



Appeal Decision

Site visit made on 19 June 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2023

Appeal Ref: APP/D1265/W/22/3296037

Stour Park, Church Lane, West Parley BH22 8TR

- 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 & Mrs Trevis-Bell against the decision of Dorset Council.
 - The application Ref 3/21/1098/FUL, dated 26 May 2021, was refused by notice dated 9 December 2021.
 - The development proposed is creation of a new 4 no. bed family home.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2019, East Dorset District Council ceased to exist and became part of a new Unitary Authority known as Dorset Council. The development plans for the merged Local Planning Authorities will remain in place for the area within the new Unitary Authority they relate to until such time as they are revoked or replaced. I shall therefore determine the appeal having regard to the policies of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (the CS).

Main Issues

3. The main issues are:
 - 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;
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

4. The appeal site is a paddock to the north of a detached dwelling, Stour Park. It is located off Church Lane, a rural lane characterised by dispersed residential development. It is also located within the South East Dorset Green Belt.

Whether inappropriate development in the Green Belt

5. Paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special

circumstances. Paragraph 149 sets out that the construction of new buildings is inappropriate within the Green Belt subject to a number of exceptions, one of which is (e) limited infilling in villages. The Framework does not define 'limited', 'infilling' or 'villages'.

6. Policy KS3 of the CS deals with Green Belt and that development will be contained by the South East Dorset Green Belt. It sets out the most important purposes of the Green Belt which are broadly aligned with those set out in the Framework. The policy is therefore broadly consistent with it.
7. The appeal site lies outside the main built-up area of West Parley. There is some dispersed development along Church Lane including the host property and Brambles Farm, to the north of the site from which it is separated by a paddock. A loose cluster of development exists beyond Stour Park to the south. The appeal site lies to the north of this and does not form part of that cluster. It therefore does not fall within a 'village' for the purposes of paragraph 149.
8. Moreover, in order to be infilling, to my mind a proposal must fill a space or gap between two other buildings or structures whether within a continuous built-up frontage or within built development. The appeal site would not be predominantly surrounded by development with only the host dwelling adjoining it. There is an electricity pylon within a field to the west of the site and a house on the opposite side of the road. With built development to just one side, the proposed development would not fill a gap or space between buildings or structures.
9. The appeal proposal, whilst a single dwelling and therefore a limited development, would not amount to limited infill in a village.
10. The site lies to the south and east of a large area of land removed from the Green Belt in the CS. This area has been allocated for housing development. The nearest part of this development site to the appeal site would also comprise open space. Therefore, once developed the site would still not be enclosed by development. This does not alter my conclusions.
11. The appellant has cited other Green Belt policies which are not included in the Council's reason for refusal. These deal with infill development within villages which the Framework allows as an exception. These policies relate to defined 'Village Infill Envelopes'. However, as these have not been relied upon by the Council I give them very limited weight in my decision.
12. The proposal would not fall under the exception set out under paragraph 149 (e). It would therefore be inappropriate development in the Green Belt.

Openness

13. The Planning Practice Guidance¹ (PPG) sets out that assessing the impact of a proposal on the openness of the Green Belt requires a judgment based on the circumstances of the case. An assessment of openness is capable of having both spatial and visual aspects; the duration of the development and its remediability; and the degree of activity likely to be generated, such as traffic generation.

¹ Paragraph: 001 Reference ID: 64-001-20190722

14. The appeal site is an open field, with limited development nearby. A small structure occupies the north-western corner of the site. The proposed dwelling would occupy a significantly larger part of the site than this structure. It would be single-storey with dual mono-pitched roofs. It would physically exist in all three dimensions where there has been no development before. In this regard, it would cause significant harm to the openness of the Green Belt in spatial terms.
15. The proposed dwelling would be set back within the site and relatively low in height. It would be largely screened by boundary vegetation. It would therefore have a limited visual impact on the openness of the Green Belt.
16. The development would be permanent in nature. It would also give rise to day-to-day comings and goings associated with a domestic dwelling. For all these reasons, taken together, I find the proposal would cause moderate harm to the openness of the Green Belt conflicting with the Framework's aims in that regard. I give significant weight to that harm.

Other considerations

17. The appellants wish to build their own family home adjacent to their parents. This would be an affordable option for them as they cannot afford to purchase on the open market locally. Whilst sympathetic to the appellants' circumstances, I am mindful of the advice contained in the PPG that in general planning is concerned with land use in the public interest. The development brings about a permanent alteration to the Green Belt, whereas it is likely that the appellants' needs will change over the longer term.
18. The Government encourages self-build housing to enable people to design and build their own home. Council's are required to make provisions for this in accordance with the Self Build and Custom Housebuilding Act 2015. The appeal proposal would contribute to this.
19. The proposed house would be built using modern methods of construction and the intention would be to create a sustainable and low carbon home. Its design and siting would be acceptable. It would also not cause any adverse effects on adjoining occupants.
20. The East Dorset Green Belt Assessment identified the immediate area around Church Lane as falling within Parcel 55 of the study area. The assessment concluded that the parcel of land performed weakly against almost all the Green Belt purposes. Whilst I have no evidence to the contrary, the appeal site nevertheless forms part of the Green Belt. In any event, it is not the role of the appeal process to alter Green Belt boundaries which should be amended through the local plan process where this is found to be necessary and appropriate.

The Green Belt Balance

21. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I have also found that it would cause moderate harm to the openness of the Green Belt. These are matters to which I give substantial weight as required by paragraph 148 of the Framework.

22. The proposal would provide one additional house which would be a self-build and built to required energy efficiency standards. It would also provide the private benefit of bespoke accommodation for the appellants. Together, these amount to modest benefits of the scheme which would have little weight and would not outweigh the significant harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
23. As such the proposed development would be contrary to the Framework and Policies KS2 and KS3 of the CS which together allow for infill development and set out that Green Belt should be protected against inappropriate development.

Conclusion

24. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR