



Appeal Decision

Site visit made on 30 May 2022

by Thomas Shields MA DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/D1265/C/21/3286806

Land at Bere Road, Cold Harbour, Wareham, Dorset, BH20 7PA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (hereafter “the Act”).
 - The appeal is made by Mr Michael Johnson against an enforcement notice issued by the Dorset Council.
 - The enforcement notice was issued on 4 November 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the material change of use of open land to a mixed use of residential and recreational purposes including the stationing and occupation of caravans, a motorhome, the parking of vehicles, the erection of tented structures, a portacabin, play equipment and the making of a recreational garden.
 - The requirements of the notice are:
 - i. Cease to use the land for residential purposes
 - ii. Cease to use the land for recreational purposes
 - iii. Cease to keep/store vehicles on the land
 - iv. Remove all units of accommodation (caravans, motorhomes, tents, Romany wagons)
 - v. Remove all vehicles
 - vi. Remove all domestic paraphernalia
 - vii. Remove all recreational paraphernalia
 - viii. Remove the portacabin from the land
 - The period for compliance with the requirements is 6 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) and (b) of the Act. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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THE APPEAL SITE

1. The appeal site is a parcel of land in open countryside and within the South East Dorset Green Belt, located as shown by the red line on the plan attached to the enforcement notice.

THE APPEAL ON GROUND (b)

2. An appeal on ground (b) is a claim that in respect of any breach of planning control which may be constituted by the matters stated in the notice, those matters have not occurred.
3. The appellant states that some of the items listed in the alleged breach at Section 3 of the notice had already been removed before the notice was issued.
4. However, the wording of ground (b) is past tense (“occurred”) and the appellant does not dispute that the items had previously been on the land. Indeed he confirms that they were previously on the land. Additionally, the

Council's officer report (OR) relating to the appeal site records their inspections of the land and the items being present. As such, I find on the balance of probabilities that the matters as alleged have occurred as a matter of fact.

5. The appeal on ground (b) therefore fails.

THE APPEAL ON GROUND (a)/DEEMED APPLICATION FOR PLANNING PERMISSION

6. An appeal on ground (a) is that planning permission ought to be granted in respect of any breach of planning control which may be constituted by the matters stated in the notice.

Main Issues

7. These are the Council's reasons for issuing the notice set out within it at Section 4. They include that the use of the land is inappropriate development in the Green Belt which is harmful by definition¹; detrimental to the rural character and appearance of the landscape and to protected trees; detrimental to highway safety; and likely to have significant effects on European and internationally designated sites. It is thereby contrary to policies CO, CF, D, LHH and TA of the Purbeck Local Plan Part 1 (2021).

Reasons

8. The appellant has not submitted any supporting evidence to support his case that planning permission ought to be granted, or to counter the Council's objections to the development. The Council's detailed case is as set out in notice and within the submitted OR.
9. Against the absence of any evidence to support the appellant's case, I have no reason to doubt the Council's strong objections to the development which are supported by local and national planning policies.
10. Accordingly, I attach substantial weight to the definitional harm to the Green Belt and the reduction in openness. I also find that it results in significant harm to the rural character and appearance of the area and to protected trees.
11. Safe access to and from the site could be secured by planning conditions and so this does not weigh against allowing the appeal.

Conclusion on ground (a)/deemed application

12. The Framework requires that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless any harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
13. As set out previously, the proposed development is inappropriate development in the Green Belt and therefore harmful by definition. I attach substantial weight to that harm. I have also attach weight to the harm resulting from loss of openness. Further harm, to which I attach significant weight, arises from the adverse effect on the character and appearance of the area and to protected trees.

¹ As defined by the National Planning Policy Framework (2021)

14. Against the totality of all this harm no considerations are advanced by the appellant which would outweigh the harm, and hence no very special circumstances exist which would justify allowing the appeal. The appeal on ground (a) and the deemed application for planning permission must therefore fail.

Other matters

15. Planning conditions would not overcome the significant harm resulting from the location of the appeal site in the open countryside and the Green Belt.
16. I have found the proposed development to be unacceptable for the above reasons and that planning permission should be withheld. Consequently, there is no need for me to consider the implications of the development on the integrity of the European protected sites under the Conservation and Habitats and Species Regulations 2017 (as amended).

FORMAL DECISION

17. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the Act.

Thomas Shields

INSPECTOR