



Appeal Decision

Site visit made on 11 May 2021

by Jonathan Manning BSc (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2021

Appeal Ref: APP/V1260/W/21/3267028

184 Salisbury Road, Burton, Christchurch, BH23 7JS

- 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 M Developments against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/19/0751/FUL, dated 28 March 2019, was refused by notice dated 6 November 2020.
 - The development proposed is new dwelling with garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is located within 5 km of a Site of Special Scientific Interest (SSSI) which forms part of the designated Dorset Heathlands Special Protection Area (SPA) and Dorset Heaths Special Area of Conservation (SAC). To ensure that there would be no adverse harm to the integrity of these sites in combination with other projects and in accordance with the Christchurch Borough Council Dorset Heathlands Planning Framework 2015-2020 Supplementary Planning Document (the SPD), 2017 a contribution to Strategic Access Management and Monitoring Measures (SAMM) is necessary. This is not disputed by the appellant.
3. The appellant has provided a signed and dated Unilateral Undertaking that suitably secures provision for the necessary mitigation and I have taken it into account. In terms of an appropriate assessment had I allowed the appeal, I am content that with the secured mitigation that there would have been no adverse effect on the integrity of the SPA or SAC from the scheme alone, or in combination with other projects. I have therefore not considered such matters any further in my decision.

Main Issues

4. The main issues of the appeal are:
 - 1) whether the scheme would be inappropriate development in the Green Belt;
 - 2) the effect of the proposal on the openness of the Green Belt;
 - 3) the effect of the proposed development on flood risk; and

- 4) whether the harm by reason of inappropriateness in the Green Belt, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances (VSC) necessary to justify it.

Reasons

Inappropriate development?

5. The appeal site is located within the Green Belt. The National Planning Policy Framework (the NPPF) sets out that the construction of new structures in the Green Belt should be considered as inappropriate. There are a number of exceptions to this set out in Paragraph 145 of the NPPF, which includes limited infilling in villages. The appellant is of the view that the proposal should be classed as infilling.
6. The appeal site is located outside of the settlement boundary of Burton. Whilst the site is set between two existing residential dwellings, I observed that the immediate surrounding development is sporadic. Further, the appeal site forms part of the transition from the dense built development on the western side of Salisbury Road and the countryside to the east. When in close proximity to the appeal site, its close relationship with the countryside beyond can be appreciated.
7. I acknowledge that there are other parts of Burton that extent past the confines of the two main roads that largely contain the village and these do not form part of the Green Belt. However, I consider that in each case, there is notably more development at a greater density than the sporadic development that immediately surrounds the appeal site.
8. Given the above, I consider that the proposed development would not represent infilling within a village. Consequently, the proposal represents inappropriate development and conflicts with Policy KS3 of the Christchurch and East Dorset Local Plan – Part 1 Core Strategy, adopted 2014 (the LP) and Section 13 of the NPPF. It must therefore be demonstrated that very special circumstances exist, which is considered later in the decision.

Openness

9. Openness is an essential characteristic of the Green Belt. The appeal site is currently an area of open land. The construction of a new dwelling, garage, large area of hardstanding and associated residential paraphernalia would permanently reduce the openness of the Green Belt and would be clearly visible from Salisbury Road. This harm would be in addition to the harm arising from the inappropriate nature of the proposal.

Flood risk

10. The site has a statutory main river, the Clockhouse Stream, running through it. The flood plan (Ref: 1436P/107a) provided with the scheme shows that the proposed dwelling would be located in Flood Zone 1. However, other aspects of the development appear to be in Flood Zone 2. The appellant is of the view that whilst there is incursion into the access area by the flood zone, there remains an accessible route onto Salisbury Road within Flood Zone 1 to allow for means of access. However, when comparing the site plan (1436P/100b), block plan (1436P/101a) and the flood plan this does not appear to be the case. In addition, the comparison of these plans also shows that the garage

and the hardstanding surrounding it would also be situated in flood zone 2. Therefore, there would be a not insignificant part of the built scheme that would be located in flood zone 2. Given all of this, I consider that the scheme should be subject to the sequential test. This is despite the fact that a large area of curtilage would also be provided in flood zone 1.

11. Whilst the application was supported by a site-specific flood risk assessment, the appellant has not undertaken a sequential test and demonstrated that the scheme could not feasibly be built elsewhere. On this basis, the scheme conflicts with Policy ME6 of the LP and Section 14 of the NPPF.
12. Whilst I acknowledge that the EA has not expressively objected to the scheme but rather sought more information, this does not in any way overcome the absence of a sequential test.

Other considerations

13. The appellant is of the view that the scheme would not conflict with any of the purposes for designating the Green Belt. Whilst there was no reason for refusal in terms of the impact on the character and appearance of the area, I agree with the Council's view expressed in the officer report that the scheme would represent a prominent extension into the countryside within a location which is open and uncluttered by built form and has a rural character at the fringe of the village. Further, as set out above, I do not consider that the site would constitute infill development. The scheme would therefore, in my view, encroach into the countryside contrary to part c) of Paragraph 134 of the NPPF and would not maintain the area of open land around Burton contrary to one of the main objectives of Policy KS3 of the LP.
14. The appellant has set out that the appeal site and the neighbouring properties is the only place around the outskirts of the village and the roads that contain it where existing built development is included in the Green Belt and is therefore an inconsistency. However, as already set out above, in each of the other cases where development strays outside of the containing roads, there is notably more development and at a greater density. I am therefore not persuaded by this point of view and do not consider there to be an inconsistency.
15. The appellant has set out that given the key objectives of Policy KS3 of the LP, it is perverse of the Council to choose to allocate land to the south of Burton as the location for a new neighbourhood. However, I am mindful that this would have followed a plan-led approach and the appellant acknowledges that the rationale for the location of the new neighbourhood to the south of Burton is that it is closer to the range of facilities within Christchurch. As a result of these matters, I am not of the view that this provides any justification for this scheme.
16. It is acknowledged that Burton has a range of local services and facilities and is considered by Policy KS2 of the LP to be suitable for very limited development where it supports the role of the settlement as a provider of services to its home community. The appeal site is nonetheless outside of the settlement boundary and therefore in policy terms is classed as being in the open countryside and would be contrary to Policy KS2 of the LP. I am, however, mindful that the Council cannot demonstrate a five-year housing land supply

and therefore its policies that relate to the supply of housing are out-of-date. I therefore afford the conflict with Policy KS2 very limited weight.

17. Several other concerns have been raised by interested parties. However, given that I am dismissing the appeal for other reasons, these do not affect my overall conclusion and therefore have not had a significant bearing on my decision.

Overall Conclusion

18. The proposal would be inappropriate development and the NPPF establishes that substantial weight should be given to any harm to the Green Belt. The scheme would also cause demonstrable harm to the openness of the Green Belt, which is harm in addition to the inappropriate nature of the scheme.
19. Further, a sequential test has not been undertaken in relation to flood risk and I afford significant weight to this harm. The scheme would also conflict with Policy KS2 of the LP as it is located outside of the settlement boundary. I have afforded very limited weight to this conflict given the absence of a five year housing land supply.
20. On the other hand, the Council has a shortfall in housing delivery and the scheme would make provision for one dwelling. However, this contribution would be modest. There would be some minor economic benefits associated with the scheme. Further, the Preliminary Ecological Appraisal and Roost Appraisal Report identifies some ecological enhancements, although I am mindful that these are partly to mitigate the impacts of the scheme. I afford limited weight to each of these benefits.
21. I am not persuaded by the other arguments put forward by the appellant in relation to inconsistency of drawing the Green Belt boundary and the allocation of new development on the edge of Burton.
22. On balance, I consider that the identified benefits of the proposal individually or in combination do not clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm. Consequently, very special circumstances do not exist and the proposal runs contrary to Section 13 of the NPPF and Policy KS3 of the LP.
23. The appellant has set out that the lack of a 5 year housing land supply will render a number of policies within the Development Plan out of date and the tilted balance should be engaged because despite what footnote 6 of Paragraph 11 of the NPPF says, Policy KS3 of the LP does not offer a clear reason for refusal, given their case.
24. However, I have found clear conflict with Policy KS3 of the LP and with national policy on Green Belt as set out in Section 13 of the NPPF. I am also mindful that footnote 6 of Paragraph 11 of the NPPF also refers to flood risk. Given the identified harm in this regard, I also consider that this offers a clear reason for refusing the development when the application of the policies in the NPPF is applied.
25. Based on all of the above, the tilted balance is not engaged in this case and even if it had been, for the avoidance of any doubt, the significant adverse harm identified above would significantly and demonstrably outweigh the modest benefits.

26. For the reasons given above, I conclude that the appeal is dismissed.

Jonathan Manning

INSPECTOR