



Appeal Decision

Site visit made on 27 June 2023

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 September 2023

Appeal Ref: APP/D1265/W/22/3313563

Land at Queens Copse Lane, Holtwood, Holt, Dorset BH21 7DU

- 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 White of JJ White Contractors against the decision of Dorset Council.
 - The application Ref P/FUL/2022/02549, dated 20 April 2022, was refused by notice dated 2 August 2022.
 - The development proposed was originally described as "In summary, the proposal represents a minor but essential development for the applicant's land based rural business; we are applying for a timber constructed building measuring 14m x 19.3m (270m²) and 6.7m to the ridge. The applicant has carefully considered the design of the building; proposing to clad the development in a rough sawn timber which is felled, processed and treated himself. The timber design is proposed to be in keeping with the surrounding woodland landscape of Queen's Copse. Please refer to our Planning Statement for further detail."
-

Decision

1. The appeal is allowed and planning permission is granted for a timber constructed building for forestry/agricultural use at Land at Queens Copse Lane, Holtwood, Holt, Dorset BH21 7DU in accordance with the terms of the application, Ref P/FUL/2022/02549, dated 22 April 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Promap Site location plan 1:5000 scale; Promap Site Plan 1:1250 scale; Symonds & Sampson Drawing No. 002/JJW dated 29.10.2021: Proposed Plans & Elevations.
 - 3) Before using any external facing and roofing materials in the construction of the development, details of their manufacturer, colour and type shall have been submitted to and approved in writing by the Local Planning Authority (LPA). All works shall be undertaken strictly in accordance with the details as approved, unless otherwise agreed in writing with the local planning authority, and maintained as such thereafter.

Preliminary Matters

2. The description of development is lengthy and includes details that are not acts of development. The Council altered the description of development to “erect a timber constructed building for forestry/agricultural use”, which is similar to that used by the appellant on the appeal form. The Council’s description appears to succinctly describe the development. I have therefore based the description in my formal decision on this.
3. The address given in the application form includes the words “street record” which is unclear and I have therefore taken the first part of the address from the Council’s decision notice and the appeal form, as they reference “land at Queens Copse”.
4. The Council has confirmed that Policy CSIDE1 of the East Dorset Local Plan 2002 (EDLP) is no longer part of the development plan. Furthermore, the Council note that policies ECON9 and DEV7 of the emerging Dorset Plan may be given little weight as that plan is still undergoing consultation and has not been adopted. Having paid regard to paragraph 48 of the National Planning Policy Framework (the Framework), given that plan is at a very early stage of preparation, I have no reason to disagree with the Council on this matter.

Main Issues

5. The main issues are (i) whether or not the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; (ii) the effect of the proposed development on the character and appearance of the area; and (iii) 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.

Reasons

Whether the proposal is inappropriate development in Green Belt

6. Paragraph 149 of the Framework states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. However, exceptions to this are “*buildings for agriculture and forestry*”.
7. The Council suggest that their refusal is based on the development being too large for the needs of the appeal site, or its small trees on adjoining land owned by the appellant, though the Framework does not set out any limiting criteria relating to size or any other matters. This would include scenarios where such forestry operations are carried out in other locations outside the land holding owned and used by the appellant, as is the case with this appeal.
8. Additionally, the requirement in The Town and Country Planning (General Permitted Development) (England) Order 2015 (Part 6, Classes A and B - ‘Agricultural and Forestry’) that buildings and other works must be “reasonably necessary for the purposes of agriculture within that unit” relates solely to the consideration of whether a proposal would be permitted development. Therefore, it should not be applied when considering the merits of a planning application seeking permission for a forestry or agricultural building in the Green Belt.

9. There is no dispute between the main parties that the appellant's contracting business includes non-forestry activities such as land reclamation, debris clearance and the creation of habitat watercourses. However, even though the manufacturing of fences may not fall within a forestry use, the Council agrees that the appellant's coppicing, felling and logging operations do relate to forestry.
10. The appellant claims that the building is required to store forestry equipment associated with this aspect of their business including, but not limited to tractors, a saw mill, a 6 tonne digger, heavy duty flail, several flat bed trailers, a rotovator and logging trailer with crane. At my visit, I observed there to be examples of this type of machinery which appeared to be typical of the kind of equipment you would expect to be used in connection with forestry or agriculture. Furthermore, the large scale nature of this type of equipment would be reasonably suited to the proposed scale of the building it would be stored within. Consequently, although some of this equipment and other storage equipment could be associated with the appellant's wider business, I am satisfied that, on the basis of the evidence before me, the primary use of the building would be for forestry, as applied for.
11. I conclude that the proposed development would not be inappropriate development in the Green Belt as it relates to a building for forestry. It would therefore comply with Paragraph 149 of the Framework.
12. Given that I have concluded that the proposed development would not be inappropriate development in the Green Belt, there is no requirement to assess the impact of the development on the openness of the Green Belt. This also means there is no need to consider whether there are very special circumstances to justify the development. As such, there would be no conflict Policy PC4 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 (LP), which in this respect says that proposals for economic development in the Green Belt will be supported where they meet the criteria set out in the Framework, avoiding adverse impacts on the openness of the Green Belt.

Character and appearance

13. Although the development would introduce a permanent feature in the landscape, it would encourage the consolidation of the existing scattered machinery to a building and its associated earth floor hardstanding, thus reducing clutter. Also, I have no reason to find there would be an increase in external storage as a result of the proposed hardstanding, particularly given its small scale and the likely use of the building for storage purposes.
14. In the context of the wider field it would sit within, the development would be of a modest scale and height and would be positioned in an area that is bound on two sides by established trees and vegetation. Its walls and roof would be constructed from a rough sawn timber and the design would be typical of an agricultural building. Therefore, even if glimpsed views of it could be achieved from public footpaths, including at times of the year when trees are without leaf, for the above reasons, the eye would not be drawn towards the development. Consequently, the development would protect the landscape character of the area and would be compatible with its surroundings.

15. Therefore, I conclude on this main issue that the proposal would have an acceptable effect on the character and appearance of the area. As such, the proposed development would not conflict with policies HE2 and HE3 of the LP or saved Policy DES11 of the EDLP which, together in this respect, seek to support developments that take into account landscape settings being compatible in terms of layout, architectural style, scale, height and materials. There would also be no conflict with paragraph 130 of the Framework which says, amongst other things, that decisions should ensure that developments are sympathetic to local character and landscape setting.

Other Matters

16. The Council refers to an appeal in Mendip, though I am not aware of the site specific circumstances surrounding that decision. The scale and nature of that development with its shipping containers and plant wash bay in a different location to this appeal site is however materially different to this appeal proposal. In any case, I have determined this appeal on its merits taking into account all the evidence before me and my own observations.
17. Both main parties refer to an appeal at Pits Copse, though the Inspector concluded that site had a sui generis use which is materially different to this appeal scheme. Furthermore, I am not aware of the site specific circumstances surrounding that decision.

Conditions

18. I have made some amendments to the Council's suggested conditions in the interests of clarity and to ensure compliance with the Framework.
19. The standard time for commencement of development is necessary as well as a plans condition in the interests of certainty. I have included the Council's suggested materials condition in the interests of character and appearance.

Conclusion

20. For the above reasons the development would not conflict with policies of the development plan or the Framework. Having regard to all matters raised, the appeal is allowed subject to conditions.

J Hills

INSPECTOR