



Appeal Decision

Site Visit made on 15 September 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2020

Appeal Ref: APP/D1265/W/20/3251123

87 Church Road, Three Legged Cross BH21 6RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Hudson Sumar Investments Ltd against the decision of Dorset Council.
 - The application Ref 3/19/1387/OUT, dated 12 June 2019, was refused by notice dated 3 December 2019.
 - The development proposed is demolition of existing properties and erection of 3 new chalet bungalow style dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. The appeal relates to an application for outline planning permission. Only landscaping is reserved for subsequent consideration. Therefore, I have treated the plans detailing the access, layout, appearance and scale as firm parts of the proposal.

Main Issues

3. The main issues are:
 - (i) Whether the proposal would represent inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - (ii) the effect on the openness of the Green Belt
 - (iii) the effect on the character and appearance of the area, with particular regard to the effect on trees.
 - (iv) whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Inappropriateness

4. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (CS) indicates that development will be contained by the South

East Dorset Green Belt. It explains that the most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements by maintaining wedges and corridors of open land between them, and to maintain an area of open land around the conurbation.

5. The National Planning Policy Framework (the Framework) sets out at Paragraph 133 that the Government attaches great importance to Green Belts. It goes on to say that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and the the essential characteristics of Green Belts are their openness and their permanence.
6. I understand that the Green Belt boundary at Three Legged Cross has not been reviewed since its designation. On the ground it appears that part of the settlement is outside the Green Belt and part is washed over. There is a considerable amount of development within the Green Belt extending along Church Road towards Verwood. In this regard, I can understand why it may be said that the Green Belt at and around the appeal site makes little contribution towards those purposes set out at Framework Paragraph 134 that are viewed as important by CS Policy KS3.
7. It may well be that similar development close by in the same Church Road frontage but outside the Green Belt may be permissible. Nevertheless, while the Council may have committed to a Green Belt review and the appellant considers that some adjustment at Three Legged Cross would be desirable, that would be for the plan making process. The site is currently in the Green Belt and, for the purposes of this appeal against a refusal of planning permission, I must consider it as such.
8. Framework Paragraph 145 confirms that the construction of new buildings is inappropriate in the Green Belt unless covered by certain exceptions. These include, at Paragraph 145 (e), limited infilling in villages; and 145 (g), limited infilling ... which would not have a greater impact on the openness of the Green Belt than the existing development.
9. The site sits within a line of houses that stretch along Church Road. However, whether or not it is in a village for the purposes of Paragraph 145 (e), the proposal is to demolish existing structures and build new dwellings extending back into the site. Plot 1 would be within a resultant gap on the road frontage, but plot 2, which would be behind it and, in particular plot 3, deeper into the site, would not infill an existing gap. Rather they would introduce new development into a more open area behind the main built form of this part of Church Road.
10. There may well be no definition of infill within the Framework or development plan. My attention has been drawn to an appeal decision in Cheshire where development was considered to be infill, but the appellant explains that the field in question was surrounded on three sides by development. That is not the case here. In this case, I find that the development beyond the built frontage into a generally open area would not be infill. As such, it is not covered by exceptions 145 (e) or 145 (g) and so I conclude that it is inappropriate development in the Green Belt.

Openness

11. The proposal would result in the removal of the two dwellings at the front of the site and a stable/garage building. However, the appellant's appeal statement confirms that there would be an increase in built form at the site of 22.8%. The three proposed dwellings, which would include first floor elements, would also be visually larger than the existing structures.
12. Furthermore, the proposal would introduce built form into the rear part of the site away from the existing stables, that does not currently contain any buildings. Plot 2 would be partially screened from the public realm by plot 1, and plot 3 would be largely screened by trees and hedges. Nevertheless, the positioning and increased bulk of the buildings would, in this case, reduce the openness of the site. In doing so, the proposal would harm the aims and purposes of the Green Belt by failing to keep the land permanently open or safeguard the countryside from encroachment.

Character and appearance

13. Church Road is fronted by a mix of dwellings of various styles and sizes. Gaps between the dwellings vary in width. In this context unit 1, which would sit within the established street scene, would have an appropriate visual relationship with the existing neighbouring properties.
14. However, the site is in an area with substantial tree cover giving a verdant setting. The appellant's appeal statement confirms that trees are to be removed as part of the proposal, some of which may be in poor condition and previously caused damage through branch loss. Whether or not this is the only property on this side of Church Road covered by a Tree Preservation Order and whilst the affected trees may be away from the site frontage and of limited quality, all of the vegetation at the site makes a positive contribution to the character and appearance of the area.
15. Landscaping is a reserved matter and replacement planting for any trees lost could be dealt with through a reserved matters application. However, even if a reduction in hard surfacing could improve the health of some retained trees, any new planting would take time to establish and there is no substantive evidence that the end result would preserve the character and appearance of the area. Therefore, I conclude that the proposal would cause some harm to the character and appearance of the area. With additional landscaping, the harm would be limited. Nevertheless, it would conflict with those parts of CS Policies HE2 and HE3 that require development to protect and enhance the landscape character of the area, being compatible with its surroundings in landscaping and relationship to mature trees.

Other considerations

16. The Council has confirmed that it cannot currently demonstrate a 5 year supply of deliverable housing land. I understand that the Council has acknowledged the difficulties in meeting housing needs without amending Green Belt boundaries, and that this may form part of an emerging strategy. It may also be that the implications of any Government planning reform mean that intensification in existing urban areas is viewed more favourably going forward.

The provision of additional housing would be a benefit which, in the context of the land supply situation should be given significant weight.

Green Belt balance

17. Framework Paragraph 143 states that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 confirms that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
18. I have found harm to the Green Belt by reason of inappropriateness and to openness. Framework Paragraph 144 indicates that this should be given substantial weight. Added to this, there is also some limited harm to the character and appearance of the area.
19. However, applying significant weight to the other considerations, even if there was a very large shortfall in housing land supply, the very limited increase in the number dwellings indicates that the other considerations do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Conclusion

20. My findings on the Green Belt balancing exercise means that policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. In failing to preserve the Green Belt, development would not be contained by it and there would be a conflict with CS Policy KS3.
21. The Council had also refused permission due to unmitigated effects on European Sites, designated for their nature conservation importance. However, as I am dismissing the appeal, there are no pathways from my decision that could lead to likely significant effects on these sites. Therefore, I do not consider this matter any further.
22. I, therefore, conclude that the appeal should be dismissed.

M Bale

INSPECTOR