



Appeal Decision

Site visit made on 1 August 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 September 2023

Appeal Ref: APP/D1265/W/23/3316974

1 Church Farm Cottages, 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 Tom Ellerker against the decision of Dorset Council.
- The application Ref P/FUL/2022/00024, dated 4 January 2022, was refused by notice dated 25 August 2022.
- The development proposed is to erect a pair of semi-detached bungalows.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of the appeal the Council advised that they cannot demonstrate a five-year supply of deliverable housing sites. The appellant had an opportunity to comment on this and I will address this further below.
3. The site falls within 5km of the Dorset Heathlands which comprises the Dorset Heathlands Special Protection Area, Dorset Heathlands Ramsar Site, Dorset Heaths Special Area of Conservation and Dorset Heaths Special Area of Conservation (Purbeck and Wareham) and Studland Dunes. I will also return to this below.

Main Issues

4. 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 on the openness of the Green Belt,
 - whether the appeal site is an appropriate location for the proposal, with particular regard to the local development strategy, and
 - 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

5. The appeal site is in use for the open storage of vehicles, motorhomes, static and touring caravans. There are no permanent buildings on the site. The site and wider landscape form part of the Green Belt.

Whether inappropriate development

6. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy (April 2014) (CS), states that the most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements by maintaining wedges and corridors of open land between them, and to maintain an area of open land around the conurbation.
7. The Framework states at paragraph 147 that inappropriate development is, by definition, harmful and should not be permitted except in very special circumstances. The Framework further establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions as set out in paragraph 149.
8. The proposal would replace the open storage use of the site with two semi-detached bungalows.
9. The appellant considers that the proposal represents limited infilling under paragraph 149 e) of the Framework. However, this relates to limited infilling within villages, and the site lies outside the main built-up area of West Parley with the appeal site located a considerable distance down Church Lane amongst dispersed development separate from the main built-up area. As a result, I find that the appeal site lies outside of the ‘village’ for the purposes of paragraph 149. The presence of planning permission¹, and related consents, for mixed use development broadly to the north-west, north-east and east of the appeal site do not change my finding on this, particularly given that the nearest dwelling would be located a not inconsiderable distance away beyond intervening open space. Neither does the presence of solar development nearby to which I have very limited details.
10. The appellant further argues that the proposal represents the redevelopment of Previously Developed Land under paragraph 149 g) of the Framework. However, the Glossary at Annex 2 to the Framework clarifies that Previously Developed Land is land which is or was occupied by a permanent structure and any associated fixed surface infrastructure. In the absence of any permanent structures, or fixed surface infrastructure associated with a fixed permanent structure, the site does not represent Previously Developed Land.
11. Even if the site were to comprise Previously Developed Land, paragraph 149 g) states that the partial or complete redevelopment of previously developed land is not inappropriate in the Green Belt provided it does not have a greater impact on the openness of the Green Belt than the existing development.
12. The appellant refers to Policy GB2 in their Covering Letter and Design and Access Statement, but it is not clear where this policy originates. In any case, the proposal does not meet any of the bullet points to represent development that is not inappropriate in the Green Belt.
13. With regard to the reference to a recent appeal decision further along Church Lane², even if I were to conclude that the site fills a gap between buildings, it does not fall under the definition of Previously Developed Land or fall within a village. This does not therefore alter my conclusions on this main issue.

¹ 3/17/3609/OUT

² APP/D1265/W/22/3296037

14. 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

15. Paragraph 137 of the Framework states that the essential characteristics of Green Belts are their openness.
16. The site is located off Church Lane bounded by fencing and planting. From Church Road, the top of some of the vehicles and storage buildings on the site are visible above the boundary fence and through the access gates.
17. Even if the appellant were to cover all of the site with 10 mobile homes, motorhomes or caravans as permitted by the Certificate of Lawful Use³, I consider that by reason of the taller buildings proposed as part of the appeal, their more permanent built form and associated cars, paraphernalia and associated activity, the proposal would have a greater spatial and visual impact on the openness of the Green Belt than the existing permitted development.
18. Whilst vehicles, motorhomes and caravans could theoretically cover a greater floor area than that created by the bungalows, by their nature they are temporary structures not permanently fixed to the ground. As such their degree of permanence and impact upon openness would be less than the proposed dwellings.
19. Consequently, I find that by reason of the increased height and permanence of the proposed built form, the proposal would have a greater impact on the openness of the Green Belt than the existing development. For these reasons, taken together, I find the proposal would cause limited harm to the openness of the Green Belt conflicting with the Framework's aims in that regard. I give significant weight to that harm.

Location

20. The appeal site is located within the open countryside accessed via a narrow lane with no lighting or pavements. The nearest services and facilities are a considerable distance from the site such that access would be reliant upon the use of the motor vehicle.
21. The proposal falls within a Hamlet for the purposes of Policy KS2 of the LP where development will not be allowed unless it is functionally required to be in a rural area. I have not been made aware of any functional requirement for the two dwellings to be located within a rural area.
22. I therefore conclude that the appeal site is not an appropriate location for the proposal, with particular regard to the local development strategy. As a result, the proposal is contrary to Policy KS2 of the LP which, amongst other things, seeks to ensure that the location, scale and distribution of development conforms with the settlement hierarchy.

Other Considerations

23. Paragraph 148 of the Framework advises that when assessing planning applications in the Green Belt, substantial weight shall be given to any harm to it. In addition, the Framework makes it clear that 'very special circumstances'

³ 3/19/2176/CLE

will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

24. I have considered the appellants evidence with regard to the consent, and related applications, for 386 dwellings and associated Suitable Alternative Green Space (SANG) near to the site, and to the presence of other dwellings broadly to the north, south and west of the site. However, these matters do not change the current situation with regard to the appeal site's location within the Green Belt. In addition, I have very limited information regarding the detail, planning background or considerations for the consent for 386 dwellings and associated SANG. As a result, I give these matters limited weight in my consideration.
25. I have had regard to the evidence from the appellant that the current lawful use of the site blights the area and that it would benefit from being cleared of non-agricultural development including stark white elevations. However, in light of the boundary fencing and the temporary nature of stored items they are not highly prominent and do not to my mind significantly undermine the Green Belt designation or the character or appearance of the area. I therefore give any improved visual appearance and potential to control future development by condition, limited weight.
26. Whilst the bungalows are of a suitable design, this is a requirement of local and national planning policies and as such is neutral in my consideration. As are the provision of new hedge planting, wildflower planting, adequate visibility and turning space.
27. I do not have adequate details of the two appeals referred to by the appellant in their evidence submitted with the planning application by Trethowans LLP to be sure that they are directly relevant to this appeal. In addition, I am required to determine the appeal on its merits. I therefore give this limited weight.
28. Paragraphs 2 and 47 of the Framework advise that applications for planning permission shall be determined in accordance with the development plan, unless material considerations indicate otherwise.
29. The Council is unable to demonstrate a five-year supply of deliverable housing sites and the proposed dwellings would make a contribution, albeit small, to the supply of housing in the area. There would also be social and economic benefits associated with the proposal, however, given the quantum of development these would also be limited.
30. Given the Council's housing land supply position, paragraph 11 d) of the Framework, and footnote 8, sets out that the policies that are most important for determining the application are deemed to be out of date and planning permission should therefore be granted unless one of two circumstances apply. The first of these, 11 d) i., says unless *"the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed."*
31. Footnote 7 of paragraph 11 d) i. confirms that land designated as Green Belt is one of the areas/assets of particular importance. As such, a proposal that does not accord with Green Belt policies in the Framework provides a clear reason for refusal.

32. I have concluded that the proposal constitutes inappropriate development in the Green Belt, and that it would have a significant impact on both its spatial and visual openness. Therefore, the application of policies in the Framework which protect Green Belts provide a clear reason for dismissing the appeal. Consequently, the proposal does not benefit from a presumption in favour of sustainable development.

Other Matters

33. As stated above, the site falls within 5km of the Dorset Heathlands. However, as I am dismissing the appeal for other reasons, I do not need to consider this matter or the related duties under the Conservation of Habitats and Species Regulations 2017 further.

Whether 'very special circumstances' exist and Planning Balance

34. Paragraph 137 of the Framework makes it clear that the Government attaches great importance to Green Belts. The proposal would comprise inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Paragraph 147 of the Framework makes it clear that inappropriate development should not be approved except in very special circumstances. There would also be harm to the openness of the Green Belt, in that it would be reduced. Further harm would result because the location of the appeal site is not suitable for the development as proposed, in conflict with the development plan.
35. Balanced against this is that the proposal would provide two dwellings which would contribute towards the supply and mix of housing at a time when the Council cannot demonstrate a five-year supply of deliverable sites. The proposal would also result in social and economic benefits associated with an additional dwelling. However, given the scale and nature of the development, the benefits would be limited.
36. In accordance with the Framework, substantial weight is attached to any harm to the Green Belt. I consider that the harm I have found to the Green Belt would not be clearly outweighed by the other considerations outlined above. Consequently, the very special circumstances required to justify the proposed development do not exist. As such, the proposal does not accord with policy KS3 of the CS, or Green Belt policies in the Framework.
37. The identified harm to the Green Belt provides a clear reason for refusing planning permission and the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

38. Overall, for the reasons given above, the proposal conflicts with the development plan taken as a whole. There are no other considerations, including the Framework, that indicate that a decision should be made other than in accordance with the development plan. The appeal is dismissed.

C Rose

INSPECTOR