (Marnhull Parish Council (MPC)) and the Appellant have worked together to try and provide an itinerary. Attached at appendix x is the itinerary from the MPC, which the Appellant and the LPA agree to.
- 8.2 With regards to the maps and itinerary from the LPA for walking the public footpaths and the recreational paths this is agreed with MPC. The Appellant agrees to most of this itinerary, however, would add that the peripheral footpaths and the recreational paths (with long distance views back to the appeal sites are not considered to be necessary to form part of the formal itinerary for the inspector. The LPA and MPC considers these peripheral footpaths/Hardy Way and Stour Valley Way are relevant as there are views to the grade I listed Church and the Inspector needs to consider the setting of heritage assets.
- 8.3 The map at **appendix 2** is the itinerary which is agreed between the Councils own heritage witness and Appellants witness set out the footpaths and recreational trails which need to be waked. The Appellant considers that only the footpaths where the heritage assets referred to are visible from need to be walked. These views provide the closer views to the heritage assets and the appeal proposals. The character of the village is also apparent from these footpaths and recreational trails.
- 8.4 The Appellant has no objection to the inspector walking these peripheral footpaths/trails in his own time.
- 8.5 The Appellant considers the inspector should also drive out to Henstridge Marsh which is c. 2km from Marnhull. This area is a large employment area which is within South Somerset District Council.