The Planning Inspectorate

Appeal Decisions

Site visit made on 27 June 2017

by Stephen Hawkins MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 August 2017

Appeal A Ref: APP/B1225/W/17/3171952
Slepe Green, Dorchester Road, Lytchett Minster BH16 6HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Bruce Selby Bennett against the decision of Purbeck District Council.
- The application Ref 6/2016/0652, dated 11 October 2016, was refused by notice dated 18 January 2017.
- The development proposed is described as *"permission is sought to relocate a mobile home from the garden of Slepe Green to adjacent site by access road".*

Appeal B Ref: APP/B1225/W/17/3168628
The Barn, Slepe Farm, Slepe, Lytchett Minster, Poole, Dorset BH16 6HS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015.
- The appeal is made by Mr James Selby Bennett of Slepe Farm Ltd against the decision of Purbeck District Council.
- The application Ref PDA/2016/0003, dated 28 October 2016, was refused by notice dated 19 January 2017.
- The development proposed is change of use of an agricultural building to a dwellinghouse.

Decision

1. Both appeals are dismissed.

Application for Costs

2. An application for costs was made in respect of Appeal B by Mr James Selby Bennett of Slepe Farm Ltd against Purbeck District Council. This application is the subject of a separate Decision.

Procedural Matters

3. In respect of Appeal A, the Council's two reasons for refusal each refer to paragraph 196 of the National Planning Policy Framework (the Framework). However, that paragraph largely re-iterates the statutory duty to determine applications in accordance with the Development Plan unless material considerations indicate otherwise. Therefore, I do not intend to refer to paragraph 196 further.

4. In respect of Appeal B, the application form heading refers to a proposed change of use of an agricultural building to a dwellinghouse under Class C3.

The appellant has also made reference to the rights available under Schedule 2, Part 3, Class O (change of use of offices to dwellinghouses) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, that is entirely separate to the matter of whether Class Q rights apply.

5. The Council dealt with the application under Class Q. To consider whether, in the alternative, Class O rights applied to the proposal would therefore be prejudicial to the Council, as they did not consider the application under Class O. Consequently, I intend to deal with Appeal B on the basis of whether it complies with Class Q. It is open to the appellant to apply to the Council for a determination as to whether prior approval is required under Class O or to make an application for express planning permission in respect of the proposal. Any such applications would be unaffected by my determination of this appeal.

6. The description in the banner heading for Appeal B is taken from the letter which accompanied the application. The description of the proposal on the application form refers to the covering letter and accompanying plans.

Main Issues

7. The main issues in Appeal A are:

    - Whether the proposal would amount to inappropriate development in the Green Belt.
    - The effect of the proposal on the openness and purposes of the Green Belt.
    - The effect of the proposal on the character and appearance of the area.
    - Whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. If so, whether this would amount to the very special circumstances required to justify the proposal.

8. The main issue in Appeal B is whether the proposal would be permitted development, having regard to Schedule 2, Part 3, Class Q, paragraph Q.1 (a) of the GPDO.

Reasons-Appeal A

9. The appeal site consists of a broadly rectangular parcel of land situated alongside the A35, between a pair of cottages and a private access road serving Slepe Farm. To the rear of the appeal site, beyond the access to the cottages is Slepe Green, a substantial house set in generous grounds also containing a former barn. Both buildings are Grade II listed. A single unit mobile home is situated towards the end of the garden of Slepe Green.

Whether inappropriate development

10. The appeal site is in open countryside within the South East Dorset Green Belt. The stationing of a mobile home would involve a material change in the use of the land. It would not amount to the construction of a new building. Consequently, the proposal does not fall within one of the limited forms of development listed at paragraphs 89 and 90 of the Framework as being not inappropriate in the Green Belt.

11. As a result, the proposal would amount to inappropriate development in the Green Belt. Protection of the Green Belt is a core planning principle of the Framework, at paragraph 17. At paragraph 87, the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Effect on Green Belt openness and purposes

12. At paragraph 79, the Framework states that an essential characteristic of a Green Belt is its openness. Paragraph 80 sets out the five purposes of the Green Belt. These include assisting in safeguarding the countryside from encroachment, as well as preventing neighbouring towns from merging into one another.

13. Whilst the appeal site is undeveloped, the appellant suggests that the proposal would have no overall effect on openness, as the existing unit in the garden of Slepe Green would be removed, possibly to the appeal site. However, the existing unit is in a poor condition. It is unlikely to be capable of being moved without undermining its structural integrity. I have not been given firm details of the size of any other mobile home that might be stationed at the appeal site. A twin-unit mobile home could be stationed there whilst still being a 'caravan' for planning purposes, but it would be likely to be substantially larger than the existing unit. Therefore, the proposal would be likely to result in a reduction in openness in comparison with the existing unit. Moreover, in the absence of a completed Planning Obligation, there is no mechanism to secure removal of the existing unit and to prevent its replacement in the future. Consequently, on the basis of the information before me I am not persuaded that the proposal would have anything other than a negative effect in terms of Green Belt openness.

14. I accept that given the significant distance from the nearest built-up areas, the proposal would not negatively impact on the Green Belt purpose of preventing neighbouring towns from merging into one another. However, whether the proposed mobile home was either a substantially larger 'replacement' for the existing unit or an additional residential use in the open countryside, the proposal would also therefore lead to encroachment into the countryside and would negatively impact on the related Green Belt purpose. For all the above reasons, I find that the proposal would not be consistent with paragraphs 79 and 80 of the Framework.

Character and appearance

15. The surrounding area is generally characterised by gently undulating open countryside, interspersed by scattered residential and other development, resulting in the environs of the appeal site having an overwhelmingly rural character and appearance. The current open and undeveloped nature of the appeal site relates more readily to this rural setting, as opposed to nearby housing or the adjacent roads.

16. The stationing of a mobile home together with its associated garden, likely areas of hardstanding, car parking and other domestic paraphernalia, would inevitably result in the appeal site having a built-up and obviously residential appearance. This would be entirely at odds with the more rural characteristics of the locality described above and would result in the proposal appearing as an alien feature in its countryside surroundings.

17. I accept that the proposal would be reasonably well screened from public views, largely by the mature vegetation adjacent to the A35. However, this would not significantly offset the substantial adverse effect that the proposal would have on the character and appearance of the surrounding countryside. Moreover, the argument that a residential use in the countryside would not be especially noticeable would not, on its own, weigh significantly in favour of the proposal. Such an argument could be repeated too often, thereby progressively undermining the intrinsic characteristics of the countryside over time.

18. The unit in the garden of Slepe Green is in a largely secluded location, mostly behind mature planting. To my mind, the unit is quite unobtrusive. Whilst the unit might be visible to the occupiers of Slepe Green, especially in winter, it is open to very limited public views. Therefore, its visual impact on the surroundings is quite modest and it is not comparable with that of the proposal. Consequently, removal of the unit would not significantly offset the substantial visual harm described above.

19. Therefore, the proposal would not accord with Policy CO of the adopted Purbeck Local Plan Part 1 (LP), as it is in the countryside and would not make a positive contribution to landscape character, a countryside location is not essential and it would have a significant adverse visual impact on the environment. The proposal would also not accord LP Policy LD concerning the general location of development, as the exceptional circumstances set out in LP Policy CO do not apply. The proposal would also be inconsistent with the Framework core planning principle at paragraph 17 of recognising the intrinsic beauty and character of the countryside.

Other considerations

20. The appellant suggests that removing the unit from the garden of Slepe Green would be beneficial to the setting of the Grade II listed house and former barn. I acknowledge that the unit forms part of the setting of the listed buildings. However, it is located a considerable distance from the listed buildings, on an area of land that is largely separated from the rest of the residential garden by substantial planting and it has a limited visual impact. Consequently, removal of the unit would have only a limited beneficial effect in terms of experiencing the listed buildings. As a result, this matter carries only limited weight in favour of the proposal.

21. I note that the appeal site is of limited environmental value and that the mobile home would have its own access and parking arrangements. It would therefore represent some improvement in terms of convenience of access and servicing over that of the existing unit. I also understand that the appeal site is not at risk of flooding and that adequate foul drainage arrangements could be made. However, none of these factors weigh significantly in favour of the proposal.

22. When assessed against the objectives of sustainable development, the proposal would have to achieve the three mutually dependent roles at paragraph 7 of the Framework- economic, social and environmental. There would be a modest economic benefit notably in the short term, by providing employment whilst the proposed mobile home is installed and fitted out. The proposal would also make a modest contribution to the supply of housing and it would potentially meet a need for local people seeking rented accommodation. The proposal

would also be of some assistance in terms of maintaining local services and community facilities and it would potentially provide an additional source of casual labour for Slepe Farm. These social and economic factors weigh slightly in favour of the proposal and would also be consistent with paragraph 28 of the Framework. There would also be a small environmental benefit if the existing unit were removed from the garden of Slepe Green.

23. However, there would be a substantial adverse environmental impact arising from the proposal, as a result of its failure to contribute to protecting and enhancing the natural environment. This adverse impact would significantly and demonstrably outweigh the modest economic and social benefits. Consequently, the proposal would not achieve the environmental role and it would not be sustainable development as meant by the Framework.

Planning balance

24. In accordance with the Framework at paragraph 88, substantial weight arises against the proposal in the light of its inappropriateness in the Green Belt. There would be harm to Green Belt openness and the undermining of one of its purposes. The other considerations identified above do not clearly outweigh the totality of the harm to the Green Belt. There would also be harm to the character and appearance of the area. Accordingly, the very special circumstances necessary to justify the proposal do not exist. Therefore, the proposal would not accord with the Development Plan and it would be inconsistent with the Framework.

Reasons-Appeal B

25. The appeal site comprises a two storey brick barn with a slate roof, an attached silo tower and an adjacent area of land, forming part of a complex of farm buildings. When I visited, around half of the ground floor of the barn was being used as an office by a plant hire firm. There was also a kitchen area and an area used for the storage of agricultural items, including chemicals. The rest of the ground floor was vacant. I saw around half of the upper floor, which was vacant; the rest was inaccessible.

Whether permitted development

26. The proposal involves change of use of the plant hire office half of the barn and the area above, to a two-bedroom dwelling for the appellant's son and future daughter-in-law. Class Q of the GPDO permits the change of use of a building and any land within its curtilage from use as an agricultural building to a dwellinghouse. An agricultural building does not necessarily have to be redundant to comply with Class Q. However, in order to be permitted development, the proposal would have to comply with, amongst other matters, the limitations set out at paragraphs Q.1 (a)–(m). Paragraph Q.1 (a) (i) states that development is not permitted by Class Q, if the site was not used solely for an agricultural use as part of an established agricultural unit on 20 March 2013.

27. According to the appellant[1], the plant hire firm has occupied the barn office on a licence since 2009. Other parts of the barn were used for agricultural purposes and continue to be used for agricultural storage. Part of the upper floor had been used for storing the records of a solicitors' firm until earlier in

[1] Letter dated 14 September 2016-Annex A to Appellant's Statement of Case.

2016. The appellant also explained that the farmyard, the barn and other buildings were shared with the plant hire firm.

28. I understand that Slepe Farm is a long-established and substantial agricultural business, with a significant cattle herd and areas of land put down to arable crops. It is registered as an agricultural holding. The appellant suggests that the primary use of the farm is still agricultural and the barn remains a redundant agricultural building, the plant hire use having arisen as a result of farm diversification. I also understand that the plant hire firm often supplies plant and equipment which is used for maintenance purposes on the farm, whilst the farm provides security for the plant and cleaning facilities.

29. There appears to be little doubt that historically, the barn was used for agricultural storage as part of the farming business. Even so, a significant part of the barn has been used as the plant hire firm offices since 2009. As noted above, it also appears that another part was also used for general storage purposes unrelated to agriculture, although the latter use has now ceased. It has not been suggested that the barn office is used other than mainly by the plant hire firm. It is apparent that the plant hire use is of a substantial scale. Considerable quantities of plant are kept in the vicinity of the farmyard. The majority of the plant kept at the farm is unlikely to be related to agricultural use on the farm and is more likely to be used on groundworking contracts elsewhere. I also note the appellant's comments that the amount of the farmyard used for agriculture or in conjunction with the plant hire use can fluctuate seasonally.

30. I have had regard to what might constitute the appropriate planning unit according to established case law[2]. Although on the limited evidence before me I cannot draw definitive conclusions, the above factors all suggest to me that the plant hire use could not accurately be described as being ancillary to the agricultural unit. Use of part of the barn as the plant hire office would therefore be more likely to form part of a mixed agricultural and plant hire use. Alternatively, it could form part of a separate planning unit comprising the plant hire use. I am aware of the amount that the plant hire use apparently contributes to the overall farm income (20-25%). I also note that notwithstanding its longevity, the appellant regards the plant hire office as temporary. However, none of these matters use would materially alter the above conclusions.

31. It is for the appellant to demonstrate that the proposal complies with the requirements, conditions and limitations of Class Q. It has not been suggested that the plant hire use and the associated use of the barn office has changed significantly in terms of its nature and scale since 20 March 2013. Consequently, on the basis of the evidence before me I am not persuaded that the barn was used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. As result, the proposal would not comply with paragraph Q.1 (a) (i) of Class Q.

32. The appellant suggests that this appeal is distinguishable on the facts from the circumstances which applied in *Pratt*[3]. In that case, the High Court held, amongst other matters, that an Inspector determining a prior approval appeal under Class Q had been entitled to find that, on the basis of the evidence

[2] Burdle and Williams v SSE and New Forest DC [1972] 1 WLR 1207.

[3] Pratt v Secretary of State for Communities and Local Government [2016] EWHC 637 (Admin).

before him it was uncertain whether the barn in question had been used solely for an agricultural use as part of an established agricultural unit on 20 March 2013. In this appeal, for the reasons explained above the evidence before me is not convincing in terms of the barn being used solely for agriculture at the above date. Consequently, that case does not provide support for the appeal scheme.

33. The Council did not find any other breach of the limitations at paragraph Q.1 (b)-(m) of Class Q. In my own assessment, I found no reason to disagree with the Council's findings in respect of these matters or in relation to the matters listed at condition Q.2 (1) (a), (b) and (d)–(f). No details of any contamination risks on the appeal site have been supplied under sub-paragraph (c) of condition Q.2 (1). Even so, none of the above matters affect my conclusion that for the reasons set out above, the proposal would not be permitted by the GPDO.

Other Matters

34. I have taken the appellant's comments regarding the Government's general deregulatory objectives which underpin the GPDO into account. However, Class Q permitted development rights are not unqualified and the requirements, limitations and conditions have to be complied with in order for such rights to apply.

35. I note that the appellant has an organic cattle herd and that they pioneered grazing on the North Wareham heathlands, with attendant improvements in biodiversity. I also acknowledge that with advice from DEFRA, many farming enterprises locally as well as nationally have diversified into non-agricultural activities for economic reasons and that such activity provides valuable support to the rural economy. However, this and the above matter do not affect whether the proposal would be permitted by the GPDO.

Conclusions-Appeals A and B

36. The Appeal A proposal would be inconsistent with the Framework and it would not accord with Development Plan. The Appeal B proposal would not be permitted by Class Q of the GPDO.

37. Therefore, I conclude that both appeals should be dismissed.

Stephen Hawkins

INSPECTOR