



Appeal Decision

Site visit made on 6 June 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2023

Appeal Ref: APP/V1260/W/22/3304602

Le Beau, Arrowsmith Road, Bournemouth Christchurch and Poole, Poole BH21 3BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Mr Mark Matthews against Bournemouth Christchurch and Poole Council.
 - The application Ref APP/22/00765/F, is dated 30 May 2022.
 - The development proposed is erection of five residential units subject to s. 106 agreement restricting use to holiday occupation only.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form, albeit with superfluous information not referring to an act of development removed.
3. The planning application was made retrospectively. The development has already been implemented and, therefore, I have determined the appeal on this basis.
4. An amended plan was submitted as part of the application. This plan includes a widened access drive, parking and turning area, cycle storage and a passing place along the access drive. The Council has had regard to this plan and, accordingly, so have I.

Background and Main Issues

5. This appeal relates to the Council's failure to give notice within the prescribed period of a decision on an application for planning permission.
6. An appeal¹ against an enforcement notice relating to unauthorised development including consisting of the erection of a building and its subsequent conversion to dwelling was dismissed on 17 April 2023 (the enforcement appeal). That appeal was in respect of substantially the same development. A previous appeal decision is capable of being a material consideration where that decision is sufficiently closely related to issues that regard should be had to it.

¹ APP/V1260/C/22/3300393

7. In the context of this appeal, the Council's appeal statement sets out the putative reasons for refusal and the appellant has responded to these. I have therefore had regard to the Council's submissions when determining this appeal.
8. Thus, having regard to the above, the main issues are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2021 (Framework) and development plan policy;
 - Whether the site is in a suitable location for residential uses, restricted to holiday occupation, having regard to local and national planning policy;
 - If the proposed development 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 inappropriate development in the Green Belt

9. The appeal site lies within the South-East Dorset Green Belt. The site is accessed from Arrowsmith Road via a gravel driveway that leads to parking and turning space. The area is characterised by a pattern of large, detached houses set in large sized plots within an undulating and varied landscape. Wider views of the surrounding countryside are achieved from the appeal site.
10. The Framework 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 a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt, with certain exceptions. The Framework sets out clearly in Paragraphs 147-151 that unless an exception can be demonstrated inappropriate development is, by definition, harmful to the Green Belt and should not be approved except where very special circumstances exist. Policy PP2(6) of the Poole Local Plan adopted 2018 (PLP) says that the Council will carefully manage the Green Belt in accordance with national policy.
11. Paragraph 149 of the Framework is concerned with new buildings and lists exceptions to inappropriate development. The previous Inspector dealing with the enforcement appeal found that the site was originally in agricultural use and that the development replaced an original building. On the evidence available, I have little substantive basis to reach a different conclusion.
12. Whilst the development has replaced a building, taking into account the above, the site is not previously developed land nor is the appeal building in the same use as the original building.
13. In any case, despite the potential for new landscaping, the fact remains that the development can be seen within its immediate surroundings, so it has a visual effect on openness. Moreover, increase in domestic paraphernalia that is associated with the five residential units of holiday accommodation, for example, but not limited to, cycle storage, vehicle parking and widening of the access drive, provision of a passing place and electric car charging points,

would separately and cumulatively, in both spatial and visual terms, intrude upon openness of the Green Belt.

14. In this case the requirements for an exception included in the Framework have not, therefore, been met. Moreover, the main parties agree that the development is not an exception to inappropriate development, and this is consistent with the previous Inspector in the enforcement appeal.
15. It follows then, that the proposal would be inappropriate development in the Green Belt. This is, by definition, harmful and therefore contrary to PLP Policy PP2(6) and national policy to protect the Green Belt. This is a planning harm to which I attach substantial weight.

Location

16. Notwithstanding the appellant's intention that the residential units are for holiday occupation, the use still falls within the definition of a dwellinghouse under Use Class C3 of the Town and Country Planning (Use Classes) order 1987. PLP Policy PP2(2) seeks to direct the majority of new housing development to the most accessible locations within Poole, which are identified as in the town centre, district and local centres and sustainable transport corridors.
17. The appeal site lies outside these areas and approximately 7km north of Poole town centre. Wimborne town centre is approximately 3km to the south-east. PLP Policy PP2(2) says that development outside of the most sustainable locations will be permitted provided the scheme is capable of delivering sustainable patterns of development. This approach is broadly consistent with the housing approach and objectives set out in the Framework.
18. Access from the site is via a narrow winding lane which is unlit and unpaved. The length and nature of the road is likely to limit the practicality of walking and cycling to access most day-to-day facilities especially at night and in poor weather conditions. The appellant highlights a newly created cycleway and bus route on the A341.
19. Even so, and whilst the appellant advises that the site would appeal to horse riders and walkers, and although holiday residents may not need to access local schools or doctors, I have little substantive basis to consider that services would generally be accessible by means other than the private car. It is unlikely that residents of the holiday accommodation would frequently use sustainable transport modes to obtain access to essential goods, services and entertainment.
20. I am cognisant that paragraph 84 of the Framework supports the sustainable growth and expansion of all types of business in rural areas. I am also mindful that paragraph 85 of the Framework accepts that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements. However, the Framework advises that in these circumstances it will be important to ensure that development exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). This is not demonstrated by the appeal scheme.
21. The site, given the absence of realistic alternatives, gives rise to the reliance of the occupants of the holiday accommodation on the private car for most

journeys. Therefore, the proposal is not located so as to be accessible by sustainable means of transport in order to minimise the need to travel by private car.

22. Taking account of the above, there is little substantive evidence, including from my site visit, to indicate that the appeal site is a sustainable location that is capable of meeting a range of needs and help to reduce the need to travel in accordance with the requirements of PLP Policies PP34 and PP35.
23. It is most likely that guests are reliant on a car to meet their day-to-day needs. It is therefore not a location where new residential uses would normally be considered acceptable. Consequently, the site is not well related to existing settlements and is not a sustainable form of rural tourism development. The scheme is accordingly not capable of delivering sustainable patterns of development. I note this finding is consistent with the Inspector in the enforcement appeal.
24. Given this, the appeal scheme is not a suitable location for residential uses, restricted to holiday occupation, having regard to local and national planning policy. The use of the site for the residential use proposed conflicts with PLP Policies PP2(2), PP34 and PP35 and the housing objectives of the Framework. This is a planning harm to which I attach substantial weight.

Other considerations

25. I accept that the proposal has the potential to contribute favourably to the rural economy as a result of tourists residing at the site and that this contributes to meeting demand for tourism accommodation. I also accept that tourism is a significant part of the local economy and that there is potential for the units to free-up residential accommodation within the town centres. However, the proposal is only for five holiday units, which would limit the contribution the development makes to the local economy. I attribute these benefits limited weight.
26. The proposal would add to the supply of housing within the development plan area, which is constrained, particularly given the lack of a five-year housing land supply. This consideration attracts moderate weight in favour of the development.
27. The design of the building is not an issue and I note the building's design incorporates the highest insulation standards. I acknowledge the appellant says the development is supported by The Society for Poole and neighbours of the appeal site, and the letter of support submitted with the final comments. I also acknowledge that the appellant is keen to preserve the building materials. However, these matters do not indicate that the harm identified is justified and are of limited weight in favour of the appeal scheme.
28. The absence of harm to highway safety or the character and appearance of the area is a neutral factor.
29. The site is within the buffer zones of the Dorset Heathlands Special Protection Area and Ramsar, and the Dorset Heaths Special Area of Conservation. The Site is also close to the Poole Harbour Special Protection Area and Ramsar. These are afforded protection under the Conservation of Habitats and Species Regulations 2017. However, there is no need to consider the implications upon these habitat sites because the scheme is unacceptable for other reasons.

The Green Belt Balance

30. The proposal is inappropriate development in the Green Belt and the Framework requires substantial weight to be attached to this harm. On the evidence available, it would also lead to a loss of openness to the Green Belt. The other considerations cited do not, even when considered together, clearly outweigh the harm arising from inappropriateness. The very special circumstances necessary to justify inappropriate development in the Green Belt therefore do not exist.
31. The fact that the Council cannot demonstrate a five-year housing land supply triggers the circumstances in paragraph 11 d) of the Framework. However, in this case the application of policies in the Framework that protect areas of particular importance, in this case the Green Belt, provide a clear reason for refusing the appeal scheme. As such, the presumption in favour of sustainable development does not apply.

Conclusion

32. The proposal conflicts with the development plan and the Framework, when considered as a whole, and there are no other material considerations identified that outweigh this finding. For the reasons given above I conclude that the appeal should be dismissed.

J White

INSPECTOR