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## Appeal Decision

Site visit made on 16 June 2021

**by Rachael Pipkin BA (Hons) MPhil MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 August 2021**

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**Appeal Ref: APP/D1265/W/21/3270124**

**Land south of Wimborne Road West, Stapehill, Wimborne BH21 2DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Bayview Developments against the decision of Dorset Council.
  - The application Ref 3/20/1483/OUT, dated 17 August 2020, was refused by notice dated 29 January 2021.
  - The development proposed is erection of a detached two storey dwellinghouse with associated parking.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The original application was made in outline with only access and layout to be determined at this stage. All other matters, appearance, landscaping and scale, were reserved for future determination.
3. The Planning Practice Guidance (PPG)<sup>1</sup> advises that an applicant can submit details of any of the reserved matters as part of an outline application. Unless those details are submitted "for illustrative purposes only" (or have otherwise been indicated that they are not formally part of the application), they must be treated as part of the proposed development. These matters cannot then be reserved for subsequent approval.
4. The appellant has submitted detailed plans and elevations of the proposed building. As these are not indicated to be for illustrative purposes only, in accordance with the PPG, I have considered the details of these in my assessment of the scheme.
5. On 1 April 2019, East Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies of the Christchurch and East Dorset Core Strategy Part 1 2014 (CS) and the East Dorset Local Plan 2002 (EDLP).

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<sup>1</sup> Paragraph: 035 Reference ID: 14-035-20140306

6. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. The parties have had an opportunity to comment on the implications of the revised Framework during the appeal process. I have proceeded to take the revised Framework into account.

### **Main Issues**

7. The main issues are:

- whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
- the effect of the proposal on the openness of the Green Belt;
- the effect of the proposed development on the character and appearance of the area; and
- if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

### **Reasons**

8. The appeal site is positioned on the south side of Wimborne Road West, a busy road, characterised by linear development along sections both to its north and south with fields and open land beyond. The settlement boundary for Stapehill extends eastwards as far as Number 230 adjacent to a plant nursery on the south side of the road. On the north side of the road the boundary terminates adjacent to the car parking area serving a large garden centre. The appeal site lies further east and outside the defined settlement boundary and opposite its northern extent. The site lies within the Green Belt.

#### *Whether inappropriate development in the Green Belt*

9. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 sets out that the construction of new buildings is inappropriate within the Green Belt subject to a number of exceptions, one of which is (e) limited infilling in villages. The Framework does not define 'limited', 'infilling' or 'villages'. No development plan policies have been identified in respect of Green Belt.
10. Case law<sup>2</sup> has established that whilst a village boundary as defined in a local plan would be a relevant consideration, it would not necessarily be determinative. This would be a question of planning judgement based on an assessment of the position on the ground. Furthermore, other caselaw<sup>3</sup> supports the position that a settlement would not necessarily exclude a hamlet or cluster of dwellings without services.
11. Whilst the appeal site is not within the defined urban area, it lies within the loosely developed stretch of Wimborne Road West which adjoins the defined urban area. For this reason, I consider it would fall within the settlement, albeit

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<sup>2</sup> Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195

<sup>3</sup> Braintree District Council v SSCLG, Greyread Ltd and Granville Developments [2018] EWCA Civ 610

within its rural fringes. Furthermore, although Stapehill lacks day-to-day services and facilities such as a shop, it has a village hall and a church, now disused. For this reason, I consider that it would be lie within the village for the purposes of paragraph 149(e).

12. I turn now to whether or not the proposed development would amount to limited infilling. In my experience, in order to be infilling a proposal must fill a space or gap between two other buildings or structures within a continuous built-up frontage. The wider context and the pattern of adjoining development should inform the assessment as to whether the proposed development could be considered infilling.
13. Although there is loose development along the eastern section of Wimborne Road West, it is not a continuous built up frontage. Development comprises residential properties interspersed by a number of small plant nurseries. This results in a pattern of development that is dispersed and spaciouly arranged.
14. The appeal site is an undeveloped plot, occupying half the gap between Numbers 246 and 250 Wimborne Road West (Nos 246 and 250). Number 248 (No 248) lies behind the appeal site, set back some distance from the road. The proposal would occupy a similar position in relation to the road and a size of plot comparable to other development along Wimborne Road West.
15. Together with Number 242 (No 242) and No 246 it would form a short row of housing development. However, it would be separated from other development by the substantially open area of land forming part of the plant nursery to the west of No 242 and the undeveloped land between the appeal site and No 250. In this context, the limited extent of the continuous frontage of built development and the presence of a gap arising from the vacant plot adjacent, would not to my mind represent infilling. Therefore, whilst I agree that a single dwelling would amount to limited development, it would not be an infill development within a continuous built-up frontage.
16. I have been referred to a recently dismissed appeal<sup>4</sup> at Land adjacent to The Bothy, 63 Avon Castle Drive, Ashley Heath where the Inspector found that the proposed development would be limited infilling in a village within the Green Belt. In that case, it was found that the proposed dwelling would fill a space in much the same way as other dwellings have done along the street. As I have set out above, I do not find that that the scheme is infilling due to the area of undeveloped land adjacent to the site. Furthermore, from the submitted information, it appears that the pattern of development around The Bothy did not follow the same linear form as in the scheme before me. I therefore find that the appeal proposal is not directly comparable to the scheme at The Bothy.
17. Consequently, I find that the proposed development would be inappropriate development within the Green Belt. The proposal would not comply with paragraph 149 of the Framework which seeks to protect the Green Belt from inappropriate development.

#### *Openness of the Green Belt*

18. The Framework sets out in paragraph 137 that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the

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<sup>4</sup> APP/D1265/W/20/3255404

essential characteristics of the Green Belts are their openness and their permanence. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development. An assessment of openness requires a consideration of the scale of the development, its locational context and both its spatial and visual implications.

19. The construction of a substantial detached house on an undeveloped site would inevitably affect the openness of the Green Belt. It would be physically larger in all three dimensions, it would have large areas of hardstanding for parking and manoeuvring, which together would have an urbanising effect. Within the context of surrounding development, I find this would result in moderate harm to the spatial openness of the Green Belt.
20. The presence of vegetation along the front boundary would provide some limited screening of the proposed house. However, I observed on site that it is possible to view No 248 from the street. The proposed house would be to the front of this property and significantly closer to the street. Given that No 248 is visible, it therefore follows that the proposed house would be visible from the street. As such the proposed development would result in a moderate reduction in the visual openness of the area.
21. Development of the plot would result in a denser, more continuous frontage characteristic of the village within the defined settlement boundary but uncharacteristic of development on its fringes. This would erode the spacious character and openness of the Green Belt along this section of Wimborne Road West. This would conflict with the objectives of the Framework which is to prevent urban sprawl and assist in safeguarding the countryside from encroachment. In coming to this view, I am also mindful that if such a scheme were to be allowed, future proposals for similar developments would be difficult to resist, the cumulative effect of which would significantly erode the openness of the Green Belt, thereby undermining its purpose.
22. Consequently, I conclude that the development would result in moderate harm to the openness of the Green Belt conflicting with the Framework's aims in that regard. I give significant weight to that harm.

#### *Character and appearance*

23. The residential development within the vicinity of the appeal site is characterised by houses set within generous plots. Together, with the more sparsely arranged plant nurseries that intersperse these housing developments, they contribute to the open, spacious and semi-rural character of the area.
24. The proposed house would be set in from the site boundaries and back from the street. Whilst the development of the site, which is currently open land, would inevitably reduce its openness, the position of the proposed house would retain a sense of spaciousness, characteristic of development along this section of the road. As such, it would be in keeping with the loose pattern of development locally. However, as I have set out above, it would result in a more continuous and dense form of development along this section of Wimborne Road West which would have an urbanising effect. This would diminish the semi-rural landscape character of the area.

25. I conclude that the proposed development would harm the semi-rural character and appearance of the area. It would therefore not accord with Policies HE2 and HE3 of the CS which together require high quality development that is compatible with its surroundings and protects the landscape character of the area. It would also not comply with the Framework which seeks well-designed development that is sympathetic to local character.

#### *Other Considerations*

26. Very special circumstances to justify inappropriate development 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.
27. The Council considers it can demonstrate a supply of deliverable housing sites equivalent to 5.36 years for the East Dorset area. This figure is disputed by the appellant who asserts that it would be reduced with the imposition of a ten per cent buffer as set out under paragraph 74 of the Framework. Furthermore, with the Council's reliance on windfall sites for the delivery of around ten per cent of its supply, the appellant considers the appeal site would make an important contribution towards delivery.
28. Whilst I note the appellant's points in this regard, I find that even if the housing land supply were to be less than five years, a single dwelling would make a minimal contribution to any shortfall in the supply of housing. In any event the Government's approach to protecting the Green Belt and the advice set out in Paragraph 11(d)(i) of the Framework provides a clear reason for finding the scheme to be unacceptable. It is not a sustainable development for which the presumption in favour applies.
29. The proposed house would be set away from surrounding development. Whilst it would change the appearance of the appeal site, it would not cause an undue loss of outlook for surrounding development as it would be sufficiently distanced from this. This is a neutral factor.
30. The appeal site lies within 5 kilometres but beyond 500 metres of the Dorset Heathland. This is a designated Site of Special Scientific Interest and a European protected habitats site under the Conservation of Habitats and Species Regulations 2017. Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the habitats site. I am the competent authority for the purposes of this appeal.
31. The Council has determined that additional residential development would, in combination with other plans and projects, have a significant effect on these protected sites. It has undertaken an appropriate assessment of the implications for the protected sites and concluded that mitigation measures in accordance with the Dorset Heathlands 2020-2025 Supplementary Planning Document would prevent adverse impacts on the integrity of the habitats sites. This mitigation would be in the form of contributions towards Strategic Access Management and Monitoring (SAMM) and Heathland Infrastructure Projects. This would be secured via the Community Infrastructure Levy.
32. Notwithstanding the Council's findings in respect of this, as the competent authority, I am required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is

unacceptable for other reasons, I do not need to pursue this matter further. The effect of the proposal on the habitats site is therefore a neutral factor.

### *The Green Belt Balance*

33. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 148 of the Framework.
34. In addition to my finding that the proposed development would be inappropriate development, I have identified harm to the character and appearance of the area. These factors weigh heavily against the development.
35. The proposal would provide a single dwelling in a reasonably accessible location. This would be a modest benefit of the scheme which would have little weight and would not outweigh the significant harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
36. As such the proposed development would be contrary to the Framework which sets out that Green Belt should be protected against inappropriate development.

### **Conclusion**

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

*Rachael Pipkin*

INSPECTOR