



Appeal Decision

Site visit made on 17 October 2023

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th November 2023

Appeal Ref: APP/V1260/W/23/3318202

Miss Rachael Kendrew, Instavolt, Eco Sustainable Solutions, Chapel Gate, West Parley, Christchurch, Bournemouth BH23 6BL

- 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 Miss Rachel Kendrew, Instavolt against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref 8/22/1009/FUL, dated 23 November 2022, was refused by notice dated 18 January 2023.
- The development proposed is described as: 'Instavolt are proposing to install eight rapid electric vehicle charging stations within the field at Eco Sustainable Solutions. These installations will require a new entrance and hard-standing to access the charging stations. The existing area will become eight EV charging bays, along with associated equipment. This planning application will overwrite the previous application, ref 8/22/0569/FUL.'

Decision

1. The appeal is dismissed.

Main Issues

- 1) Whether the proposal would be inappropriate development in the Green Belt having regard to the current National Planning Policy Framework ('the current Framework') and any relevant development plan policies.
- 2) Whether or not the proposed development would preserve the openness of the Green Belt or conflict with the purposes of including land within it;
- 3) 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

Inappropriate development

2. The appeal site comprises a rectangular plot of undeveloped land which is part of a larger field, located between the B3073 and a karting facility. Broadly to the south east of the appeal site and the B3073 is Bournemouth Airport.
3. The appeal site is within the South East Dorset Green Belt. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 – Core Strategy 2014 ('CS') sets out that development will be contained by the Green Belt and that the most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements and maintain an area of open land around the conurbation. These aims broadly align with the first three purposes

of the Green Belt, as identified under paragraph 138 of the current Framework, which are: a) to check the unrestricted sprawl of large built-up areas; b) to prevent neighbouring towns merging into one another and c) to assist in safeguarding the countryside from encroachment. Also, Policy KS3 of the CS attaches importance to maintaining open land.

4. The current Framework sets out the Government's policy in relation to Green Belts. This defines inappropriate development which is, by definition, harmful and should not be approved other than in very special circumstances. The current Framework also says that substantial weight is to be given to any harm to the Green Belt. Very special circumstances to justify inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations. In addition, the current Framework identifies a broader range of purposes of the Green Belt and certain types of developments that are not inappropriate development in the Green Belt.
5. In light of the above, Policy KS3 of the CS is consistent to an extent with the current Framework with regard to national Green Belt policy. Accordingly, I attach moderate weight to Policy KS3 of the CS.
6. The proposed development would comprise the installation of eight rapid electric vehicle ('EV') charging stations, with vehicle parking bays and other supporting elements such as lighting, signage and fencing ('the EV charging facility').
7. Paragraph 150 of the current Framework identifies certain other forms of development that are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes: (c) local transport infrastructure which can demonstrate a requirement for a Green Belt location. The Framework does not define what constitutes 'local transport infrastructure.'
8. In this case, the EV charging facility would be a form of infrastructure, accessible from the nearby public highway and therefore would be local. The EV charging facility is intended to cater for the powering of all EV vehicles capable of using the facility, including taxis and emergency service vehicles (transport). As such, I am satisfied that the proposal constitutes local transport infrastructure.
9. However, based on my findings in respect of the effect of the proposal on the openness and purposes of Green Belt, as set out below, the proposal does not meet with all the requirements of Paragraph 150 (c) of the current Framework and would be inappropriate development in the Green Belt.

Effect on openness and purposes of Green Belt

10. Paragraph 137 of the Framework identifies that 'the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Openness of the Green Belt has a spatial as well as a visual aspect.
11. The appeal site forms part of a larger field. Indeed, at the time of my visit this was being used for the grazing of a number of horses.

12. Notwithstanding the extensive highway infrastructure associated with the B3073, the appeal site and the land immediately east and west of this and to the north, with the exception of some low-lying buildings associated with karting facility, comprises mainly land and fields interspersed by mainly low-lying boundary treatments. Therefore, this area has a distinctly open and verdant appearance. In particular, the appeal site is free of any significant development. Therefore, this along with the other land adjoining it contribute to the openness of the Green Belt.
13. Even though there is landscaping strip between the B3073 and the tract of land that the appeal site is part of, due to gaps in this landscaping, glimpsed views are available of the appeal site from the footpath along the B3073. Also, unobstructed views of the appeal site are available from parts of the access road which the appeal site is adjacent to and to a lesser extent from nearby land. Therefore, the appeal site is particularly sensitive to change.
14. The EV vehicle charging facility would occupy an appreciable spatial footprint associated with the regularised layout of the hard surfaced car parking bays. Furthermore, the actual bulky charging points and taller but slender lighting columns, together with the proposed fencing around part of the EV charging facility would introduce an appreciable amount of new development, which would have a permanent visual presence. Moreover, because the proposed vehicle charging facility would be a standalone development it would be particularly conspicuous. Consequently, and whilst there is nothing superfluous about the infrastructure proposed, the proposal would reduce the spatial and visual openness of the Green Belt.
15. Whilst I have had regard to the 'Stansted Appeal' my assessment of the effect of the proposal on the openness of the Green Belt is based on the appeal site and the scheme before me and does not require a comparison with the Stansted Appeal which is a different proposal in another location.
16. Turning to the purposes of the Green Belt, given that the appeal site is part of a field and is bound by highway infrastructure to the south and north, its development would not result in the sprawl of large built-up areas or facilitate neighbouring towns merging into one another. The appeal site does not form part of a historic town and therefore purpose d) of paragraph 138 is not relevant.
17. Because EV charging sites are likely to be required in both urban and non-urban locations, development of the appeal site would not unacceptably prejudice development of urban brownfield areas.
18. However, and irrespective of the context of the appeal site, development within it would result in an area of grazing land being developed upon and encroachment into the countryside. This would therefore conflict with one of the purposes for including land within the Green Belt. This is a further aspect of Green Belt harm.
19. Because the proposal would harm openness, it would conflict with one of the aims of Policy KS3 of the CS, which is to maintain an area of open land around the conurbation.

Other considerations

20. The appellant's case, in part, is predicated on the Governments 'EV Strategy': 'Taking charge: the electric vehicle infrastructure strategy' published in March 2022. The EV Strategy sets out the Governments vision and action plan for the rollout of electric vehicle charging infrastructure in the UK, ahead of the phase out dates, including for prohibiting the sale of new diesel and petrol vehicles (now extended to 2035). In particular the strategy advises that the pace of rollout across the country is too slow for some charge point types, particularly public on-street charging.
21. However, the aims and objectives of the EV Strategy itself do not override the Governments Green Belt policy. Indeed, despite the current Framework postdating the publication of the EV Strategy, the Green Belt policy remains mainly unchanged.
22. Even so, in light of the EV Strategy, I acknowledge that in general there is a need for increased provision of, and access to, EV charging facilities to further facilitate the shift in the method of propulsion and the uptake of EVs. To this end, the Council has supported various EV charging facilities within the area.
23. Irrespective of its Green Belt location, the proposal aims to deliver local transport infrastructure in the form of an additional charging facility in support of the EV strategy and for the convenience of those using the local highway network. This would also support the UK's Net Zero target of 2050 and the switch to sustainable transport. There are also significant environmental, social and economic benefits associated with this. The current Framework also aligns with these objectives. Nearby businesses along the route may also benefit from the additional visitors associated with the proposed charging facility.
24. Nonetheless, given that there are around 29,600 public chargepoints in the UK of which over 5,400 are 'rapid' (able to charge an EV in around 30 minutes), the contribution that the proposal would make to the overall provision of these is limited. As such, the benefits associated with this are attributed only moderate weight.
25. I have already found that the charging facility would be accessible from the B3073, which connects two major A roads. On the information before me this is a busy route. Although the appellant has sought to highlight gaps in local provision, this is limited to plans showing where such existing facilities are located and new ones are proposed with limited quantitative or qualitative assessment. Moreover, based on the appellant's submissions there appear to be two existing EV charging facilities to the west of the appeal site within about a 5-mile radius.
26. Furthermore, there is insufficient evidence to show why demand associated with local tourism and Bournemouth Airport is not being met by the existing EV charging facilities. Overall, and on the information before me, I am not convinced by the appellant's assertions that the area is 'massively underserved.'
27. Although the appellant advises that the location provides Grid capacity and proximity to a point of connection, there is limited information in respect of this. Notwithstanding this, given that there are already a number of EV

charging facilities in the area, I am not persuaded that this is a particular impediment here. As such, I attach limited weight to this factor.

28. For the above reasons, I am not persuaded that that there is any overriding requirement to locate the proposal in this Green Belt location.

Green Belt balance

29. The proposal would constitute inappropriate development and conflicts with one of the purposes of including land within the Green Belt. Moreover, it harms the Green Belt by way of loss of openness. The current Framework requires substantial weight to be given to any harm to the Green Belt.
30. There are, as I have set out above, other considerations which weigh in support of the proposal. Even so, 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.

Conclusion

31. For the above reasons, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR