



Appeal Decision

Site Visit made on 12 October 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th November 2021

Appeal Ref: APP/D1265/W/21/3277119

Land to the South of 8-10 Ashbury Cottages, Gore Pit To Emley Lane, Hinton Martell BH21 7HG

- 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 John Whittle (Guants Heritage & Listed Buildings Ltd) against the decision of Dorset Council.
 - The application Ref 3/20/1345/FUL, dated 29 July 2020, was refused by notice dated 24 February 2021.
 - The development proposed is to demolish existing storage building and erect a replacement building for storage / office space.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr John Whittle (Guants Heritage & Listed Buildings Ltd) against Dorset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The Council's reasons for refusal refer to paragraphs 145 and 146 of the National Planning Policy Framework (2019). During the appeal, on 20 July 2021, the Government published its revised National Planning Policy Framework (the Framework). In the revised version the paragraphs are renumbered 149 and 150, but otherwise remain largely unaltered. The appeal timetable has allowed both parties the opportunity to make comments relating to the updated Framework.

Main Issues

4. The main issues are:
 - a) Whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and development plan policy;
 - b) The effect of the development on the landscape character of the Cranborne Chase and West Wiltshire Downs Area of Outstanding Natural Beauty (the AONB); and,
 - c) If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other

considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal is inappropriate development

5. Hinton Martell is defined as a Village in the settlement hierarchy defined by Policy KS2 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (2014) (the Core Strategy). In Villages, only very limited development will be allowed that supports the role of the settlement as a provider of services to its home community. Whilst the hierarchy identifies that the major focus of employment development will be in the main settlements, that does not rule out the provision of small-scale locally based economic development in smaller centres. Indeed, Policy PC4 of the Core Strategy states that small-scale economic development proposals, reflecting rural character, will be encouraged on the edge of existing settlements.
6. Paragraph 84 of the Framework (which is more recent than the Core Strategy) advises that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, including through well-designed new buildings. Paragraph 85 recognises that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements, and encourages the use of previously developed land (PDL), and sites that are physically well-related to existing settlements.
7. The proposal is for a relatively small-scale storage and office building on the edge of the settlement. It would replace an existing structure, so is on PDL. The evidence indicates that it is required to meet the needs of a local specialist builder, working primarily in the rural area around the settlement and surrounding villages. In these circumstances, there would not be a conflict with Policy KS2, as the business would serve its home community. The proposal would be in broad accordance with Policy PC4 and the advice in the Framework insofar as they encourage small-scale economic development in rural settlements. However, Policy PC4 says that proposals should avoid adverse impacts on the openness of the Green Belt, and the Framework advice on the rural economy must be considered alongside section 13 that protects Green Belt land.
8. The whole of the settlement, including the appeal site, lies within the South East Dorset Green Belt. Section 13 of the Framework sets out the Government's approach to protecting the Green Belt. It states that inappropriate development is, by definition, harmful and should not be approved except in very special circumstances. Paragraph 149 of the Framework makes it clear that new buildings are inappropriate in the Green Belt, unless one of the specific exceptions applies. The relevant exceptions in this case are contained in paragraphs 149 e) and g), which allow for limited infilling in villages; or limited infilling or the partial or complete redevelopment of PDL, which would not have a greater impact on the openness of the Green Belt than the existing development.
9. Saved Policy GB7 of the East Dorset District Local Plan (2002) (the Local Plan) is in broad accordance with national Green Belt policy. It recognises that, although Hinton Martell is washed over by the Green Belt designation, it has a cohesive built character, so is suitable for limited infilling. The site lies within

the Village Infill Envelope, wherein infill development will be allowed where it is of a scale and character that respects the existing village form.

10. Although the eastern part of the village is irregular in its layout, the site lies in the western part, which has a very distinct linear form, characterised by rows of two-storey houses fronting both sides of the main road leading into the village. The houses have long rear gardens that back onto open countryside, and many of them accommodate single storey, subservient outbuildings. The building on the appeal site lies beyond the rear gardens of the houses that front the southern side of the road. It is of a similar scale and character to the adjacent sewage treatment plant and to the other sheds and outbuildings close to the rear boundaries of the gardens to the east. It therefore forms part of a line of modest buildings that lie between the row of two-storey houses and the open countryside.
11. The replacement building would be on the same footprint as the existing structure, but it would be considerably higher. Whilst much of the first-floor accommodation would be in the roofspace, its two-storey nature would be evident due to the raised eaves, gable end window, and overall ridge height. Although the frontage houses are also two-storey, the proposed structure would be much more closely associated with the row of single storey buildings at the backs of the gardens. Its increased height and prominence would be out of character with this row of subservient domestic outbuildings. As a result, it would appear as an incongruous, isolated building, which would be out of scale with adjacent buildings.
12. I am mindful that the building has been designed to have an agricultural appearance, but this would not effectively disguise its lack of accordance with the scale and pattern of the surrounding development. I therefore find that it would not respect the existing village form, so would be contrary to Policy GB7 of the Local Plan, which sets out the requirements for infill development in the Green Belt. It would also be contrary to Policy GBV2 of the Local Plan, which requires that within the Village Infill Envelopes, proposed development must maintain or improve the character and form of the settlement.
13. Whilst the site lies within the Village Infill Envelope defined by Policy GB7, it does not follow that all development within that boundary will constitute limited infilling for the purposes of paragraph 149 e) of the Framework. The term "limited infilling" is not defined in the Framework. However, the word infilling implies that the development should close a gap. In this case, the site lies at the end of a row of single storey buildings that extends eastwards. There are no buildings on the same alignment to the west, so the building would not close a gap. It would also be much larger than the other buildings in the row, so its scale would not be limited by reference to its context. Consequently, it would appear as an overlarge, isolated building, separated from the general pattern of two-storey buildings in the village. It would not, therefore, comprise limited infilling in the village, so would not be excluded from the description of inappropriate development by paragraph 149 e).
14. The new building would involve redevelopment of PDL, so paragraph 149 g) of the Framework provides that it would not be inappropriate provided it had no greater impact on the openness of the Green Belt than the existing development. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness and their permanence.

Openness is the absence of development. The existing building is single-storey and flat-roofed. Consequently, notwithstanding that it would be on the same footprint, the two-storey pitched roof replacement would be taller and bulkier. This would result in a significant increase in the amount of development on the site, and a loss of spatial openness to the Green Belt.

15. From the entrance to the site off the main village road, the existing building is only just seen above the side boundary bank/fence of No 9 Ashbury Cottages. The increased height of the proposed building would make it much more readily visible, and would result in it partially blocking views through the site to the wooded hills beyond, which would be harmful to the openness of the Green Belt. The existing building is readily visible from Emley Lane, to the southeast. From here it is seen alongside various similarly scaled sheds and outbuildings against the backdrop of the two-storey frontage houses, so it sits unobtrusively in its surroundings. The increased height, and somewhat domestic character of the proposed building, would make it a much more prominent structure, set beyond the limits of the two-storey built form of the main village buildings.
16. From both viewpoints, therefore, the proposed building would have a greater impact on the openness of the Green Belt than the existing development, resulting in a moderate level of harm. This would be contrary to Policy PC4 of the Core Strategy, which seeks to avoid adverse impacts on the openness of the Green Belt. It also means that the new building would not be excluded from the description of inappropriate development by paragraph 149 g) of the Framework.
17. As the construction of the new building would not fall within any of the exceptions set out in paragraph 149 of the Framework, it would be inappropriate development that is, by definition, harmful, and therefore contrary to national and local policy to protect the Green Belt. In accordance with paragraph 148 of the Framework, this is a matter to which I attach substantial weight.

The effect of the development on the landscape character of the AONB

18. The site is in the AONB, however it does not currently make a positive contribution to its landscape character, as it accommodates an unattractive utilitarian building that is in a poor condition. As noted under the previous issue, the proposed building would be higher. However, it would be set at a lower level than the two-storey frontage development, so would not protrude above it into the undeveloped backdrop of the village when viewed from the west and south. Furthermore, it would be on PDL, so the proposal would not involve an intrusion into undeveloped countryside. From all viewpoints it would be seen in the wider context of the other buildings in the village.
19. Consequently, notwithstanding my findings on the openness of the Green Belt, there would not be any significant harm to the landscape quality of the AONB. The proposal would, therefore, comply with Policies HE2 and HE3 of the Core Strategy, which seek to ensure high quality design that protects the landscape quality of the area.

Other considerations

20. The proposed building would provide an office for the business to replace a home facility that is no longer suitable. It would also provide more secure and

appropriately constructed storage space, as well as reducing the number of trips between sites for reasons of administration, storage, and respite during the working day. There would, therefore, be benefits to an existing local business. The appellant has indicated that a personal condition could be imposed to ensure that these benefits are secured. However, little evidence has been provided to demonstrate the necessity for the scale of the building, or the extent of any efforts to find an alternative location, or existing structure, which could provide the accommodation without harm to the Green Belt. In the absence of such evidence, these benefits only attract limited weight.

The Green Belt balance

21. I have concluded that the proposed extension would be inappropriate development that would conflict with national and local policy to protect the Green Belt. It would also be harmful to the openness of the Green Belt. The absence of harm to the AONB is a neutral factor in the overall balance. However, there are no other considerations in favour of the development that clearly outweigh the presumption against inappropriate development in the Green Belt, and the substantial weight that the Framework requires to be attached to such harm. The very special circumstances necessary to justify the proposal do not, therefore, exist.

Conclusion

22. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR