



Appeal Decision

Site visit made on 2 August 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 August 2024

Appeal Ref: APP/D1265/W/23/3333141

Badgers Green, Waterloo Road, Corfe Mullen, Dorset BH21 3SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs F Bugler against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/00671.
 - The development proposed is described as the "construction of new commercial unit."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the Council made its decision on the application, a revised National Planning Policy Framework (the Framework) was published in December 2023. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
3. A draft National Planning Policy Framework was published in July 2024. As the proposed changes could affect the main issues in this case, the Council and the appellant were invited to make further comments and I have taken their responses into account. As the draft document is currently subject to consultation, it carries very little weight.

Main Issues

4. The main issues in this appeal are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
 - the effect of the proposal on the openness of the Green Belt; and
 - whether any harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether the proposal would be inappropriate development

5. The site lies within the Green Belt identified under Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy 2014. Paragraph 154 of the Framework lists the types of new buildings that are not

inappropriate in the Green Belt, subject to certain conditions. This includes limited infilling or the partial or complete redevelopment of previously developed land which would not have a greater impact on the openness of the Green Belt than the existing development (paragraph 154(g)).

6. The definition of previously developed land in the Framework refers to land which is occupied by a permanent structure, including the curtilage of the developed land. It excludes land that is or was last occupied by forestry buildings. The site comprises two existing commercial buildings and associated hardstanding but the parties dispute whether its use means that it is exempt from the definition of previously developed land. Nevertheless, the site could constitute previously developed land. The impact of the proposed development on the openness of the Green Belt is considered below.

Effect of the proposal on openness

7. As set out in the Framework, the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Openness is the counterpart of urban sprawl and often connotes the absence of development. It is an open textured term and can have both spatial and visual dimensions.
8. The appeal site lies in a rural area, accessed via a bridleway track from Waterloo Road. It comprises a large metal clad building and a smaller brick building, with large areas of hardstanding used for parking, storing and manoeuvring vehicles. Much of the site is screened by large trees, with a field and domestic garden separating the existing buildings from the track.
9. The proposal is for a new building with a similar size to the existing brick structure. It would be sited on part of the hardstanding area beside the existing buildings which would help contain it. Nevertheless, the introduction of a large, permanent building would lead to a moderate loss of spatial openness.
10. The proposed structure would be largely screened in views from the road and track by the existing buildings and sizeable trees. However, there would be glimpsed views of part of it from the bridleway. As such, the increase in built development would have a marginally greater impact on visual openness.
11. As there would be a loss of openness, in both visual and spatial terms, it follows that the proposal would not fall within the exception in paragraph 154(g) of the Framework. Therefore, it would be inappropriate development in the Green Belt and would conflict with the Framework.

Other considerations

12. The Framework seeks to support development which makes efficient use of land and outlines that decisions should enable the sustainable growth of businesses in rural areas. Supported by the Town Council, the proposed scheme would involve investment in an existing established commercial site to create an additional employment unit. It would make better use of underutilised land to create more local jobs, raise additional tax revenue and increase the property value. I attribute moderate weight to this benefit.
13. The Council did not find harm or development plan conflict in relation to several other matters, including character and appearance, and ecology. However, even if I were to agree with the Council on these points, the absence of harm

would be a neutral matter which would not carry weight in favour of the proposed scheme.

Other Matters

14. The appellant's general concerns about their interactions with the Council during the pre-application process is a matter between those parties and does not in this instance have any bearing on my determination of this appeal.

Whether there would be Very Special Circumstances

15. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There would also be adverse impacts on openness. Substantial weight should be given to the harm caused to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
16. I accord moderate weight to the investment and economic benefits. However, the other considerations would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. Thus, the very special circumstances necessary to justify the proposed development do not exist.

Conclusion

17. For the above reasons, the proposal conflicts with the development plan and the material considerations, including the Framework and the very special circumstances test therein, do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

A Wright

INSPECTOR