



Appeal Decision

Site visit made on 14 September 2022

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/V1260/W/21/3288280

Land north of Eco Composting Ltd, Chapel Lane, Christchurch BH23 6BG

- 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 Hugh Dampney of Dampneys Ltd against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref 8/19/1560/FUL, dated 12 December 2019, was refused by notice dated 19 August 2021.
 - The development proposed is described as 'Use of land for storage and parking ancillary to adjacent Solar Park and ECO Centre and erection of fence and entrance gates'.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against Bournemouth Christchurch and Poole Council. This application is the subject of a separate Decision.

Preliminary Matters

3. There was no reference to the fence and entrance gates in the reason for refusal. As I must consider the effect of the development as a whole on the Green Belt I consider it necessary to include the fence and entrance gates in my assessment. I have written to both parties and there is no dispute between them that the fence and entrance gates are an integral part of the use of the land for storage and parking and should be considered accordingly. I have therefore proceeded on this basis.
4. The planning application form indicates that the proposed change of use had not started at the time the planning application was dated. At my site visit, I noted that the land was being used for the parking of cars and double decker buses and that the fence and entrance gates had not been erected. I have proceeded on the basis that the development applied for has not started although I note from the submissions that there has been some occasional storage of materials on the appeal site in the past.

Main Issues

5. The main issues in this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt and its effect on the openness of the Green Belt; and

- If the development would be inappropriate development in the Green Belt whether the harm by reason of inappropriateness, and any other harm would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the proposal.

Reasons

Whether or not the development is inappropriate

6. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy adopted April 2014 (LP) does not specifically deal with changes of use in the Green Belt but it emphasises that the most important purposes of the Green Belt are to protect and maintain open land between settlements.
7. This broadly reflects the National Planning Policy Framework (the Framework) which identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It goes on to state that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
8. Paragraph 150 of the Framework lists forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include at paragraph 150 e) material changes in the use of land such as changes of use for outdoor sport, recreation, cemeteries or burial grounds.
9. Whilst the appeal proposal would not fall within the uses specifically set out in paragraph 150 e), I am satisfied that what is being proposed amounts to a material change of use of the land. The proposal to enclose the site with fencing and to provide entrance gates is an integral part of the proposal to use the land for secure storage. As such, I have considered that the fence and gates should be considered along with the change of use under paragraph 150 of the Framework.
10. As such, it follows that the development would not be inappropriate provided that the use of the land and erection of the fencing would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. I therefore turn to this issue.
11. Openness is an essential characteristic of the Green Belt that has spatial as well as visual aspects. The proposed fence is of the same form and height as the existing fence surrounding the solar parks on both sides of Chapel Lane. Being an open mesh fence set against the existing trees and planting surrounding the site and allowing clear views into and across the site, I find that this would not harm the openness of the Green Belt in this instance.
12. The appeal site is not insubstantial. At the time of my site visit, eight double decker buses were parked there and there was sufficient room remaining on the site for other vehicles to park or materials to be stored. I accept that the appeal proposal may not result in the car park being full all the time or that materials would be stored there all the time. However, I have not been provided with any details of the number and frequency of vehicles which would be accommodated, the layout of the parking nor specific details of the type and number of materials which would be stored at the site. I have considered that the height to which materials could be stored could be controlled by condition

but in the absence of information to the contrary, I have considered that the entire site area could be used for the parking of vehicles and storage of materials at any given time.

13. Chapel Lane provides access to a number of commercial and residential properties. In addition, the solar farm is located on much of the land either side of the lane. Despite this, the established planting lining Chapel Lane encloses the lane. It restricts views out and gives the area a rural feel. The appeal site is enclosed with planting including trees around its boundaries. However, at the point of access from Chapel Lane, the site is open to the lane and there is no planting. As such, there are clear views into and across the majority of the site. The use of the site for parking and storage would be highly visible from Chapel Lane and would be read as an incursion into the countryside. This would harm both the spatial and visual openness currently experienced in this area.
14. The development would result in significant harm to the openness of the Green Belt, contrary to Policy KS3 of the LP which states that the purpose of the Green Belt is to maintain open land. As such, the development would be inappropriate development in the Green Belt.

Other considerations

15. It is proposed that the appeal site would be used for the storage of materials associated with the maintenance of the adjacent solar parks and for the short-term parking of commercial vehicles using the adjacent recycling facility.
16. The solar parks make a significant contribution to renewable energy and thereby a reduction in carbon emissions. They need routine maintenance and the appeal site would provide an area for the storage of plant, materials and the parking of vehicles associated with that work. A letter from the operator of the solar park indicates that the ability to use the appeal site as a compound for future works would be helpful.
17. Certain commercial vehicles visiting the recycling facility adjacent are not permitted to park on the premises for health and safety reasons. The appeal site would provide a parking area for these vehicles and a laydown area for deliveries although I have nothing before me which indicates how the business is currently functioning without that facility.
18. In both cases, the provision of a parking and storage area would enable the businesses to operate more efficiently. There is a suggestion that the appeal proposal is critical to the continued viability of both businesses with the recycling facility employing over fifty people. However, there is no substantive evidence to suggest that the businesses would have to close and those jobs would be lost if the appeal scheme is dismissed. I therefore attach only moderate weight to this in my consideration of the appeal.
19. Paragraph 151 of the Framework states that elements of many renewable energy projects will comprise inappropriate development in the Green Belt and very special circumstances will need to be demonstrated if projects are to proceed. However, there is nothing before me which demonstrates what contribution the appeal proposal would make to the production of energy from renewable sources nor conversely, how the lack of the parking and storage facility would affect production. As such, I give this limited weight.

Green Belt Balance and Conclusion

20. Paragraph 147 of the Framework sets out the presumption against inappropriate development within the Green Belt. It states that such development should not be approved except in very special circumstances. 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.
21. I have concluded that the proposal is inappropriate development that, by definition, harms the Green Belt. I have also concluded that the proposal would result in significant harm to the openness of the Green Belt. Paragraph 148 of the Framework requires substantial weight to be given to any harm to the Green Belt.
22. On the other hand, the other considerations referred to by the appellant only carry moderate weight in favour of the proposal. As such, the harm to the Green Belt is not clearly outweighed by other considerations. Consequently, the very special circumstances necessary to justify the development do not exist and the proposal is contrary to local and national planning policies.
23. For the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR