



Appeal Decision

Hearing Held on 3 November 2020

Site visit made on 10 November 2020

by M Bale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2020.

Appeal Ref: APP/V1260/W/20/3249057

Knighton House, Knighton Lane, Poole BH21 3AS

- 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 S Thorne against the decision of Bournemouth, Christchurch and Poole Council.
 - The application Ref APP/19/01178/F, dated 12 September 2019, was refused by notice dated 5 December 2019.
 - The development proposed is demolition of existing stables and erection of replacement outbuilding.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (a) Whether the development would be inappropriate development in the Green Belt;
 - (b) The effect on the openness of the Green Belt;
 - (c) The effect on the character and appearance of the area; and
 - (d) The effect on heritage assets.

Reasons

Inappropriateness

3. Policy PP2 of the Poole Local Plan 2018 (LP) states that the Council will carefully manage the Green Belt in accordance with national policy. The National Planning Policy Framework (the Framework) sets out at paragraph 145 that the construction of new buildings should be regarded as inappropriate in the Green Belt unless covered by exceptions laid out within paragraphs 145 and 146.
4. The proposal is described as demolition of existing stables and erection of replacement outbuilding. The outbuilding would be used for residential purposes ancillary to the dwellinghouse. The stables are attached to another range of buildings but the part which would be demolished containing the stables is seen as a distinct building within the group. Although part of another

- building would be incorporated into the resulting internal space it would only be a small proportion of the finished building and cannot be described as an extension or alteration that does not result in disproportionate additions over and above the size of the original building.
5. Rather, the proposal would be a replacement building that was not materially larger than the one that it would replace. Such is not inappropriate in the Green Belt under Framework Paragraph 145(d) provided that it is in the same use as the existing building.
 6. The Heritage Statement¹ sets out the historic evolution of the site. It indicates that the buildings around the stables and house developed as a single entity under one ownership. The area containing buildings, which includes the dwelling and various buildings around the stables, is distinct from the undeveloped part of the wider landholding. However, as there were previous agricultural uses at the site, historic land ownership and development patterns do not automatically indicate the extent of the residential curtilage of the dwelling nor the dividing line between these uses. There may have been convenience in the proximity of the house and buildings, but that does not indicate functional or physical interdependence upon each other, or that the stables were somehow ancillary to the dwelling.
 7. There are two courtyards, described here for convenience as a front yard immediately adjoining the dwelling, and a rear yard that the stables open onto. Although it is possible to walk through the buildings from one yard to the other, the stables and rear yard are separate to the front yard and do not have the same manicured residential character as other parts of the site. Thus, while there may be nothing to stop a curtilage containing two courtyards or covering some considerable area, this site does not have the appearance of being one enclosure, as those courtyards have a distinctly different character. This is also indicative of functional separation between the two courtyards.
 8. The above is not evidence of an agricultural use. However, although the Council may have speculated in the past that stables housed ponies for drawing carriages, assertions that the rear yard and stables have been used for residential purposes, are unsubstantiated by clear evidence.
 9. Therefore, considering the legal propositions set out in *Challenge Fencing Ltd v SSCLG and Elmbridge BC [2019] EWHC553 (Admin)*, including the 'Stephenson factors', I find that the stables are not within the residential curtilage. In any event, curtilage and use of land are not necessarily synonymous. Nor are uses and planning units.
 10. The appellant claims that the stables have a residential use incidental to the enjoyment of the dwellinghouse. Although there has been no agricultural activity at the site since the early 20th Century and the building visually appears to have been maintained as stables in recent years, that is not in itself an indication of how they have been used. It was said at the Hearing that they were most recently used as stables for the private occupation of the family at the house. However, while it may be difficult to obtain evidence about their use by previous owners, there is no Certificate of Lawful Use or any other substantive evidence to support this assertion.

¹ Forum Heritage Services (2015) Knighton House, Knighton Lane, Knighton, Dorset BH21 3AS: Heritage Statement

11. I, therefore, find that a material change of use of the building would occur as a consequence of the development. This indicates that the development would not benefit from the exception at Framework Paragraph 145(d). Having found the use of the stables to be not residential, there is no substantive evidence that the use of the building should be anything other than agricultural so they would not be previously developed land as defined in the Framework. Consequently, the exception under Paragraph 145(g) would not apply either.
12. I, therefore, conclude that the proposal would be inappropriate development in the Green Belt. In reaching my conclusion, though, I stress that my findings here are for the purposes of the current appeal only, on the basis of the evidence before me, and do not prejudice any future application for a lawful development certificate that may be considered.

Openness

13. The proposed building would have a different character and appearance to the existing one. However, the extent of built form would be broadly the same. While it may be possible to see into the building, the resulting domestic character would in itself, not harm the openness of the Green Belt.
14. It may be that a spread of domestic paraphernalia into the yard area could occur, but there is no substantive evidence that this would be any greater than any paraphernalia associated with the existing use of the buildings. The change in character of any such paraphernalia would not have an effect on openness in this location. I, therefore, find that there would be no harm to the openness of the Green Belt.

Character and appearance

15. The site is in a distinctly rural location within a fairly flat sparsely developed countryside. It is visible from Knighton Lane and publicly accessible 'suitable alternative natural greenspace' that has been developed for recreation purposes by the Council. The proposal would result in a visible encroachment of domestic uses beyond the dwelling into part of the site with a more agricultural character.
16. Nevertheless, there is other residential development around the site at neighbouring dwellings and a new stable block at Knighton House. With regard to the distances from public viewpoints, seen in context with the existing house and formal driveway, changes to the appearance of the building would not harm the rural character and appearance of the group or wider landscape and any spread of domestic activity would not be harmful.
17. I, therefore, find that there would be no conflict with those aims of LP Policies PP27, PP30 or PP31 that require development to reflect local context and landscape character.

Heritage assets

18. A Grade II listed Granary is located between the house and the stables. Its significance is as a well preserved Victorian agricultural building. It sits as part of a wider group of buildings to the rear of the house. It is unlikely that a Granary would have existed separately to other agricultural buildings. As such, although they are of a different style to the Granary, the surrounding buildings,

including the stables, are an important part of its setting and contribute to an understanding of its significance.

19. No changes would be made to the Granary. Intervening buildings would prevent a visual association between the Granary and the proposed building when viewed from the courtyards. However, although the closest building would be unaffected by the proposal, when viewed from the access track to the other side, the buildings would have a very close visual relationship.
20. The existing building has a clear agricultural character, with simple, unbroken lines and a solid brick wall. By contrast, the proposal would include wide open areas of glazing with a distinctly residential character. While shutters are shown that could cover these windows, there is no particular evidence that they would not be left open for considerable periods. This would undermine the agricultural character of the Granary's setting, causing some harm to the significance of the heritage asset. As the form would be similar and preserve a group of buildings, separate to the house, the harm would be limited and at the lower end of the less than substantial category, described in the Framework.
21. The Heritage Statement indicates that the house and group of buildings could be defined as a non-designated heritage asset (NDHA). They are clearly of some age and the Heritage Statement describes the group's role in the evolution of the Canford Magna parish. I, therefore, find that the group should be considered an NDHA. However, it is less clear that the stables should be considered an NDHA in their own right. They have clearly undergone evolution over the years, and there are clues within the building's fabric as to earlier uses and changes. But that does not necessarily equate to historic significance.
22. As the evidence before me points to historic significance as a group and total loss of the group would not result, I find that less than substantial harm would result to the NDHA. In accordance with Framework paragraph 197, that must be taken into account in determining this appeal.
23. However, the setting of the listed Granary would not be preserved and the less than substantial harm to its significance must be weighed against the public benefits of the proposal. In the absence of clear public benefits, the harm to the heritage asset would result in a conflict with the Framework and LP Policy PP30 that seeks to preserve them.

Planning balance

24. Framework paragraph 143 indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 clarifies 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.
25. I have found that there would be harm to the Green Belt by reason of inappropriateness and also to heritage assets. While the exercise of planning control would interfere with the appellants desire to use and develop his land as he so wishes, this does not clearly outweigh the harm that I have identified. No other considerations have been advanced that would clearly outweigh the harm.

Other matter

26. There is a lack of evidence to enable any assessment as to the potential impact of the development on bats. However, as I am dismissing the appeal for other reasons, I have not considered this matter any further.

Conclusion

27. For the reasons set out above, I find that the appeal should be dismissed.

M Bale

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Daniel Wilden BSc (Hons) MSc (Dist) – Director, Pure Town Planning

FOR THE LOCAL PLANNING AUTHORITY:

Monika Kwiatkowska MSc MRTPI – Planning Officer

Steve Llewellyn BSc (Hons) PGDip MRTPI – Senior Planning Officer

Sally Lloyd-Jacob BA (Hons) DipUD MRTPI – Senior Planning Officer, Urban Design
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