

Appeal Decision

Site visit made on 7 May 2024

by K Reeves BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2024

Appeal Ref: APP/D1265/W/23/3327935

Pop up on the Hill, Grange Hill, Steeple, Creech BH20 5DF

- 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 Henry Bond of Pop Up On The Hill Ltd against the decision of Dorset Council.
 - The application Ref is P/FUL/2022/04432.
 - The development proposed is change of use of the identified land for seasonal (April through October) use for entertainment, on-site refreshment, food and local produce and takeaway facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published on 19 December and updated on 20 December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the matters relied on by the main parties are unchanged. Therefore, I did not need to consult with the main parties regarding the revised Framework in determining this appeal.
3. On 22 November 2023, all areas in England and Wales designated as an Area of Outstanding Natural Beauty (AONB) were retitled National Landscapes (NL). There has been no change to the legal designation and policy status of these areas, but I have replaced reference to the Dorset AONB with the Dorset NL (DNL) in my decision to reflect this change.
4. The Council's second reason for refusal relates to potential ecological impacts from the development and that insufficient information had been provided in this respect. Subsequently, the appellants have undertaken an Ecological Impact Assessment for protected species, which provides suitable mitigation and avoidance measures for protected species, together with recommended ecological enhancements.
5. The Council has confirmed that it no longer wishes to pursue the second reason for refusal. I see no reason to disagree and Policy BIO of the Purbeck Local Plan Part 1 (Adopted November 2012) (LP), which relates to nature conservation, has been satisfied.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the DNL.

Reasons

7. The appeal site forms the corner of an agricultural field located on a pronounced, steep sided chalk ridge in the Isle of Purbeck area of the DNL. The area of the DNL that the site is located within is shown in the Dorset AONB Landscape Character Assessment 2019 Update as having one of the stronger landscape characters in the DNL due to the characteristic geological landscape feature that is the distinctive and elevated ridge.
8. The Isle of Purbeck viewpoint, which is a public car park, is near to the site. The car park is partly used by members of the public as a starting point for walking to the Grade II* listed Grange Arch, which is situated a considerable distance from the appeal site. A public footpath providing walking access to that historic landmark passes one of the boundaries of the appeal site.
9. The landscape immediately surrounding the site is relatively undeveloped, with the exception of the hardstanding that forms the nearby car park. There is a distinct absence of buildings and structures in and around the site and this forms a key feature of this part of the protected landscape. The site is overtly visible from the road that passes the site, Grange Hill. The field makes a positive contribution to the landscape experience when travelling up Grange Hill to the elevated position of the site and along the footpath towards Grange Arch.
10. The aforementioned footpath is a walking route through a landscape setting that is notable for its intrinsic beauty and tranquillity, particularly as one moves away from the car park past the site and towards the aforementioned historic landmark. Its elevated position provides far reaching views of the surrounding countryside. I note that there are agricultural activities that take place in the field on the opposite side of the footpath to the appeal site. However, one would expect to see and hear the undertaking of agricultural processes in the countryside and these activities would therefore not appear out of place or intrusive within this context.
11. The use of the site for the stationing of structures for seven months of the year would constitute incongruent development and would have a visually intrusive impact on the landscape and scenic beauty of this area of the DNL. Given that the activities associated with the proposed use, including the playing of music through acoustic instruments, would not be expected by users of a footpath in the open countryside, the use of the site for entertainment and on-site refreshments would have a harmful audible impact and spoil the tranquil setting of the footpath.
12. The provision of a hedgerow along the boundary of the site that borders the public road would help to screen the proposed development from the road to an extent. However, this means that the proposal would become heavily reliant on the vegetation and its longevity to prevent views of the incongruent development. Furthermore, the proposed screening does not

prevent the proposal from forming a discordant addition amongst its agricultural setting and the tranquil rural nature of its surroundings.

13. The appellant has referred to the visual impact of wind turbines that have been constructed a considerable distance from the appeal site but are visible from Grange Arch. However, I have not been provided with the background to the decision to allow the construction of the wind turbines. Moreover, I am judging the appeal on its own individual merits based on the evidence before me. As such, the construction of the wind turbines in a location that is significantly distanced from the appeal site is afforded little weight.
14. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the area, with particular regard to the DNL. Consequently, the proposal would conflict with Policies CO, D and LHH of the LP, which collectively seek, in part, that development makes a positive contribution to the landscape character, positively integrates with its surroundings and conserves the appearance, setting, character, interest, integrity, health and vitality of the landscape. Additionally, there would be a conflict with the Dorset AONB Management Plan 2019 – 2024, insofar as it elaborates on the requirements of the LP to conserve and enhance the landscape and natural beauty of the DNL. The proposal would also conflict with the Framework, insofar as it requires development to protect and enhance valued landscapes and recognise the intrinsic character and beauty of the countryside.

Other Matter

15. The Grade II* listed Grange Arch is an 18th Century folly that was designed as an 'eye catcher' to be seen from the Grade I listed Creech Grange. I am therefore mindful of my statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The significance of Grange Arch is derived in part from its prominent and elevated position in a planned landscape that was intended as part of an unobstructed visual connection between the aforementioned folly and the country house. The distance of the site from Grange Arch and the lack of intervisibility between the appeal site and the listed structure would mean that the proposed development would not cause material harm to the setting of the Grade II* listed Grange Arch and would not have a harmful effect on its significance.

Planning Balance

16. The proposed development would benefit the local, rural economy through the provision of a space where traders can sell their locally sourced products and in turn give employment opportunities for local people. The site would also provide refreshments, refuse and toilet facilities for people using the nearby viewpoint and the public right of way network in the vicinity. There would also be a social benefit as it would provide an opportunity to socialise in a pleasant rural setting.
17. However, the proposed use of the site would be seasonal, recreation in this location is long established without these facilities, there is no compelling evidence of a litter issue, and I have nothing before me to substantiate a pressing need for entertainment and refreshment facilities to serve the public. Given that it would erode the special, undeveloped and tranquil

qualities of this location, I do not prescribe to the suggestion that it would encourage more visitors. Families are mentioned, but those with children have the experience and ability to plan ahead for remote family walks. As such, I afford the aforementioned benefits moderate weight.

18. I have identified conflict with Policies CO, D and LHH of the LP. These are consistent with the Framework insofar as it seeks to achieve visually attractive development as a result of good architecture, layout and appropriate and effective landscaping, and development that is sympathetic to local character, including the landscape setting. Accordingly, I apportion significant weight to the policy conflicts and associated harm that would be caused as a result of the harm to the character and appearance of the area and the DNL. In particular, the harm to the DNL is afforded significant weight when having regard to the Framework's requirement for great weight to be given to conserving and enhancing landscape and scenic beauty in protected landscapes.
19. Consequently, I find that the adverse impacts of the scheme arising from the harm to the character and appearance of the area and the DNL would outweigh the scheme's benefits.

Conclusion

20. For the reasons given above, the proposed development would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

K Reeves

INSPECTOR