



Appeal Decisions

Site visit made on 19 June 2023

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2023

Appeal Ref: APP/D1265/W/22/3295769

Land off Eddy Green Road, Lytchett Matravers BH16 6HL

- 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 T & S Cobb against the decision of Dorset Council.
 - The application Ref 6/2020/0459, dated 29 September 2020, was refused by notice dated 21 October 2021.
 - The development proposed is to demolish the existing shed, barn and milk bale, and the erection of a detached 2 bedroom dwelling with associated parking and access.
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Decision

1. The appeal is dismissed.

Main Issues

2. 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

3. The appeal site is a plot of land off Eddy Green Road. It is occupied by a detached agricultural building, a caravan and other outbuildings of varying construction and a lorry container. It is located within the South East Dorset Green Belt. The proposal seeks to demolish an existing agricultural building on site and replace it with a single-storey, mono-pitched roofed dwelling.

Whether inappropriate development

4. Paragraph 147 of the Framework 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. The appellant considers the exception under (g) is relevant to the appeal proposal.

5. This allows for limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt than the existing development. No development plan policies have been identified in respect of Green Belt.
6. The Framework defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land...and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings.
7. There is no dispute that the buildings on the site are agricultural buildings. Therefore, they would not fall within the definition of previously-developed land. As such, it would not fall under the exception set out under paragraph 149 (g). The proposed development would be inappropriate development in the Green Belt.

Openness of the Green Belt

8. Paragraph 137 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It identifies openness as an essential characteristic of the Green Belt. There is no definition of 'openness' in the Framework although it is commonly taken to mean the absence of built or otherwise urbanising development.
9. The Planning Practice Guidance¹ 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.
10. The proposed dwelling would have a slightly larger footprint than the existing barn. It would also be slightly taller. As a slightly larger structure there would be some limited loss of openness in spatial terms.
11. There is some visibility of the appeal site from a short section of Eddy Green Road through the gate and through and above the boundary vegetation. The site slopes up from the road with one of the existing barns being visible towards the top of the slope. The proposed dwelling would be positioned in roughly the same location as this barn. It would therefore also be visible. It would cause a limited loss of openness
12. However, whilst not significantly larger or more prominent, as a dwelling with associated domestic paraphernalia, car parking, the proposed and daily comings and goings, the development would result in a more substantial and urbanised form of development on the site to that which is there now. It would also amount to a permanent change to the land. This would cause moderate harm to the openness of the area.
13. Consequently, I conclude that the development would result in 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.

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

Other considerations

14. The existing buildings and structures on the site reduce its openness. The appellants have stated that they would remove all of these in the event the appeal were to be allowed. These buildings and structures are of variable quality. Their removal and the consolidation of structures on site would tidy up the site and increase its openness and therefore the openness Green Belt. However, they are not uncharacteristic of the type of buildings and structures that would be seen within a rural setting. This would carry moderate weight.
15. The Government is seeking to significantly boost the supply of housing. The proposal would contribute a single dwelling to housing supply, of which there is an acknowledged shortfall. Whilst a benefit of the proposal, its contribution would be minimal and I therefore give limited weight to this. Similarly, the scheme would deliver ecological enhancements to which I attribute limited weight.
16. The proposal would result in a house in the countryside, a short distance from Lytchett Matravers but accessed via unlit, rural country lanes. Future occupants would be reliant on private motorised transport to access their day-to-day needs. This weighs against the proposal.
17. There is support for the proposal in that it would provide living accommodation for a local person. However, the occupancy of the site may change in the future and this therefore carries very limited weight in the balance.
18. The proposal would not impact on the living conditions of nearby neighbours. This is a neutral factor.

Protected Habitats Sites

19. The appeal site lies within the catchment for the Poole Harbour Special Protection Area (SPA) and Ramsar site. The site also lies within the 400m to 5km buffer for the Dorset Heathlands SPA. These are European sites of nature conservation importance and statutorily protected under the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations). Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the SPA. I am the competent authority for the purposes of this appeal.
20. Natural England has advised that all new residential development that connects to wastewater treatment plants within the Poole Harbour catchment will have a significant effect upon the protected sites due to increased foul water discharge and hydrological changes arising from an increase in nutrient load. Additional residential development will give rise to likely significant effects on the Dorset Heathlands SPA through increased recreational disturbance. Mitigation would be required to avoid such harmful impacts.
21. Mitigation against recreation impacts on the Dorset Heathlands SPA would be provided through Community Infrastructure Levy payments in accordance with the Dorset Heathland Planning Framework 2020-2025 Supplementary Planning Document. It is proposed to address nutrient impacts through a pre-commencement condition preventing development beginning until the necessary wastewater treatment works upgrade is required through legislation in accordance with advice provided by the Council.

22. Notwithstanding the Council's findings in respect of this, as the competent authority, I am required to carry out an appropriate assessment of the effect of the proposed development. However, as I have found that the scheme is unacceptable for other reasons, I do not need to pursue this matter further.

The Green Belt Balance

23. 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 limited 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.
24. The contribution to housing supply from a single dwelling, the ecological enhancements and consolidation of development on the site, taken together carry moderate weight in favour of the proposal. The proposal would therefore not outweigh the substantial harm to the Green Belt I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposed scheme would be contrary to the Framework.

Conclusion

25. For the reasons set out above, I conclude the appeal should be dismissed.

Rachael Pipkin

INSPECTOR