
Appeal Decision

Site visit made on 17 November 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2020

Appeal Ref: APP/V1260/W/20/3255128

Netherwood Farm, Willett Road, Wimborne BH21 3DH

- 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 J George against the decision of Bournemouth, Christchurch and Poole Council.
 - The application APP/19/01317/C, dated 23 October 2019, was refused by notice dated 31 March 2020.
 - The development proposed is change of use of redundant barn to dwelling with detached cart store.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's reasons for refusal refer to the 2018 National Planning Policy Framework (the 'Framework'). This document has been updated, most recently in February 2019, and it is to this most recent version that I have had regard.
3. A previous proposal to change the use of the barn to a dwelling was refused and dismissed on appeal¹ in 2019. The current proposal differs from this previous scheme in several ways, including a reduction in the amount and position of fenestration, as well as proposing a cart store. I have had regard to the previous appeal decision although have reached my own conclusions on the merits of the case.

Main Issues

4. The main issues are:
 - Whether the proposal is inappropriate development in the Green Belt, including its effect on openness and the purposes of including land within it
 - Whether the proposal would preserve or enhance the character or appearance of the Ashington Conservation Area
 - the effect on the Scheduled Monument
 - the effect of the proposal on nearby European areas of ecological importance

¹ APP/Q1255/W/19/3227279

- If the development is inappropriate, whether the 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 necessary to justify the development.

Reasons

Green Belt

5. The site lies within the South East Dorset Green Belt. In this area the Framework regards the construction of new buildings as inappropriate, other than for limited exceptions. Certain other forms of development, including the re-use of buildings provided that the buildings are of permanent and substantial construction, are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it.
6. The appeal scheme proposes an open fronted cart store that would be used for domestic garaging. The cart store would result in a new building in the Green Belt. It would not fall within any of the exceptions listed in the Framework². It would, therefore, by definition, be inappropriate development in the Green Belt. Although of modest size, it would nevertheless result in additional building bulk on the site, visible from the surrounding open farmland and roads beyond. This would harm the openness of the Green Belt.
7. The existing barn on the site is relatively new, having been built in 2008. It is of permanent and substantial construction, and its re-use therefore falls to be considered against the Framework³. Its re-use would not result in any additional building mass, but the domestication of the building and its curtilage would have an impact on the openness of the site, in the sense of that term meaning an absence of development. Although some control could be exerted over ancillary domestic structures through the use of conditions, the works necessary to convert the barn to residential use, and the paraphernalia that would be inherent in the domestic use of the garden, would serve to introduce a more developed appearance to the site in an area that is currently open and agricultural in nature.
8. One of the purposes of including land in the Green Belt is to assist in safeguarding the countryside from encroachment. The re-use of the barn for residential purposes would conflict with this purpose. As a result, I consider that the conversion would be inappropriate development, because it would not preserve the openness of this part of the Green Belt and would conflict with one of the purposes of including land within it.
9. I conclude that re-use of the barn and the erection of the cart store would be inappropriate development in the Green Belt, and would conflict with Policy PP2 of the Poole Local Plan 2018, which requires development in the Green Belt to be managed in accordance with national policy.

Conservation Area

10. The site lies within the Ashington Conservation Area. The Conservation Area is somewhat unusual in that it comprises mainly open farmland, with buildings

² Paragraph 145.

³ Paragraph 146.

taking a secondary role. Its significance lies in its predominantly rural and undeveloped character with views from rural lanes out over open fields, including glimpsed views of Wimborne Minster. Where buildings do exist, these tend to be either a cluster of farm buildings or estate cottages, with substantial gaps between building groups.

11. Although the isolated nature of the barn is not typical of other farm buildings in the area, its agricultural appearance and relatively open setting is consistent with the predominantly rural character and appearance of the Conservation Area.
12. The same could not be said of the proposed development. I note that the current proposal reduces the amount of fenestration from that proposed in a previous application⁴. However, there would still be a substantial amount of new glazing, including domestic scale windows in the end elevations, three sets of glazed openings in the northern elevation and rooflights in what is, at present, an unbroken roof plane. These windows would change the appearance of the building from an agricultural barn to that of a domestic dwelling. In addition, the residential use of the curtilage would further domesticate the setting of the building, detracting from the rural character and appearance of the Conservation Area.
13. Some screening of the building and its curtilage could no doubt be achieved through hedge and tree planting, but this would in itself reduce the open nature of the area and restrict glimpsed views toward Wimborne and the north, both of which are identified as desirable characteristics in the Ashington Conservation Area⁵.
14. I conclude that the alterations proposed to the building, and its residential use, would detract from the character and appearance of the Ashington Conservation Area, thereby conflicting with policies PP27 and PP30 of the Poole Local Plan 2018, which require that new development preserves or enhances Poole's heritage assets.
15. Special attention needs to be paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area⁶. The Framework advises that where a development proposal would lead to less than substantial harm to a heritage asset, as I consider to be the case here because the development would only affect part of the Conservation Area, this harm should be weighed against the public benefits of the proposal. The development would provide an additional residential unit to Poole's housing stock, but that modest benefit would not outweigh the harm I have identified to the Conservation Area, to which I attach great weight.

Scheduled Monument

16. The site lies within a designated Scheduled Monument⁷ described as '*roman camp, forts and a vexillation fortress 240m north of Lake Farm*'. As the result of more recent research, Historic England now believes the vexillation fortress to have been a full legionary fortress, with consequently greater significance in the history of early Roman military activity following the Roman invasion in AD

⁴ APP/18/01104/C

⁵ Ashington Conservation Area Appraisal and Management Plan 2014.

⁶ Planning (Listed Buildings and Conservation Areas) Act 1990, section 72.

⁷ National Heritage List Nos. 1002418 and 1003803

43. The legionary fortress is one of only a few known in the south of England and is almost unique in occupying land that is largely undeveloped. This increases the likelihood of archaeological evidence remaining intact, and in principle makes investigation easier compared to comparable sites that are often built over. Historic England considers the Scheduled Monument to be of regional, national and international significance.
17. Construction of the cart store has the potential to damage archaeological remains through ground disturbance, as could installation of the proposed domestic sewage treatment plant. While archaeological investigation and monitoring could take place in the same way as was agreed with the construction of the barn, it is the case that other activities associated with a residential use, such as the planting of trees, excavation of garden ponds and/or further service trenches, also have the potential to harm the archaeological value of the site and could not be controlled in the same way.
18. Residential use is likely to reduce the potential for future archaeological investigation of the site, as disturbance of such a use would be more disruptive than disturbance of the current agricultural use. Re-use of the barn for residential purposes is therefore incompatible with future investigation and interpretation of the Scheduled Monument.
19. A residential use would also harm the setting of the Scheduled Monument. In its current form, the scheduled site is predominantly undeveloped and open farmland, with clear views into and out of it. This reflects its historic significance with the fortress being placed in a position that commanded wide views of the surrounding area, emphasising its military presence. The undeveloped nature of the site enables it to be appreciated within the wider landscape context. Interrupting that context with a residential use, even on a relatively small part of the scheduled site, would intrude into the setting of the Scheduled Monument to its detriment.
20. I conclude that the proposed development would cause harm to the setting of the Scheduled Monument and restrict opportunities for future archaeological investigation. It also has the potential to cause harm to archaeological remains on the site. Taken together, these factors conflict with Policy PP30 of the Poole Local Plan 2018, which expects development to preserve or enhance the archaeological significance of heritage assets.
21. The Framework advises that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification⁸. Although the development would lead to less than substantial harm to the Scheduled Monument, it would nevertheless be significant. The modest benefit of one additional dwelling would not outweigh the harm that would be caused to the Scheduled Monument. I place great weight on this harm.

European areas of ecological importance

22. The site lies within the zones of influence of the Dorset Heathlands Special Protection Area, the Dorset Heaths Special Area of Conservation and the Pool Harbour Special Protection Area. All these are designated under the Conservation of Habitats and Species Regulations 2017 as areas of European

⁸ Paragraph 194.

- ecological importance. Some are also designated for related ecological purposes as Ramsar sites and sites of special scientific interest.
23. Although the proposed development would only create one additional dwelling, when taken in combination with other residential development in the Poole area, it would have the potential to have a significant adverse effect on the ecological significance of the designated sites, in the case of the heathlands through recreational pressures, and in the case of Poole Harbour through nitrogen pollution as well as recreational pressure.
24. The Council, in partnership with other statutory agencies, has formulated strategies for mitigating the potential harm from residential development on the designated sites⁹. The strategies include the provision of suitable alternative natural greenspace, normally funded through the Community Infrastructure Levy, and strategic access management and monitoring plans, funded directly by developers. Both are necessary to mitigate the potential harm to the designated areas and avoid new development having an adverse effect on their ecological importance.
25. The appellant has indicated a willingness in principle to contribute towards the strategic access and management plans. However, the necessary financial contributions have not been paid or secured through other means, such as a unilateral undertaking.
26. Without funding of the access and management plans, I conclude that the development would have a significant adverse impact on the designated European sites. It would therefore conflict with the Habitat Regulations and policies PP32 and PP39 of the Poole Local Plan 2018, which require development to avoid having an adverse effect upon the integrity, either alone or in combination, directly or indirectly, on nationally, European and internationally important sites.
27. The modest benefit of adding one unit of accommodation to the local housing stock does not clearly outweigh its likely impact on the integrity of the designated European sites, and therefore in accordance with advice in the Framework¹⁰, the development should not be permitted.

Other Matters

28. The appellant has argued that the barn is redundant for agricultural use, in part because of conditional restrictions placed on it when it was first built. However, I noted on my site visit that the surrounding land is being actively farmed. The barn is relatively new, and farming practices have not changed significantly since its construction to make it functionally incapable of agricultural use. I am not persuaded that it is redundant for agricultural purposes, even if the current owner chooses not to use it in that way. Even if it were to be considered redundant, I see no evidence that alternative uses have been explored that would not cause the same harm as the appeal scheme.
29. The appellant refers to two applications for development near to the appeal site¹¹ which have received planning permission. Very limited details of the

⁹ Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document, Nitrogen Reduction in Poole Harbour Supplementary Planning Document 2017 and Poole Harbour Recreation 2019-2024 Supplementary Planning Document.

¹⁰ Paragraph 175.

¹¹ APP/18/01340F and APP/19/00174.

applications are provided such that I am unable to compare them with the appeal scheme to any meaningful extent. However, I do note that the first relates to the erection of an agricultural building and the second relates to an ancillary use within a cluster of buildings at Lake Farm. I give these decisions little weight in my decision as I have insufficient information on them and in any event, they appear to be materially different to the appeal scheme before me.

30. I note that the appellant is frustrated by the lack of engagement with the Council. I understand that frustration but be that as it may, that is a matter between the appellant and Council and does not have any bearing on the appeal.

Conclusion

31. I have found that the proposal would be an inappropriate form of development in the Green Belt, harmful to its openness and in conflict with one of the purposes of including land within it. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I attach substantial weight to the harm to the Green Belt.
32. I attach great weight to the harm caused to the character and appearance of the Ashington Conservation Area, and to the harm caused to the Scheduled Monument and its setting. I also attach significant weight to the potential harm that would be caused to the integrity of the European sites of ecological importance.
33. The Framework advises 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 considerations¹².
34. In this case the only public benefit I have identified is from the addition of one dwelling to the local housing stock. This modest benefit falls far short of that which would be needed to clearly outweigh the substantial harm that would be caused to the Green Belt and the other issues detailed above. It follows that very special circumstances do not exist.
35. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR

¹² Paragraph 144.