



Appeal Decision

Inquiry Opened on 19 March 2019

Site visits made on 19 March and 6 June 2019

by Zoë H R Hill BA(Hons) DipBldgCons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 13th December 2019

**Appeal Ref: APP/D1265/W/18/3206269 (originally
APP/F1230/W/18/3206269)**

Land South of Westleaze, Charminster, Dorset.

- 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 Land Value Alliances LLP against the decision of West Dorset District Council.
 - The application Ref: WD/D/17/001831, dated 13 July 2017, was refused by notice dated 8 May 2018.
 - The development proposed is described as being an outline planning application for the residential development for up to 120 dwellings, public open space, landscaping and associated works with access from Westleaze (all other matters reserved).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Pre-Inquiry Meeting related to this appeal took place on 28 November 2018 which dealt with administrative and procedural matters.
3. The Inquiry sat on 19-22 March, 26 and 27 March, and 4-6 June 2019. In addition to the accompanied site visits set out in the header above, three unaccompanied site visits were also undertaken from public rights of way.
4. The proposal has been submitted in outline with all matters, other than access, reserved for subsequent consideration.
5. The Council refused the proposed development for five reasons on 8 May 2018. A sixth reason for refusal was subsequently 'added' on 11 October 2018. That reason related to whether safe pedestrian access would be provided. The Council did not continue to pursue reasons for refusal No 4 and No 5 as a s.106 Agreement was completed which provides for 35% affordable housing, the provision of open space and a locally equipped area for play (LEAP).
6. Reason for refusal No 3 related to the impact of off-site highway works on the character and appearance of the Charminster Conservation Area. In order to overcome these concerns a revised scheme¹ has been the subject of discussion between the main parties and subject to public consultation. I am satisfied therefore that no prejudice would arise from my consideration of this revised

¹ This scheme for off-site highway works is referred to as SOCGT4

scheme. I note that this scheme resolves the concerns of the Council set out in its reason for refusal No 3 such that it no longer pursues this matter. As such, I have considered the appeal on the basis of the revised highway scheme.

7. When the Inquiry was opened the Local Planning Authority for this appeal was West Dorset District Council. However, this changed, following the process of local government reorganisation, such that the Local Planning Authority for this appeal is now Dorset Council. Whilst there inevitably will be changes to planning within the new area, it is pragmatic and necessary to continue to make planning decisions and, in doing so, this should be based upon the most up-to-date and relevant policies and evidence available at the time of making the decision. Regulations 4-6 and 19 of the Local Government (Structural Changes) (Transitional Arrangements) (No.2) Regulations 2008/2867 (as amended) make provisions for this to take place, indeed the thrust of those Regulations is to seek a smooth transition. The Regulations allow five years from reorganisation for the adoption of a new Dorset Council local plan, clearly this appeal is being dealt with well before that deadline. Both main parties fully endorse the approach set out here².
8. As a consequence of the change of Council the appeal has been issued with a new reference number as set out in the header above.
9. The s.106 Agreement dated 21 February 2019, requires that 35% of the housing would be affordable and, of this, 70% would be affordable rented units. It sets out that not more than 50% of the open market dwellings shall be occupied before all the affordable housing has been constructed and substantially completed and transferred to an approved provider. It also sets out a mechanism for occupying the properties and by which the dwellings could be occupied free from the affordable housing restriction should there be no-one nominated for its occupation. The s.106 also deals with the transfer of the open space to a management company.
10. On 27 June 2019, the Rt Hon James Brokenshire announced the delivery of a further 19 new garden villages and on 22 July the National Planning Practice Guidance (the PPG) was updated. The Council has also considered the local plan situation. The parties have been provided with an opportunity to comment on these matters following the close of the Inquiry.

Main Issues

11. The main issues in this case are the effect of the proposed development on:-
 - (a) the setting of heritage assets, and in particular the setting of the listed buildings Wolfeton House (grade I) and the Riding House (grade II*) and the Charminster Conservation Area but also the earth works of the deserted medieval settlement (undesigned);
 - (b) the landscape character of the locality; including landscape character as perceived from Poundbury Camp a scheduled monument (SM)³ and,
 - (c) highway safety, particularly in respect of pedestrians.

² ID1

³ The main issues of heritage and landscape have overlapping elements, the effect of proposed development on the SM is more readily considered with the wider landscape issues

The parties agree that the Council cannot demonstrate a five year supply of deliverable housing sites and, as such, paragraph 11 d) of the National Planning Policy Framework (the Framework)⁴ is engaged in this case.

Reasons

The Proposed Development

12. Whilst the proposal is for 'up to 120 dwellings', the whole scheme is predicated on development of 120 dwellings. Therefore, the housing benefits, traffic impacts, the Design and Access Statement (DAS) illustrative layouts and photomontages are all based on that level of development, as are consultee responses. Thus, whilst I was told a lesser number of dwellings could come forward, were this necessary for design purposes, particularly having regard to heritage assets, in accordance with the DAS, I have considered this appeal on the basis that the amount⁵ of development would be 120 dwellings.
13. Moreover, in accordance with the DAS, I have considered the proposal on the basis that generally dwellings will be arranged over 2 storeys, with occasional 2.5 storey dwellings.
14. The appeal site is separated into two parcels of land which join at one corner. The parcel to the west encompasses the site of a small medieval settlement, deserted by 1772, where no development is proposed. This is an undesignated heritage asset.

The Heritage Assets and their Significance

Wolfeton Complex

15. Wolfeton House is a grade I listed manor house based on a courtyard form, with an attached gatehouse at the east side. The differently sized round towers of the gatehouse with their Italianate influence and the castellated southern tower of the house are prominent features. The house probably dates from the late C15th, with the gatehouse dating from around 1534. Only one of the early house ranges survives. However, the house, constructed of rubble stone and ashlar under slate roofs, was extended later in the C16th. Further demolition and rebuilding took place in the C19th, including a passageway between the house and gatehouse. The scale of the building complex, even being much reduced from its most auspicious period, is significant and it is replete with architectural detailing, including ornate mullioned windows, castellations and mouldings demonstrating wealth and evolving taste in architecture. The interior, whilst also extensively remodelled, includes elements of significant interest and age, such as C17th carved woodwork and striking chimney pieces. In addition to the architectural and evidential interest of the building it is also of significant historical interest, not least because of its very great age.
16. The nearby Riding House, purportedly an indoor manège for the schooling of horses, a grade II* listed building that has recently been comprehensively restored, is of impressive scale and quality. Dating from the late C16th, and likely, according to Historic England, to be the earliest surviving example of

⁴ The Framework is used to refer to the current Framework as revised on February 2019

⁵ I also note that the Town and Country Planning (Development Management Procedure)(England) Order 2010 states that the amount means the number of proposed units for residential use

such a structure in the country, it is an architecturally and historically significant building.

17. In addition to the main house and Riding House, associated buildings and structures are also separately listed. These include the stable block, grade II, gate piers and flanking walls, one set close to the buildings and the other a little further away (forming two separate entries both grade II). Whilst each listing is of merit in its own right, for historic and architectural reasons, these assets are also significant in forming the setting of Wolfeton House and the Riding House.
18. In addition to those listed buildings in the core of the complex, other buildings which appear to have been linked to the estate such as the Dairy House, East Hill (unlisted), the ice house and shed (grade II)⁶ contribute to the setting of the main assets because they add to historical understanding and/or contribute to a wider aesthetic interest.
19. In terms of understanding the asset, the house at its greatest point of prestige was clearly much larger. It had well defined formal gardens, the current crenelated wall and bowling green representing one particular garden area. The Dorset Gardens Trust have undertaken a comprehensive assessment of the 'Historic Park and Garden of Local Importance'⁷ at Wolfeton House. Whilst it is likely that there would have been views over the gardens from the house, and inter-visibility to the surrounding landscape, there is no strong evidence of designed views and vistas, despite illustrations possibly showing avenues/designed routes, and there are no specific designed views or vista in evidence now. However, the remaining garden areas, and their remnants, pond system/ornamental lake and the deserted medieval settlement also significantly contribute to the setting of the house in terms of historic understanding and aesthetic value.
20. To the north of the Riding House, there is modern concrete hardstanding and agricultural buildings. This has a negative impact on the setting of Wolfeton House and the Riding House⁸.
21. The relatively close aspect of setting focuses on built development and carefully created gardens which provide evidential value and assists the understanding of Wolfeton House in terms of social, historical and architectural development. It also provides a suitably demur and aesthetically interesting composition.
22. However, the setting extends well beyond the immediate grouping. Wolfeton House is located on the lower slopes of the valley, close to the watercourse near the confluence of the Cerne and Frome. This siting reflects the very direct link between the natural resources of the landscape and development of the buildings in the C15th. Indeed, there is some suggestion that the site was occupied earlier⁹.

⁶ This listed building was not accessible at the site visit and not visible from public vantage points

⁷ This is taken to be a non-designated heritage asset

⁸ I also note that there is a 2017 planning permission for an agricultural building of some 146sqm/5.82m ridge 75m from the Riding House

⁹ The area is one of historic settlement with the on-site archaeological investigations suggesting agricultural/pastoral use near the periphery of a prehistoric settlement active from the Early/Middle Bronze age to the Early Iron Age and there was activity nearby given the proximity to the Roman Road to the north and Poundbury Hillfort to the south. However, that early period of use has no direct relationship to the listed buildings of Wolfeton House.

23. For some 350 years the Trenchards, a family with a history of landownership and political influence in Dorset, owned Wolfeton House. One member of the Trenchard family is purportedly the character upon which Thomas Hardy's Mayor of Casterbridge is based; this association creates communal interest in the House for those with an interest in Hardy's literature as evident from the representations of the Thomas Hardy Society. Moreover, that interest is one for which being able to appreciate how the environment might have felt for that character at that point in time is of relevance and brings a social and literary aspect to significance of the asset and its setting.
24. In terms of the wider setting, the 'Plan of Wolverton Farm in the Parish of Charminster, the Property of William Trenchard Esq' is the earliest source to depict the appeal site, dating from 1772 and demonstrates that the appeal site formed part of the wider estate landholdings. During the period of their occupation, wealth created from the use of the surrounding landscape is likely to have helped finance the architectural wealth exhibited in the building and the produce of the land would have either directly or indirectly sustained its occupants. When Wolfeton House fell out of favour with the family it was used as a farmhouse and the Tithe Map and Apportionment details of 1838 identifies the owner of Wolfeton Farm (as it had become known) as James Henning. Thus, there is clear evidence of a historic functional and associative role between the Wolfeton House buildings at that time and a wider land area including the appeal site. In 1862 the house was sold to Dr Weston who undertook the C19th remodelling. At this point the land appears to have been severed. Later sales particulars from 1892 confirm that Wolfeton House was no longer linked with the land.
25. Thus, the relationship between the built fabric seen today at Wolfeton House and the surrounding agrarian landscape is significant to the history and function of the house, even if ownership ties were broken a significant time ago.
26. The position of the House, at a relatively low point on the chalk hillside, along with the degree of tree screening, means that the building is not prominent. It may, at times, have been less screened than at present, the current owner having undertaken much planting. The property as shown in a 1774 illustration¹⁰ was of distinguished form and presence. Whilst such etchings are seldom entirely accurate representations, this image exudes the affluent splendour of the building set within a treed and pastoral landscape. That rural context, and distinct separation from the village, is shown on the 1838 Tithe Map. The later cartographic evidence from 1886 and 1901, more accurately depicts the buildings at those times and identifies the change in access arrangements to an approach from the south providing at that time better access to the turnpike road (now the B3147). This southern access is shown with a tree lined driveway and parkland setting, forming an approach much as it appears today.
27. Whilst the current access is not the original approach, being a C19th construct with the gate lodge (an unlisted building occupied in the 1851 census) in the valley bottom/water meadows, it does not mean it is not of consequence. As clarified by the Framework, the setting of a heritage asset is defined as *the surroundings in which a heritage asset is experienced. Its extent is not fixed*

¹⁰ Statement of English Heritage Fig 1; also shown in the evidence of the main parties; and shown as published in Country Life August 6 1953, in Appendix 3 of the statement of the Dorset Gardens Trust

and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

28. For those approaching Wolfeton House along the drive from the south there are sequential views which significantly contribute to the sense of arrival. The driveway to the gate lodge and then crossing the watercourse feels pastoral despite road noise and occasional trains on the rail-line (both to the south behind the arriving visitor). Traversing the water meadows, albeit 'modernised', towards the first set of listed gate piers at the enclosing park/garden area surrounding the house reinforces this bucolic ambience. Once within the park/garden area, but outwith the formal garden and second set of listed gate piers, as the drive curves the buildings are glimpsed before becoming more apparent.
29. On this approach occasional dwellings can be identified on or close to the ridge line in the eastern side of the view. Nonetheless, these are relatively isolated, are some distance away and angled away from the focus of the view along the driveway and so do not intrude upon the rural scene.¹¹ The sense of separation from built development, other than that associated with the house, whilst not isolated, creates a timeless quality to the setting. This aesthetic quality is tangible and contributes significantly to the setting of Wolfeton House which has been experienced in a mainly undeveloped landscape setting for hundreds of years. Moreover, the land in this setting had been important to the establishment and functioning of the house, even if there is no longer any functional, financial or ownership link. Thus, it makes an appreciable contribution to the understanding of the assets at Wolfeton House.

Charminster Conservation Area

30. The Charminster Conservation Area is split into two sub-areas within its Conservation Appraisal adopted in 2007.¹² These are (i) West Hill, the A352 ribbon, the village core and East Hill and (ii) Wolfeton House and surrounds which includes the western parcel of the appeal site where the medieval settlement is located. The special interest of the Conservation Area includes the river and mill channels, water meadows and green space, including gardens, important walls, hedges and trees which have a linking function, the rich archaeological interest, coherent groups of buildings, including that at Wolfeton House and the rich palette of materials. Key buildings include Wolfeton House, the Riding House and the Church.
31. In the sub area (ii) special mention is made of the route along East Hill with its sense of enclosure, the collection of buildings at Wolfeton House, contrasting exposure to wider views and to a view of the firm transition provided between the Cocklands estate and a large undeveloped field once past Wolfeton Manor (this is not Wolfeton House but a separate building set with other development on the east side of East Hill). It is clear that views out are a key component of character although such views may not be publicly accessible.

¹¹ The appellant's Heritage Statement Appendix 10 Photo viewpoint 2 illustrates the existing summer view

¹² CD19

The Effect on Heritage Assets

The Wolfeton Complex

32. The proposed development would be situated to the north-east of Wolfeton House. The western parcel of the site, the deserted medieval settlement, would be provided with interpretive information for those visiting the site, for instance those passing on the Cerne Valley Trail. This aspect of the proposal is largely supported as it would benefit understanding of visitors to the site.
33. The eastern parcel of land would be the location for the proposed dwellings, and ancillary facilities including public open space, a LEAP and drainage attenuation. The indicative layout illustrates green space closest to the southern boundary. Nonetheless, to accommodate the quantum of development proposed, housing would occupy much of the depth of the development site.
34. When viewed from Wolfeton House, close to the gatehouse, it is likely that there would be glimpsed views of the proposed development. It is also likely that there would be some limited inter-visibility between the appeal site and the Riding House. When viewed from the driveway to Wolfeton House, the proposed housing would be partially screened by some tree groups and a line of trees close to the appeal site's southern boundary (albeit not in the appellant's control). During summer months the proposed housing would be relatively well screened, although it would still be glimpsed as indicated on both the 1 year and 15 year photomontages supplied by the appellant. In winter months, not surprisingly, the proposed dwellings would be more apparent (Photo viewpoints 1-3 summer and winter). It is also likely that domestic paraphernalia associated with modern lives and the coming and going of vehicles would also be evident. During hours of darkness, particularly in winter months, lights would be likely to be visible.
35. In many circumstances these impacts would be of limited consequence. However, in this case I conclude that there would be permanent and persisting harm to the setting of Wolfeton House from the irreversible change of use of this agricultural land and from the visual intrusion caused by the proposed housing. This would harm the special interest of Wolfeton House. I do not disagree with the previous Inspector¹³ (dealing with a larger site in width but of similar depth) or indeed the comments of Historic England, that development on part of this site might be acceptable. However, I have to deal with the scheme before me.
36. The harm I have identified would, in the terms of the Framework, be less than substantial. Nevertheless, and particularly given the exceptional national importance of Wolfeton House, I am in no doubt that this is a matter of considerable importance and weight. In terms of s.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), the proposal would not preserve the setting of Wolfeton House but would harm it.

Charminster Conservation Area

37. The Westleaze boundary of the site is clearly defined by hedging, and the area to the northeast of the site is identified on the Conservation Area appraisal plan as containing important hedgerows and important trees and tree groups.

¹³ CD13 Appeal Decision from 1989: APP/F1230/A/89/112698

Despite this, it appears from the Ordnance Survey based map that this area is outside of the Conservation Area. There are also records of field boundaries of medieval or later origins in this location. These historic features have some bearing upon the setting of the Conservation Area which, whilst not designated heritage assets, can be considered in the context of impacts on heritage. Whilst the hedge-lined approach along the southern side of Westleaze creates an attractive entry point into the Conservation Area, this is a modest matter and good design in terms of layout, hedge retention and built form, considered together, could minimise such impacts.

38. I saw that the hedge/tree line between the appeal site and the properties of East Hill was well established. This clearly defines the boundary of the Conservation Area. However, that strong boundary line also means that views out from within the Conservation Area, which need not be from public locations, are likely to include views of the open land of the appeal site without visual clutter because of those strong defining boundaries. That said, I did not see any particularly striking views from public vantage points, although the Wolfeton House grounds which form part of the Conservation Area include views towards that land. This isn't simply a matter of setting but part of the character of the Conservation Area itself.
39. Furthermore, the Conservation Area encompasses the deserted medieval settlement. The archaeological trenching on the eastern parcel of the appeal site does not indicate any strong remaining link to medieval use, with finds linked to prehistoric activity being most notable on the southern part of the site. Nonetheless, proximity to, and views over, this open land, including the appeal site, contribute to the character of the deserted medieval village. It seems to me that there is a likelihood that the proposed dwellings would be, at least, glimpsed from these earthworks and this would diminish the environment in which they are experienced. Further, the proximity to a residential estate of houses would reduce the current sense of the deserted medieval village as being rather detached from the modern world.
40. I conclude that the proposed development would neither preserve nor enhance the character of the Conservation Area. However, such harm would be less than substantial.

Conclusion on Heritage Asset Harm

41. I have concluded that the proposed development would harm the setting of the heritage assets at Wolfeton House and the Charminster Conservation Area, in terms of the Act¹⁴. In terms of the Framework this would be less than substantial harm.
42. The proposed development stands to be assessed against Policy ENV4 of the West Dorset, Weymouth and Portland Local Plan which covers the period 2011-2031 and was adopted in October 2015 (the Local Plan). That policy, entitled Heritage Assets, reflects the Act insofar as it requires that development should conserve (and where appropriate enhance) the significance of a heritage asset. However, it also reflects the Framework at paragraph 196 (albeit written to accord with the Framework 2012) in that it seeks a weighing of harm against the public benefits of a proposal. Until the benefits have been identified that balance cannot take place.

¹⁴ The Planning(Listed Buildings and Conservation Areas) Act 1990

43. When I deal with the heritage and planning balance I shall be mindful that the Framework is clear that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. Given the exceptional national importance of Wolfeton House (grade I listed buildings make up only 2.5% of all listed buildings) very great weight should be given to the conservation of this asset. In the circumstances of this case, my decision on that matter would mean there is no need to conclude on each of the other listed buildings as heritage assets. Added to that harm is the harm to Charminster Conservation Area and the non-designated deserted medieval village.

Landscape

44. The development of land in the Local Plan area is heavily constrained by designations such as that of Areas of Outstanding Natural Beauty, and the need for ecological protection through Sites of Special Scientific Interest. Whilst there is a need for further housing development this does not mean that any land without specific national or international protection is suitable for development. Rather, it must be assessed on its own merits.
45. The site is identified as being part of an area of Land of Local Landscape Importance (LLLI). There is no clear evidence of landscape character work underpinning that designation, which has been rolled forward from a 1998 designation. The Local Plan clarifies that LLLI designations will continue until a Green Infrastructure Network (GIN) is identified. The site does not appear in the emerging Policy ENV3¹⁵ as a GIN designation. The Council suggests this is a drafting issue, it being excluded because it was thought the site would be developed, because of officer support for the appeal scheme. Whether or not that is the case, given the status of the policy as 'emerging' I do not attach significant weight to this matter.
46. The LLLI designation appears to have a spatial planning function, in this case aimed at, protecting the setting of Wolfeton House and acting as a landscape buffer between Charminster and Dorchester.¹⁶ While the former is a concern for the appeal site, I do not consider allowing development of this parcel of land would result in harm to maintaining a buffer; simply this site is too small and the separation too great for coalescence to be an issue. As a spatial planning tool that could constrain housing development there are implications for the weight to be given to Policy ENV3 in respect of LLLIs.
47. The site is within the Dorset Downs and Cranborne Chase National Character Area. The Dorset Landscape Character Area is that of Valley Pasture and in terms of the West Dorset Character Assessment 2009, it forms part of the Frome and Piddle Valley Pasture. The most recent assessment, which post-dates the Landscape and Visual Impact Assessment (LVIA) which accompanied the planning application, is the West Dorset, Weymouth and Portland Landscape and Heritage Study (prepared by LUC and dated 2018) which places the site within the Cerne and Piddle Valleys and Chalk Downland Landscape Character Area. This document contains a high-level scoping exercise of sites included in the emerging Joint Local Plan (eJP) Initial Issues and Options Consultation (February 2017).

¹⁵ This is part of early work for a new Dorset Wide Local Plan

¹⁶ As set out in the supporting text for the LLLI designation in the 1998 Local Plan

48. The features set out in the Stage 1 assessment of that most recent document identify the appeal site as falling within Area H: South East of Charminster. It characterises the area as being one of steep slopes rising up from the Cerne Valley to large scale downland, gently undulating land on the Frome floodplain, post-medieval strip fields and traditional grazing regimes, 'Local Landscape Importance', visible earthworks and medieval farmsteads, the setting of the Charminster Conservation Area, the C20th housing estates of Charminster.
49. Potential development is scoped out for part of this area, but the area to the south of Charminster is considered for Stage 2 assessment as 'Dorchester 6'. This area in a broad assessment is identified as being of Moderate-High sensitivity. The heritage assets at the Wolfeton House complex, are also identified as having a likely susceptibility to setting change as a result of development, as indeed I have identified.
50. The Stage 2 assessment also identifies the potential to harm the setting of Poundbury Camp through visual intrusion into the rural agricultural setting that contributes to the understanding of the fort's location and appreciation of the hinterland which it is likely to have controlled. In this regard it advises that any new development should seek to follow existing settlement boundaries to ensure that development extent in views from Poundbury Camp are minimised. The guidance for sustainable development of this area, amongst other things, also seeks to avoid development on the more open slopes, utilise topography, link to the C20th development and ensure landscaping and characteristic hedgerows and tree planting soften and improves the transition to countryside.
51. There is disagreement between the parties as to whether the site should be considered as 'valued landscape' for the purposes of paragraph 170 of the Framework. This paragraph seeks that planning decisions should contribute to and enhance the natural environment by protecting and enhancing valued landscapes.
52. The Guidelines for Landscape and Visual Impact Assessment version 3 (GLVIA3) at Box 5.1 seeks to assist in identifying valued landscapes by identifying key factors.
53. Poundbury Hillfort provides a suitable vantage point from which to assess this area and equally views can be seen across the valley in the opposite direction as well as from the valley floor. In such views the wider valley landscape is of good condition despite some detractors. This valley based LCA has a scenic quality, particularly when surveying the scene from vantage points. It is not particularly rare, although the water meadows and valley form are representative of the LCA. The conservation interests of the landscape are significant because of Poundbury Hillfort, the recorded historic occupation of the landscape, medieval and earlier agricultural use of the landscape with some historic hedgerows and earthworks, and later areas of settlement including the Wolfeton House complex. The ecological conservation interests are largely within the lower valley area. Recreational value is established through public access on rights of way, including the circular walking route of the Cerne Valley Trail and access land such as the Hillfort. The landscape is not one which demonstrates particular value for wilderness nor is it particularly tranquil. This landscape is also valued for its associations with Thomas Hardy.

54. Taking these indicators into account I consider the wider landscape within which the appeal site is situated is a valued landscape for the purposes of paragraph 170. In this respect I appreciate that the appellant considers that there is a difference between the valley bottom and the higher land near the plateau on which Westleaze is situated. Whilst the higher land is of pasture in fields which have seen greater management, they appear as pastureland rising from the valley with which they are associated in line with their NCA and LCA designations.
55. This conclusion does not mean that the landscape should therefore be free from further development. However, development that is allowed should contribute to, and enhance, the natural environment by protecting and enhancing what is valued about the landscape.
56. The appeal scheme is located on a plateau of land adjacent to Westleaze Road, opposite 'Cocklands' a C20th residential housing estate. The zone of theoretical visibility mapping helps identify locations from where the site is likely to be seen. Photos of these views have been provided, including some as photomontages. I have also visited those viewpoints. In looking at the photomontages I have limited my considerations to those prepared by Troopers Hill rather than those of Peter Radmell Associates, given the former more accurately reflect the proposed illustrative scheme.
57. Some photos/photomontages clarify that the scheme will not be seen from certain viewpoints (vp) whether there is leaf cover from deciduous trees or not¹⁷ (Vp 4a Cerne Valley footpath joining West Hill; vp 4b North Street; vp 7 corner of Old Sherbourne Road; 8 near Higher Burton Farm; vp 12 PROW S14/29 looking south; vp 13 PROW S14/29 looking south-east). Other photos illustrate that development on the site would be likely to be largely screened and/or readily assimilated into views during both winter and autumn months (vp 5 Westleaze Close; vp 9 Westleaze Road towards Charminster; vp 14 from a driver stop on the A35).
58. This leaves closer areas and key vantage points to consider. In terms of the latter, the area of concern is that relating to views out from Poundbury Hillfort. Photo viewpoint 4 within the LVIA identifies the site. It would be possible to see the proposed development from this vantage point and its location immediately ahead when walking on one of the main hillfort embankments, means that it would be a focus for attention. At this distance the proposed development would appear similar to much of the development that follows the Westleaze Road plateau of land in the autumn, but more of a consolidating impact during winter months when there is less screening (vp 11). I consider that there would be some harm from intensifying that line of development across this part of the view, but it would do little to undermine the understanding of the hillfort's location or the appreciation of the hinterland which it is likely to have controlled. From Roman Road, which is connected to the hillfort, (additional vp A8) the consolidating impact would be more significant, particularly in winter, filling the mid-point of the view with housing from Charminster Farm through to the eastern end of Westleaze. However, in this respect the current scheme would not be so harmful as that considered in the 1989 appeal because the site area is reduced in width.

¹⁷ LVIA taken in October 2017 gives leaf cover and Mrs Brockhurst's Proof of Evidence January 2019 without leaf cover

59. Given the existing ability of planting to create a good degree of cover it seems to me that planting as mitigation would further assist in reducing landscape and visual impacts at a distance. The indicative layout suggests that properties would be positioned to take advantage of views out which might limit the success of any planting for screening, however this could be considered at the detailed design stage. The removal of the large evergreen hedge would be a benefit. Local residents expressed concern about the indicative scheme's road junctions to the side boundary, which it seems were added at officers' request. While these are not indicative of future development, the Council's concern about the length of the new boundary as opposed to the appellant's view of the site's containment, is pertinent as the illustrative site edge appears generally uncharacteristic for development in the LCA.
60. The most affected views would be close to the site and relatively localized and relate more directly to visual context issues. These would include views from Westleaze Road, where there is a degree of visual sensitivity due to the proximity to the Conservation Area. Here harm by virtue of the loss of the hedgerow to allow for access would be evident.
61. There would be a high visual effect for those occupiers of properties on Westleaze Road and Close with views in the direction of the site. However, there is no right to a private view and the visual effect of the proposed development would not be oppressive even though it would represent a significant change.
62. Other sensitive receptors are the users of the public footpath PROW S14/2, which forms part of the Cerne Valley Trail. This route crosses the appeal site at the pinch point area between the field of the development site (East Parcel) and area of the deserted medieval village (West Parcel) and runs along the southern edge of the main development field boundary. This is a historic route, being shown on the 1886 map, and the sense of connection to this evolving but historic landscape is significant when walking on the Cerne Valley Trail/PROW. That is because in the vicinity of the appeal site the route crosses open land from Burton (not far from Dorchester) where there are attractive views over the historic landscape, before moving through the medieval deserted village and allowing views towards the heritage assets at Wolfeton House before giving access to the Charminster Conservation Area.
63. The addition of a housing estate to this route, would significantly impact upon enjoyment for users as has been clearly set out by local residents. Whilst removal of the existing large conifer hedge would be a desirable improvement, the proposed development would be of significant visual harm. Moreover, from this route the likely depth of development down the slope, combined with its width, would create a distinctly suburban form and layout that would be at odds with the extent of building southwards on East Hill and the form of development along that historic narrow lane, with its densely screened eastern boundary. The alternative layout 'indicative site layout (option 2)' put forward by the appellant¹⁸ shows a scheme which appears less suburban and creates greater separation from the PROW. However, I am not satisfied that such a scheme would deliver the quantum of development proposed so it is not a plan to which I attach weight.

¹⁸ That of Miss Armstrong

64. A number of comments were raised about Poundbury and its landscape impact as a new settlement and about the visual effects at Charminster Farm. However, the proposal before me is not a development on the scale of Poundbury and so changes to the landscape there are of little relevance to this proposal, which seeks to extend a settlement. Charminster Farm is more similar to this proposal in that it is located adjoining the defined development boundary. However, that scheme will have been assessed on its own merits and has markedly different surroundings to those of the appeal site.
65. DOR15 proposes some 3,500 houses west of Charminster (north of Dorchester), for potential allocation under Issues and Options. This site is in the same LCA area as the appeal site, part of which is identified as LLLI. The DOR16 proposed allocation identifies land at the western side of Charminster for the development of 320 dwellings. Whilst the appellant argues that it cannot be correct to support those allocations and resist the small appeal proposal I disagree; these sites are in different locations and seek to provide different things. An allocation of 3,500 dwellings with facilities such as a school will not have only been put forward on landscape grounds but in the wider planning context. The smaller preferred options site will have been considered on its own merits. Moreover, these sites are options and not as yet allocated so there is some considerable way to go before this land might be developed. Therefore, the other sites identified to provide context to the circumstances of this appeal are not significant in terms of how to view this site and its landscape impact and it is important to note that this is not the forum to rank the suitability of sites, rather the appeal must be judged on its own merits.
66. I have concluded that there would be harm in terms of the wider landscape form and context, but this would be in the low to moderate range. However, there would be significant visual harm to the landscape when in close vicinity to the site. Whilst that is inevitable and I have not attached significant weight to the immediate impacts on Westleaze Road, the effect on the PROW/Cerne Valley Trail including the sequential views linked to the heritage assets at Wolfeton House are of moderate to high magnitude. I am not satisfied that the proposed development, in paragraph 170 terms, would contribute to and enhance the natural environment by protecting and enhancing this valued landscape.
67. In terms of Local Plan Policies, I find conflict with Policy ENV1, insofar as it requires that development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Policy ENV3 retains LLLIs until they are replaced by GIN allocations. The emerging GIN omits the site. Moreover, given the basis for the allocation dating from 1998 as explained above, I am not satisfied that this policy should be accorded full weight. Thus, whilst there is conflict based on the LLLI position it is not a matter to which I attach weight. Whilst this proposal is in outline only, I consider that there would be conflict with Policy ENV10 as, given the quantum of development sought on the site, it would be unlikely to contribute positively to the maintenance and enhancement of local identity, and distinctiveness, which should be informed by the character of the site and its surroundings.

Highway Safety

68. The most direct route between the appeal site and the facilities of Charminster village is to walk west along East Hill, to follow East Hill through two almost right-angled bends and then follow West Hill. The primary area of concern is the safety of this route for pedestrians and particularly for the section around the two bends.
69. This area of the route is narrow and with the tight bends drivers of vehicles tend to drive in a position towards the centre of the carriageway. Drivers of larger vehicles have no option but to occupy a good part of the carriageway width, as illustrated in the Council's photographs.¹⁹ Within this section of the road the enclosure is solid and largely tight to the carriageway²⁰ with no scope for pedestrian refuge to be constructed. The concern of residents in this regard was vociferous and I have seen the image of the broken planter.²¹ However, existing road conditions force drivers to slow down and behave appropriately. Many of the Council's photographs show such behaviour.²² These images show caution between drivers of vehicles, drivers having regard to horse riders and to pedestrians. The revised traffic scheme SOGT 04, in effect, creates a shared surface for this area, with granite setts and signage to alert drivers to the situation. Whether or not this surface arrangement accords with Government guidance, little else can be done. With this in mind, it is necessary to consider whether the proposed scheme would materially increase harm to highway safety.
70. Despite the concerns raised, there is no recorded Personal Injury Accidents for the period 1 January 2014-1 January 2019, which indicates the traffic calming effect of the road configuration. The traffic flows from the proposed development are modelled as being in the region of 20 trips westbound and 42 eastbound on Westleaze in the morning peak which would be reversed for the afternoon/evening peak. Although there would be an increase in traffic flow over the East Hill/West Hill route of the 'shared surface' area this does not mean traffic safety would worsen. There is nothing to suggest drivers would become less cautious as a result of the increase in traffic.
71. I appreciate that not everyone would wish to use this route, including further along West Hill near the church where, despite the carriageway being wider with a more open aspect, the boundary walls, lack of pavement and on-street parking do not specifically provide for pedestrians. However, such conditions are typical and often regarded as a pleasing aspect of the village scene.
72. Moreover, there is another route towards the village centre. Whilst that route is considerably longer, it is an attractive route to walk away from the traffic on mainly pedestrian ways or pavements. While the condition of the surface may not be ideal at all points, for instance the metalled surface is worn near to the footbridge crossing the Cerne and part of the route through the churchyard is gravelled, it would be acceptable to most users and I observed it comfortably being used by parents with pushchairs.

¹⁹ Mr Baker Appendices Plates LPA/MB/3; LPA/MB/5

²⁰ Mr Baker Appendices Plate LPA/MB/6

²¹ As above

²² Mr Baker Appendices Plates LPA/MB/3; LPA/MB/5; LPA/MB/7 to 12

73. Neither route is particularly well lit or fully policed by natural overlooking at all points. However, this is not an uncommon feature in rural villages and can be viewed as an attraction of them.
74. In terms of wider transport links, the site is within cycling distance to Dorchester with its wide range of services and facilities, and it is served by a bus route. Dorchester, with its rail line provides for good public transport for longer distance journeys. There is also opportunity to access the PROW network without leaving the site.
75. I am mindful that the Council, acting in its capacity as highway authority does not object to the appeal proposal on the basis of SOGT 04 as set out in the Transport Statement of Common Ground. I conclude that, on the evidence before me, the scheme would be acceptable in highway safety terms and would offer a choice of walking route for future occupiers of the site. I do not, therefore, find conflict with Local Plan Policy COM7, which, amongst other things, seeks to encourage sustainable transport modes and to resist development that would have a severe detrimental impact on road safety. Nor do I find conflict with Policy ENV11 of the Local Plan which principally relates to the patterns of streets and places within sites, but also seeks that places are well connected with the surrounding area, which I consider, on balance, the proposed development would be.
76. The Framework is clear that in seeking sustainable transport the location of a site will influence opportunities. It is also clear that development should only be prevented or refused on highway safety grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. These are circumstances which I do not consider would occur here.

Housing Land Supply

77. As set out above it is agreed that the Council cannot demonstrate a five year housing land supply. The extent of the supply is not agreed. The Council claims 4.88 years of supply can be identified, making the shortfall small, whereas the appellant considers that, at best, having moved from their initial figure of 3.68 years, a supply of 3.99 years can be demonstrated.²³ Having in mind caselaw²⁴ the extent of shortfall can be material to the planning balance.
78. The housing requirement is agreed. The annualised housing requirement is 775 dwellings per annum (dpa) giving a five-year requirement of 3,875 dwellings. It is agreed that there is a housing shortfall to be added to this equation of 1,470 dwelling which should be made up within five years. The buffer, based on the housing delivery test, is 5% requiring 267 units. Thus, the five-year requirement is 5,612 dwellings for the period 2018-2023 (1,122 dpa).
79. In looking at the positive contribution to supply, a base date of 1 April 2018 has been set. It would be inappropriate therefore to add sites that post-date that baseline without good reason and, in any event, any such sites that are considered should have been sites clearly identified at the base date. To add entirely new sites which have been granted planning permission after that base date without taking account of negative impacts on supply, such as removing

²³ ID13

²⁴ CD36 Phides Estates (Overseas) Ltd v SoS CLG & Others, 26 March 2015 EWHC 827 (Admin)

lapsed small permissions, and accounting for ongoing increases to the backlog could create a skewed position.

80. The Framework sets out which sites should be considered deliverable. Those are sites which are deliverable now, offer a suitable location for development now, and will be delivered on the site within five years. As explained in the PPG, the definition then provides further advice regarding sites that are to be considered acceptable in principle and those for which further evidence would be required. The Framework uses the phrase 'in particular'²⁵ and the PPG suggests that the groups included in the definition of deliverable in the Framework is a specific list, 'namely' those identified. However, the Framework is of greater weight and does not preclude other types of site being included in the five year supply although there would need to be clear evidence for doing so.
81. The deliverable sites which are agreed between the parties consist of minor sites with planning permission (664 dwellings), sites with detailed consent (1,872 dwellings), sites with outline permission at the base date and now have reserved matters approval (264 dwellings) and minor windfall sites (551 dwellings). These total 3,351 dwellings. A further 1,132 units are agreed, totalling 4,483 units resulting in the appellant's position of a housing supply of 3.99 years.
82. Working through the schedule of sites,²⁶ I consider that sites which post-date the base date should not generally be included as explained above, unless there is clear reason to do so. On this basis I do not include South of Louviers Road and nor do I consider the increased site capacity at Frome Valley Road should be included for the same reason.
83. Sites without outline permission are set out in the schedule supplied by the parties and some 662 units are agreed. Of the remainder, based on the evidence before me, I do not consider that Frome Valley Road (the original outline scheme dating from July 2016), the additional housing at the Former Eldridge Pope Brewery and Land at Whites Mead have sufficiently compelling evidence that would support them coming forward for development within five years.
84. The Portland Lodge Hotel site has full permission for 18 dwellings and ordinarily might be included in sites with detailed permission. However, the appellant discounts it because there is an outline permission for 24 dwellings on the same site. I consider that this underplays the desire to build on this site which clearly is acceptable for at least the 18 units. Thus, I consider that the sum of 18 dwellings should be included even if the site is being pursued for a greater number. I have not applied the same approach to Frome Valley Road. The difference being that Portland Lodge Hotel site has a full permission whereas Frome Valley Road is in outline.
85. The Clipper Teas site has been subject to a holding direction, but this has been removed. Although this is yet to be supplied in writing, the Council confirms that permission will be issued as soon as it is received with a statement from the developer setting out an anticipated start date of December 2019. Thus,

²⁵ Oxford English Dictionary *in particular* - as one of a number distinguish from the rest; especially. Especially -in a special manner, to an especial degree; chiefly, more than in other cases

²⁶ ID13

- 36 units for the Clipper Teas Site, along with 18 for the Portland Lodge Hotel, should be included in the five year supply.
86. Specific Allocated Sites are also set out in the schedule with 470 of these units agreed. I do not find compelling evidence of the likelihood of the sites at St Michael's Trading Estate being deliverable at this stage. However, it seems to me that both main parties anticipate an application will be made at the Chickereil UE East site, albeit that the appellant considers that this would occur later than the Council anticipates. The appellant relies on timings from Start to Finish²⁷ to indicate lead-in times such that they say first completions would be beyond the end of March 2023. However, the Council provides details of local schemes coming forward of similar size (the 100-499 group) and, being mindful of demand, I consider that somewhere between the two opinions would be realistic. This cannot be a precise sum, however, I consider that it would be reasonable to include around half of the dwellings put forward by the Council (75 dwellings) in the five year supply.
87. The land north of Brookfield is an allocated Neighbourhood Plan (NP) site for which preapplication discussion had taken place prior to the base date. I am satisfied that this was indicative of intentions and, indeed, an application was subsequently forthcoming. Thus, I consider it reasonable to include these 5 units within the deliverable supply.
88. The group recorded as Specific Large Sites are all sites which in terms of planning permission either have no permission or the permission post-dates the base-date. As such, the appellant does not accept that they should be considered at all because, in their view, they do not meet the definition of deliverable within the glossary of the Framework. For the Council, it is argued that where a site was suitable and deliverable at the base-date and reasonable progress is being made on it, it should be considered, even if it did not have any planning permission at the base date. Notably, the Council feels it did what was asked of it in terms of looking at sites in the Strategic Housing Land Availability Assessment (SHLAA), which is linked to the base date (April 2018),²⁸ as part of the five year housing land supply because it was encouraged to do so by the PPG.
89. The PPG advice is that an authority, for decision-taking purposes, can use the latest available evidence including that of a SHLAA to identify sites as a source of supply. Indeed, the SHLAA includes those sources of supply which are set out explicitly in the definition.
90. However, the appellants view that all the Specific Large Sites should be excluded on the basis that they do not explicitly appear within the Framework definition does not seem appropriate to me. From the limited information available to me, a number of sites appear to be well known to the Council, pre-dating the base-date of April 2018, including sites which are clearly previously developed land.
91. For example, the SHLAA site of the Garage Compound owned by a housing association, would appear to be brownfield land. Whilst a permission lapsed on this site in 2016 the landowner is now suggesting off-site modular construction,

²⁷ Start to Finish – How Quickly do Large-Scale Housing Sites Deliver? November 2016 NLP

²⁸ CD25

- aimed at delivery in 2020. This could provide 11 units within the five year period.
92. Moreover, two other sites in the Specific Large Sites group stand out, these are two school sites. For both, the decision to dispose was taken in June 2016 and each has been acquired by Homes England. It seems to me that these are unusual sites and likely to come forward more rapidly because of the interests involved. Clearly, they were also known about at the base date and are likely to be previously developed land. It is suggested these would amount to 88 dwellings which appear to be deliverable within the five year period.
93. Rural exception sites are unusual by virtue of being 'exceptions'. The Local Plan Inspector, in 2015, supported the inclusion of such sites in the five year housing land supply where Housing and Communities Agency funding had been agreed, an affordable housing provider had shown interest and a housing needs survey had shown a need. Because of the nature of such schemes, rather than being speculative development, I consider that there is some justification in this approach. However, having in mind the advice of the Framework and the guidance it seems to me something more is required to evidence the likelihood of deliverability. While two of the sites put forward did not have any form of application made before the base date one did (and indeed has since gained full planning permission). I am satisfied that the circumstances are such that the 30 units of supply here should be included in the deliverable supply, even though the actual permission post-dates the base date.
94. On the basis of the evidence before me, it appears that there are compelling reasons to indicate that a number of sites which were known about at the base date are likely to come forward within the next five years which are not of a type explicitly listed in the Framework definition. Being pragmatic, if those sites are likely to be developed within five years it seems to me that they should count as part of the supply.
95. However, whether or not a broader approach to deliverable sites is taken, adding the 134 units I consider are clearly justified (Clipper Tea, Portland Lodge, half of the Chickerell units and the NP site) to the agreed sites results in a situation of some 4.12 years supply being demonstrated. If I take that as the base figure this would provide the worst-case scenario; and so, for the purposes of this appeal I shall use that figure. That said, I consider that the real supply figure would exceed this for the reasons as set out in some of the examples. I therefore conclude that the housing land supply is likely to be in excess of 4.12 years, but not as high as the Council considers and certainly less than 5 years.

Affordable Housing

96. Some 1,650 households are registered as being in affordable housing need across the district. Of those, 98 are identified as having a connection to Charminster (an increase since the figure of 71 households was reported in the Charminster Farm scheme at September 2018). Hence, there is a specific local need and that need has been growing. Even with the Charminster Farm development which should provide 42 affordable units, a significant number of households would remain in affordable housing need for this specific locality. Whilst some might well be catered for elsewhere, there is no doubt that the affordable housing need is real and pressing. Moreover, there is greater affordable housing need across the district towards which the appeal scheme

might contribute should it not be occupied by those with a local connection. Thus, the 35% affordable housing which would be provided weighs in favour of the scheme.

Heritage and Planning Balances

97. Local Plan Policy INT1 is an overarching policy which sets out the presumption in favour of sustainable development. It explains, amongst other things, the matters that will be considered where relevant policies are out-of-date at the time of making a decision. This policy is therefore relevant here, given that the policies for the supply of housing are out-of-date.
98. Policy SUS2 relates to the distribution of development and establishes a settlement hierarchy, with a greater proportion of development being directed to the larger and more sustainable settlements, particularly Dorchester and Weymouth. Next in the hierarchy are market and coastal towns, which are then followed by settlements with defined development boundaries. Charminster is such a settlement. The appeal site is located outside of the settlement boundary and so is in the open countryside. In such locations, development will be strictly controlled and restricted to a specific list of developments and uses which does not include speculative housing. Thus, the proposal is in conflict with Policy SUS2. However, there is no dispute that, having regard to the Framework, this policy is out-of-date because it seeks to restrict the supply of housing in circumstances where it is agreed that the Council cannot demonstrate a five year housing land supply. Thus, the conflict with this policy is material. However, it seeks a sensible hierarchy for directing development to more sustainable locations. In this respect, Policy SUS2 offers some support to the appeal site because it is located near to Dorchester and adjacent to the development boundary of Charminster.
99. Whilst a five year supply of housing land cannot be demonstrated, the level of likely deliverable supply is, in my view, above four years. This is a Council which is taking positive steps towards finding future development sites. Moreover, the Council is one which has been positive in its decision making, granting permission for sites outside the designated development boundaries where there are no harms which outweigh the benefits, for instance, at Charminster Farm, adjacent to the settlement boundary, where 122 houses have been permitted. It is also clear that the Joint Councils have put resources into teams to encourage development and that the former Dorset District Council area, upon which this appeal is based, had seen a marked increase in delivery from 385 dpa to 703 dpa over three years, albeit this will have to rise again significantly. These factors have a slight tempering effect on the undersupply.
100. In addition to the benefits of housing and affordable housing, modest short-term benefits would arise for the local economy as a result of the development works. Whilst acknowledging that there is a good main shopping area, along with other services, within Dorchester, the proposed development would have the benefit of supporting the retention of village facilities within Charminster, which would accord with the approach of the emerging Local Plan.²⁹ Additionally, in terms of wider transport links, the site is within cycling distance to Dorchester with its wide range of services and facilities, and it is served by a

²⁹ CD33 para 3.4.9

bus route. Dorchester, with its rail line provides for good public transport for longer distance journeys.

101. The scheme would result in some moderate habitat and landscaping benefits both from additional planting and varied habitat and removal of the evergreen hedge. Modest benefits would be attached by the provision of a LEAP and modest heritage benefits would arise from public access and interpretation boards for the deserted medieval village.
102. I have identified the public benefits of the proposed development and the heritage harm. I am mindful of the Framework's clear advice that great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be. I therefore conclude that in terms of paragraph 196 of the Framework, the public benefits of the scheme do not outweigh the harm to the heritage assets in this case and particularly the harm to the setting of Wolfeton House. As a consequence, paragraph 11 d) i of the Framework is engaged.
103. The proposed development would fail to accord with Policy ENV4 in respect of heritage assets. I find there is a failure to comply with Policies ENV1 and ENV10. As already explained the conflicts with Policies ENV3 and SUS2 are matters to which I attach little weight. The proposal accords with the development plan in some other respects, including COM7 and ENV11. I conclude that the harms are such that the proposal would not accord with the development plan taken as a whole. Given the requirements of Policy INT1, it would be consistent with that policy to dismiss the appeal. There are no other considerations, including the policies of the Framework, that outweigh this development plan conflict. Thus, the proposal should be dismissed to accord with the with the requirements of s.38(6) of the Planning and Compulsory Purchase Act 2004.

Conclusion

104. For the reasons given above I conclude that the appeal should be dismissed.

Zoë Hill

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Peter Wadsley of Counsel	Instructed by the Solicitor of the Council
He called	
Mr Peter Radmell	Radmell Associates
Mr David Haigh	JME Consulting
Mr Mark Baker	Mark Baker Consulting Ltd
Mr Terry Sneller	Local Plans Team Leader for the Council
Mr Trevor Warrick	Spatial Policy and Implementation Manager for the Council

FOR THE APPELLANT:

Graeme Keen QC	Instructed by Pegasus Planning
He called	
Ms Clare Brockhurst	Tyler Grange
Miss Hannah Armstrong	Pegasus Group
Mr Anthony Jones	Pegasus Group
Mr Neil Tiley	Pegasus Group
Mr Alex Bullock	Pegasus Group

INTERESTED PERSONS:

Dr White	Interested Party
Mr Simmons	Chairman, Charminster Parish Council
Mr Dollery	Interested Party
Cllr Yarker	Local Councillor
Cllr Chisholm	Thomas Hardy Society
Miss Emma Thimbleby	Interested Party
Ms Sarah East	Interested Party
Mr David Shaw	Interested Party
Mr Alan Curtis	Interested Party
Mr Coode	Interested Party
Mr Clarke	Interested Party
Mr Hickman	Principal Inspector Historic England

DOCUMENTS

ID1	Joint Note regarding Five Year Housing Land Supply and the New Authorities
ID2	Opening Statement on Behalf of the Appellant
ID3	Opening Statement on Behalf of the Council
ID4	Copy of the s.106 Agreement
ID5	Bundle of Statements from Interested Parties (Peter and Amanda White; Cllr Chisholm for Thomas Hardy Society; Sarah East; Dorset Gardens Trust; Lynda Soutine)
ID6	Copy of Consultation Letter relating to revised drawing SOCGT 04
ID7	Note from Clare Brockhurst relating to Rebuttal Evidence including email dated 28 November 2018

- ID8 List of Interested Parties Wishing to Speak with times (this was updated) and comprehensive folder containing statements from Interested Parties Wishing to Speak (Miss Soutine; Mr Simmons - Chairman Charminster Parish Council; Cllr Chisholm- Thomas Hardy Society; Mr Paul Dollery; Mr Richard Coode; Mr Alan Curtis; Dr R White; Mr D Shaw; Ms East; Mr Clarke - Dorset Gardens Trust; Mr Pollock; Mr and Mrs P White; Historic England; Cllr Tim Yarker; Matthew Clarke; Emma Thimbleby)
- ID9 Suggested Conditions
- ID10 Letter from The Planning Inspectorate Regarding EIA
- ID11 Updated Statement of Common Ground on Housing Land Supply
- ID12 Appendix C: Submitted Site Maps -West Dorset
- ID13 Schedule of Housing Sites
- ID14 SANGS Email and note (Nichola French)
- ID15 Environment Agency Letter Regarding Flood Risk dated 18 February 2019
- ID16 Bundle of emails relating to buildout rates
- ID17 Introductory Details for Trevor Warrick, Spatial Policy and Implementation Manager for the Council
- ID18 Bundle of 2 e-mails from Mr White and Mr Clarke of Dorset Gardens Trust explaining they did not wish to speak at the Inquiry
- ID19 New Venue and Room availability for resumed Inquiry
- ID20 Notification Letter for resumed dates and new venue
- ID21 Planning Obligations/CIL compliance Statement
- ID22 Historic England Email from Eve Van der Steer
- ID23 Closing Submissions on behalf of the Council
- ID24 Closing Submissions of behalf of the Appellant

PLANS

- Plan A The Application Plans
- Plan B Revised Highways Plan SOCGT 04
- Plan C Site Visit Route for 19 March 2019 with written comments
- Plan D Viewpoints for Photomontage Locations for second Site Visit

PHOTOGRAPHS AND IMAGES

- P&I 1 Photomontage Sheets (3) (Appellant - accompanied ID7)

CORE DOCUMENTS

- CD1 Planning Committee Report (WD/D/17/001831)-January 2018
- CD2 Planning Committee Minutes (WD/D/17/001831)-January 2018
- CD3 Planning Committee Report (WD/D/17/001831)-April 2018
- CD4 Planning Committee Minutes (WD/D/17/001831)-April 2018
- CD5 Planning Decision Notice (WD/D/17/001831)- 8 May 2018
- CD6 WDDC Pre-Application Letter 18 April 2017

- CD7 Guidelines for Landscape and Visual Impact Assessment, 3rd Edition (2013) – Landscape Institute and Institute of Environmental Assessment
- CD8 Landscape and Visual Impact Assessment 7 July 2017 -Tyler Grange
- CD9 Land South of Westleaze, Charminster – Archaeological Evaluation Report (November 2017)
- CD10 Landscape Consultee Response – 18 October 2017 – Ms Sarah Barber
- CD11 Landscape and Visual Impact Assessment 31 October 2017 -Tyler Grange
- CD12 Amendments to LVIA to address post-application landscape comments (10932) – Tyler Grange
- CD13 Strawberry Fields Appeal Decision and Associated Plans
- CD14 West Dorset, Weymouth and Portland Strategic Landscape and Heritage Study- July 2018 - LUC
- CD15 West Dorset District Council Pre-Inquiry Statement – 16 August 2019
- CD16 Historic England Good Practice Advice in Planning Note 2: Managing Significance in Decision Taking in the Historic Environment -2015
- CD17 Historic England Good Practice Advice in Planning Note 3: The Setting of Heritage Assets – 2017 (second edition)
- CD18 Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment -2008
- CD19 Cerne Abbas, Charminster, Sydling St Nicholas and Godmanstone Conservation Area Appraisal – 2007 – WDDC
- CD20 Catesby Estates Ltd -v- Steer, EWCA Civ 1976, 2018
- CD21 Historic England’s Advice Note 1: Conservation Area Designation, Appraisal and Management – 2016
- CD22 R (Forge Field Society, Barraud and Rees) v Sevenoaks DC, West Kent Housing Association and Viscount De’Isle EWHC 1895
- CD23 Jones v Mordue Anor (2105) EWCA Civ 1243
- CD24 Housing Delivery Test: Measurement Rule Book – July 2018 MHCLG
- CD25 Five-year Housing Land Supply April 2018 - December 2018 – West Dorset, Weymouth and Portland Councils
- CD26 Land North of Graveston Gardens and Rear of Manor Farm, Banbury Road, Deddinton – APP/C3105/A/13/2201339
- CD27 Land off Chartist Way, Staunton – APP/P1615/W/16/3152190 and APP/P1615/a/14/2228466
- CD28 Land west of Shilton Road, Burford - APP/D3125/W/15/3139687
- CD29 Land to the rear of former Dylon International Premises, Station Approach, Lower Sydenham – APP/G5180/A/14/2219910 and APP/G5180/W/16/3144248
- CD30 Land to the west of Cody Road, Waterbeach – APP/WO530/A/13/2207961
- CD31 Report to West Dorset, Weymouth and Portland Councils – 14 August 2015 – The Planning Inspectorate
- CD32 Joint Local Plan Review for West Dorset, Weymouth and Portland: Initial Issues and Options Consultation – February 2017
- CD33 Joint Local Plan Review for West Dorset, Weymouth and Portland: Preferred Options Consultation – August 2018

- CD34 Forest of Dean DC v SSCLG Gladman Developments [2016] EWHC 2429 (Admin)
- CD35 Richborough Estates Partnerships LLP v Cheshire East BC and Hopkins Homes Ltd Suffolk Coastal DC 10 May 2017, UKSC 2016/0078 on appeals from [2016] EWCA Civ 168 [2015] 132 (Admin) and [2015] WEWHC 827 (Admin)
- CD36 Phides Estates (Overseas) Ltd v SoS CLG & Others, 26 March 2015 EWHC 827 (Admin)
- CD37 Wychavon DC v SoS CLG [2018]
- CD38 Barnwell Manor Wind Energy Ltd v East Northamptonshire DC and Others [2104] EWCA Civ 137
- CD39 Dorset Landscape Character Assessment
- CD40 West Dorset Landscape Character Assessment (February 2009)
- CD41 Landscape Institute Technical Guidance Note: Photography and Photomontage (Public Consultation Draft) (June 2018)
- CD42 Land off Ryme Road, Yetminster – APP/F1230/W/16/3145484
- CD43 Rural Functionality Study 2007
- CD44 Planning Committee Report 11 October 2018
- CD45 West Dorset, Weymouth and Portland Local Plan (2015)
- CD46 Heritage England Consultation Responses
- CD47 Heritage England Inquiry Statement
- CD48 Local Transport Note 1/11 Shared Space
- CD49 CIHT Creating Better Streets Inclusive and Accessible Places Reviewing Shared Space
- CD50 DfT The Inclusive Transport Strategy
- CD51 The Council's SPD Design and Sustainable Development Guidelines
- CD52 The DfT/MHCLG Clarification (28 September 2018)
- CD53 Rural Roads Protocol (Dorset CC)
- CD54 Landscape Institute Technical Committee Interim Statement (27 November 2018)
- CD55 Stroud DC v SoS CLG and Gladman Developments Ltd [2015] EWHC 488 (Admin)
- CD56 CEG Land Promotions II Ltd and SoS HCLG and Aylesbury Vale DC [2018] EWHC 1799 (Admin)
- CD57 The Queen (on the application of Leckhampton Green Land Action Group Ltd) v Tewkesbury BC v Redrow Homes Ltd, Martin Dawn (Leckhampton) Ltd [2017] EWHC 198 Admin