



Appeal Decision

Site visit made on 20 April 2021

by S Edwards MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 May 2021

Appeal Ref: APP/D1265/D/20/3264368

The Oaks, Lane from The Oaks Horton Hollow to Bethany Chalbury, Horton BH21 7EP

- 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 Peter Crook against the decision of Dorset Council.
 - The application Ref 3/20/0553/HOU, dated 21 March 2020, was refused by notice dated 18 September 2020.
 - The development proposed is described as 'install six dormer windows and one gable window in existing roof'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's reason for refusal does 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 would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt; 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. Situated within the South East Dorset Green Belt, The Oaks lies within an area of rural character. The appeal site comprises a number of linked buildings, which are set within spacious grounds and are to a large extent screened by mature trees and landscaping. The proposed development relates to an extended part of the appellant's property, which comprises a workshop and garage at ground floor level, and ancillary accommodation within the roof space.

5. 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. Paragraph 145 states that local planning authorities should regard the construction of new buildings as inappropriate in the Green Belt, except in a limited number of circumstances. These include the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.
6. There would be no further increase in floorspace and, in isolation, the proposed dormers would remain relatively modest in size, but there is no doubt that since it was constructed, the original building has already been enlarged substantially. Accordingly, the proposed development would, cumulatively with previous extensions, constitute a disproportionate addition over and above the size of the original building. It would therefore amount to inappropriate development in the Green Belt, contrary to paragraphs 143 and 145c) of the Framework.

Openness

7. Paragraph 133 of the Framework states that a fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Although not defined in the Framework, openness is identified as one of the essential characteristics of the Green Belt. The Courts¹ have subsequently confirmed that the openness of the Green Belt has a spatial aspect as well as a visual aspect.
8. As noted above, the proposed dormers would not appear of an excessive size, and would be largely screened by vegetation. However, they would add to the overall bulk of the building and thus reduce the openness of the Green Belt in spatial terms. Whilst the harm to openness would be very moderate, the proposal would add to the harm by reason of inappropriateness, contrary to the Framework.

Other considerations

9. As stressed by paragraph 144 of the Framework, 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. In isolation, the size and design of the proposed dormer windows are considered acceptable, and they would not be widely visible within the public realm. Additionally, it is of note that the proposed development would provide enhanced living conditions for the occupiers of the appeal premises. However, these considerations would not outweigh the harm which would be caused to the Green Belt.
10. No concerns have been raised by the Council regarding the effect of the development on the Horton Conservation Area, and there are no reasons for me to reach an alternative view. As noted above, the proposed dormer windows would be relatively modest in size, and would be largely screened by mature vegetation. Accordingly, I am satisfied that the appeal scheme would preserve the character and appearance of the Horton Conservation Area.

¹ Turner v SSCLG & East Dorset Council [2016] EWCA Civ 466.

Planning Balance

11. The proposal would constitute inappropriate development in the Green Belt and would reduce openness to a limited extent. Substantial weight is ascribed to the inappropriate nature of the development, but also to the harm which would be caused to openness. The appeal scheme would therefore conflict with national planning policy. Against that, limited weight is afforded to the enhanced living conditions which the occupiers of the premises would benefit from. Whilst the design of the dormers is in itself unobjectionable and no harm would be caused to the Horton Conservation Area, these are neutral factors which, in the overall planning balance, would weigh neither for nor against the proposal.
12. Overall, the harm to the Green Belt would not be clearly outweighed by other considerations advanced in support, 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

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

S Edwards

INSPECTOR