



Appeal Decision

Site visit made on 5 December 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/D1265/W/23/3323265

Linwood Sawmills, Willow Farm, Mannington, Wimborne

- 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 D Sweet, Linwood Sawmills against the decision of Dorset Council.
 - The application Ref P/FUL/2023/00094, dated 23 December 2022, was refused by notice dated 7 March 2023.
 - The development proposed is use of site as a Sawmill.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading above is taken from the planning application form as neither party has provided written confirmation that a revised description has been agreed. While the use was in operation at the time of my site visit, I have removed reference to the proposal being retrospective as this is not an act of development.
3. The appeal is accompanied by Statutory Declarations stating that the site has been utilised for both storage and manufacturing uses for in excess of 10 years notwithstanding that there is no Certificate of Lawfulness of Existing Use or Development (CLEUD) or of Proposed Use or Development (CLOPUD) under s191 or s192 Town and Country Planning Act 1990 (as amended). However, it is not within my remit when dealing with an application for planning permission to determine whether a use or operation is lawful in order to decide whether the appellant might be able to rely on this as a fallback. I will deal with the appeal on this basis.
4. During the course of the appeal, the Government published an updated version of the National Planning Policy Framework (the Framework). While there have been no changes of substance to the paragraphs related to 'Proposals affecting the Green Belt' that require further consultation with the main parties, the paragraph numbers have changed. As a result, I will refer to the updated paragraph numbers where necessary.

Main Issues

5. The main issues are:

- whether the development is 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 development.

Reasons

6. The appeal site and associated buildings are in active use as a sawmill and associated yard including the cutting and storing/drying of timber for sale and distribution. The site is relatively flat with the main buildings at the frontage with yard area beyond. The site and wider landscape form part of the South East Dorset Green Belt.

Whether Inappropriate Development

7. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy (April 2014) (LP) 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.
8. The Framework states at paragraph 152 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved 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 154.
9. The development comprises the continued use of the site as a sawmill and there is no dispute between the parties that the main barn was already in existence when the use commenced. The sawmill use has however resulted in the extension of this main building, the provision of other buildings for welfare, storage, reception/office/shop use, and the external storage of timber.
10. The appellant states that the development represents a building for forestry falling under paragraph 154 a) of the Framework. However, the processing of timber on land that does not form part of, or is ancillary to, a forest or comprises the planting and growing of trees, does not fall within a forestry use. As such, the development does not comprise a building for forestry under paragraph 154 a).
11. The appellant further states that the development represents the extension or alteration of a building and re-use of buildings that are of permanent and substantial construction falling under paragraphs 154 c) and 155 d) of the Framework. However, whilst this may apply to the main building on the site, the proposal comprises the retention of other buildings. As such, the development as a whole does not solely comprise the extension or alteration of a building under paragraph 154 c) or the re-use of buildings under paragraph 155 d).
12. The proposal does not comprise any of the other exceptions under paragraph 154 a) - f) of the Framework or other forms of development that are not

inappropriate in the Green Belt as identified under paragraph 155 of the Framework.

13. In the absence of a planning permission for the site or Certificate of Lawfulness, I cannot be certain that the proposal gains support under paragraph 154 g) of the Framework as the redevelopment of previously developed land. If this were to be the case, paragraph 154 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. I will deal with openness below.

Openness

14. Paragraph 142 of the Framework states that the essential characteristics of Green Belts are their openness.
15. The site is set back from the main road in a wooded area. Whilst the wider yard is not visible from the road, buildings and part of the yard at the site entrance are visible from on approach to the site off the main road.
16. By reason of the associated volume and floor coverage of the extensions to the main building and other buildings on the site forming part of the proposal, they have a spatial effect on the openness of the Green Belt. Given that the frontage building forming the reception/office/shop is partly visible on approach to the site, they also have a visual effect on the openness of the Green Belt. As a result, the buildings forming part of the development have a greater impact on the openness of the Green Belt, a matter to which I am required to give substantial weight.
17. In addition, the timber outside of the buildings cover a significant area and were stacked/stored at the time of my site visit. These also have an impact upon openness. However, from the planning history provided by the parties and contents of the Statutory Declarations, it would be likely that some degree of external storage on the site occurred before the sawmill use commenced. In the absence of a CLEUD or CLOPUD and given that the evidence states that the intensity of the site has grown compared to that of the previous uses, the external storage has a greater spatial effect on openness. I give this harm moderate weight.
18. In light of the above and by reason of the proposal comprising additional buildings and additional external storage with a resultant harmful effect on openness, the development does not fall within the exceptions set out in paragraph 154 of the Framework and should be considered inappropriate development in the Green Belt. I give significant weight to that harm.

Other Considerations

19. I acknowledge the economic benefits from the development, employment of six members of staff, the location of the site ideally positioned close to staff, customers and suppliers to reduce travel, the Trustpilot rating, sustainability benefits from construction using timber and associated need. I also acknowledge that the operation has a rural appearance and that a location within an industrial estate may appear out of place and may be more expensive to run and potentially see the closure of the business, loss of the jobs and associated benefits. Furthermore, I note paragraphs 84 and 85 of the

Framework supporting a prosperous rural economy and the growth and expansion of all businesses. These matters carry weight in support of the proposal but given the small scale of the development, the weight I attach to them is moderate.

20. I have taken into account Policy PC4 of the LP. This policy supports the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development. However, the proposal includes new building and this support is subject to the proposal not having a materially greater impact on the openness of the Green Belt. The policy further states that proposals for the development and diversification of agricultural and other land-based rural businesses will be supported but again this is subject to avoiding adverse impacts on the openness of the Green Belt. As I have identified above that the proposal would cause harm to the openness of the Green Belt, it does not gain support from Policy PC4 of the LP.
21. The appellant has drawn my attention to an appeal at Pitt Copse, Kings Lane, Woodlands, Wimborne. However, I have limited information in relation to this proposal and note that it is dated 18 December 2008. As a result, I cannot be sure that it is directly relevant to the current appeal and current local and national planning policy. In any case, I am required to consider the appeal on its merits.
22. I have had regard to the development generating no harm by reason of traffic, noise, character and appearance of the area or to the nearby Site of Special Scientific Interest. However, as such matters are requirements of local and national planning policy, they are neutral in my consideration. Also neutral in my consideration is the lack of objection from the Town and Parish Council.
23. I note the appellants statement that should the appeal be unsuccessful they would submit a Lawful Development Certificate to establish the lawful use of the site, submit retrospective planning applications for the buildings and that this represents a fall-back position. However, and even though this is theoretically possible, as stated in my Preliminary Matters above, it is not within my remit to determine whether a use or operation is lawful. As a result, and given my findings above on the harm from the buildings to the openness of the Green Belt, I give this possible fallback limited weight.

Conclusion

24. The development results in harm to the openness of the Green Belt. As a result, the development is inappropriate development in the terms set out by the Framework. Having regard to the Framework, I give this Green Belt harm substantial weight. This weighs heavily against the development.
25. In this context, very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations. I have given moderate, limited and neutral weight to the other considerations cited in favour of the development. I find that the other considerations in this case do not clearly outweigh the harm that I have identified to the Green Belt. Consequently, the very special circumstances necessary to justify the scheme do not therefore exist and the development would conflict with the Green Belt protection aims of the Framework and those of Policy KS3 of the LP.

26. Overall, for the reasons given above, the development conflicts with the development plan taken as a whole and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

C Rose

INSPECTOR