

SECTION 78 APPEAL

Statement of Case

by

Marnhull Parish Council (Rule 6 Status)

Statement submitted to PINS: January 3rd, 2025

Statement of case regarding: Land West of Church Hill, Marnhull and Land off Butts
Close and Schoolhouse Lane, Marnhull

Planning Inspectorate Reference: APP/D1265/W/24/3353912

Local Planning Authority Reference: P/OUT/2023/02644

Contents

Contents	2
1. INTRODUCTION	3
<i>Context and Abbreviations</i>	<i>3</i>
<i>The Application and the Parish Council's response.....</i>	<i>6</i>
<i>Site and Surroundings.....</i>	<i>7</i>
<i>Proposed Development</i>	<i>8</i>
2. THE DEVELOPMENT PLAN.....	8
3. OTHER MATERIAL CONSIDERATIONS	9
<i>National Planning Policy</i>	<i>9</i>
<i>Marnhull Neighbourhood Plan (emerging policy)</i>	<i>9</i>
<i>Relevant Planning History</i>	<i>10</i>
4. RESPONDING TO THE APPELLANT'S STATEMENT OF CASE	11
<i>Reason for Refusal No. 3 – Highway safety and sustainable transport considerations</i>	<i>11</i>
<i>Reason for Refusal No. 4 – Heritage impact on listed buildings and the wider Marnhull Conservation area</i>	<i>14</i>
<i>Reason for Refusal No. 2 - The proposed development includes main town centre uses</i>	<i>15</i>
<i>Reason for Refusal No. 1 - The site is not allocated for development and is outside of the settlement boundary for Marnhull.</i>	<i>17</i>
<i>Reason for Refusal No. 5 – No S106 legal agreement</i>	<i>18</i>
5. MAIN PLANNING ISSUES	19
6. CONDITIONS and S106	19

1. INTRODUCTION

Context and Abbreviations

- 1.1. 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 (“the application”) by Dorset Council acting as the Local Planning Authority (“the LPA”) for the following development:

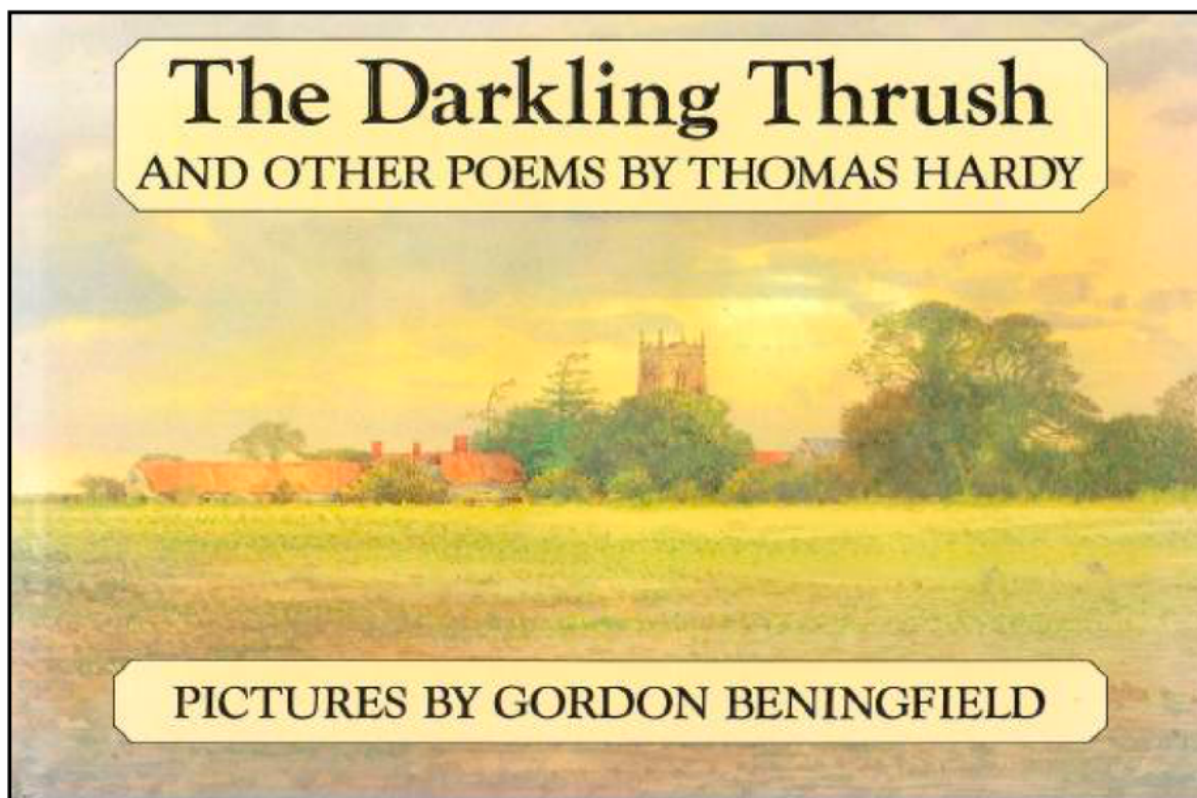
“A full planning application for a mixed-use development comprising a food store, office space, café, and mixed-use space for E class uses (e.g. estate agents, hairdresser, funeral care, dentist, vet), and 2x 2-bed flats. Demolition of redundant agricultural sheds. Plus, a new parking area with 30 parking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

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

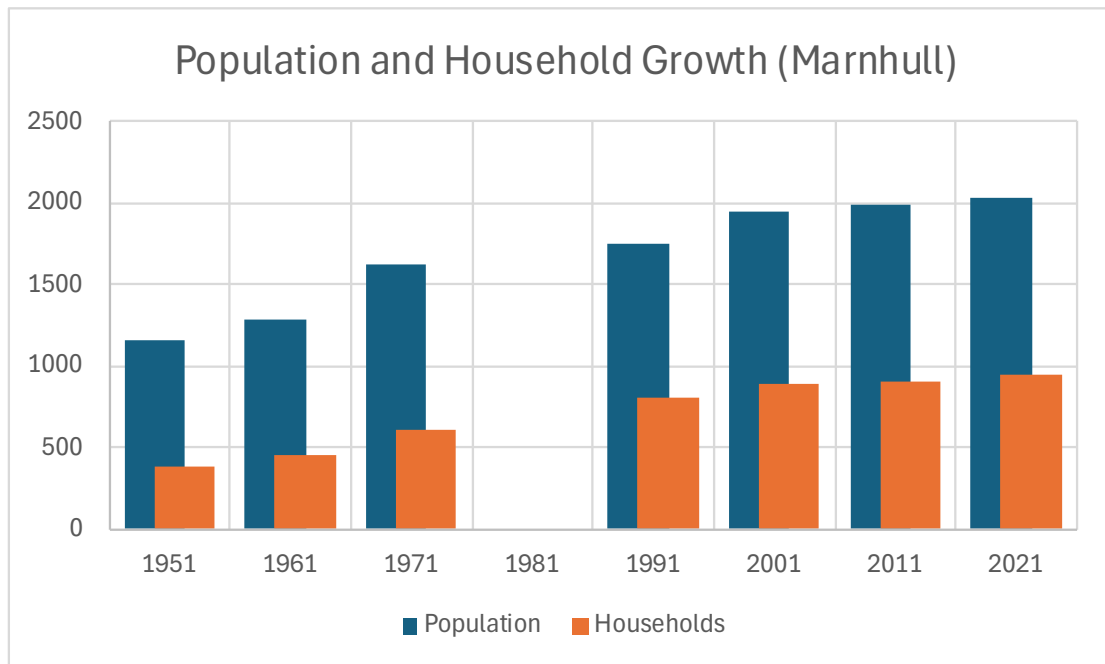
- 1.2. The two sites lie wholly within the civil parish of Marnhull (“the parish”), within the county of Dorset. Unlike most villages within Dorset which have grown around a crossroads or village green, Marnhull has developed from several hamlets some of which have joined over the years creating a distinctive linear settlement pattern with outlying areas. Historic England considers *“the village’s unusual and dispersed layout of the settlement to be a key aspect of its special character”*¹. The village retains its strong rural qualities, the network of green lanes, footpaths and hedgerows contributing to the rural character of the village with views of surrounding fields and more distant vistas across the Blackmore Vale and towards Cranborne Chase. This application contemplates creation of a village centre and a large area of housing within an estate layout which will therefore have a major, detrimental, impact on this historic and distinctive form.
- 1.3. The village has strong associations with the renowned Dorset author Thomas Hardy and his works, particularly the novel Tess of the D’Urbervilles. In Hardy’s work, Marnhull was reimagined as Marlott and was the birthplace of the eponymous heroine of *Tess of the D’Urbervilles*. Tess goes to school in the village and her illegitimate baby is buried in *“a shabby corner of the graveyard”* at St Gregory’s. Hardy’s portrayal of the village is that it *“lay amid the north-eastern undulations of the beautiful Vale of Blackmore”*. The association with Hardy is a key part of Marnhull’s heritage and continues to stimulate tourism and the local economy. The village is recognised in many guidebooks and is on the Hardy Way, described as an *“exceptionally stunning long-distance footpath (that) takes you through the countryside that inspired Thomas Hardy to write his most famous novels and poetry. At 220 miles (354 km) long, the route offers a comprehensive exploration of Dorset’s wonderful, undulating landscape and will leave you with a strong impression of Hardy’s world, as little seems to have changed in many places.”*

¹ Consultation response reference P01568379 dated 22 November 2023 from Eve Van der Steen Assistant Inspector of Historic Buildings and Areas, Historic England.

- 1.4. The view of the Church across the proposed Butts Close site was famously painted by renowned British artist Gordon Benningfield (1936 - 1998) and was used as the cover illustration for the book *The Darkling Thrush* and other poems by Hardy (see below). This field is where Hardy described Tess and her friends in their white dresses taking part in the May Day dancing. The field is therefore of historical significance aside from being the agrarian setting of heritage assets – the connection to Hardy being of historic importance to Marnhull and considerable interest to visitors from around the globe.

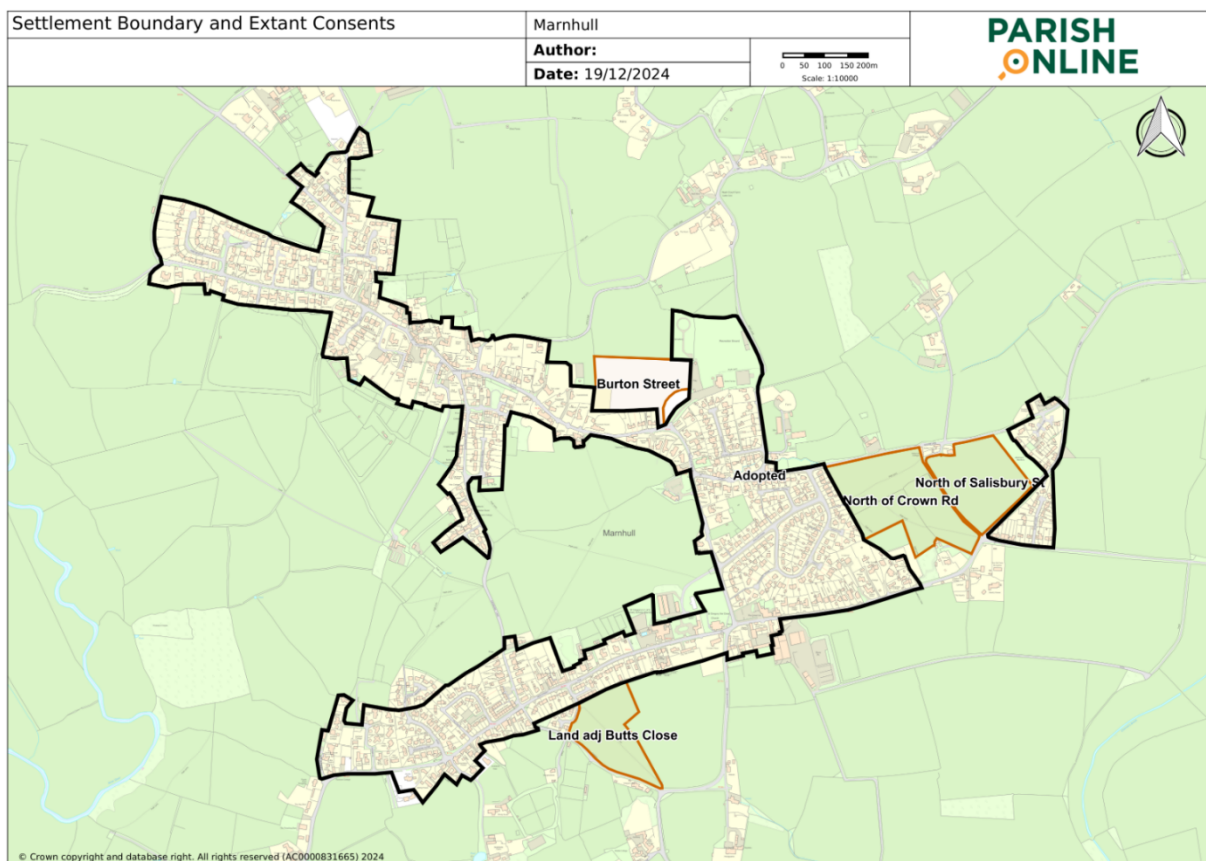


- 1.5. The parish covers slightly over 15 square kilometres and is primarily farmland. The parish population as recorded in the 2021 Census, is 2,036 residents across about 950 households. The growth of the parish population has typically averaged just under 9% every ten years, according to the Census data that is readily accessible.



- 1.6. The area has very limited local employment opportunities (having no industrial estate or large businesses located in the parish). Car ownership levels are higher than the average for the County, with most workers who travel to work, driving as public transport is infrequent. Based on the 2021 Census data, commuting distances are typically greater than 10km and to varied destinations (<https://www.ons.gov.uk/visualisations/censusorigindestination/>), although this data is not necessarily representative due to the Covid pandemic).
- 1.7. Based on extant consents as of December 2024, a further 256 homes are expected to be built in the Parish (including the extant consent for 39 houses on land off Butts Close). Based on the occupancy rates from 2021, (2.12 persons per household, excluding communal establishments²) it is expected that this could result in an increase of more than 540 people living in the parish, which equates to an increase of 27%, for which there has been little forward planning. The settlement boundary and major development sites with planning consent are shown in the following map.

² Based upon tables TS001 and TS003 from <https://www.nomisweb.co.uk> which give population and households.



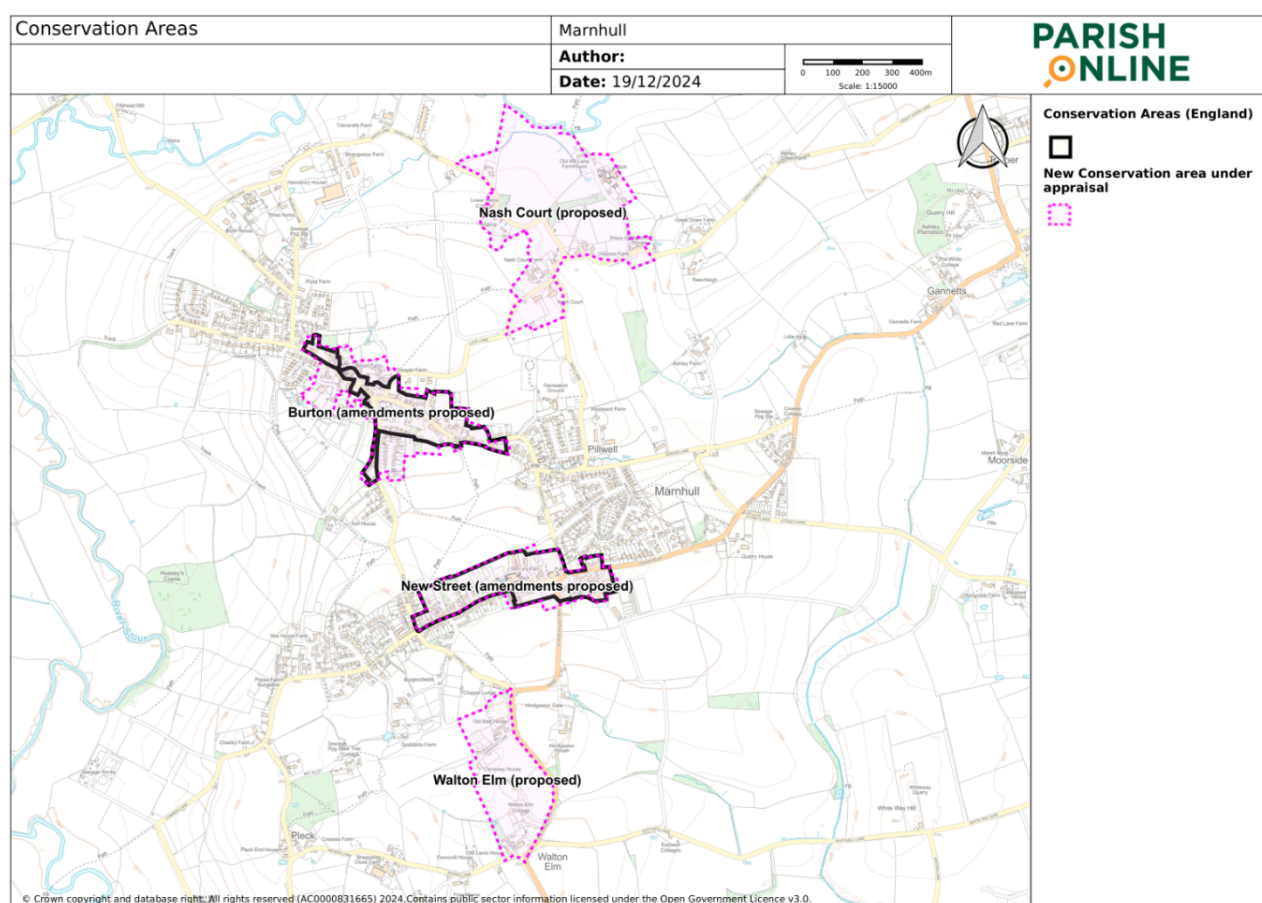
The Application and the Parish Council’s response

- 1.8. Marnhull Parish Council (“the Parish Council”) is an elected body in the first tier of local Government. The Parish Council plays a vital role in representing the interests of our parishioners on a variety of subjects. The Parish Council is a consultee on new planning applications and policies affecting Marnhull and is consulted by various bodies on a wide range of issues relevant to the village. It works with over 30 local community groups and organisations to enhance the facilities available in the village and sometimes provide funding if required. The Council manages the allotments in Sodom Lane, the recreation ground off Burton Street and the village cemetery.
- 1.9. The application was validated by Dorset Council on 2nd November 2023. The Parish Council was first formally notified of the application shortly thereafter and organised a public meeting to discuss the application, which took place on 4 December 2023. In addition, the Parish Council consulted more widely through a Parish Survey that was designed to provide an evidence base for the developing Neighbourhood Plan. The Parish Council requested an extension to the Consultee deadline from the LPA (which was granted) so that the Parish Survey feedback could be included in our Consultee response. The Parish Council response was submitted to Dorset Council on 21st December 2023. The Parish Council’s response raised several concerns that were summarised in Dorset Council’s report as relating to policy conflicts, heritage and landscape impacts, transport and safety, and the deliverability and viability of the proposed retail / commercial centre.

- 1.10. The planning application P/OUT/2023/02644 was refused by Dorset Council on 16th July 2024.
- 1.11. On 5th December 2024 the Parish Council was granted Rule 6 status in this Inquiry. This is the Parish Council's Statement of Case in response to this Appeal. The Parish Council raised objections to the planning application and seeks to support the LPA's reasons for refusal.

Site and Surroundings

- 1.12. The Parish Council concurs with the site location and description contained within the LPA's Statement of Case.
- 1.13. It is also worth highlighting that the Parish Council has commenced a Conservation Area review, with support from Dorset Council. Proposed changes to the Conservation Area boundaries (and proposed design code) were subject to consultation in Spring 2024. Having considered the responses, the Parish Council has proposed extensions to the existing Conservation Areas and the inclusion of two new areas (at Walton Elm and Nash Court), and this request was formally made to Dorset Council in November. The proposed changes to the Conservation Area are shown below.



Proposed Development

- 1.14. The Parish Council concurs with the description contained with the LPA's Statement of Case.

2. THE DEVELOPMENT PLAN

- 2.1. The adopted development plan policies which apply to this appeal are from the 'saved' policies in the North Dorset Local Plan of 2003 ("the NDLP 2003"), the North Dorset Local Plan Part 1 – adopted on January 15th, 2016 ("the NDLP Pt1"), and the Bournemouth, Dorset and Poole Minerals Strategy of May 2014 ('the BDPMS').

- 2.2. In addition to the NDLP Pt1 policies contained within the LPA's SoC the Parish Council would also wish to add Policy 3 - which aligns with the Council's Core Strategy and addresses Climate Change, of particular relevance to this appeal is the statement:

"Where the proposal includes new buildings, they should be located in line with the Core Spatial Strategy in Policy 2 and where possible in areas served by a good range of everyday facilities and facilitate cycling, walking and the use of public transport"

- 2.3. Also of relevance to this appeal is Policy 24 which deals with matters of Design. Whilst it is accepted that the Butts Close development is outline, the quantum of development that is proposed will impact on the extent to which this development would be able to comply with the requirements in this policy. In particular the following statements:

"Proposals for development will be required to justify how the relevant aspects of development form address the relevant design principles and standards set out in Figures 10.1, 10.2 and 10.3 of this policy and how the design responds to the local context."

The Design Principles and Standards includes, for example, the following points:

- **Character** = *the design of new development should respond to and reinforce locally distinctive patterns of development, landscape and culture.*
- **Continuity and Enclosure** = *Development should promote the continuity of street frontages, reinforce existing spatial patterns*
- **Ease of Movement** = *Layouts should be designed to promote accessibility and local permeability making connections with neighbouring areas and reinforcing existing connections. Designs should put people before traffic and integrate land uses with transport uses*
- **Quality of the Public Realm** = *The public realm refers to those parts of a settlement available for use by everyone including streets, parks and squares. Where development creates a new, or affects, an existing public space, it should be safe, attractive, uncluttered and well related to the surrounding buildings. Public spaces should also work effectively for all sections of the community including the mobility impaired and the elderly.*

3. OTHER MATERIAL CONSIDERATIONS

National Planning Policy

- 3.1. The Parish Council notes that the Appellants Statement of Case was drafted under the previous version of the National Planning Policy Framework (“the NPPF”), which was updated on 12 December 2024. This is supplemented by other statements of government policy and by the government’s online planning practice guidance (‘NPPG’).
- 3.2. The Appellant’s SoC refers many times to the Ministerial Statement of 30th July 2024 as being a material consideration in determining this planning inquiry. This has now been taken forward in part through the revised NPPF and changes to the standard method. The Parish Council will also refer to two other points made in the Statement that are relevant and similarly have influenced the NPPF revisions:

“Planning is principally a local activity, and it is right that decisions about what to build and where should reflect local views.....” with the caveat “how to deliver the housing an area needs, not whether to do so at all”.

and

“It requires local authorities to plan for numbers of homes that are proportionate to the size of existing communities”.

- 3.3. The Parish Council agrees with LPA’s SoC which refers to the sections of the NPPF that are likely to be of particular relevance to this case. The Parish Council would also refer to:

Section 8. Promoting healthy and safe communities

Section 9. Promoting sustainable transport

Section 12. Achieving well-designed places

Section 15. Conserving and enhancing the natural environment

- 3.4. The Parish Council has sought Rule 6 Status so we have the opportunity to set out the views of our residents given the potential impact of this application on the character and form of Marnhull, in addition to that which already has consent, our heritage, and implications in terms of safe access to jobs and facilities.

Marnhull Neighbourhood Plan (emerging policy)

- 3.5. Marnhull Parish Council is progressing the preparation of a Neighbourhood Plan. Work on the Plan commenced in May 2023, with a Steering Group established to support the Parish Council in taking this forward. Work on the Plan to date has included:
- A Parish Survey in late 2023, with nearly 500 households or individuals responding to the questionnaire.
 - The preparation of a Conservation Area Appraisal (which has identified additional non-designated heritage assets as well as proposing amendment to the Conservation Area boundaries, including two new areas at Walton Elm and Nash Court).

- Design Guidance and Codes (produced by AECOM and which has been subject to consultation and is expected to be issued in its final form in January 2025).
 - Green Infrastructure Assessments (covering local biodiversity, important green spaces and views).
 - Housing Needs Assessment (in conjunction with Dorset Council).
 - Strategic Environmental Assessment (with the Scoping Report subject to consultation in late 2024).
 - Traffic Surveys / Assessment work in discussion with Dorset Council Transport Planning and Community Highways Officers.
- 3.6. The Steering Group has sought to engage with the Appellant regarding the Neighbourhood Plan but the Appellant has preferred to pursue an alternative vision for development of the village entitled Marnhull's Future some of which is set out in the Appendices to the Statement of Case. The Parish Council acknowledges that the Appellant did organise an Information Evening in 2023 to enable residents to view the plans proposed within this vision.
- 3.7. It is currently anticipated that the pre-submission (Regulation 14) draft of the Plan will be considered by the Parish Council at its February meeting, and that the Regulation 14 consultation will run for the full 6 weeks and should conclude by end March 2025.
- 3.8. It is acknowledged that at the time of the Inquiry sitting days, the Neighbourhood Plan will not have reached the end of the local planning authority publicity period on the draft plan, and as such refusal on grounds of prematurity is unlikely to be justified in accordance with the guidance provided by the NPPF. It is also acknowledged that although the Plan is making good progress, it is relatively common for decision-makers to only give the policies limited weight at the stage that the Plan will have reached by the time this Appeal is determined.
- 3.9. Nonetheless, the Parish Council does consider that the evidence that has been produced to date should be helpful to this Inquiry. Furthermore, the clear progress on the Neighbourhood Plan is a material consideration with reference to the Written Ministerial Statement, which states that the plan making system is the right way to plan for growth, and ensuring communities come together to agree a future for their area.

Relevant Planning History

- 3.10. The Parish Council notes the relevant planning history on the appeal sites included in the LPA's Statement of Case.

4. RESPONDING TO THE APPELLANT'S STATEMENT OF CASE

- 4.1. The case for the Appellant (Section 8 of their Statement) considers the reasons for refusal in turn, and these are covered in brief below. The Parish Council has taken the opportunity to re-order these reasons for refusal to reflect the import of each one to our case:

Reason for Refusal No. 3 – Highway safety and sustainable transport considerations

Insufficient details of the proposed development have been submitted to enable the Highway Authority to fully assess the highway safety and sustainable transport implications of the proposal and, consequently, it is not clear whether the proposal would be likely to endanger road safety or result in other transport problems contrary to Objective 6 – Improving the Quality of Life, and Policies 2 and 13 of the adopted North Dorset Local Plan Part 1, and paragraphs 108 criteria d) and e), and paragraph 117 of the National Planning Policy Framework.

- 4.2. Marnhull Parish Council notes that the Appellant has provided further details to address the points made by the Highway Authority.
- 4.3. The Appellant's Statement of Case indicates that the Appellant will work with the LPA and the Highway Authority ahead of the inquiry with the expectation that any outstanding highways issues can be satisfactorily resolved to remove any outstanding issues before the appeal is heard. However, it is the Parish Council's contention that little in the application demonstrates any real understanding of the rural nature of Marnhull and the very real highway safety and capacity issues experienced daily by residents and which this application will exacerbate.
- 4.4. Insofar as the Highway Authority does not address our concerns in respect of highway safety and capacity, and sustainable transport considerations, the Parish Council therefore intends to present evidence on these issues, reflecting the real lived experience of being a resident of Marnhull. Our evidence base will include data collected as part of our Parish Survey from 2023.
- 4.5. The Parish Council's substantive points are as follows:
- 4.6. There are very few employment opportunities within the village, which will mean that most people in employment moving to the proposed Butts Close development will work some distance from their home, including a broad range of different locations one of which is Henstridge Airport / Gibbs Marsh (as recognised by the Appellant). The proposed non-residential uses will not provide sufficient new employment to offset this additional out-commuting.
- 4.7. At present, most residents who travel to work do so by car. The bus service is poor and not a realistic option for many journeys to work given that it is sporadic and infrequent and does not run at weekends or into the evenings. Using the Appellant's example of Henstridge Airport / Gibbs Marsh there is no service covering this location. The Dorset

Council Bus Service Improvement Plan 2024³ and the Highways Authority have stated that the existing services are also subsidised, meaning they are therefore liable to further cuts. Whilst there appears to be potential for improvements to be made to the service through a financial contribution, the Highway Authority has stated that their requested financial contribution would be intended to increase the frequency of the existing bus service (currently 5 services per day) and to aid the establishment of a Saturday service. It is not at all clear at this stage exactly what this will deliver and over what period, and whether the improved service would continue once the initial period of developer subsidies has ended. We note that the figure suggested by the Highway Authority is based on a pro-rata calculation compared to other recent S106 contributions and has not been calculated based on the actual cost of improving bus services to the degree that they would offer the residents of Marnhull a genuine choice of transport modes.

- 4.8. There are no safe cycle routes between Marnhull and the main towns and indeed the proposed scheme includes no dedicated provision for cyclists within the village. The Appellant has failed to give priority first to pedestrian and cycle movements within the scheme and within the village. All these factors mean that sustainable transport modes have not been prioritised, requiring residents and visitors to own and use their car to get to and from work and non-work-related trips, such as for social, sporting and cultural activities.
- 4.9. The TRICS modelling presented in the Transport Statement to support the Butts Close element of the application is based upon edge of town scenarios whilst the Tess Square modelling is calculated based upon a residential zone of a suburban area (Worcester). These are not reflective of a rural village where households rely more on car travel and typically have higher vehicle ownership than urban areas, and as such undermine the credibility of the conclusions. This is clearly illustrated by the TRICS model estimating that over 16% of people will walk to work, whereas the 2011 Census data for Marnhull showed just 6% walking to work (down to 2% in 2021), and similarly indicating a much lower level of car sharing as the indicative baseline. A revised TRICS assessment has been included in the Highway Response Technical Note, submitted by the Appellant's transport consultants; however, these matters have not been addressed and the output data is still not representative of a village in rural Dorset.
- 4.10. The trip generation figures provided in respect of Tess Square are for 12-hours and not daily. This contradicts the description of the store being "convenience" and presumably open for more than 12 hours per day. We recognise that TRICS survey data may only be provided for a 12-hour period, but this omission serves to underestimate the effects of development in the early morning or late evening. The proposed retail development is far larger than can conceivably be needed by Marnhull and this is justified in the application by reference to it being a "destination". The Transport Statement also states that food store had to be assessed as a Food Superstore as it was too large to be modelled as a convenience store using data from the TRICS database. It is reasonable therefore to assume that significant additional traffic will result from outside the village if the development is to be viable, the majority of which will be by car.

3

https://www.dorsetcouncil.gov.uk/documents/35024/1667934/Bus+Service+Improvement+Plan_2024.pdf/b4324db6-b958-2fb6-eee7-8e96de31edaa.

- 4.11. No junction modelling or swept path analyses have been provided for large vehicles that will be using the Pilwell / Church Hill junction (which is only 40m from the Tess Square proposed entrance). This is a narrow junction with no footways on Church Hill and a relatively large volume of pedestrian traffic (which is likely to increase further given the committed development).
- 4.12. Importantly, neither the Transport Statement, nor the Highway Response Technical Note cover routes from the proposed development to the north via Burton Street (the main village thoroughfare but an extremely narrow and unlit rural road with no footways) or via New Street / Sackmore Lane and out to Henstridge and the surrounding area. These routes are substantially different in character to the B3092, with restricted widths and limited forward visibility in places; however, they are the preferred routes for certain destinations and should be assessed, considering all committed development, to determine the effects of the proposed development
- 4.13. The proposed development would add many additional car journeys on to an unsuitable rural road network with negative consequences for highway safety, congestion and inconvenience, and environmental harm. The Appellant has not proposed any mitigation to address this impact on the rural road network in terms of both highway mitigation, and the adverse effects would not be adequately mitigated by the proposed level of investment and intervention in sustainable transport measures.
- 4.14. The proposed new junction on Schoolhouse Lane whilst now accepted by the Highway Authority remains a highways safety concern for the Parish Council. In the original reasons for refusal the Highway Authority noted *“I suggest, therefore, that this new vehicular access be deleted from the proposal and that the site is solely accessed from Butts Close”*. There is no further detail provided by the Appellant or the LPA to inform us why this junction is now considered acceptable. The lived experience in Marnhull is that the B3092 is a very busy road, carrying significant volumes of traffic (more than 3,000 vehicles per day) including heavy goods and agricultural vehicles. It is essentially an unlit, narrow rural road with blind bends to the south very near the proposed junction. To the north is the hazardous New Street junction (due to significantly reduced visibility as one turns into or out of New Street or Church Hill) by St Gregory’s church. Moreover, we note the Appellant has removed footways at the new junction in response to Highways comments, but given the new junction remains, we believe pedestrians will still be tempted to walk the most direct route along the narrow, unlit B3092 to access the village facilities (which was recognised as a significant highway safety issue) given the alternative via Butts Close is a long detour. Rather than provide appropriate provision for pedestrians, the revised plans simply removed the internal footways thereby making the overall route more hazardous. It is evident that safe and convenient provision for pedestrians and cyclists has been an afterthought and has not been a key consideration in the design of the appeal proposals. However, if the Appellant were to remove the proposed Schoolhouse Lane access to address the safety concerns, it is likely that the development would have an unacceptable impact on Butts Close and its junction with New Street.
- 4.15. To mitigate the original safety concerns raised by the Highway Authority, we note that the Appellant is suggesting diverting and surfacing two footpaths across the central field (N47/31 and N47/33). This solution is not considered by the Parish Council to provide the required direct and convenient routes for pedestrians and cyclist that will

promote walking and cycling, either from the proposed development at Butts Close or to Tess Square. The proposed paths would be unlit and would not fall on the pedestrian desire lines for proposed development. The proposed limited improvements would not provide the range of routes needed given the distribution of facilities. Furthermore, the proposals are only for 2m wide footpaths and would not cater for cyclists or horse riders who will be impacted by the scheme. We will also provide evidence more generally on pedestrians, cyclists and horse riders who will be disadvantaged by the proposals.

- 4.16. The Appellant has also provided an Articulated Lorry Tracking assessment for Church Hill. The Parish Council will provide evidence that the road widths stated in the Transport Statement do not reflect the situation on the ground, and that there are two other pinch points on Church Hill that need to be considered but which are ignored in this assessment. Much of the layby that is proposed as a solution to allow a lorry to pass a car on this stretch of road is not part of the highway (being private property). No consideration is given in the assessment of Church Hill to cyclists, pedestrians or horse riders who frequently use this narrow road or indeed to scenarios where articulated lorries must pass school buses, other lorries and agricultural machinery using the road.
- 4.17. The Parish Council's case therefore remains that the development does not offer a genuine choice of sustainable transport modes, including providing for attractive and well-designed walking and cycling networks, and given the limitations of the local road network will cause significant safety and capacity issues, and that these severe adverse effects are not being suitably mitigated.
- 4.18. Given the potentially technical nature of some of these points, the Parish Council is in the process of appointing a transport consultant and undertakes to confirm the position prior to the Case Management Conference.

Reason for Refusal No. 4 – Heritage impact on listed buildings and the wider Marnhull Conservation area

The proposed development by reason of its siting, scale (in terms of mass and quantum), and appearance would have a less than substantial harm on grade I listed Church of St Gregory, grade II listed Senior's Farmhouse and Attached Barn, and Marnhull Conservation Area. It is considered that the harm identified would not be outweighed by the public benefits of the proposal contrary to Policies 2 and 5 of the adopted North Dorset Local Plan Part 1, and paragraphs 199, 200, and 202 of the National Planning Policy Framework.*

- 4.19. The Appellant's statement of case indicates that there would be less than substantial harm to any heritage assets and that the public benefits of the scheme outweigh the harm.
- 4.20. The Parish Council concurs with Dorset Council (and indeed Historic England) that the harm would not be outweighed. We will present evidence regarding the history of the village, its unusual structure and agrarian landscape setting, and associations with Thomas Hardy, all of which are vital context in considering the overall significance of the various assets and Conservation Area.

- 4.21. The Parish Council is working with the LPA to finalise the conservation area appraisal, having identified the need for such an appraisal through the Neighbourhood Plan process. The emerging report includes an appraisal of the two present conservation areas of New Street and Burton Street, and the importance of maintaining the open green space and open views between them. The intervening greenspace is important in many respects, not least due to the role it plays in understanding and conserving the historic form of the settlement, and the role of St Gregory's Church. The fields to the south of New Street, particularly those closest to the Church, are similarly important in allowing views of the Church in its agrarian setting and distinguishing between the historic part of the village that runs along New Street and the separate hamlet of Walton Elm to the south.
- 4.22. The association with Thomas Hardy is a key part of Marnhull heritage and continues to stimulate tourism and the local economy. There are many elements of Marnhull that are described by the author, including the unusual form of the village, key places including Tess's Cottage, St Gregory's Church and the Crown Public House, and the likelihood that the field off Butts Close was the place where Tess first – and fatefully – encounters Angel Clare. The field and this much published view of the Church are undoubtedly of cultural and historical significance – the connection to Hardy (and Beningfield) being of special heritage importance to Marnhull and considerable interest to visitors. These elements may not be obvious from the current published descriptions of the various heritage assets but are very important to the residents of Marnhull and how we value our village, and to visitors that come through walking the Hardy Way.
- 4.23. Neither the Appellant's heritage statement nor LVIA provide photomontages of the impact of the development on the historic form and heritage assets and their setting. The Parish Council will seek to aid the Inspector by identifying and photographing examples of the range of views of these from public footpaths that would be impacted which do not appear to have been given adequate consideration.
- 4.24. We will also refer to our evidence base of our 2023 Parish Survey where preserving the historic buildings, settings and views that are the foundation of that distinctive character is of primary concern to residents.
- 4.25. From the Parish Council's perspective, the less than substantial harm test needs to consider these more holistic aspects of the village heritage that were certainly absent from the Appellant's Heritage Statement.

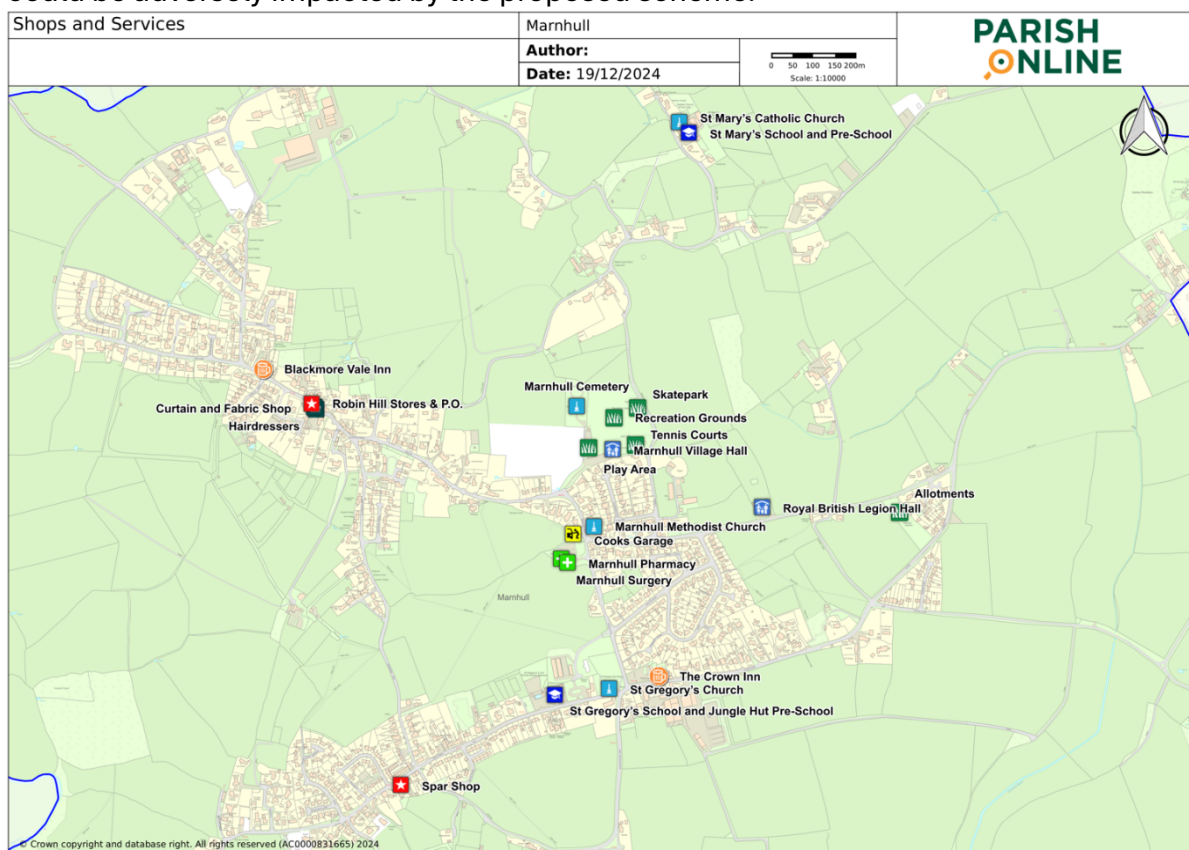
Reason for Refusal No. 2 - The proposed development includes main town centre uses

The proposed development includes main town centre uses (use class E) measuring 2,356 sqm which is not considered to be small scale rural development contrary to Policies 2, 11 and 12 of the adopted North Dorset Local Plan Part 1, and paragraphs 90 and 91 of the National Planning Policy Framework.

- 4.26. The Appellant's case is that there is no policy embargo on larger scale development if the relevant sequential and impact test (where it is required) is satisfied whilst also

arguing that neither test is strictly necessary. We note that retail sequential tests have now been submitted.

- 4.27. The Parish Council supports the LPA's position on this matter and intends to provide evidence on specific local issues that arise from the disproportionately large retail scheme that we would like the Inquiry to consider.
- 4.28. Marnhull is reasonably well served by retail facilities and services such as two local convenience stores, a hairdressers, a haberdashers / curtain shop, and local pharmacy. There are also estate agents, funeral care, vets and other local services relatively accessible in the local North Dorset and the adjacent South Somerset area. Our evidence will provide more detail on the local facilities in Marnhull and within reasonable distance of the village that (a) negate the need for this development and (b) could be adversely impacted by the proposed scheme.



- 4.29. The main concerns of the Parish Council are:
- that the proposed facilities, even if they are built, will not actually be viable in the proposed location as the immediate catchment is too limited – there is a much broader offer in the larger towns of Gillingham and Shaftesbury, whilst Sturminster Newton and Stalbridge have fewer facilities and have seen numerous closures despite having a much larger base population and significant growth. The proposed location for the store is not well located to the main route (B3092) which further undermines its potential for success.
 - there are potentially other locations that would be preferable to work with the layout of the village / population / access should a new shop come forward (which is a matter being considered through the Neighbourhood Plan).

- A large, centralised retail facility will have an adverse impact on the existing localised retail provision in the village. Whilst we accept market competition is not a planning matter, this outcome may in turn disadvantage parishioners with protected characteristics due to the lack of safe walking routes to the proposed Tess Square location.

- 4.30. The Parish Council is supportive of changes that would enhance the day-to-day facilities and opportunities available to residents. However, there is very little evidence provided by the Appellant to demonstrate that the proposals would be viable and workable and an improvement on what is already here, and that this would alter the current reliance on the facilities in the nearby towns. There are no proposals in the draft S106 to phase the Tess Square development to ensure that it is delivered alongside or prior to the proposed housing, and no evidence of any commitments from third parties that the proposed units will be occupied should they be built. The Appellant has indicated that it is their intent to seek planning permission for further housing in Marnhull in due course.
- 4.31. We therefore question the viability of the proposed scheme but are also concerned about the impact on existing, established businesses. No impact analysis is provided by the Appellant.
- 4.32. The Parish Council will put forward the case that, even if all the facilities anticipated are delivered and retained (which the Parish Council considers questionable), this would not result in a relatively self-contained settlement and there would be many wider adverse impacts from the development due to its scale, mix, and position in relation to the settlement.

Reason for Refusal No. 1 - The site is not allocated for development and is outside of the settlement boundary for Marnhull.

The proposed development by reason of its location outside of the settlement boundary of Marnhull would be contrary to Policies 2, 6, and 20 of the adopted North Dorset Local Plan Part 1 (January 2016).

- 4.33. The case made by the Appellant is that although the Council identified housing figures for the villages and countryside, it failed to ground them in allocated sites because the Local Plan Part 2 was never written. Furthermore, the Appellant argues that Marnhull is a sustainable location, and the proposal is in accordance with the strong policy direction on boosting housing supply and the economy as set out in the Written Ministerial Statement (July 2024) which is considered to be of 'great importance'.
- 4.34. The Parish Council supports Dorset Council's position that the development is contrary to many policies set out in the development plan. There are already several extant approvals for housing within the parish that cumulatively far exceed the numbers contemplated in the development plan, and for which no forward planning has been made. The lack of joined-up thinking in relation to infrastructure provision because of

the speculative nature has become obvious to the Parish Council and the implications of this will be set out in our evidence.

- 4.35. The question as to whether Marnhull is a sustainable location can be considered against a wide range of factors – and there is no benchmark from which to say ‘yes’ or ‘no’. The Parish Council will put forward the case that the decision be based on the consideration of the many adverse impacts from the development, including those outlined in the previous sections of this statement.
- 4.36. The Parish Council will demonstrate that the planned development is already disproportionate to the size of the village and local needs for affordable and market housing are already being amply met. The lack of local need for market housing has the potential to impact on build-out rates, and the lack of local need for affordable housing has consequences in terms of social cohesion and stability if people are placed in housing in areas where they are some distance away from their work and social contacts.
- 4.37. The Parish Council has listened to local residents, through our consultation, that proves conclusively local opinion is against both elements of this scheme, and that these are disproportionate to the size of the existing community and are therefore contrary to the policy direction from the Ministerial Statement cited above. We firmly believe the developing Neighbourhood Plan and the local planning process being undertaken by Dorset Council are the right places to consider this level of development, together with local employment and infrastructure needs.

Reason for Refusal No. 5 – No S106 legal agreement

- 4.38. The proposed development would require financial contributions towards off-site improvements and possibly on-going maintenance, ecology, and affordable housing, that must be secured by a Section 106 legal agreement. The applicant has not submitted such an agreement, contrary to policies 4, 8, 13, 14, and 15 of the North Dorset Local Plan Part 1 (January 2016).
- 4.39. The Parish Council notes that the Appellant has provided a unilateral draft S106 legal agreement and accept that suitable mitigation can be secured to avoid any conflict with policies 4, 8, 13, 14, and 15 of the North Dorset Local Plan Part 1 (January 2016) through a suitably worded planning obligation to be progressed as part of the appeal.
- 4.40. We would respectfully ask Dorset Council to consider extant S106 agreements to ensure there is no duplication of obligations and to ensure the planning obligations deliver value to the residents of Marnhull. For example, extant S106 agreements already have funding allocated to an extension of facilities at the Village Hall and contributions to Allotments.

5. MAIN PLANNING ISSUES

- 5.1. The Parish Council broadly agrees with the LPA regarding the main issues, but does consider that the issues of highway safety, sustainable travel and highway capacity have not been resolved and would wish this to be further considered.
- 5.2. The Parish Council seeks to present evidence regarding:
- The adequacy of highways infrastructure considering the lived experience and concerns of residents in relation to these matters, and the potentially significant highway capacity and highway safety issues particularly with respect to increased traffic volumes and related environmental impacts, and the paucity of safe walking, horse riding and cycling routes on our unlit rural roads.
 - The harm of the development proposed on heritage assets, the Marnhull Conservation area and the setting of both, including:
 - The impact on important cultural associations with Thomas Hardy and specifically the historic importance of Tess of the D'Urbervilles
 - The impact on the unusual character and form of the settlement that is key to its special character, as recognised by Historic England.
 - The role of the Grade 1 Listed Church and its setting in the sense of place as considered by local residents.
 - Retail matters, regarding the lack of clarity on the deliverability of the proposed commercial elements, the impact the proposed development would have on the viability of our existing convenience and related stores (and potential impact on less mobile residents who can currently walk to their local shop).
 - The principle of development in these particular countryside locations in light of relevant development plan policies and other material considerations, including:
 - The cumulative impact considering the extant approvals for development that are in process already.
 - The loss of valued countryside.
 - The impact of the character and historic form of the village and associated hamlets.
 - The lack of tangible public benefits arising from the development.
 - The impact on the community's social cohesion and infrastructure planning
 - The impact of the proposals on the ability of the emerging Neighbourhood Plan to play a role in guiding future growth and giving residents a meaningful say in the future of our area.

6. CONDITIONS and S106

- 6.1. The Parish Council reserves the right to make comments on the suitability of the proposed conditions and any legal agreement.