



Appeal Decision

Site visit made on 23 June 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/V1260/W/20/3265524

34-35 (Park Cottages), Moortown Drive, Poole BH21 3AR

- 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 WH White Ltd against the decision of Bournemouth Christchurch and Poole Council .
- The application Ref APP/20/01060/F, dated 24 September 2020, was refused by notice dated 17 November 2020.
- The development proposed is demolish existing pair of dwellings and erect a pair of replacement dwellings.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal is accompanied by revised drawings Refs 202 and 202A. As these drawings intend to make minor changes to the footprint and floor levels of the scheme, I had regard to them without prejudice to any party.

Main Issue

3. I consider the main issue to be:
 - whether or not the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; and,
 - if there is harm by reason of inappropriateness, would it be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the proposal would be inappropriate development in the Green Belt

4. The site comprises the pair of semidetached dwellings 34 and 35 Park Cottages with associated outbuildings, set within domestic grounds and situated within the Green Belt, in countryside to the west of the River Stour.
5. The Framework states that the essential characteristics of Green Belts are their openness and permanence. It identifies that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. Policy PP2 of the Poole Local Plan (adopted 2018) (PLP) seeks to carefully manage development within the Green Belt in accordance with, and consistent with, the Framework.

6. The Framework establishes that the construction of new buildings in the Green Belt is inappropriate, subject to several exceptions, two of which are of potential application here, at Paragraph 149 d) and 149 g) respectively. Firstly, the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Secondly, the limited infilling or the partial or complete redevelopment of previously developed land (PDL), whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development. The baseline for assessment under these exceptions is the existing development on site, not that which could be constructed pursuant to permitted development rights.
7. With regard to Paragraph 149 d), the scheme would replace the single building containing 34 and 35 Park Cottages and an outbuilding with two separate detached buildings and further outbuildings. For this reason alone, it would not meet this exception. Furthermore, the two new houses would be notably taller than the existing dwellings. The volume of the proposed dwellings would be around 866m³ whereas the volume of the existing dwellings is 618m³. The new outbuildings would have a larger combined footprint and volume than that which would be removed. As such, the proposal would be materially larger.
8. Openness has spatial and visual aspects. The existing dwellings are within a low-profile building under hipped and flat roofs. The new dwellings would be set as a looser, detached pair, would be taller and, with their gable ends, offer greater massing at first floor and roof level. Despite the small gap between them, they would diminish the spatial and visual aspects of openness, although the visual effects would be limited by the isolation of the site from public view¹.
9. The single storey outbuildings would be similarly distant from public view but would impinge upon the spatial openness of the garden spaces. As such, the openness of the Green Belt would not be preserved, albeit to a modest extent. It follows that the proposal would have a greater impact on the openness of the Green Belt than the existing site, at odds with Paragraph 149 g).
10. I therefore conclude that the proposal represents inappropriate development which would give rise to a loss of openness within the Green Belt. It conflicts with Policy PP2 of the PLP and the Framework insofar as they seek to prevent inappropriate development in the Green Belt.

Green Belt Balance

11. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to advise that substantial weight should be given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
12. There are two fallback positions at the site. These are, the carrying out of permitted development (the PD Scheme)² and extant planning permission for two detached replacement dwellings (the Extant Scheme)³. If carried out, the PD Scheme would enlarge 34 and 35 Park Cottages and populate their grounds with outbuildings. The resultant volume of buildings across the site and the

¹ Taking into account Appeal Ref APP/H2265/W/19/3229912

² Granted/certified under Refs GPDO/19/00017/GPD, GPDO/19/00018/GPD, APP/19/01175/K, APP/19/01174/K

³ Ref APP/20/01502/F

- effect on the openness of the Green Belt would be comparable to the appeal proposal. The appeal proposal would, however, be favourable as it would deliver a higher standard of accommodation at the site. On the other hand, the Extant Scheme would provide two dwellings but with a significantly reduced volume of development across the site and less effect on the openness of the Green Belt, compared to both the appeal proposal and the PD Scheme.
13. Only one of these two fallback positions could logically be carried out. It would clearly be preferable to construct two modern dwellings with a higher standard of design and accommodation than invest in the upgrade and redevelopment of the existing, dilapidated properties. It follows that, of the two fallback positions, only the Extant Scheme can be considered as a real prospect⁴. As the Extant Scheme would be less harmful to the openness of the Green Belt than the appeal proposal, it does not weigh in its favour.
 14. The appeal proposal would reuse PDL. In doing so, the existing deleterious buildings and overgrowth would be replaced by buildings and landscaping of enhanced appearance. The houses would offer a good standard of living conditions, would be more energy efficient, and I gather there is a need for this type of housing here. Biodiversity net gain would also be achieved. It seems to me that these other considerations would also be achieved by the less harmful Extant Scheme. As such, they each weigh modestly in the scheme's favour, as would the time limited economic benefits associated with the construction phase, and any improvements in terms of flood resilience at the site.
 15. The modest weight that these other considerations attract does not clearly outweigh the substantial weight that I give to the harm to the Green Belt, by reason of inappropriateness and harm to openness. The absence of harm in relation to transport impacts, highway safety, trees, and to neighbouring occupants (as there are none) are neutral factors.
 16. As such, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.

Other Matters

17. During the appeal the Environment Agency updated its 'flood map for planning' which, as a result, now places a greater extent of the site within Flood Zones 2 and 3. However, as I am dismissing the appeal for other reasons, this matter has not been determinative in my decision in any event. Similarly, I have not had cause to further consider the dispute between the parties as to the appropriate location of the red line on the site location plan.

Conclusion

18. For the reasons given above, the proposal would conflict with the development plan and the Framework when taken as a whole. Having considered all other relevant matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR

⁴ Mansell v Tonbridge And Malling Borough Council [2017] EWCA Civ 1314