



Appeal Decision

Site visit made on 28 October 2019

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 November 2019

Appeal Ref: APP/D1265/D/19/3228846

138 Church Road, Three Legged Cross, Wimborne, Dorset BH21 6RF

- 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 William Perriton against the decision of East Dorset District Council.
 - The application Ref 3/19/0152/FUL, dated 7 January 2019, was refused by notice dated 5 April 2019.
 - The development proposed is retrospective application for boundary wall including additional landscaping measures.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019, East Dorset District Council merged with West Dorset District Council, Purbeck District Council, North Dorset District Council and Weymouth and Portland Borough Council to become Dorset Council. The development plans for the merged local planning authority remain in place for the former area of East Dorset District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved East Dorset District Council.
3. During my site visit, I noted that the proposal is retrospective insofar as the boundary wall subject of the appeal had been constructed.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development for the purposes of the development plan policies and policies of the National Planning Policy Framework ('the Framework');
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

5. The appeal site contains a detached dwelling set back from Church Road. The wall has been constructed across the length of the boundary of the site with Church Road and has an entrance gate near the south-east corner. The wall comprises of regularly spaced red brick piers with concrete capping stones, in between which are dark stained timber panels above a dwarf brick wall.
6. The Framework establishes that the construction of new buildings is inappropriate subject to a number of exceptions. The term 'building' refers to any structure or erection and it therefore includes walls. They are not in the list of exclusions at Paragraph 145 and the proposal is not an extension or alteration of a building. Therefore, notwithstanding the Council's approach to this aspect, when judged against the wording of national policy the proposal would be inappropriate development in the Green Belt. Policy KS3 of the Core Strategy¹ pre-dates the latest Framework and makes no references to inappropriate development nor the exceptions, however, it is broadly consistent with the Framework's aims to preserve the openness of the Green Belt.
7. In that there is a significant length of a solid, man-made boundary where a lower hedge previously existed means that the openness of the Green Belt has been reduced, albeit to a limited degree. This conflicts with the Framework. The wall is clearly visible and is a suburban feature that contrasts unfavourably with the more subtle boundary features and greenery that generally fringe the road in the vicinity of the appeal site. The boundary features of similar height to the proposal are less substantial, not incorporating such domineering brick pier features and have trees and hedges that have grown over them to soften their appearance. The walls that most closely match the appeal proposal are generally found in the more densely developed parts of the village.
8. The dark staining on the timber and the vegetation growing from the boxes in front of the wall marginally soften its appearance. However, there seems little prospect of the vegetation growing to a height that would materially lessen its urbanising effect on the character and appearance of the area when viewed from Church Road.
9. I am mindful of the fallback position which is to allow for the wall to be retained but for it to be lowered by approximately 0.44m in height. This would bring the wall back to a more moderate scale relative to boundary features in the surrounding area, although it would do little to mask the bulk of the pier features.
10. I note that there is an additional hedge to be planted on the inside of the wall to help soften its impact. However, at its current height, the wall is already an imposing feature in the street scene and to deliberately grow a hedge to a higher height behind that would only serve to accentuate its excessive scale and bulk relative to boundary features typically found in the area.
11. I also note that the wall has been constructed as a means to enhance security at the appeal dwelling in light of a theft that occurred in May 2018. However, there are also other measures that can be employed to enhance security and I am not persuaded that the difference of approximately 0.44m in the height of

¹ Christchurch and East Dorset Local Plan – Part 1 – Core Strategy – Adopted April 2014

the wall, combined with a hedge, would unduly undermine its ability to deter prospective thieves.

12. In view of this main issue, the proposal would reduce the openness of the Green Belt and by reason of its scale, bulk, siting and appearance, it would harm the character and appearance of the area. The proposal therefore conflicts with Local Plan² Policy DES11 and Core Strategy Policies HE2 and HE3, which collectively, amongst other things, seek to ensure that development is compatible with and respects the landscape character of the area.

Conclusion

13. In conclusion, the proposal is inappropriate development in the Green Belt and is harmful to its openness, albeit to a limited extent. Substantial weight has to be attached to this factor. The wall also harms the character and appearance of the area. Even when taken together, the other considerations reviewed above do not clearly outweigh these objections. Consequently, no very special circumstances exist and the proposal is contrary to the Framework and the policies of the development plan, read as a whole.
14. Therefore, for the reasons given, the appeal is dismissed.

Hollie Nicholls

INSPECTOR

² East Dorset Local Plan – adopted Jan 2002