
Appeal Decision

Site visit made on 7 December 2021

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 December 2021

Appeal Ref: APP/D1265/W/21/3279622

Purbeck Shooting School, Puddletown Road, Wareham BH20 7NG

- 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 Graham Brown of Purbeck Shooting School against the decision of Dorset Council.
 - The application Ref 6/2020/0507, dated 3 November 2020, was refused by notice dated 28 May 2021.
 - The development proposed is described as 'Proposed security accommodation'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Notwithstanding suggestions made¹ to alter the description to clarify the intended use of the proposal, in my heading above I have taken the description of development from that given on the planning application form. The nature of the proposal is a matter I shall consider as part of my determination.
3. Since the Council made its determination, the Government has revised the National Planning Policy Framework (the Framework). The refusal reasons on the Council's decision notice refer to specific paragraphs in the 2019 version of the Framework. For the most part there are similar paragraphs in the revised version, albeit that the numbering has changed. Both parties have had the opportunity to refer to the revised Framework during the appeal process.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether the site provides a suitable location for the development having regard to local and national policies.
 - The effect of the proposal on the Dorset Heathlands international and nationally designated sites of importance for biodiversity.

Reasons

5. The main parties disagree as to the nature of the intended use of the accommodation proposed. The appellant considers that it would function as

¹ Paragraph 5.12, Appellant's Appeal Statement

staff welfare and security accommodation ancillary to the existing shooting school, whereas the Council contend that it would result in an independent planning unit tantamount to a dwellinghouse. As this is a factor that affects the relevance and application of local and national planning policies in relation to the main issues, it follows that it is necessary for me to make a finding on this point at the outset.

6. It is confirmed² that the accommodation would serve as welfare facilities for all the staff at the shooting school but is primarily intended to allow for an on-site security presence. This would comprise two members of staff working together in a shift pattern. It would only be available to staff members who are attending work. Outside of those hours staff would return to their own homes elsewhere. Therefore, occupants of the accommodation would constantly alter according to whoever was on shift or attending work. The system described would prevent the accommodation from functioning as the main residence for any household and could be limited to such a use by condition.
7. On this basis, I consider that the use outlined would be closer to ancillary staff and welfare quarters serving the wider site, rather than creating an independent dwellinghouse that would be analogous with a rural worker's dwelling or holiday accommodation. I have made my determination on this basis.

Character and appearance

8. The presence of grassland, hedgerows, woodland and limited built form results in a strong countryside character to the appeal site and surrounding area. The principal building at the site has a utilitarian appearance reminiscent of modern agricultural buildings typically found in rural locations and therefore, integrates into its surroundings. The wooden chalet providing a club house at the site has a broadly neutral impact. However, I also observed several storage containers and large car park, the presence and form of which detracted from the spacious rural character.
9. The proposed site of the accommodation is a grassed area close to the main building. When I visited the site, I observed that there was a small basic building nearby that appeared to be a kennels. Various small items were present on the appeal site, including patio chairs, animal pens, gas bottles and trailers. However, the grassed land itself is devoid of permanent built form and for that reason contributes towards the prevailing countryside character.
10. The accommodation proposed is referred to by the appellant as a building, but which the Council considers would meet the definition of a caravan. Either way, the elevational plans show a rectangular structure topped by a shallow pitched roof, similar to the form of prefabricated mobile homes. This impression is reinforced by the appellant's references³ to the manufacturer of the building, and it being clad in timber effect. Consequently, irrespective of its intended use, the structure would have an overtly domestic form and unsympathetic boxy appearance that would reduce spaciousness and appear incongruous in this context.

² Paragraphs 5.6-5.9, Appellant's Appeal Statement

³ Paragraph 3.3 Appellant's Appeal Statement & Page 10, Design and Access Statement, prepared by Pure Town Planning

11. In combination with the existing wooden chalet and storage containers it would increase the number and dispersal of objects across the site, the configuration of which would appear incoherent. These factors would undermine the open, rural character of the land.
12. Although I accept that the proposal would be well screened from the road, it has been highlighted⁴ that outside of opening hours members of the public can freely access the site as it is designated open access land. Consequently, in addition to people attending the shooting school, the structure would be seen by walkers using the land for recreational purposes. This would exacerbate the degree of harm.
13. The Purbeck District Design Guide, Supplementary Planning Document, January 2014 gives an overview of the design principles that development is expected to follow. This includes that new development should strengthen and enhance local distinctiveness. The information before me suggests that the proposal would be prefabricated with standard dimensions which, other than cosmetic treatments, would prevent it from being responsive to the local context.
14. The appellant refers to the proposal as being temporary and suggests a three year consent. This would limit the duration of the harm. However, Planning Practice Guidance⁵ (PPG) advises when it would be appropriate to use a condition to grant planning permission for a temporary period. This includes where a trial run is needed in order to assess the effect of the development on the area or where it is expected that the planning circumstances will change in a particular way at the end of that period. Neither is clearly shown to apply here. Neither would the proposal obviously relate to a 'meanwhile use' to enable the temporary use of vacant land prior to any longer-term proposals coming forward.
15. Furthermore, amongst other things, policy D of the Purbeck Local Plan, Part 1, November 2012 (LP) requires development that positively integrates with its surroundings. PPG does not suggest that temporary permissions should be employed to justify development that falls short of the standard required by the development plan, even on a temporary basis. Therefore, I am not satisfied that a condition would overcome my concerns and make the development acceptable.
16. The Framework⁶ emphasises that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. It further stipulates that development that is not well designed should be refused. For the reasons outlined, the proposal would fail to create a high quality, beautiful building and would conflict with paragraph 130 of the Framework whereby decisions should ensure that development adds to the overall quality of the area and is sympathetic to local character. Moreover, it would cause localised harm to the rural character of the appeal site and landscape. As such, it would fail to recognise the intrinsic character and beauty of the countryside contrary to paragraph 174 b) of the Framework.

⁴ Paragraph 5.21, Appellant's Appeal Statement

⁵ Paragraph 014 Ref ID:21a-014-20140306

⁶ Paragraphs 126 and 134

17. In coming to my view, I have also had regard to policy E12 of the emerging Purbeck Local Plan (2018-2034), which given its stage of preparation I have attributed limited weight. As it generally requires a high quality of design for all development, there is nothing in its content that would lead me to find otherwise on this main issue.
18. Accordingly, I find that the proposal would be unacceptably harmful to the rural character and appearance of the area and would fail to positively integrate with its surroundings. Therefore, it would conflict with policy D of the LP.

Location

19. Policy LD of the LP sets out the approach to the general location of development and seeks to direct development to settlements commensurate with their position within a hierarchy. Land outside of the settlement boundaries in the LP is classed as countryside. Development in the countryside is permitted only in exceptional circumstances, which are set out in policy CO.
20. There is no dispute that the site is within the countryside for the purposes of policy LD but the parties disagree whether it falls within the remit of the exceptions permitted by policy CO. The appellant contends that three of the exceptions would be applicable, namely that a countryside location is essential, it would comprise a small-scale outbuilding within the curtilage of an existing building and it is an employment use that would intensify or expand an existing employment site.
21. I acknowledge that, if I were to accept that the provision of additional welfare and security facilities must be provided for the shooting school, then it follows that in order to be effective, this must be done at the site, which is in a countryside location. However, 'essential' indicates a high threshold of justification is required and based on the level of information provided I am not satisfied that it has been met. This is for the following reasons.
22. Firstly, despite there being public access to the land, the presence of guns on site and limited surveillance from surrounding land, it is not clearly shown that a 24-hour security presence would be warranted. The reference to frequent security problems⁷ is somewhat general but does concede that these have mostly been relatively minor. Few specific details are given as to the dates of incidents, involvement of the police or insurance claims necessitated.
23. In addition, there is little indication regarding the period over which such incidents have occurred, which inhibits the frequency and magnitude of incidents to be accurately gauged. It is stated that the shooting school has been in operation since the early 1990's⁸ so there should have been ample opportunity to collate and substantiate specific incidents. Alternatively, if occurrences have increased recently, there is little explanation as to why that would be, as the underlying circumstances do not appear to have substantially changed. Reference is made to CCTV and alarms, but it is not detailed when these were installed and whether they had any effect.
24. Reference is also made to advice from both police and business insurers that on-site 24-hour security would be the most effective deterrent⁹. However, as it is not provided, it remains unclear whether this is general advice or a specific

⁷ Paragraph 5.22 Appellant's Appeal Statement

⁸ Council's Planning report

⁹ Paragraph 5.24 Appellant's Appeal Statement

- recommendation following a survey of the site. If the latter, it is not clear whether there were other recommendations that could equally assist in improving security arrangements. No evidence has been provided to show that as a result, insurers have refused or restricted insurance cover for the business, and the implications for premiums has not been quantified.
25. Although smaller than the main building, the proposed accommodation would provide for human habitation and would, of itself, be a notable structure. On that basis, I am not convinced it could be accurately described as an outbuilding. Furthermore, my observations of the main building and physical markers on the ground were that its curtilage was restricted to the immediate hard surfaced area around it. The proposed siting of the accommodation would lie outside of this. As such, it would not fall within the exception described in policy CO of the LP.
26. Turning to the final exception relied upon by the applicant, no definition is given of 'employment use' or 'existing employment site' in policy CO. However, the proposed security arrangements would be likely to generate some jobs, and I have no reason to find that the shooting school would not qualify as such a site. Moreover, paragraph 84 of the Framework states that planning policies should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing building and well-designed new buildings. Given the broad terms used in policy CO and that I have found the proposal would be ancillary to the shooting school, the proposal would intensify or expand an existing employment site.
27. Nevertheless, policy CO also states that development in the countryside should aim to make a positive contribution to landscape character. It will be seen from the first main issue that I have found it would fail to do so. Moreover, taken cumulatively with the existing main building, club house, car park and storage containers at the site, there would be a significant adverse visual effect. For similar reasons, the accommodation would not constitute a well-designed new building as referred to in paragraph 84 of the Framework.
28. Furthermore, the evidence also shows that the Council has previously permitted an extension to the main building at the site¹⁰. This consolidated the structures on the site by replacing eight storage containers, but also permitted an overall increase in floor area to improve facilities at the site. There is little evidence before me to show that it could not adequately cater for the staff welfare provision outlined whilst avoiding the visual harm I have identified.
29. The appellant cites viability and the Covid-19 pandemic to explain why this consent was not implemented. I accept that the pandemic would have caused delay to expansion plans, but little substantive evidence is provided to show that such an approach would remain unviable for the foreseeable future as is asserted. Furthermore, if that were to be the case, then it is doubtful that the three year temporary period sought for the proposed accommodation would be sufficient.
30. The Council have also referred to paragraph 80¹¹ of the Framework and policy H13 of the emerging development plan. However, as I do not consider the proposal would lead to an isolated home in the countryside it follows that

¹⁰ Planning reference 6/2018/0347, Appendix A, Appellant's Appeal Statement

¹¹ Previously Paragraph 79

paragraph 80 is of little relevance. Similarly, emerging policy H13 relates to rural workers homes in the countryside, which in any event the Council acknowledges¹² has insufficient weight to apply to the decision-making process. Hence, these policies have had little bearing on my determination.

31. Consequently, I find that the site would not provide a suitable location for the development having regard to local and national policies as it would conflict with the approach to the location of development contained in policies LD and CO of the LP. It follows that it would be inconsistent with the presumption in favour of sustainable development outlined in policy SD of the LP.

Dorset Heathlands International and nationally designated sites of importance for biodiversity

32. The appeal site is located within 400 metres of a Site of Special Scientific Interest protected by the Dorset Heathlands international designations, and which qualifies as a habitat site under the Conservation of Habitats and Species Regulations 2017 (the Regulations). The designations host protected priority habitats and species including Dartford warblers, nightjars, woodlark, hen harrier, merlin, sand lizards and smooth snakes as well as other typical species of lowland heathland, wetlands and dunes.
33. Evidence shows that the Dorset Heathlands are under significant pressure from an increasing number of people living nearby. As the population grows, urbanising impacts from human pressures and damage caused by domestic pets have the potential to cause ongoing adverse effects on the protected habitats and species. These effects are most marked within 400 metres of the Dorset Heathlands.
34. The Dorset Heathlands Planning Framework 2020-2025, Supplementary Planning Document, April 2020 (DHPF) sets out the Council's approach to restricting and where appropriate, mitigating the adverse effects of new housing development. It states that Natural England advises that additional residential development within 400 metres of the Dorset Heathlands is likely to have a significant effect upon the designated site, either alone or in combination with other developments and that this cannot be mitigated. Accordingly, the approach seeks to restrict development within the 400 metres buffer area.
35. This approach is consistent with policies BIO and DH of the LP which seek to prevent adverse effects upon the integrity of European protected sites, and policy DH specifically resists a net increase in dwellings within the 400m buffer zone. Whilst I have had regard to policies E7 and E8 of the emerging development plan, they are not fundamentally different in these regards, although provision is made in policy E8 for an exception where the type and occupier of residential development is restricted in perpetuity to those who would not have an adverse effect upon the sites' integrity.
36. It is apparent from the DHPF¹³ and these policies that the focus is upon resisting residential development. Accordingly, it is relevant that I have found that the proposal would not amount to an additional dwellinghouse. Nevertheless, the SPD states that it does not cover all uses that may cause additional harm, and therefore an assessment would still be required on a

¹² Paragraph 19, Council's Planning Report

¹³ Figure 3 and Appendix B

case-by-case basis. Furthermore, I am required under the Regulations to consider the likely effect of the proposal both individually and in combination with other projects.

37. As already outlined, the accommodation would be occupied only by staff attending work. When at leisure, aside from welfare breaks, staff would return to their own homes. This would avoid the accommodation being occupied by related family members or pets and would be markedly different to holiday accommodation, or conventional housing which could provide a base for trips to the Dorset Heathlands for recreational or dog walking purposes. Moreover, such a use could be made the subject of a condition.
38. Therefore, the proposal, either alone or in combination with other plans or projects would not be likely to have a significant effect on the internationally important interest features of the Dorset Heathlands. This is reinforced by the comments of Natural England¹⁴ in which they state they have no objection to the proposal to install a temporary security lodge subject to planning conditions. Given their specific expertise, this is of considerable weight.
39. Accordingly, in these circumstances it would not be necessary to undertake an Appropriate Assessment under the Regulations. Hence, there would be no conflict with paragraph 180 of the Framework or policies BIO and DH of the LP.

Other matters

40. In coming to my findings, I have had regard to the comments from Bere Regis Parish Council who give general support to the provision of appropriate security facilities. Nevertheless, I am required to make my own judgement of the planning merits of the case. For the reasons set out, these comments do not lead me to find otherwise.

Planning balance and conclusion

41. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise¹⁵. The proposal would improve security measures and staff welfare facilities at the site, which is likely to provide some employment opportunities and fortify the resilience of the operation. However, as I am not assured that similar benefits could not be achieved whilst avoiding the harm identified, this limits the weight attributed to these factors.
42. Balanced against that would be the harm arising from the character and appearance of the area, the location of development in the countryside and the consequent conflict with the respective development plan policies. This attracts significant weight. Hence, even though I found no harm would result to the integrity of the habitat sites, the benefits would not justify my determining the development other than in accordance with the adopted development plan. Therefore, for the reasons given above, I conclude that the appeal is dismissed.

Helen O'Connor

Inspector

¹⁴ Letter dated 22.2.21

¹⁵ Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.