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## Appeal Decision

Site visit made on 2 June 2020

**by David Wyborn BSc(Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 June 2020**

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**Appeal Ref: APP/D1265/W/20/3246316**

**Ivy Cottage Farm, Horton Road, Woodlands, Wimborne BH21 8NE**

- 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 & Mrs Scobie against the decision of Dorset Council.
  - The application Ref 3/19/1469/FUL, dated 6 July 2019, was refused by notice dated 2 December 2019.
  - The development proposed is for a single storey timber building to provide amenity/leisure facilities for the holiday accommodation together with storage and garaging and parking provision for the holiday accommodation and the main house.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. As the site lies within the South East Dorset Green Belt, the main issues are:
  - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies,
  - the effect of the development on the character and appearance of the area, and
  - if the appeal development is inappropriate development, 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 proposal.

### Reasons

#### *Whether or not inappropriate development in the Green Belt*

3. The Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. In addition, the construction of new buildings should be regarded as inappropriate in the Green Belt subject to a number of exceptions as set out in paragraph 145 of the Framework.
4. While Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (2014) (the Core Strategy) has not been referred to in the reasons for refusal, it has been detailed in the appellant's submissions and sets out the approach to development in the Green Belt. Policy KS3 seeks to contain

development within the Green Belt although the policy does not specify the types of development which are not inappropriate.

5. The building is advanced on the basis that the development would comply, in terms of paragraph 145 of the Framework, with, in summary, the exception for the provision of appropriate facilities in connection with the existing use of the land for outdoor sport and outdoor recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the Green Belt purposes, and also the exception for the limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development. It is necessary to demonstrate that only one exception would be met for the proposal to be not inappropriate development.
6. The proposed building would accommodate a combination of uses. These would include indoor activities (the plans reference gym and table tennis), garaging and a store for bike and fishing equipment.
7. In terms of the exception for a building to provide appropriate facilities in connection with the use of the land for outdoor sport and outdoor recreation, while an area for the bike and fishing store could in principle meet with this exception, other parts of the building are associated with indoor recreation or garaging. In these circumstances, when considering the use of the building as a whole, it would not be for the provision of appropriate facilities in connection with outdoor sport or outdoor recreation and, therefore, would not comply in this respect with the relevant exception in paragraph 145 of the Framework.
8. In terms of the other argument advanced for the building, even if I was to accept that the proposal constituted the limited infill, or partial or complete redevelopment of previously developed land<sup>1</sup>, it is also necessary that the proposal would not have a greater impact on the openness of the Green Belt than the existing development. At the present time the footprint area for the proposed building has very little built presence itself. The introduction of a building of a reasonably substantial size and bulk would inevitably reduce the openness of that specific part of the site in both visual and spatial terms. The reduction in openness, because of the location next to the main house, would be minor. Nevertheless, there would be a greater impact on openness from the proposal than the present situation and, therefore, the exception in paragraph 145 regarding previously developed land would not be met.
9. The site is within the general surroundings of other buildings and therefore the development would not visually appear as an encroachment of development into the countryside. It would therefore not conflict with that purpose or the other purposes of including land within the Green Belt. Nevertheless, in the light of the above analysis, I conclude that the proposal would be inappropriate development in the Green Belt and reduce openness.

#### *Character and appearance*

10. The building would be a fairly sizeable structure adding to overall built form of the site although it would be of a general vernacular design and appearance. The building would be substantially screened from the road by the established boundary hedge, although there may be a glimpsed view through a section of

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<sup>1</sup> I have taken into account the information that the site lies within the curtilage of the dwelling and the case of *Dartford Borough Council-v-SSCLG* (2017) EWCA Civ 141.

the front gate. The building would be visible within the site by occupiers of the main house and holiday guests. From all these views, however, the building would be seen as part of the overall group of buildings.

11. Taking all these matters into account the building would not look out of place as part of this group of buildings within the wider rural surroundings. Its siting would effectively form part of a courtyard of buildings and the appearance would broadly be in character with the other buildings. Consequently, the addition of the proposed building in this location would not harm the rural setting to the site and the wider appearance of the area.
12. Accordingly, I conclude that the development would not harm the character and appearance of the area and thereby would accord with Policy HE2 of the Core Strategy and saved Policy DES11 of the East Dorset Local Plan (adopted January 2002) which seeks, notably, to permit development which is compatible with its surroundings in respect of layout, scale and visual impact.

*Other considerations*

13. The building would provide recreational space and storage in association with the holiday lets at the site and therefore help supplement the facilities that this tourist business could provide within this rural area, including making it more attractive to stay all year round. This provision would comply with development plan and Framework policies that support the rural economy. The proposal would make efficient use of the land, there would be no intensification of the permitted uses on the overall site and the building could be conditioned accordingly in any planning approval. However, the economic, social and other contributions that the use of the building would provide to the site and the local area would, in all likelihood, be minor and therefore I attribute the benefits of the proposal limited weight.

*If the appeal development is inappropriate development, 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 proposal*

14. Paragraph 143 of the Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I have found that the proposed development would be inappropriate in the Green Belt and, furthermore, it would lead to a reduction in openness albeit to a minor extent. Paragraph 144 of the Framework makes clear that substantial weight should be given to any harm to the Green Belt.
15. I have taken into account that the Parish Council do not object to the proposal. Also, I have found that the scheme would not harm the character and appearance of the area, however, as I judge that the area would not be enhanced by the proposal, this is neutral in the overall considerations.
16. Cumulatively, the other considerations put forward in support of the proposed development have limited weight. They do not clearly outweigh the harm to the Green Belt that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

## **Conclusion**

17. The proposal would constitute inappropriate development in the Green Belt and no very special circumstances have been demonstrated. It follows that the scheme would also not comply with Policy KS3 of the Core Strategy. The importance of this matter is such that the development would not accord with the development plan when considered as a whole and there are no considerations which would outweigh this harm.
18. For the above reasons, I conclude that the appeal should be dismissed.

*David Wyborn*

INSPECTOR