

SECTION 78 TOWN AND COUNTRY PLANNING ACT 1990

APPEAL BY PAUL CROCKER

LAND WEST OF CHURCH HILL AND LAND OFF BUTTS CLOSE AND SCHOOLHOUSE LANE, MARNHULL

HYBRID PLANNING APPLICATION CONSISTING OF:

FULL PLANNING PERMISSION FOR A MIXED-USE DEVELOPMENT TO ERECT A FOOD STORE WITH CAFE, PLUS OFFICE SPACE AND 2 NO. FLATS ABOVE. ERECT BUILDING FOR MIXED COMMERCIAL, BUSINESS AND SERVICE USES (CLASS E), (E.G. ESTATE AGENTS, HAIRDRESSER, FUNERAL CARE, DENTIST, VET). FORM VEHICULAR AND PEDESTRIAN ACCESSES AND PARKING. FORM PARKING AREA FOR ST. GREGORY'S CHURCH AND ST GREGORY'S PRIMARY SCHOOL. CARRY OUT LANDSCAPING WORKS AND ASSOCIATED ENGINEERING OPERATIONS. (DEMOLISH REDUNDANT AGRICULTURAL BUILDINGS). LAND WEST OF CHURCH HILL.

OUTLINE PLANNING PERMISSION (TO DETERMINE ACCESS) TO ERECT UP TO 120 DWELLINGS. LAND OFF BUTTS CLOSE AND SCHOOLHOUSE LANE.

PINS REFERENCES: APP/D1265/W/24/3353912

LPA REF: P/OUT/2023/02644

OPENING SUBMISSIONS AND LIST OF APPEARANCES

ON BEHALF OF

MARNHULL PARISH COUNCIL

A RULE 6 PARTY

Introduction

1. This brief Opening is made on behalf of Marnhull Parish Council (“the Parish Council”) which has been granted Rule 6 status to this Inquiry and will be providing evidence in support of its case in opposition to the grant of permission for the developments proposed (through this Hybrid planning application) for the Land West of Church Hill and the Land of Butts Close and School House Lane.
2. The Parish Council resolved to participate in this appeal having gauged support within the Parish Council and wider community, which included consideration of the fact that the Appeal Proposal, when consulted upon, attracted 113 representations made in opposition to it, with only 3 in support¹.
3. Since then, the wider community of Marnhull has shown its support for the Parish Council’s involvement in this Appeal through donations of just under £17,000 from 161 supporters² to provide funding for the professional support and representation engaged by the Parish Council in presenting its case. Through this, and the engagement with the emerging Neighbourhood Plan, it is clear that the people of Marnhull are very interested and concerned about the way their settlement will be developed and evolved in the future.
4. In its role as a Rule 6 Party, the Parish Council intends to support the five reasons given by the LPA in its decision (dated 16th July 2024) to refuse permission. The Parish Council has noted that the LPA no longer intends to defend³ Reason for Refusal 3

¹ The Officer’s Report (CD1.050) at page 8.

² <https://www.crowdfunder.co.uk/p/marnhull-pc-tess-square-butts-close---appeal>

³ Subject to conditions and financial contributions being secured

(Highway Safety and Sustainable Transport)⁴. It does not agree with that decision and so will be calling its own evidence in support of a refusal made on the basis of Highway Safety and Sustainable Transport.

5. It has also noted the LPA's position that Reason for Refusal 5 will not be defended if a suitable (in the LPA and Applicant's views) s106 Agreement can be completed "in a timely manner". As of the date of this Opening, the Parish Council does not consider that such a suitable agreement has been reached. Whilst the s.106 will be considered and discussed during a round table session this week, the Parish Council seeks to flag through this opening that what has been presented to date leaves considerable uncertainty in respect of funding and future management of elements of the Appeal Proposal including:

- a. the outdoor space proposed by the Appellant
- b. the continuation of the Marnhull Surgery
- c. the links to and from the School
- d. the triggering of the financial contributions in respect of the LEAP/LAP and for the maintenance of the Informal Outdoor Space,

as well as including a number of definitions that are too prescribed and fail to allow consideration of alternative reasonable options. These are, as set out earlier, issues to be discussed at a round table session in due course and the Parish Council will set out its concerns in more detail during that session.

⁴ LPA Case Statement at page 3 [CD4.010]

6. In the meantime, the Inspector has identified three issues that the Inquiry wishes to be assisted with. It is to these issues that the Parish Council directs its evidence and what follows is a brief outline of the Parish Council's case in respect of them.

Issue 1 - The Application Sites and The Effect of The Development on the Character and Appearance of Marnhull and the Setting of Its Heritage Assets

7. The Grade I, Parish Church of St Gregory's has stood (in various forms) at the heart of the rural community (past and present) since the 12th Century⁵. Its 15th Century Tower is an imposing and predominant, elevated landmark feature, centrally set within the uninterrupted skyline of the village – visible across all open farmland and from within the village core and encompassing landscape⁶. The location of the Church and its setting is key to understanding the development and history of the settlement at Marnhull⁷ and, thanks to the painter Gordon Beningfield, is keenly associated with Marnhull's ties to Thomas Hardy (known to have inspired the settlement of *Marlott* in *Tess of the D'Urbervilles*)⁸.
8. Whilst the views across the landscape to the Church are of themselves spectacular and of historic and aesthetic importance to the settlement and its setting, they pale in comparison to the views that can be experienced from the top of the Tower. The Inspector, as part of this Inquiry, is invited by the Parish Council to arrange a site visit to the Church, to climb the ancient and narrow staircase, and experience the views of

⁵ Historic England List Entry: 1172545

⁶ Mr. Carleton-Prangell's PoE at [4.4] [CD10.002]

⁷ Mr. Boyce's PoE at [3.9] [CD12.001]

⁸ Mr Boyce's PoE at [5.8]

the landscape that the Tower is able to present of both sites, and the wider area. Such a visit will assist in putting the developments proposed into the context of the existing landscape and settlement.

9. However, should the Inspector not wish to ascend the tower, then the Parish Council is able to provide a photographic package of views from the top of St. Gregory's showing the site as it currently is within the context of the settlement and the wider landscape.
10. A nighttime visit will assist the Inquiry in understanding the extent of the locally highly valued dark skies around Marnhull – something which residents have sought to protect in the past through requests to ensure that developments had minimal street lighting – something which the Appeal Proposal does not appear to have considered⁹.
11. The site at Church Hill is 5.21ha in size. The site at Butts close is the larger of the two sites at 7.99ha. Both are currently in agricultural use and are classified as Grade 3 agricultural land¹⁰.
12. Marnhull itself developed over the years from a group of several hamlets, unlike many Dorset villages which grew around cross-roads or central meeting place. It has a distinctive linear settlement pattern¹¹ and has retained its strong rural qualities with its network of green lanes, footpaths and hedgerows contributing to that character.

⁹ Cllr. Turner's PoE at [4.6]

¹⁰ Agreed Statement of Common Ground (March 2025) at [1.2], [1.4] and [1.7] [CD4.019].

¹¹ Mr. Boyce's PoE at [3.4]

13. The Parish Council will adduce evidence of its concerns about the impacts of the Appeal Proposal on the character and appearance of the settlement, and the impacts on the heritage assets through Stephen Boyce, Cllr. Mark Turner and Jo Witherden (BSC (Hons) Dip TP Dip UD MRTPI).

Butts Close

14. The proposed development of 120 houses at Butts Close would diminish (further) the particular character of Marnhull by significantly eroding the open relationship between the main settlement and the outlying hamlet of Walton Elm/Carraway Lane, and deviates further from Marnhull's distinctive linear pattern¹². The loss of this distinctive pattern, together with the views of the surrounding fields, and the loss of the remaining green space at Butts Close are matters of concern to the local community which, amongst other features, value this element of their settlement¹³.

15. The land south of Butts Close and West of Schoolhouse Lane lies between Tess Cottage and St. Gregory's Church, and is understood to be the field that Hardy envisaged as the site of the May Day procession that Tess of the D'Urbervilles took part in, and is a key setting for the church where Tess, in Hardy's novel, buried her child.

16. The Inquiry will be aware from Mr. Boyce's proof of evidence that the view of St, Gregory's when viewed from the field to be developed and the Hardy Way, is largely

¹² Mr. Boyce's PoE at [3.13]

¹³ Cllr. Turner's PoE at [4.1.1]-[4.2] & [4.8] [CD12.003]

unchanged from the time when Gordon Beningfield painted the field with the view of the St. Gregory's:



17. This is a view enjoyed by locals and tourists when exploring Thomas Hardy's country, from the Hardy Way¹⁴:



¹⁴ Mr. Boyce's PoE at [5.7], [5.9]-[5.10].

18. The loss of this setting will seriously diminish the cultural heritage of Marnhull, and would result in Marnhull losing its appeal to those visiting Hardy country¹⁵: The visualisations that have been provided by the Appellant help illustrate this point, but even these ignore further urbanising factors such as the highways and cars that would be an inherent part of the glimpsed views that are proposed to be retained.



Church Hill

19. The proposed development of the land west of Church Hill, will result in the loss of a significant part of an important central green space, which will also have a major impact on the village's form and character. The main fields have been proposed as a

¹⁵ Mr. Boyce's PoE at [5.1]]

¹⁶ CD11.006a – Image AVRO4, PDF page 17.

Local Green Space in the emerging Neighbourhood Plan and are an important area for residents – crossed with multiple public footpaths and a critical area in respect of views of St. Gregory’s. The proposed replacement of this green space with a large, artificial village centre with its “sea” of car parking spaces, will completely change the character of Church Hill, and not for the better¹⁷.

Issue 2: The Effect of the Scheme on Highway Safety (Including Pedestrian Safety) and Congestion in Marnhull

20. As explained earlier, the Parish Council will be calling evidence to support its case in respect of this issue. That evidence comes in the form of Mr. Richard Fitter of Entran Ltd (IEng, FCILT, FICE, FIHE) and Cllr Turner. In essence, the Parish Council’s case is that the Appellant has failed to fully identify the transport effects and necessary mitigations measures, to the extent that the Appellant had failed to demonstrate that the Appeal Proposal will not have an unacceptable impact on highway safety or that the cumulative impacts on the road network will not be severe. Further, the Appeal Proposal does not direct significant development to the most sustainable locations in terms of access to facilities and a genuine choice of sustainable modes of travel¹⁸.

21. Of particular concerns to the local community is the fact that:

- a. The limited employment opportunities within Marnhull will necessitate travel in many different directions, much of which will have to be via private vehicle, due to the poor bus service (which will not be remedied through a short-term

¹⁷ Cllr Turner’s PoE at [4.12]-[4.13]

¹⁸ Mr. Fitter’s PoE at [2.1.6]-[2.1.7]

cash injection) and a lack of safe or sensible cycle routes. Inevitably this will have a detrimental impact on residents through increased congestion and increased use of a road network that will become more intimidating and precarious for pedestrians and cyclists to use¹⁹. This is all the more concerning as the Appellant appears to have significantly underestimated the amount of traffic to be generated by the Appeal Proposal²⁰.

- b. The suggestion by the Appellant that the Appeal Proposal will encourage residents to walk and cycle a great deal around the village is unrealistic and based on a failure to understand the settlement and the local roads that pass through it²¹. Further suggestions that a connection could be made through the site of the school, providing an alternative off road route for pedestrians is simply unachievable without the agreement of the school²². Whilst some of the footpaths across the central field are proposed to be diverted and made into “all-weather paths”, these do not resolve the issue as they remain limited in scope, exit onto roads where there are no pavements, and there is little clarity how these will be maintained for use throughout the year when sections become waterlogged or caked with mud.
- c. The suggestion that the proposed village centre will improve sustainability, does seem in theory to be such an option, but has greater potential for disadvantaging many existing residents (particularly the elderly) who will find themselves

¹⁹ Cllr. Turner’s PoE at [5.2]-[5.5], [5.8], [5.13]-[5.14]

²⁰ Mr. Fitter’s PoE at [96.1]

²¹ Cllr Turner’s PoE at [5.6]

²² Cllr Turner’s PoE at [5.7]

likely to be having to walk further (or more likely drive further) along busier lanes for their daily needs at the new village centre²³.

Issue 3: Whether Marnhull is an Appropriate Location for Housing, Retail and Commercial Development of the Scale Proposed

22. Undoubtedly it will have been drawn to the Inspector's attention in recent appeals (if not this one) that the Secretary of State has identified that we are living "*...in the most acute housing crisis in living memory*"²⁴ and that those working in the planning system have "*...not just a professional responsibility but a moral obligation to see more homes built*"²⁵.

23. However, this does not mean building at any cost. Since 2012 the NPPF has been the highest expression of centralised planning in the (essentially) local system of development control established under the 1990 Act. There remains a responsibility on the Inspector to ensure, in evaluating the Appeal Proposal, that the protections and considerations enshrined in the current edition of the NPPF (noting that we are now working to the first iterations of the NPPF that a Labour Government has had a hand in drafting) are taken into account. The Labour Government's manifesto pledge to build 1.5million homes does not mean the NPPF (and local policy) is to be overridden and there is no reason as to why that pledge cannot sit alongside those considerations and protections – directing appropriate levels of development to more appropriate sites in order to achieve that pledge.

²³ Cllr Turner's PoE at [5.11] and [5.12]

²⁴ Angela Rayner MP, "*Building the Homes we Need*", Statement UIN HCWS48, 30.7.24.

²⁵ SoS letter to all LPAs, 30.7.24, "*Playing your part in Building the Homes that we need*".

24. The Inquiry will receive evidence from both the LPA and Parish Council to the extent that Marnhull, and these sites in particular, are not an appropriate location for the nature and quantity of the development proposed in this Appeal. The Parish Council's evidence will be provided by Ms. Witherden and Cllr. Turner. The Parish Council will look to demonstrate that the adverse impacts clearly outweigh the benefit, and a decision to grant based on quantum and the "moral" obligation to build more homes is not a sufficient reason in and of itself to allow this appeal.
25. The LPA will bring forward its case in respect of the Dorset wide housing supply and its calculations. The Parish Council will focus on the local information it is privy to in respect of housing need and supply in Marnhull.
26. The scale of change now envisaged for Marnhull cannot be said to be proportionate to the size of the existing community – an aspiration of the new housing target set out in the July 2024 Written Ministerial Statement. In the 2021 census, the population of Marnhull was recorded as being 2,036, spread across about 950 households. From existing planning consents (some of which are in the control of the Applicant) a further 256 homes are expected to be built in the Parish, including a further 39 homes on land off Butts Close . This alone represents a potential increase of 27% of the existing population (c.540 people).
27. The Appeal Proposal represents a potential further increase of 83 dwellings, taking this disproportionate increase to 37%.
28. Some of the local information within the possession of the Parish Council has come forward through the preparation of the emerging Marnhull Neighbourhood Plan and in the Parish Council's view indicates that the scale of development proposed by the

Appellant is in excess of what is needed locally²⁶. Appreciating that this is not, in and of itself, a reason for refusal, as in the case of Stalbridge referenced in Ms Witherden's evidence²⁷, where there is no genuine local need, there is a real risk that what is proposed is not what gets delivered. There is a need to avoid a "building for the sake of building" approach within Marnhull – and, as explained earlier, this level of development will come with considerable adverse impacts for the local community – both current and those who will arrive should permission be granted for this Appeal Proposal.

29. Further, the level of infrastructure proposed, and said to be needed to support the Appeal Proposal and existing settlement falls into the categories of:

- a. Uncertain in respect of delivery, viability and continued management - such as in respect of the allotments, the bus service and the "upgraded" "all-weather" footpaths
- b. Not needed - particularly at this scale and in this location, and given the potential for the new store to draw trade away from existing stores on New Street and Burton Street, risking the loss of these hitherto essential retail facilities²⁸
- c. Not well considered - given the difficulties inherent in planning for a significant and sudden increase in the settlement population that has arisen without any

²⁶ Cllr Turner's PoE at [6.1]-[6.8]; Ms. Witherden's PoE at [4]

²⁷ Ms. Witherden's PoE at [4.16]-[4.18]

²⁸ Ms. Witherden's PoE at [5.31]

forward planning, which is now being addressed through the Neighbourhood Plan process²⁹

Conclusion

30. The Parish Council does support development on an appropriate scale at Marnhull. It is seeking to do this through the emerging Neighbourhood Plan, which has been developed with the engagement of the local community to help them shape the future development of their settlement – aiming to ensure Marnhull grows in a sustainable manner with a clear eye on ensuring that future generations can appreciate the beauty and historical and cultural significance of the settlement in years to come.
31. The current draft of the Neighbourhood Plan has now concluded its Regulation 14 consultation, and, with the exception of a lengthy objection from the Appellant, has received very broad support from villages and statutory consultees. The Parish Council is reviewing the more detailed points raised before it submits the Plan for examination. It will, if required by the Local Plan, be reviewed and updated in due course. This is the document that sets out the vision for the village, and should be used to direct development to the most suitable locations, and plan for the necessary infrastructure, as intended by the plan-led system and supported by the majority of its residents.
32. The scale of what is proposed through this Appeal is simply not the type of development that is appropriate for a settlement such as Marnhull. The adverse impacts it presents in respect of heritage, transport and highway safety and the limited benefits it brings in support of the appeal being allowed does not justify a grant of

²⁹ Cllr Turner's PoE at [6.9]-[6.17]

permission, and rather demonstrate a disregard for what makes Marnhull unique in this part of Dorset. The damage that will be caused by this development will be permanent and irreparable.

33. The Inquiry will be shown that this is the case within the next week, at the conclusion of which the Parish Council will be inviting the Inspector to recommend refusal.

Simon Bell

Counsel

Becket Chambers

7th April 2025

LIST OF APPEARANCES

Simon Bell, Counsel, Becket Chambers. He called on behalf of Marnhull Parish Council:

Stephen Boyce (Issue 1)

Richard Fitter, IEng, FCILT, FICE, FIHE, Director, Entran Ltd (Issue 2)

Cllr Mark Turner (Issue 1, 2 and 3)

Jo Witherden, BSc(Hons) DipTP DipUD MRTPI, Dorset Planning Consultant Ltd (Issue 1, 2 and 3)

