

# **Planning Appeal APP/DI265/W/24/3353912**

## **Tess Square & Butts Close Marnhull**

### **Appeal Statement relating to Heritage Impacts**

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## Name and Qualifications

My name is Kevin Morris. I am a chartered town planner, member of the Institute of Historic Building Conservation and hold the degree of BA(Hons) from Oxford Polytechnic (now Oxford Brookes University), a Planning Diploma in Urban Conservation and Renewal also from Oxford Polytechnic, a Masters Degree in Urban Design from The University of Westminster and a Postgraduate Diploma in Historic Building Conservation from the University of Reading. I am currently Director of Kevin Morris Heritage Planning Ltd. Previously I held various planning positions (mostly heritage related) over forty years at Dorset Council, North Dorset District Council, the London Borough of Bromley, Croydon Council and the Royal Borough of Windsor and Maidenhead.

The evidence which I have prepared and provide for this appeal in this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institutions and I confirm that the opinions expressed are my true and professional opinions

## Introduction

- 1.1 This statement has been prepared in support of an appeal against Dorset Council's refusal to grant planning permission for development of two sites in Marnhull, Dorset. The appeal has been lodged by Chapman Lily Planning Ltd on behalf of Mr Paul Crocker (the Appellant), under Section 78(1) of the Town and Country Planning Act 1990 (as amended) in response to the refusal of the Hybrid planning application planning reference P/OUT/2023/02644 by Dorset Council acting as the Local Planning Authority for the following development:

*A full planning application for a mixed-use development comprising a food store, office space, café, and mixed-use space for E class uses (e.g., estate agents, hairdresser, funeral care, dentist, vet), and 2x 2-bed flats. Plus, a new parking area with 30 parking spaces for St. Gregory's Church and St Gregory's Primary School, landscaping and associated engineering operations, access arrangements, on land west of Church Hill, Marnhull, (Tess Square); and*

*Outline planning application with all matters reserved except for access for up to 120 dwellings on land off Butts Close and Schoolhouse Lane, Marnhull*

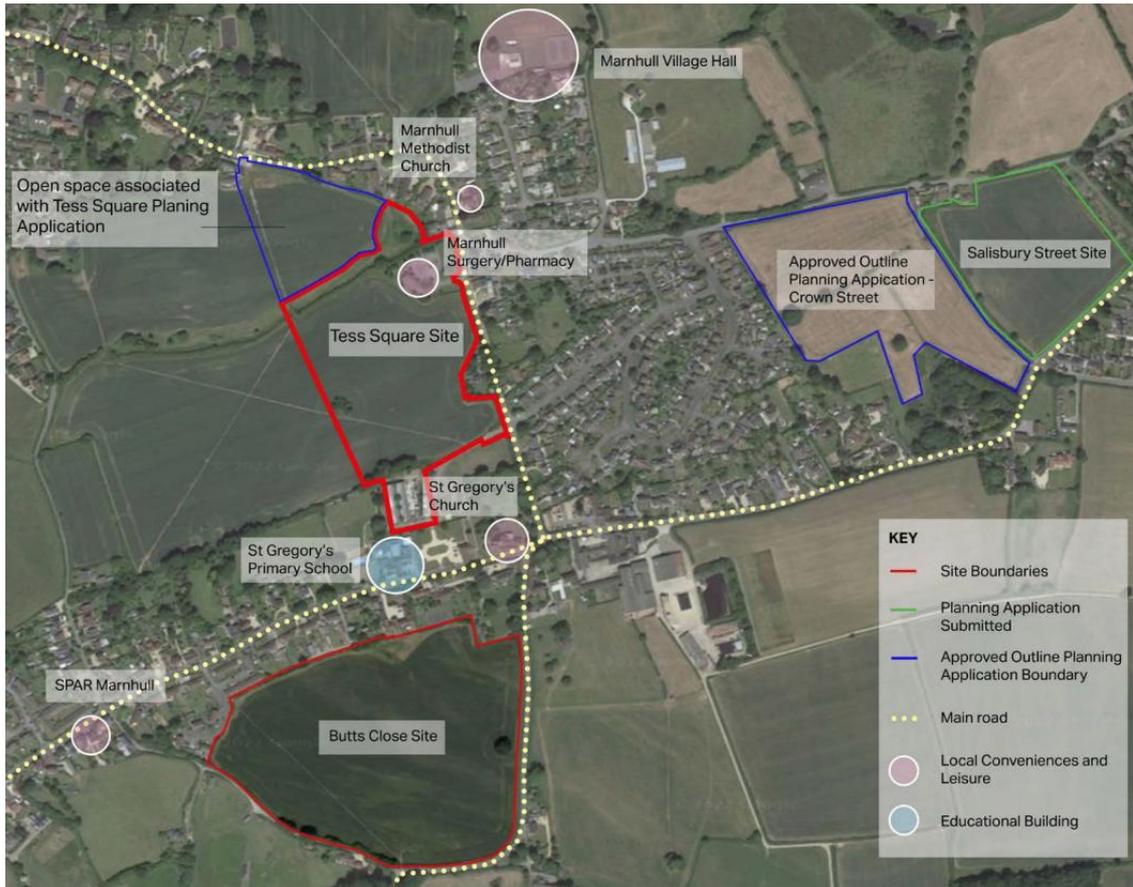


Fig. 1. An extract from plans prepared by BrightSpace Architects (CD1.040).

Planning permission was refused under planning reference 2023/02644 as laid out in the Heritage Topic Paper [CD4.017].

1.3 This statement addresses refusal reason 4.

## 2. The Sites

### Butts Close

2.1 The land at Butts Close comprises an area of agricultural land which rises gently from south to north. The site at its northern-eastern boundary abuts the boundary of the Marnhull Conservation Area (southern section) which centres on New Street and its junction with Schoolhouse Lane and Crown Road. The eastern and part of the southern boundary is formed by Schoolhouse Lane with the remainder and western boundary by Chippel Lane.



Fig. 3. An extract from the appeal documents illustrating the proposed site plan for Butts Close. Source: BrightSpace Architects (CD4.021)

### Commercial Centre - Tess Square

- 2.2 Tess Square is to be formed by land to the north of Seniors Farm and the Church of St. Gregory on New Street and west of Church Lane and abutting a detached property, Springfield and the existing surgery building which sit in more isolated positions on the western side of Church Lane which runs north-south to the junction with New Street and School House Lane to the south. The accompanying plan illustrates the suggested layout which includes the removal of the existing large visually conspicuous and discordant chicken barns, the provision of a parking area for the church and school (users either walk or park in the street), pedestrian links within the village and the provision of a large area of public open space.

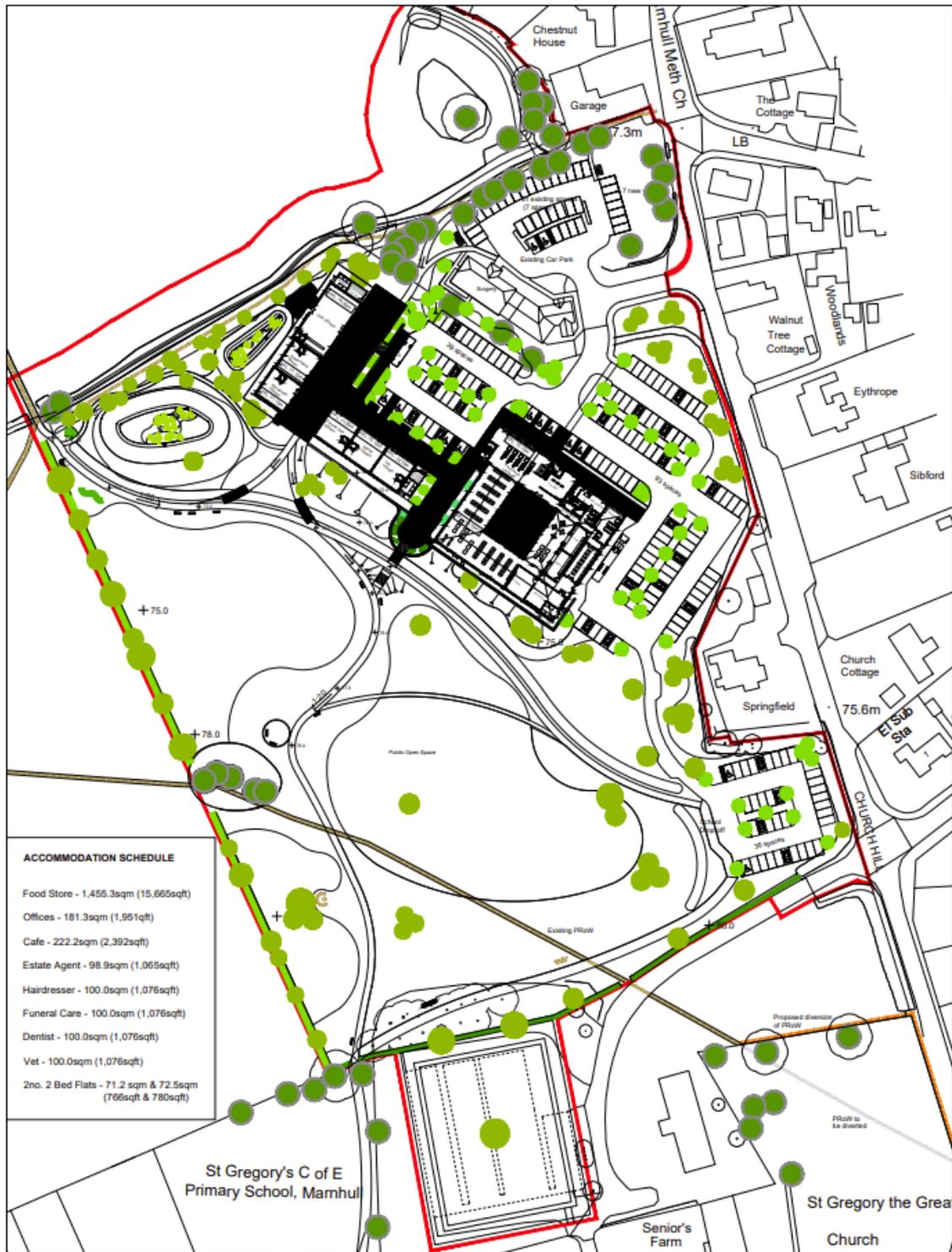


Fig. 4. The Tess Square proposed layout and site area. Source: BrightSpace Architects (CD4.006)

2.3 Currently the land comprises a large agricultural field sloping gently downwards to the north-east as illustrated in the Heritage Topic Paper and encompasses the existing doctors' surgery and car park adjacent to Church Hill. The site also includes the large asbestos agricultural buildings (chicken barns) to the north-west of Seniors Farm which dominates the settings of the farm, church and school (non-designated heritage asset).

## Historic Maps

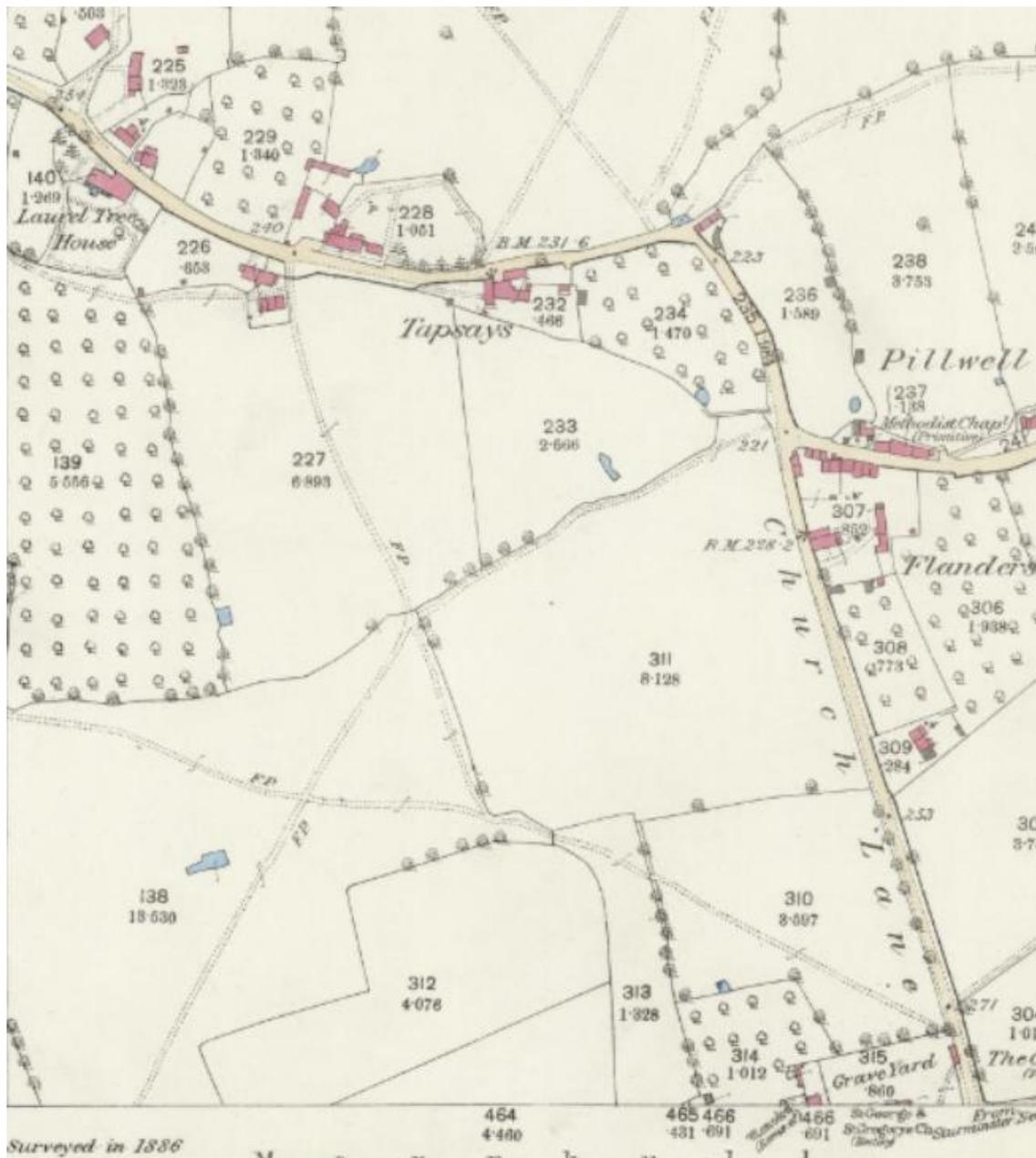


Fig. 5. A late 19<sup>th</sup> Century map extract illustrating the historic settlement pattern (sporadic) alongside the established field patterns, now impacted as a result of modern farming methods and partly lost.

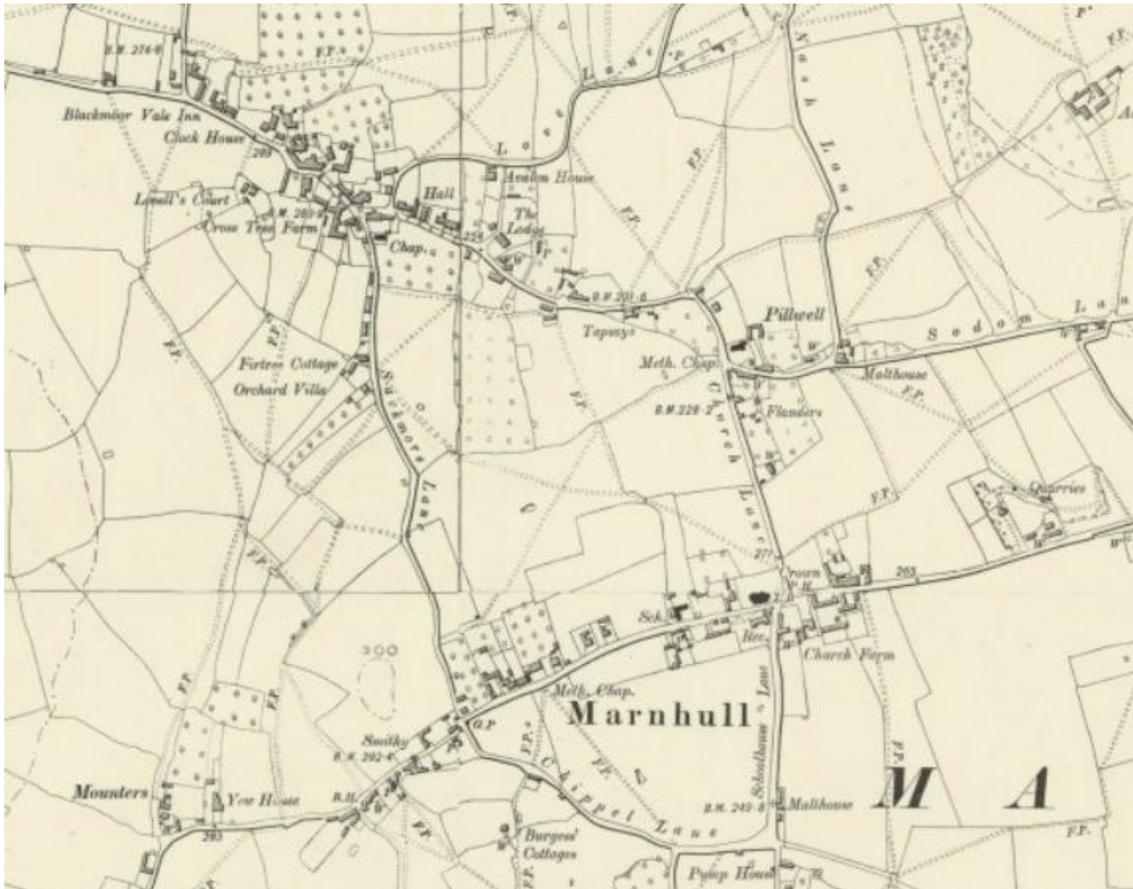


Fig. 6. A late 19<sup>th</sup> Century map of the site and its surroundings.

### 3. Analysis of Heritage Assets identified by the Council in their reason for refusal and the impacts of the proposed developments

#### Background

- 3.1 The broad conservation philosophy of Historic England is that understanding the heritage significance of a place or asset is a prerequisite to managing that place or asset in ways that preserve and enhance its significance. At application and appeal stages analysis was undertaken to identify and assess the significance of individual heritage assets in close proximity to the proposed sites and the degree to which, if any, the proposals affect significance and settings of the defined assets.
- 3.2 It is acknowledged that the settings of heritage assets in the vicinity of the two sites could potentially be changed by intervisibility with new housing and other development together with associated spaces, e.g. car parking areas. The NPPF defines setting as ‘the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve’. Setting is not a heritage asset, nor a heritage designation. Its importance lies in what it contributes to the significance of the heritage asset. It should be noted that the contribution a setting makes to the significance of an asset does not depend on there being public rights or an ability to access or experience that setting.

- 3.3 Analysis at application and appeal stages has followed guidance provided by Historic England (CD5.021) by identifying each asset (identified within the joint Topic Paper) and assessing whether, how and to what degree setting makes a contribution to the significance of the heritage asset(s).

### The proposals

#### Butts Close

- 3.4 The proposed layout for Butts Close has built upon previous proposals for this part of the village. Public open space is proposed (with LEAP) adjacent to the rear of the collection of listed buildings which include Conyers Place and the former granary and stable buildings to its west and south of New Street and to the north east of the site. The illustrative layout proposes two large green corridors leading from the public open ensuring views to and from the conservation area and assets. The following impact analysis is based upon Historic England's setting guidance and provides an assessment of the impacts of the appeal proposals.

#### Senior's Farm

##### **Step 1:**

- 3.5 This comprises the main house and attached barn.

##### **Step 2:**

- 3.6 At application stage, officers described the significance of the farmhouse and attached barn as follows:

*Elements of setting which contribute to its significance include:*

- *spatial and historically functional relationship within the localised extent and context of the village and encompassing local, agrestic landscape*
- *the visual experience, from the building and grounds, that collectively promote the site's tranquil rural setting*
- *the visual experience toward the building within the context of its low-density village setting*
- *Peripheral views that present the building within the wider context of the villagescape setting*

- 3.7 This brief resume of elements of setting is not disputed. However, it is important to acknowledge that those elements that contribute to setting and significance (either positively or negatively) are active rather than passive. The setting of this asset is framed to its south by buildings fronting New Street, to the east by St. Gregory the Great Church, its yard and landscaped enclosure, to the north-west by large farm buildings and to the west by the local school. Longer range views from the north are possible and comprise the large agricultural fields bordered by Church Hill with projections into the agricultural fields by Springfield and the Marnhull Surgery and associated car park. Further north, buildings to the south of Bourton Street form the village edge. Views to

the north and application site are possible which connect the farmhouse and barn to an agricultural landscaped setting in part, although of lesser historic interest as a result of modern farming practices and lack of trees or hedgerows. Site analysis has revealed that there is no reliance upon the application site at Butts Close as a contributor towards the significance of the asset including its setting. There is therefore no need to apply further assessment steps.

### Parish Church of St Gregory

#### **Step 1:**

- 3.8 Located on the junction of New Street, Schoolhouse Lane, Crown Road and Church Hill, the building forms a prominent physical and cultural feature within the landscape.

#### **Step 2:**

- 3.9 The church is a significant building within the village setting, forming not only a prominent architectural and historic feature but a religious and cultural one too. It has an immediate setting within the adjacent roads, New Street, Church Hill, Schoolhouse Lane and Crown Road and also further afield assisted by the topographical nature of the village. This immediate and wider setting is an important contributor to its significance, particularly given its role within the community, village and its hinterland. At application stage, Council officers described the significance of the church as follows:

#### *Significance*

*Elements of setting which contribute to its significance include:*

- *spatial and historically functional relationship within the localised extent and context of the village and its encompassing, agrastic local landscape*
- *the visual experience, from the building and grounds, that collectively promote the site's discrete (private) and tranquil rural setting*
- *the visual experience toward the building within the context of its low-density village setting*
- *the visual, static and kinetic, experience obtained from a full village radius of viewpoints toward the building that clearly exhibit the structures elevated prominence as an impressive landmark feature within the settlement boundary*
- *Peripheral views that present the building within the wider context of the villagescape setting*

- 3.10 The described elements of setting which contribute to the significance of the church are not disputed. In brief, the church has an inward and outward setting of both agrarian landscape character and built "urban" village development. Those elements are not static but active. They will inevitably continue to change through development and changes to farming practices.

### **Step3:**

- 3.11 Following an examination of the possible impact of the proposed development at Butts Close upon the setting of the Parish Church it is evident that the only real impact will be from the south-west when the church and tower is viewed from further afield across the application site. Any new development has the potential to obscure the ability to appreciate the status and significance of the church tower within its wider setting from existing open countryside to the south-west of the Church (see submitted views Figs 7, 8, 9 and 10). As stated within the Historic England setting guidance referenced in the Appendix:

*Being tall structures, church towers and spires are often widely visible across land and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.*

- 3.12 There will be no direct impact upon the significance of the Church as a result of the proposed development nor competition with the status of the Church tower within its wider landscape or setting. Whilst some existing views of the Church from within parts of the application site or to its south-west will be lost, these will be limited and it will maintain its visual and cultural primacy within the wider landscape. Consequently, the resultant change to its rural context will result in a low degree of harm (at the lower end of less than substantial).

### **Step 4:**

- 3.13 The setting of the Church, and in particular its tower, has been considered as part of the proposals. Whilst the open character of the view to the tower from open land to the south-west cannot be preserved in its entirety, planned views through the development and over the roofs of houses on the development will allow some views of the church and maintain its prominence and status within the village.
- 3.14 In response to Marnhull Parish Council's SoC as a Rule 6 party they commented that the Appellant hadn't produced photomontages of the impact of the development on the historic form and heritage assets and their setting. The Appellant has commissioned verified views which are attached as Appendix KM1: Verified Views to my evidence, which help to demonstrate the impacts of the proposed development. These are taken from locations in and around the site (see Appendix KM1 for the locations). These help, to illustrate the impacts of the proposed development on the church tower from certain vantage points.



Fig. 7. The verified view (AVR03) looking from the north-eastern area of the appeal site.



Fig. 8. A view along one of the suggested corridors towards the church. From some locations within the site the church will not be visible but the planned corridors enable glimpses to be maintained.



Fig. 9. A view (AVR04) taken from the southern boundary of the appeal site looking north towards the church.



Fig. 10. The same view illustrating the impacts of development and the corridor formed to enable appreciation of the church tower to be seen.

## Marnhull Conservation Area

### **Step 1:**

3.15 Marnhull Conservation Area (Designated 1971) - currently comprising two defined extents:

- Marnhull north (Burton Street)
- Marnhull south (New Street/ Crown Road)

3.16 The conservation area reflects the fact that Marnhull consists of several conjoined hamlets, connected by a network of minor roads. The village presents a mix of architectural styles, with post-war developments existing alongside properties dating back to Tudor times and earlier. The parish church of St Gregory has a 15th-century tower which is a landmark feature within the village. Saxon charters show that Marnhull existed as a village in the 10th century although the village site has seen human occupation as early as the Iron Age and a Roman settlement was established at Ashley Wood in the east of the parish. The Domesday Book of 1086 does not mention Marnhull by name, though the constituent settlements of Walton Elm, Burton and Kentleworth were probably recorded under the entry for Sturminster Newton as the eight hides of land owned by Waleran, Roger and Chetel. The eastern part of Marnhull parish used to be a separate parish, named Thorton, until the 16th century. Marnhull is a large village with distinct settlement patterns comprising its historic more linear form and later infilling and rounding off particularly to its north-west (e.g. Ham Lane), eastern area (Pillwell) and western end of New Street. Marnhull is surrounded by undulating mixed pasture and arable farmland, characterised by hedgerow boundaries with many mature trees which integrate the settlement into the landscape.

### **Step 2:**

3.17 Elements of setting which contribute to the significance of the conservation area include:

- The existing conservation area is relatively low density and is laid out in a distinctive and historic linear settlement pattern contrasting with later modern developments.
- Where possible, looking outward from the village are mostly undeveloped, wooded skylines with long-reaching views enclosed when viewed from north to south and south to north by existing development. The tower of the grade I listed St Gregory's Church is a landmark feature on the skyline when looking towards the village from various vantage points.
- Despite its size, the village retains rural qualities with high levels of tranquillity in many parts of the conservation area. The surrounding network of minor rural lanes has not been significantly altered by modern development and also contributes to the rural character of the village.
- A strong network of public rights of way surrounds the village, allowing appreciation of the landscape and built development (including the conservation area). These

include parts of the Hardy Way and Stour Valley Way long distance recreational routes.

- Marnhull has strong associations with Thomas Hardy, providing the inspiration for 'Marlott' in Tess of the d'Urbervilles with extant buildings within the conservation area appearing with the text (notably the Crown Inn), thus making a contribution to associative heritage values.

### **Step 3:**

- 3.18 The Conservation Area boundary is drawn relatively tightly around the built development. To the immediate north of the application site the conservation area sits north of a row of development fronting New Street and Butts Close and is therefore not visible and there is no impact upon it at this point. To the north-east of the site the conservation area boundary projects southwards and includes the rear garden (tennis court) of Fig Tree Cottage and Conyers Place as well as dividing the recent development of Newton House, Blenheim House and Braeburn House (the first falling outside of the boundary and the latter two within it despite comprising a single development). The boundary also subdivides the rear garden of Conyers Place.
- 3.19 Views (from adjacent farmland and the appeal site) to and from that small part of the conservation area adjacent to Conyers Place and Fig Tree Cottage comprise a small element of its setting.
- 3.20 Examination of historic maps (Fig. 6) indicates that the application site has never been developed and contributes to its setting. Development of the field to the south of the conservation area has the potential to cause harm to the setting of the conservation area. Given the outline nature of the application, the level of harm is dependent upon the form, scale, siting and appearance of any proposals. The illustrative layout plan shows the boundary and degree of containment of built development relative to the scale of the field and boundary of the conservation area. The proposed public open space and landscaped corridors help mitigate the likely impacts of the proposals. The change in character of the land will (as described previously with regard to listed buildings) will result in some harm to the setting although this would be slight and at the lower end of less than substantial. This is because of the the extensive nature of the overall setting and the relatively small amount of conservation area boundary adjacent to the appeal site.

### **Step 4:**

- 3.21 The proposed development precludes a continuous visual relationship between the conservation area at this location and the existing open farmland beyond. However, the integrity of the conservation area and the ability to appreciate its significance will not be lost and any harm is limited.
- 3.22 Early assessment of the setting of the conservation area has informed the indicative layout with the creation of significant landscaped areas. The layout preserves a view of the boundary and conservation area from within the development. Given the size of the

conservation area boundary and that part relative to the proposed development the degree of impact is limited.

### Views

- 3.23 In order to enable understanding of impacts, verified views (Appendix KM:1) relating to the proposals have been prepared as illustrated in Figs., 7, 8, 9 and 10.

### Tess Square

#### Seniors Farm

##### **Step 1:**

- 3.24 This comprises the main house and attached barn as previously identified and the statutory list description has also been provided in the Topic Paper.

##### **Step 2:**

- 3.25 In the context of Tess Square, the setting of this asset is framed to its northwest by the very large modern chicken barns. At application stage, officers provided the following commentary on the landscape and application site as follows:

*The application site is situated within a landscape extent classified as “Limestone hills” which forms an elevated, geological sequence closely bordering low-level, undulating, open planes. The extent, located on the upper ridge of the Blackmoor Vale, is characterised by an ancient pattern of small irregular pastoral fields and narrow lanes, interspersed with irregular patches of woodland. Furthermore, the expansive, and generally open, landscape provides opportunity for wide spanning, distant views which incorporate the presentation of mixed farmland, dense boundary hedgerows, stonewalls, and infrequent, steep wooded slopes. Typically, settlements are defined by the adoption of distinctive local yellow limestone with the use of Forest Marble and Cornbrash common. These picturesque and distinctive limestone villages, and concomitant church towers, vernacular dwellings, and scattered farmsteads, are all characteristic of the overall limestone scenery which contributes significantly to the village’s rural and agrestic sense of place.*

- 3.26 As a high-level generic commentary on landscape type the above is not disputed. However, any specific assessment should be further embellished with detail relating to the specific character of the application site and its surroundings, including the wider environs of the village, which not only include the vernacular but also non-vernacular, polite and more humble buildings many of which have no recorded historic or architectural significance. They are surrounded by farmland and in the case of the appeal site, cleared of hedgerows to secure more efficient farming practices. The officer’s description suggests an idyllic rural village whereas the area, both in terms of landscape and built development is of mixed quality. For example, the land adjacent to and forming part of the appeal site does not contain dense extensive boundary hedgerows, stonewalls or infrequent wooded slopes. The field north of the appeal site

is to be retained, which effectively forms a buffer to the proposed development and the northern section of the designated conservation area.

- 3.27 To the east of the site is built development which extends further eastward with recent approved development infilling agricultural land and existing open landscaped areas. This is not designated or identified as having any special architectural or historic interest – pleasant but not special in terms of warranting heritage designation.

**Step 3:**

- 3.28 The proposals will remove the large asbestos chicken barns which block the historic setting between the farm and its wider surroundings although reflecting its former agricultural use. The proposed development is set further north of the farm with buildings and landscaping appropriate to the village context and local vernacular.
- 3.29 The site analysis demonstrates (and prepared verified views show) a change to the existing agricultural landscape (in its degraded form) with the sympathetically designed new buildings, hard and soft landscaping and significant amount of public space and improved permeability. Change is not necessarily harmful even if it results in development being visible to and from heritage assets (within their wider settings). The appeal proposals will be seen but they will at distance from the asset and at a lower level. The change in use of the land through the proposed development, along with other buildings within the village, will not dilute the significance of Senior's Farm. The change to the historic landscaped agrarian setting will result in a very low level of harm to that established setting. However, it should be recognised that the removal of the existing poorly formed and visually dominant farm buildings will significantly enhance the setting of Seniors Farm opening its relationship with agricultural land to its north-west.



South - East Elevation



South - East Internal Elevation



North - West Elevation



North - West Internal Elevation

Fig. 11. An illustration of the design approach adopted with the proposed business units.  
Source: Brightspace Architects (CD1.010)



North - East Elevation



South - West Elevation



North - West Elevation



Fig. 13. The proposed foodstore elevations. Source: Brightspace Architects (CD1.008)

#### Step 4:

3.30 The appeal proposals illustrate the care taken to mitigate the visual impacts of the proposal through the use of appropriate forms and materials for the buildings (reflecting the local vernacular and agrarian forms) along with their siting, taking advantage of the local topography along with additional landscaping. The

cumulative effect is the creation of a development which nestles into the landscape.

### Church of St Gregory

#### **Step 1:**

- 3.31 As previously described, the church is located on the junction of New Street, Schoolhouse Lane, Crown Road and Church Hill. The building forms a prominent physical and cultural feature within the landscape and is visible from land to the north.

#### **Step 2:**

- 3.32 This stage has been previously described. In brief its immediate and wider setting includes the land to the north albeit of degraded landscape quality which is a contributor to its significance.
- 3.33 In a similar fashion to Senior's Farm, and as site analysis demonstrates (and prepared views illustrate), there will be a change to the existing agricultural landscape (in its degraded form) through the construction of the new buildings, hard and soft landscaping, significant amount of public space and improved permeability. However, that change will result in a very low level of harm to its setting.

#### **Step 3:**

- 3.34 Following an assessment of the impact of the proposed development upon the setting of the Parish Church it is evident that the impacts will be limited from the north. Moreover, the setting will be enhanced by the removal of the large chicken barns adjacent to Seniors Farm which will open up some views to and from the church from the north-west. The construction of the new centre will be read as part of the established urban village context. The construction of the new car park for the church and school at the south-eastern corner of the site will have no harmful impacts, particularly given the additional landscaping framework. As stated by Historic England in their setting guidance:

*Being tall structures, church towers and spires are often widely visible across land and townscapes but, where development does not impact on the significance of heritage assets visible in a wider setting or where not allowing significance to be appreciated, they are unlikely to be affected by small-scale development, unless that development competes with them, as tower blocks and wind turbines may. Even then, such an impact is more likely to be on the landscape values of the tower or spire rather than the heritage values, unless the development impacts on its significance, for instance by impacting on a designed or associative view.*

- 3.35 Given the above, there is no direct impact upon the significance of the Church and given the scale of the proposed development there will not be competition with the status of the Church tower within its wider landscape or setting. The impacts will be confined to the change to its historic agrarian landscaped setting within this small area as part of its

extensive wider setting. The Church will maintain its visual and cultural primacy within the wider landscape.

### The Marnhull Conservation Area

#### **Step 1:**

3.36 As previously stated, the Marnhull Conservation Area is formed in two main parts, one based around Burton Street and the second, New Street, Crown Road and Schoolhouse Lane.

#### **Step 2:**

3.37 At application stage the Officer's observations were as follow:

*Principally, we reiterate key observations regarding development and the spirit of place, as documented within the North Dorset Landscape Character Assessment 2008, The Strategic Landscape and Heritage Study for North Dorset an The Dorset Landscape Character Assessment for Marnhull:*

- *Conserve and enhance the varied settlement pattern of the different limestone villages and their relationship with the associated surrounding copses/ woodlands*
- *Maintain the undeveloped character of the area e.g. by resisting intrusive developments on sensitive and exposed hillside locations.*

*Furthermore, the intrinsic scenic quality, associated with the character of the limestone hills landscape and, more specifically, Marnhull's overall low-density presentation within both a localised and wider landscape context, promote a strong sense of tranquillity and remoteness. These perceptual and experiential qualities are fundamentally derived from the village's undeveloped rural character which contribute to the distinctiveness and sense of place at a local scale.*

3.38 The settlement pattern of the village is acknowledged. However, 20<sup>th</sup> century and more recent developments and permissions have seen the addition of built development within the village. These include recent permission for housing development north of Burton Street and adjacent to the conservation area's boundary (and immediate setting of Orchard House and local monument entry Tapshayes Corner).

3.39 There are no areas of woodland in existence on or adjacent to the application site. Nor is the development planned on an exposed hillside location - the application site is on low lying land (as described within the planning application) and is an intensively managed area of farmland with few notable features.

3.40 Furthermore, officers stated:

*Both application sites, as illustrated on supporting indicative plans, are situated outside the extent of the Marnhull settlement boundary which is presented in a distinctive linear*

*format. Predicated on the proposed derivation from preserving the village's historic settlement pattern, our initial concern relates to one of site allocation and, what is perceived to be, cumulative erosion (loss) of the village form through the schemes intent to site, infill, development between the two Marnhull Conservation Area extents.*

**Step 3:**

- 3.41 Reference is made to loss of village form. The conservation area designation reflects and seeks to protect the historic pattern, but the application site is not within a conservation area and its relationships with both northern and southern elements thereof are such that that the protected form and layout will not be eroded or undermined. As previously explained, the change to the character of the setting as a result of the change in the use of the land will result in a very low level of harm.
- 3.42 Commentary by the Council and others gives the impression of significant infilling of the existing farmland area between the northern and southern areas of the conservation area whereas it actually impacts upon a very small part of it. Officers stated:

*The extent proposed for the application site currently separates two parts of the village which promote a dispersed settlement pattern and sense of separation considered of principal importance to the setting of the Conservation Area. This distinct, historic settlement reference is currently well maintained despite the modern, postwar development connecting the village to the east of Church Hill. The proposed scheme comprising a food store, business units, and parking would occupy much of the currently unbuilt land, west of Church Hill, which we perceive would directly, negatively challenge the clear relational legibility and presentation between the two sections of the Conservation Area.*

**Step 4:**

- 3.43 It is accepted that the wider area of farmland of which the application site forms a small part, sits between the northern and southern parts of the conservation area. At the eastern ends of both areas, Church Hill forms the physical link between the two areas with the majority of built development on its eastern side. However, there is built development to its western side and a previous planning permission exists for development of land to the west of Church Lane adjacent to the south-eastern end of the northern part of the conservation area.
- 3.44 The following verified views (Appendix KM:1) help illustrate the impacts of the appeal proposals.



Fig. 14. An existing view from a field entrance from Burton Street looking from the northern conservation area towards the church, Senior's Farm and the southern part of the conservation area.



Fig. 15. The same view with the development illustrated illustrating the ability to still see and appreciate the heritage assets.



Fig. 16. A view from an area north of the Church of St. Gregory and Senior's Farm (see Appendix) looking towards the existing surgery and village. The conservation area boundary is to the left of the image



Fig. 17. The same view with the development illustrated which obscures the existing surgery building and creates a new edge to the village on the western side of Church Hill. From this viewpoint the conservation area is still visible due to the considered design of the new buildings and underlying topography.



Fig. 18. Looking from Sackmore Lane towards the assets in New Street.



Fig. 19. The same view with the development included illustrating that from this angle the assets are unaffected.

#### 4. Marnhull Parish Council's Rule 6 Statement

- 4.1 The Parish Council agree that there would be less than substantial harm to the specified heritage assets. The Appellant's position is that the level of harm is at the lower end of less than substantial and that the public benefits of the scheme outweigh the harm.
- 4.2 The Parish Council is currently working with Dorset Council on the preparation and adoption of a conservation area appraisal for the conservation area which included amending the existing boundary to include additional areas.

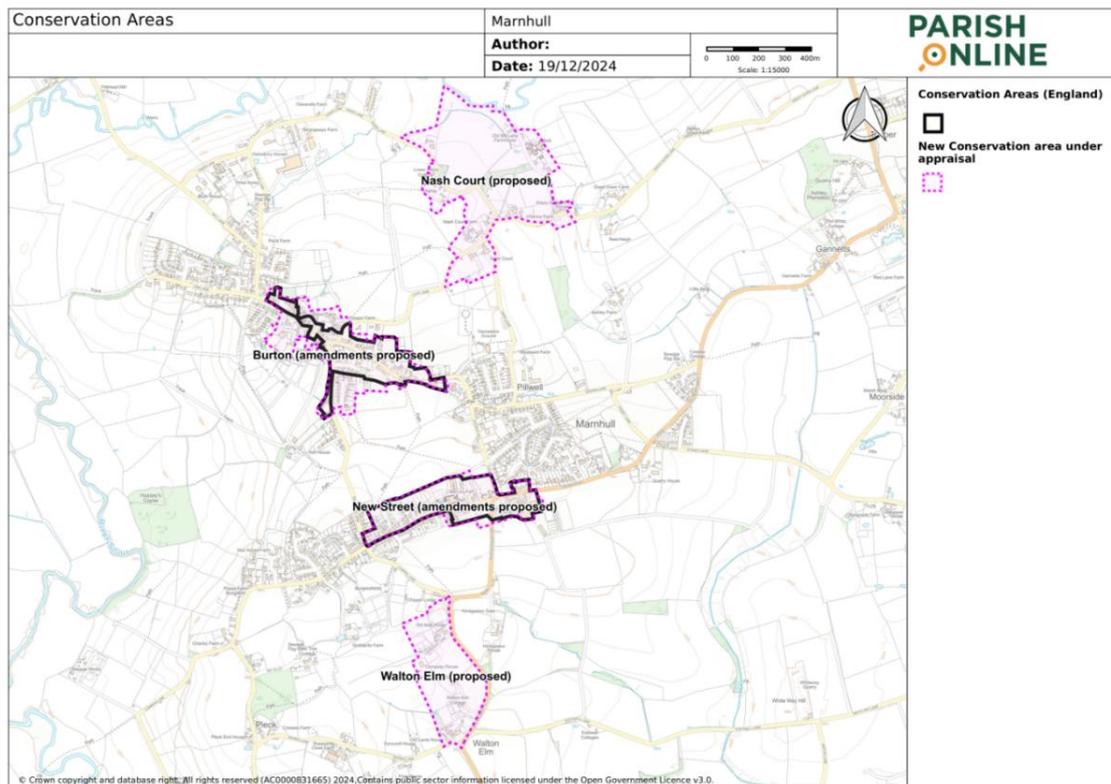


Fig. 20 an extract from the draft appraisal with amendments to the existing boundaries and inclusion of additional areas (CD6.003).

- 4.3 The Parish Council essentially adopt the concerns of the Council over the space between the northern and southern sections of the conservations area. The Parish also raise the association with Thomas Hardy, which I have acknowledged above. The proposed development will not impact upon those elements of Marnhull with tangible links to his novels (such as the Crown Inn). However, it is difficult to discern any tangible link between his novels and any impact upon the managed farmland comprising the appeal sites in the context of the growing village.
- 4.5 Moreover, despite the emphasis placed by the Council and the Parish Council upon the historic, cultural value and landscape importance of the application sites, they have not been included within the proposed conservation area boundaries whilst other large areas of landscape have.

## 5. Conclusion

- 5.1 This statement has explained the context within which decisions affecting heritage assets should be made. It has examined the likely potential of the appeal proposals to impact upon the significance of designated heritage assets within the framework provided by national and local policies. In line with the statutory duties pursuant to the Listed Buildings & Conservation Areas Act 1990 along with national guidance, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). As made clear by the National Planning Policy Framework: *This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*
- 5.2 There is no direct impact upon the assets (other than enhancement with the removal of the chicken barn). Given the proximity of the assets to the application site this harm would be less than substantial and can be described as slight given the level and form of development as suggested.
- 5.3 The degree of harm to the identified heritage assets is agreed by all parties to be less than substantial. The outstanding issue is what that would ultimately mean in the overall planning balance. For context, the upper end of that spectrum would necessarily be only just short of substantial harm, which would involve the total loss of an asset's significance or it being vitiated (*Bedford BC v (1) SSCLG (2) Nuon UK Ltd* [2013] EWHC 2847 (Admin), see paras 25-25 [CD13.008]).
- 5.3 This slight harm then has to be assessed against the wider public benefits arising from the proposed development, a matter discussed in more detail by others as part of the appeal submission.

## APPENDIX

### KM1: Verified Views

Please refer to separate document

### KM2: Historic England Guidance (CD5.021)

#### The Setting of Heritage Assets

In order to make an informed assessment of the impacts the proposed extension, reference was made at application stage to setting guidance produced by Historic England 'The setting of Heritage Assets' in its latest form. The guidance has again been used in preparation of this statement. The guidance describes the stages which should be undertaken in assessing the impact of development proposals on heritage assets. The document provides detailed commentary but in brief the stages are as follows:

**Step 1:** identify which heritage assets and their settings are affected

**Step 2:** Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated

**Step 3:** Assess the effects of the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it

**Step 4:** explore the way to maximise enhancement and avoid or minimise harm

**Step 5:** make and document the decision and monitor outcomes