



Appeal Decision

Site visit made on 26 September 2023

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2023

Appeal Ref: APP/D1265/W/23/3315935

Sundown, Slough Lane, Horton, Dorset BH21 7JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Dawn Groom against the decision of Dorset Council.
- The application Ref P/VOC/2022/00689, dated 1 February 2022, was refused by notice dated 15 September 2022.
- The application sought planning permission to station a mobile home without complying with conditions attached to planning permission Ref 3/80/17808, dated 5 November 1980.
- The conditions in dispute are Nos 2 and 3 which state that:
Condition 2 – *this permission shall enure solely for the benefit of Miss P J Stride*
Condition 3 – *the use for which this permission is granted shall cease, the caravan shall be removed, and the land restored to its condition prior to the implementation of this permission within one month of the permanent cessation of the occupancy of the caravan by the applicant, Miss P J Stride.*
- The reasons given for the conditions are:
Condition 2 – *the Local Planning Authority has had regard to the personal circumstances of the applicant.*
Condition 3 – *To reserve to the Local Planning Authority control over the long-term use of the land.*

Decision

1. The appeal is dismissed.

Background and Main Issues

2. Planning permission was granted for the siting of a mobile home on land described as at Little Oaks, Slough Lane, Horton. Although the circumstances surrounding that consent are not clear, it appears that this mobile home is the park home at the appeal site, now known as Sundown. The site lies within countryside which forms part of the South East Dorset Green Belt. The original permission limited its consent for the home to the applicant at the time (Miss P J Stride) and required removal of it one month after her occupation of the home ceased. I understand that such occupation has now finished.
3. The appeal application is made on the basis that the park home on site is the one referred to in the 1980 planning permission and that it constitutes a mobile home or caravan within the terms of the original consent. Whether or not these are in fact the case is not for me to judge, because this is an appeal under s78 of the Town and Country Planning Act 1990 (as amended) rather than in respect of a Certificate of Lawfulness.

4. I have therefore dealt with the appeal based on the application and its terms, as seeking to continue the change of use of land for the siting of a mobile home. It would be used as holiday accommodation but without complying with conditions 2 and 3 as currently worded.
5. The main issues are whether the conditions are reasonable or necessary in the interests of:
 - preserving the openness of the Green Belt and
 - the character and appearance of the area.

Reasons

Green Belt

6. The National Planning Policy Framework (the Framework) states that a fundamental aim of the Green Belt is to keep land permanently open. As such, Framework Paragraph 147 makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Framework Paragraph 148 advises that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
7. At Paragraph 150(e), the Framework states that development including the change of use of land is not inappropriate, provided it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. These purposes include the need to prevent neighbouring towns from merging into one another and to assist in safeguarding the countryside from encroachment.
8. Policy KS3 of the Christchurch and East Dorset Local Plan Core Strategy (CELP), adopted April 2014, identifies that the most important purposes of the South East Dorset Green Belt are to protect the physical identity of settlements in the area by maintaining open land between them, and maintaining an area of open land around the conurbation. As such, Policy KS3 is consistent with the aims of the Framework.
9. The Planning Practice Guidance (PPG) advises¹ that openness is capable of having both spatial and visual aspects. Spatially, the existing home is a modest unit of accommodation, within a large field. There is undeveloped space around it, such that its scale does not result in overdevelopment. Even so, the home is not an insignificant structure, and it has an appreciable bulk and mass.
10. As a result, the home adds to the amount of built form locally and physically encroaches into the countryside hereabouts. This would be the case even if its colour was changed, as suggested by the appellant, or if it were replaced by another mobile home or caravan under the 1980 planning permission. Use of the surrounding space as garden with associated paraphernalia, such as the fenced-off patio, results in further encroachment.

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

11. Visually, large trees and hedging screen much of the site from Slough Lane. However, the home can be seen through gaps in the vegetation, including from the bridleway that runs along the lane. Whilst additional landscaping could be undertaken, such screening cannot be relied upon, particularly in winter months when foliage is reduced. Nor can the long-term survival of vegetation be guaranteed. For these reasons, the home does not preserve the openness of the Green Belt and conflicts with its purposes.
12. The variation of condition 2 and removal of condition 3 would allow the change of use and the siting of the home to be retained permanently and so would prolong the harm it causes to the openness of the Green Belt. Therefore, it would not accord with the exception provided by paragraph 150(e) of the Framework. As such, it would amount to inappropriate development in the Green Belt having regard to the Framework.
13. For the reasons given above, I conclude that both conditions 2 and 3 are reasonable and necessary in the interests of preserving the openness of the Green Belt. The proposal would therefore conflict with CELP Policy KS3 and with the Framework.

Character and Appearance

14. The area around the appeal site consists of heavily wooded countryside. It is generally isolated, with dispersed established buildings of varying designs located along the unmade Slough Lane. As such, the area and its landscape have a rural and largely undeveloped character and appearance.
15. The park home has a basic, functional design, including because of its shallow pitched roof and its external materials, which make it look utilitarian and temporary in appearance. The presence and design of the home, together with ancillary use of the outdoor space, have a domesticating effect on the appearance of the area. This harmfully contrasts with and intrudes into what would otherwise be undeveloped countryside.
16. For these reasons, the home undermines and detracts from the character of the countryside and its landscape, as would any replacement mobile home or caravan. As proposed, the harm it causes would be retained on a permanent basis, and so made worse. For the reasons I have already given, this harm would be visible from publicly obtainable viewpoints and could not be overcome by means of additional landscaping.
17. Consequently, the variation or removal of the conditions as proposed would harm the character and appearance of the area. It would therefore conflict with CELP Policy HE2, which requires that development must have a high quality of design and be compatible with its surroundings in terms of style, materials and visual impact. For the same reasons, it would also conflict with CELP Policy HE3 and its aim to protect the landscape character of the area.

Other Considerations

18. I note that the Parish Council did not object to the proposal and that the home has existed on the site for over 40 years. However, the reason for condition 2 makes clear that it was only permitted because of the personal circumstances of the applicant at the time. There is no reason to suggest that personal circumstances still provide a strong justification for its retention.

19. The proposal seeks its use for holiday accommodation, reflecting its attractive setting. CELP Policies GB4 and TODEV1, which support tourist accommodation in certain circumstances, have been referred to by the appellant. However, these policies were not 'saved' and so no longer form part of the Development Plan. CELP Policy TODEV2 relates to new or extended caravan sites, but it is common ground that this policy does not provide support for the proposal.
20. The contribution made by holiday occupiers of the home would assist the local economy. In addition, the income derived from that use may well enable the appellant to maintain the woodland and surrounding land. However, as the proposal relates to one unit of accommodation, such economic benefits would be relatively small and so carry little weight.
21. The appellant has also expressed concerns regarding a lack of communication from the Council during the application process, and the extended length of time taken to make the decision. This must have caused the appellant some distress, but this does not materially affect my consideration of the planning merits of the appeal proposal.
22. The site is located within the catchment area of the Dorset Heathland, which I understand is protected pursuant to the Conservation of Habitats Regulations 2017 as amended. Had I found no harm in respect of the other issues, as competent authority I would have carried out an Appropriate Assessment in respect of the potential effects of the proposal on the Heathland. However, as I have found against the appellant on other substantive grounds, this matter need not be considered any further in this case.

Planning Balance and Conclusion

23. The proposal would be inappropriate development in the terms set out by the Framework. I attach substantial weight to this harm, in accordance with Framework Paragraph 148. For the reasons given above, I find that the other considerations in this case do not clearly outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
24. For the reasons given, the proposal would conflict with the Development Plan, read as a whole. It would also conflict with the Framework. No other material considerations have been shown to have sufficient weight to outweigh this conflict. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR