



Appeal Decision

Site visit made on 10 January 2023

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2023

Appeal Ref: APP/D1265/W/22/3303673

Land North West of Dogdean, Colehill BH21 4HA

- 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 Mr & Mrs Cook against the decision of Dorset Council.
 - The application Ref 3/20/1255/OUT, dated 19 July 2020, was refused by notice dated 23 January 2022.
 - The development proposed is described as 'erection of 2no. dwellings'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form indicates that the proposal was submitted in outline with all matters reserved for future consideration. However, the description of the proposal on the Council's Decision Notice indicates that access was to be determined at outline stage with appearance, landscaping, layout and scale as reserved matters. The submitted plans indicate the point of access and the proposed visibility splay. The appellant advises¹ that professional information with regards to highways was provided during the course of the application and I also note that the Highway Authority raised no objection to the proposal on highway safety grounds. As such, I have had regard to the proposed submitted plans insofar as they indicate the details of access only and have considered the details provided to be indicative insofar as they relate to appearance, landscaping, layout and scale.
3. Arrangements had been made for the gate to the appeal site to be left open for my pre-arranged site visit. The gate was not open when I arrived but nevertheless, I was able to see all that I needed from the public highway.

Main Issues

4. The main issues in this appeal are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect on the openness of the Green Belt;

¹ Paragraph 1.2 of the Statement of Case dated July 2022

- Whether the appeal site is a suitable location for the appeal scheme having regard to the spatial strategy for housing in the development plan; and
- If the proposal is inappropriate development 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 or not the development would be inappropriate

5. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy adopted April 2014 (LP) sets out the most important purposes of the Green Belt but does not set out specific criteria to assess whether a proposal would be inappropriate development in the Green Belt as reflected in the Framework.
6. Paragraph 147 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, save for certain exceptions. Paragraph 149 (e) of the Framework identifies one exception as the limited infilling in villages.
7. For the purposes of applying Paragraph 149 (e) of the Framework, I have had regard to the immediate context of the appeal site and the circumstances of this case when considering whether or not the appeal site is within a village and whether the proposal before me constitutes limited infilling.
8. Furzehill is a recognisable settlement. It has a distinctly linear form whereby the siting and location of existing development forms an almost continuous frontage with the road through the settlement. There are some lanes and tracks serving limited development at the rear of the road frontage and I saw that this was the case in respect of the erection of five houses on a site known as Crofton². Crofton is located to the north west of, and immediately adjacent to the appeal site. The appellant points out that the appeal site is contiguous with the plan-form of Furzehill and I have been directed to the location of the nearby footpaths which provide access on foot to the facilities and services on offer in Furzehill.
9. However, the appeal site is accessed from Dogdean, a rural lane which runs roughly parallel to the road through Furzehill but at a distance from it and distinctly separated from it by fields. There are houses located along Dogdean but these are at dispersed intervals with open fields between rather than the more continuous development seen in Furzehill. The appeal site is a field enclosed by trees and hedges on all sides and is bound by fields on two sides with fields stretching out in a southerly direction on the opposite side of the lane. Existing properties either side of the appeal site are located some distance away with intervening fields between and this leads me to conclude that the appeal site lies in the open countryside.
10. Therefore, taking account of the facts as they appear on the ground, I conclude that the appeal site lies beyond what could reasonably be construed as the village and the development proposed would not constitute infilling. As such, the proposal does not constitute limited infilling in a village. Accordingly,

² Application refs: 3/18/2066/OUT and 3/20/1355/RM

Paragraph 149 (e) of the Framework would not be satisfied and the proposed development would be inappropriate development in the Green Belt.

Openness

11. Paragraph 137 of the Framework sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
12. The appeal site is a field enclosed by planted boundaries including mature trees. The submitted layout plan indicates that the proposed dwellings would be located towards the rear of the site. Whilst this is only indicative of a possible layout, the appeal site tapers considerably to where it meets Dogdean and as such, the rear of the site is likely to be the only possible location for the dwellings. This would result in the proposed dwellings being well screened from Dogdean and read against the development occurring at Crofton to the north west. As such, the visual impact of the proposal would be modest.
13. However, openness, has a spatial aspect to it as well. The proposal will result in built development on a site which is currently free from development. Given the rural context in which the appeal site is located and the presence of undeveloped land to either side, the erection of two dwellings would have an urbanising effect. Added to this would be the site infrastructure such as the access road, vehicular parking, boundary treatments and domestic paraphernalia that would come with the residential occupation of the dwellings.
14. Taken together, the appeal proposal would have an adverse effect on the openness of the Green Belt and although the effect would be localised and limited, it would nonetheless conflict with the purposes of the Green Belt in terms of safeguarding the countryside from encroachment.

Location

15. Policy KS2 of the LP sets out the settlement hierarchy for the distribution of development across the plan area, focusing development in the main settlements and providing for only very limited development in villages.
16. Furzehill is identified as one such village. However, there is no dispute between the main parties, that the appeal site lies beyond the village envelope area identified in Policy KS2 of the LP and I agree. On this basis, Policy KS2 of the LP seeks to prevent development unless it is functionally required to be in a rural area and such a case has not been put to me.
17. The proposal would introduce new housing into a location which would not adhere to the distribution of development policies of the development plan including Policy KS2 which is a carefully drafted and considered statement of policy. Instead, the proposal would undermine the objectives of the strategy. This would be harmful given the public interest in having a genuinely plan led system that provides consistency and direction.

Other considerations

18. There would clearly be some benefits arising from the construction and occupation of the dwellings to the local economy. However, and in the absence

of evidence to the contrary, I consider that the benefits arising from two dwellings would be comparatively minor and as such carry limited weight.

19. The proposal would also boost the supply of housing. Whilst the Council's housing land supply can change over time, the appellant acknowledges that the Council can currently demonstrate a five year housing land supply and therefore in this context, the provision of two additional dwellings carries very limited weight.

Green Belt Balance

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 would be inappropriate development in the Green Belt and would result in harm, albeit limited 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. I have also found that the appeal site would not be a suitable location for housing having regard to the Council's strategy for the distribution of housing and have given this significant weight.
22. On the other hand, the other considerations only carry limited 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 Policy KS3 of the LP and the Framework.

Other Matters

23. Various concerns have been raised by interested parties in respect of highway safety, the impact on wildlife and the impact that allowing the appeal may have on other proposals for the area. However, given my findings above it has not been necessary for me to address these matters further as the appeal has failed on the main issue.
24. The site lies within the 400m to 5 km consultation zone for the Dorset Heathlands Special Protection Area (SPA), Ramsar and Special Area of Conservation (SAC). As I am dismissing the appeal, an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC and SPA is not required.

Conclusion

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

Alison Fish

INSPECTOR