



Appeal Decision

Site visit made on 16 January 2024

by A J Sutton BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 January 2024

Appeal Ref: APP/D1265/W/23/3325553

59 Wayside Road, St Leonards and St Ives, Dorset BH24 2SJ

- 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 A Elliot against the decision of Dorset Council.
 - The application Ref P/FUL/2022/06594, dated 24 October 2022, was refused by notice dated 12 May 2023.
 - The development is described as 'Erect Pole Barn for Equestrian Use (Retrospective).'
-

Decision

1. The appeal is allowed, and planning permission is granted to erect a Pole Barn for Equestrian Use, at 59 Wayside Road, St Leonards and St Ives, Dorset BH24 2SJ, in accordance with application Ref P/FUL/2022/06594, dated 24 October 2022, and the information submitted with the application, and subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No. D1, Site Plan Drawing No. D2 and Floor Plan and Elevations DRWG D3.

Procedural Matters

2. There was a timber structure in place at the time of the site visit. The location and site plans show an error in the house number of neighbouring properties. However, the address details for No 59 are correct, and the layout shown on these plans in respect of No 59 appears to match the layout I saw on site. Also, the layout of development shown at the immediate neighbouring properties is also similar to that observed.
3. I have deleted 'Retrospective' from the description of development in this formal decision as it is unnecessary.

Main Issues

4. The main issues in this case are:
 - Whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework and any relevant development plan policies;
 - The effect of the development on the openness and purposes of the Green Belt; and
 - The effect on the integrity of protected habitats.

Reasons

5. The National Planning Policy Framework – December 2023 (the Framework) states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. It requires, when considering any planning application, that substantial weight is given to any harm to the Green Belt. Policy KS3 of the Christchurch and East Dorset Local Plan – Core Strategy (Core Strategy) state that development will be contained by the Green Belt, and generally reflects the provisions of the Framework in this regard.

Whether Inappropriate Development

6. The construction of new buildings should be regarded as inappropriate in the Green Belt. However, the Framework identifies exceptions to this, and this includes at Paragraph 154 b) the provision of appropriate facilities for outdoor sports, as long as facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
7. The barn subject of this appeal is next to an existing building that has planning permission for stables. It is stated that the stables is a replacement building. Be this as it may, that modestly sized building has the appearance of stables, and such buildings are generally associated with the keeping of horses. Indeed, ponies were stabled in that structure when the visit was conducted. Moreover, keeping and riding horses and ponies is largely an outdoor recreational activity.
8. The appellant does not appear to own land beyond the appeal property. However, the property is surrounded by paddocks suitable for grazing. Also, the appellant states that grazing land is rented, and no compelling evidence has been advanced that would lead me to question this.
9. The barn building is open fronted and a suitable size and form to accommodate a horse box vehicle. There is also additional space for the storage of animal feed. These are items that would reasonably be expected with the keeping of horses and ponies. The barn is close to the stables, and therefore well related to that existing equine use. Moreover, the barn, similar to the permitted stables, is modest in proportions.
10. It is highlighted that the appeal site is not within a residential curtilage. However, this is not a factor relevant to this exception.
11. Accordingly, for the reasons outlined above, I find that the barn is an appropriate facility for its intended purpose, in connection with the existing use of land for outdoor recreation.

Openness and Purposes

12. The Framework establishes 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 permanence. The Framework states the five purposes the Green Belt serves, which include safeguarding the countryside from encroachment. Policy KS3 of Core Strategy also states the most important purposes of the Green Belt for this area, which include, protecting the identity of settlements in the area by maintaining wedges and corridors of open land between them.
13. This section of Wayside Road is fronted by large dwellings in sizeable plots. There are some outbuildings to the rear of these dwellings, such as the stables at No 59. There is also a distinct rear boundary comprising fence panels and mature vegetation which

divides the dwellings and outbuildings in the vicinity of No 59 from open grazing land. With these features, openness in this part of the Green Belt is largely derived from the sizeable garden plots and the relatively undeveloped paddocks to the rear of properties.

14. The barn is set close to the rear boundary. In addition to the fence, there is some mature vegetation at this location. With this existing boundary treatment, the barn is significantly screened from the rear and appears contained within the development envelope that exists along this part of Wayside Road. As such, although it has resulted in a visual change at the property, the structure has not harmfully encroached into the existing openness that surrounds the property.
15. The barn is located on a gravel area around the stables and as such does not erode the existing sense of openness provided by the garden at the adjacent residential plot. The structure is higher than the stables, but this is only by a small amount. Moreover, the barn has a flat roof and as already stated, is modest in size, and is near to the existing stables. These combined factors, along with the sensitive use of materials, ensures that any spatial change resulting from this development has had a negligible effect on openness in this site and the wider area. Consequently, I find that the development does not harm the openness of this part of the Green Belt.
16. While Wayside Road is lined by residential dwellings, these properties are well spaced and surrounded by fields and paddocks. With sparse development at the rear of dwellings, the area is distinctly semi-rural. Other than the development lining the road, structures in this countryside setting are sporadic and generally limited to stables and barns.
17. As already stated, the barn in this appeal is at the rear of the dwelling but does not encroach into the existing paddock at the back of the wider property. The structure has a barn aesthetic which is sympathetic to other outbuildings in this semi-rural area. Also, its modest size does not harmfully erode the sparsely developed quality of this rural location. In this regard the development maintains the existing wedge of open land that currently protects the identity of individual settlements in the wider area. Moreover, the development does not harmfully encroach into surrounding countryside. As such the development does not conflict with the purposes of including land within the Green Belt, as set out in Policy KS3 of the Core Strategy and the Framework.

Conclusion of Whether Inappropriate Development

18. For the reasons outlined above, I find that the development is an appropriate facility, in connection with the existing use of the land for outdoor recreation and does not harm the openness or purposes of the Green Belt. Therefore, the development satisfies the requirements as an exception under Paragraph 154 b) of the Framework and is not inappropriate development in the Green Belt. Accordingly, I find that the development accords with Policy KS3 of the Core Strategy and provisions of the Framework in respect of Green Belt policy.

Protected Habitats

19. The appeal site is within the zone of influence (ZOI) of the Dorset Heathlands Special Protection Area (SPA). The qualifying features of the SPA are its habitats that support rare birds, including Hen Harrier, Merlin, Nightjar, Woodlark and Dartford Warbler. The conservation objectives of the SPA is to ensure that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the aims of the Wildlife Birds Directive.

20. The Heathlands cover an extensive area and is fragmented by urban development. Various studies supported by Natural England (NE) have found that public access to the Heathlands, from nearby development, has led, amongst other matters, to an increase in wildfires, damaging recreational uses and the introduction of incompatible plants and animals that have had an adverse effect on the ecology of the Heathlands. As such, NE states that any net increase in residential units, in combination with other plans and projects, in a 5km radius of the Heathlands, would have a likely significant adverse effect on the integrity of the SPA by increased recreational pressure.
21. This development is non-residential and does not result in a net increase in residential units in the ZOI. Moreover, it is a simple and modest timber structure for the storage of items associated with an existing equine use. As such the development does not significantly expand or intensify that existing use. In light of these factors, I am satisfied that there would not be likely significant adverse effects, in combination with other projects or plans or alone, on the integrity of the protected habitat if this appeal is allowed.

Other Considerations

22. The Council states that a Certificate of Lawfulness could establish the use of land at the appeal property. Be this as it may, the existing stables have planning permission and as such that use is established. While noting that the stables permission area does not cover the barn area, the permission boundary is adjacent to the barn. Moreover, the exception outlined in Paragraph 154 b) relates to 'facilities' (in connection with existing use of land), which are buildings and not land. This matter has not altered my findings for this reason.
23. The appeal site is in Flood Zone 1, but a high risk of flooding due to ground water has been identified. The Framework requires that inappropriate development in areas at risk of flooding should be avoided by directing development away from the areas at highest risk. This sequential approach should be used in areas known to be at risk from any form of flooding. However, this development does not result in a 'more vulnerable use' at the appeal site. Also, the development is minor, and the relatively small building is for non-residential use, with a footprint considerably less than 250 m². A flood risk assessment and requirement to pass the sequential and exception tests is therefore not necessary in this case.
24. A legal agreement has been highlighted as a constraint. However, this agreement relates to the revocation of a planning permission for stables in another part of the appeal site. This is not therefore a relevant matter in this case.

Conditions

25. A time limit is not required as the development has commenced. However, the development must accord with the approved plans for certainty and in the interest of appearance.

Conclusion

26. Having regard to the development plan and other material considerations, including the Framework, the appeal should be allowed.

A J Sutton

INSPECTOR