



Appeal Decision

Site visit made on 20 March 2023

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2023

Appeal Ref: APP/D1265/W/22/3308355

The Croft, Burts Lane, Mannington, WIMBORNE, BH21 7JX

- 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 Anthony Revell against the decision of Dorset Council.
 - The application Ref P/FUL/2021/04317, dated 14 December 2021, was refused by notice dated 29 September 2022.
 - The development proposed is the siting of 6 camping pods for use by fishermen.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The Council altered the applicant's description of the development to 'Erect 6 no. camping pods'. In the absence of any justification for the change by the Council, I have determined the appeal on the basis of the appellant's original description as set out in the summary details set out above.
3. Two other appeals on land in the same ownership are the subject of separate decisions. (APP/D1265/C/22/3296499 and APP/D1265/W/22/3301750)

Applications for costs

4. An application for costs by the appellant against the Council has been made and this is the subject of a separate decision.

The site

5. The appeal site contains a fishing lake in the lower part of an area of land of about 6.72 ha owned by the appellant. It is located within an area of scattered housing and countryside with mainly agricultural and grazing uses. It is within the South-East Dorset Green Belt. There are various buildings within the south-east part of the site.
6. The proposal is to erect six camping pods of 6x4m by 2.5m high for use by fishermen to provide shelter for eating and sleeping, and for the storage of fishing equipment and personal belongings. The pods would be sited to the east of the lake, set back at least 4m from the water and five would be set into the sloping land. The pods would have curved roofs and be finished in horizontal timber boards.
7. The appellant claims that the lake benefits from an established lawful use for recreational fishing due to it having been used for that purpose for more than 10 years. Whilst this use may have taken place, no Lawful Development

Certificate has been submitted to support this claim and none has been applied for. As the Council point out, in the absence of an LDC, the site can only be lawfully used for that purpose for 28 days per annum under the permitted development regulations.

Main Issues

8. The main issues are:

- (i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
- (ii) The effect of the proposal on the openness of the Green Belt.
- (iii) The effect of the proposal on the Dorset Heathlands
- (iv) Whether any 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 required to justify the proposal.

Inappropriate development and openness

9. The parties disagree on whether the stables would represent inappropriate development in the Green Belt. The essential characteristics of Green Belts are their openness and their permanence. Keeping land permanently open is the fundamental aim of Green Belt Policy. Paragraph 149(b) of the National Planning Policy Framework (the Framework) allows new buildings for the provision of appropriate facilities for outdoor sport and recreation but subject to the facilities being in connection with the existing use of land or a change of use; the facilities preserving the openness of the Green Belt; and, not conflicting with the purposes of including land within it.
10. The proposed pods are substantial in size having a footprint of 24 sqm and they would be much larger than the portable temporary shelters or bivvies normally used by anglers. It is doubtful that they fall within the category of 'appropriate facilities' in the context of paragraph 149(b) in the same way that the bivvies could be regarded, which are essentially temporary in nature. The pods would inevitably result in a loss of openness either individually or collectively through their permanence in the landscape and their spatial presence despite the fact that it is proposed to site them at some distance from each other.
11. As the pods would be harmful to the openness of the Green Belt, the proposed development would be contrary to the Framework through being inappropriate development, which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

The Dorset Heathlands

12. The site is within 400m of Holt and West Moors Heath SSSI. The SSSI is part of the Dorset Heathlands Special Area of Conservation, Dorset Heathlands Special Protection Area and Ramsar site.
13. Natural England has objected to the proposal. They consider the pods as a camping facility to be used solely by anglers and that this use would increase the population in close proximity to the Dorset Heathland European Sites. The Council as Competent Authority in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has carried out an Appropriate Assessment of the proposal and concluded that

it would have an adverse effect on the integrity of the Dorset Heathlands European Site.

14. The proposal represents a new campsite, the effects of which should be considered alone and in combination with the effects of other development of all types that raise the types of effects arising from human occupancy of land. Because of the vulnerability of interest features of the European sites to pressures from residential and recreational development, Natural England have advised that it is not possible to fully remove the adverse effect through mitigation where the residential development is in close proximity to the European sites. This conclusion has been reached after considering the appellant's mitigation proposals largely forming part of a suggested s106 agreement.
15. The Council as the competent authority is unable to agree with the conclusions of the Habitat Regulations Assessments submitted by the applicant and instead considers that it is likely that the proposal, in combination with other plans and projects will adversely affect the integrity of the European site contrary to Policy ME2, the Dorset Heathlands SPD 2020-2025 and also paragraph 180 of the Framework.

Other considerations

16. Although the proposed materials would be acceptable in a rural setting, the introduction of built development into an otherwise open field would be harmful to the character and appearance of the countryside.
17. The appellant considers that there would be management benefits to the site but these do not outweigh the harm identified above.

Conclusions

18. The proposal represents inappropriate development in the Green Belt which, by definition, would be harmful to the Green Belt. It would also result in harm to the openness of the Green Belt and would be contrary to the purpose of including the land within the Green Belt. Accordingly, it would be contrary to the Framework and to Policy KS3 of the Local Plan which seeks to contain development within the Green Belt.
19. The proposal would be likely to adversely affect the integrity of the Dorset Heathlands European Site contrary to local policies and the Framework.
20. There are no other considerations that outweigh the harm identified and consequently there are no special circumstances to justify the proposal.

P N Jarratt

INSPECTOR