

Appeal Decision

Site visit made on 22 December 2020

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/D1265/W/20/3259917

Bedborough Farm, Uddens Drive, Colehill BH21 7BQ

- 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 J Dean against the decision of Dorset Council.
 - The application Ref 3/19/0854/FUL, dated 25 March 2019, was refused by notice dated 24 July 2020.
 - The development proposed is change of use and conversion of existing redundant agricultural building to form 4 dwellinghouses.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reasons for refusal solely refer to the National Planning Policy Framework (the Framework) and do not refer to any Green Belt development plan policies. I shall proceed on the same basis.

Main Issues

3. The main issues are:
 - Whether the proposal constitutes inappropriate development in the Green Belt, having regard to the Framework;
 - The effect on the rural character of the area; and
 - If found to be inappropriate development, 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 proposal.

Reasons

Whether inappropriate development

4. Located within the South East Dorset Green Belt, the appeal site comprises a large barn located within an existing farmyard. Although it historically developed as a dairy farming enterprise, Bedborough Farm has subsequently been subject to a number of other agricultural and equestrian activities. The agricultural use of the farm appears to have largely ceased, as a number of buildings have been converted to residential accommodation, and the land is now used for a variety of purposes. The appellant's submissions refer to a solar farm, a livery, a paintballing operation, as well as the storage of machinery and

other open storage, vehicles and landscaping materials associated with his business. It is however not clear whether all these activities are ongoing and/or benefit from planning permission.

5. Paragraph 143 of the Framework sets out that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. However, as detailed within paragraph 146 of the Framework, certain forms of development are not considered inappropriate in the Green Belt, provided that they preserve its openness and do not conflict with the purposes of including land within it. These include the re-use of buildings provided that the buildings are of permanent and substantial construction.
6. The appeal building is a steel portal framed barn building, which I understand was constructed in the early 1970s as a silage storage facility. The building is largely open on two sides, whilst the side walls are clad in steel sheeting at high level and sleepers resting on a concrete plinth to the lower portion. There is no doubt that the structure would require significant remedial works to enable the implementation of the proposed development. Nevertheless, whether or not the structure is capable of conversion without major reconstruction is not a requirement of paragraph 146 of the Framework to establish whether or not the re-use of the building would constitute inappropriate development in the Green Belt.
7. The appellant's submissions¹ confirm that the present structure is suitable for conversion to residential use, subject to a number of recommendations. In this regard, I have not been provided with any substantive evidence, which would lead me to a different conclusion. Whilst, taken as a whole, extensive works would need to be carried out to enable the building to function as four dwellings, there is no doubt that it is in itself a substantial and permanent construction, having notably regard to its concrete base, foundations and steel frame.
8. As set out in paragraph 133 of the Framework, a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness and permanence are recognised by the Framework as essential characteristics of Green Belts. The site is partially screened by an existing earth bund and from its wider surroundings by mature woodland areas, but the proposed development would nevertheless be visible from the public footpath which runs through Bedborough Farm, and from existing dwellings and their gardens. Furthermore, the existence of a limited visual effect does not equate to limited impact on openness. Whilst the Framework does not define 'openness', the Courts have confirmed that the openness of the Green Belt has both spatial and visual aspects.
9. The existing building would be converted into four dwellinghouses, and no extension would be required to enable the change of use to residential accommodation. However, whilst it would not necessarily be more intensive than the lawful agricultural would be subdivided into four distinct plots, which would be formally enclosed with hedgerow and wire fencing. This, together with the domestic paraphernalia which would be associated with the proposed residential use, such as garden furniture, washing lines and bin storage, would

¹ Report on Structural Inspection and Supplementary Report, carried out by R.J.Watkinson Associates Ltd, Project No 20911, dated 20 December 2019 and 7 September 2020.

add visual clutter, thus leading inevitably to a moderate loss of openness. Having regard to the available evidence, there is no certainty that the provision of domestic paraphernalia would have a lesser impact upon openness than the established pattern of open storage associated with the building's present use.

10. For the foregoing reasons, the appeal proposal would not accord with the exception set out in paragraph 146 d) of the Framework, and would therefore amount to inappropriate development in the Green Belt. It would have a detrimental impact on the openness of the Green Belt and fail to assist in safeguarding the countryside from encroachment, contrary to one of the five purposes of the Green Belt.

Rural character

11. Despite its size, the existing building does not presently appear out of context, given its close association with the farmstead, and can be for instance appreciated as such from the public footpath. It is experienced as a typical utilitarian structure which one might find in this agricultural setting. However, and whilst it is of note that other buildings within the farmstead have been converted to residential use, the unambiguously contemporary appearance of the proposal would markedly contrast with and detract from the more traditional built forms which prevail within the site's immediate vicinity and its wider rural surroundings.
12. The appeal scheme is characterised by the assertive modernity of its detailing, having notably regard to the vast expanses of glazing and balconies, but also the shapes of the windows and proposed materials, which would fail to reflect the rural appearance of the farmstead. The regimented appearance of the communal parking area and formal subdivision of the appeal site into four separate plots would introduce a distinctly more urban form of development which would harmfully contrast with the rural character of its surroundings.
13. This would be exacerbated by the proposed forms of boundary treatment to enclose the individual plots and provide security and privacy to the future occupiers, and the domestic paraphernalia associated with the proposed residential use, which would add clutter within this rural area. This issue could not, in my view, be resolved through landscape enhancements to the existing bund or by imposing a condition requiring the submission and approval of detailed schemes, simply because landscaping ought to be used to complement good design, rather than as means to conceal inappropriate development.
14. In reaching this view, I have had regard to the barn located to the Western side of the farmstead, which has recently been converted into residential accommodation. Limited information has been presented in that regard, but I understand that this particular scheme was approved through the prior approval process. Based on the available evidence and having regard to my own observations, this particular scheme does not provide justification for a further erosion of the rural character of the area which would arise as a result of the proposal.
15. Given the above, the appeal scheme would appear as an incongruous form of development which would cause considerable harm to the rural character of the area. It would therefore conflict with Policies HE2 and HE3 of the Christchurch

and East Dorset Local Plan Part 1 – Core Strategy² (CS), Policy DES11 of the East Dorset Local Plan³ (LP), Section 12 of the Framework and the Council’s Countryside Design Supplementary Planning Guidance No.21⁴. Amongst other things, these seek to ensure that development proposals are of a high quality, reflecting and enhancing areas of recognised local distinctiveness, whilst adding to the overall quality of the area.

Other considerations

16. The Framework states 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.
17. My attention has been drawn to a recently approved planning application⁵ within the farm complex for the conversion of an existing agricultural building. This was however for the creation of a single dwelling and, having regard to the available evidence, the design and development as a whole appeared more sympathetic to the rural character of the building’s surroundings. For these reasons, I am not certain that, despite their geographical proximity, the circumstances of this particular scheme represent a direct parallel to the proposal before me. It therefore has no bearing on my consideration of the appeal.

Other Matters

18. The proposed car parking and enclosed garden areas would encroach onto the route of an existing public right of way (E42 Route 29) as marked on the definitive map, which would therefore need to be subject to a separate diversion procedure. The alternative route suggested by the appellant has been discussed with one of the Council’s Countryside Workers who was consulted as part of the planning application, and described the proposed diversion as sensible. On the basis that a suitable alternative route for the public right of way could be established if planning permission had been granted, I am satisfied that no harm would be caused by the proposed development in that regard. There would therefore be no conflict with CS Policy KS11, which seek to ensure that development proposals provide safe access, notably for pedestrians, or the Framework.
19. The appeal site lies within proximity to the Dorset Heathlands Special Protection Area, as designated under the Habitats Regulations. Natural England has advised the Council that the proposal would have a likely significant effect on the integrity of this sensitive area (either individually or in combination with other plans or projects), notably by reason of additional recreational pressures, unless suitable mitigation is provided. As I am dismissing this appeal on other substantive grounds, this is not a matter which needs to be considered further here. However, had the development been considered acceptable in all other respects, I would have sought to explore the necessity for undertaking an Appropriate Assessment, to ensure the proposal’s compliance with Habitats Regulations.

² Adopted April 2014.

³ Adopted January 2002.

⁴ August 1999.

⁵ Local Planning Authority Reference 3/19/0699/FUL.

20. The appellant's submissions indicate that the Council has not met its housing needs over the last three years, and is currently unable to demonstrate a five-year supply of deliverable housing sites. The lack of housing land supply is not disputed by the Council. In such circumstances, paragraph 11 d) of the Framework, as directed by Footnote 7, advises that the policies which are most important for determining the application are considered out-of-date, and planning permission should be granted.
21. The presumption in favour of sustainable development does not however apply where the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. As detailed in Footnote 6 to the Framework, such areas or assets of particular importance include land designated as Green Belt. The appeal scheme would constitute inappropriate development in the Green Belt, and the policies of the Framework in that regard provide a clear reason for refusing the proposal. The tilted balance set out in paragraph 11 of the Framework is therefore not engaged in this instance.

Planning Balance

22. The appeal scheme would not result in the creation of isolated homes in the countryside but would constitute inappropriate development in the Green Belt and lead to a moderate loss of openness. As detailed above, the proposal would also conflict with the Green Belt purpose of safeguarding the countryside from encroachment. In accordance with the Framework, I ascribe substantial weight to the harm which would be caused to the Green Belt. Furthermore, great weight is afforded to the harm which the appeal proposal would caused to the rural character of the area.
23. Against that, the proposed development would support the local economy through construction works, and make a contribution towards housing supply and choice, albeit limited, to which I give some weight. However, the substantial harm to the Green Belt would not be clearly outweighed by the other considerations advanced in support of the development, whether taken individually or cumulatively. Consequently, the very special circumstances that are necessary to justify inappropriate development in the Green Belt do not exist.

Conclusion

24. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR