

# 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: 3<sup>rd</sup> October 2023**

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**Appeal Ref: APP/V1260/W/22/3313932**

**Land off Moortown Drive, Canford Magna, Wimborne, Dorset BH21 3AR**

- 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 George and Tracy Brown against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref APP/22/00448/F, dated 31 March 2022, was refused by notice dated 9 August 2022.
- The development proposed is erect 1 No. dwelling and garage / shed. Form driveway.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. My formal decision uses the description of development as set out on the application form as neither party has provided written confirmation that the revised description on the decision notice has been agreed.
3. During the appeal the appellant advised that they had made financial contributions to the Council to mitigate the impacts from future occupiers on the integrity of European Sites and their features. This is a matter I will consider later.

## 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, 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 a paddock that was originally part of an adjacent farm now converted to dwellings. The site comprises a number of mature trees and is enclosed by trees and woodland. The site and wider landscape form part of the Green Belt.

### *Whether inappropriate development*

6. Policy PP2 of the Poole Local Plan (2018) (LP) states that the Council will manage the Green Belt in accordance with national policy. 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.
7. The proposal seeks to construct a dwelling for the appellants and their family. The construction of new dwellings does not fall within the list of exceptions under paragraphs 149 of the Framework. Therefore, when judged against the wording of national policy, the new dwelling is inappropriate development in the Green Belt.

### *Openness*

8. Paragraph 137 of the Framework states that the essential characteristics of Green Belts is their openness.
9. The dwelling and garage/shed would be solid, man-made features where no buildings currently exist. As such, they would have a spatial effect on openness. The site can be seen from the access road, adjacent dwellings and can be glimpsed through the boundary treatment broadly to the west from the adjacent school grounds. The proposal would therefore also have a visual effect on openness. Given the above, the openness of the Green Belt would be reduced.
10. I note reference by the appellants to a planning permission for stables on the site, its lack of harm to openness and the proposal being in a similar position. However, the stables were never constructed, and it is likely that the planning permission has lapsed. Consequently, I am unable to make a comparison of the proposal against this development. Moreover, it is likely that stables were assessed under a different building exception to the proposal before me.
11. In light of the above, the proposal would have a significant effect on the openness of the Green Belt, a matter to which I am required to give substantial weight.

### *Other considerations*

12. The Framework makes it clear that 'very special circumstances' 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.
13. I have considered the appellants' detailed evidence with regard to the review of the Green Belt in 2017 and the scoring of adjoining parcels of land 11A to 11G. I have also considered the two Strategic Urban Extensions removed from the Green Belt, the referenced planning applications and the sites being promoted for development as part of the current review of the Local Plan. However, these matters do not change the situation with regard to the appeal site forming part of the Green Belt and I have a duty to consider the proposal on its merits. In addition, I have very limited information regarding the detail or planning background to the Strategic Urban Extensions. 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. As a result, I give these matters limited weight in my consideration.

14. I have had regard to the provision of adequate parking, lack of harm to highway safety, trees, biodiversity, sustainability, the living conditions nearby occupiers and to the proposal meeting the need to provide a 10% reduction in energy demands. However, these are clear requirements of local and national planning policies and as such are neutral in my consideration.
15. I have also had regard to the letters of support but give this limited weight in my consideration.
16. The Council is unable to demonstrate a five-year supply of deliverable housing sites and the proposed dwelling 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 be limited also.
17. 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."*
18. 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.

#### *Other Matters*

19. 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. The site also falls within the catchment area for the Poole Harbour Special Protection Area and Ramsar site. 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*

20. 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.
21. Balanced against this is that the proposal would provide a dwelling 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.

22. 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 PP2 of the LP, or Green Belt policies in the Framework.
23. I have concluded that the proposal constitutes inappropriate development in the Green Belt, and that it would have significant impacts 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.

### **Conclusion**

24. 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