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# Appeal Decision

Site visit made on 2 July 2024

**by V Simpson BSc (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 19 September 2024**

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**Appeal Ref: APP/V1260/W/23/3317787**

**Avon Paddocks, Burley Road, Christchurch, BH23 7AN**

- 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 & Mrs M Agg-Jones against the decision of Bournemouth Christchurch and Poole Council.
- The application Ref is 8/22/0818/FUL.
- The development proposed is Demolition of livery stable buildings; erection of dwelling.

## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. A Unilateral Undertaking (UU) pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) has been submitted as part of this appeal. It includes an obligation in respect of a Heathland SAMMs contribution, plus an administrative fee. I will return to this matter later in this decision.
3. Both main parties have had the opportunity to comment on the revised National Planning Policy Framework (Framework) published in December 2023, and updated paragraph numbers are cited in this decision letter.
4. On 30 July 2024, the Government launched a consultation, which is still ongoing, on proposed reforms to the Framework and other changes to the planning system. Given the high level of uncertainty that future revisions of the Framework will echo the consultation version, the potential changes are given very limited weight in the consideration of this appeal.

## Background and Main Issues

5. The appeal site is within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 152 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances.
6. Therefore, the main issues are;
  - whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies;
  - whether the appeal site is a suitable location for the proposed development with particular regard to the local development strategy and the accessibility of services and facilities;

- the effect of the development on the character and appearance of the area, and the significance of the Winkton Conservation Area;
- the effect of the development on the grade II listed The Thatched Cottage; and
- if the proposals would be inappropriate development in the Green Belt, 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

### *Whether inappropriate development*

7. During my site visit, several low-stable type buildings/roofed structures were observed within the appeal site. The main parties agree that the site constitutes previously developed land. I have no reason to take a different view and proceed accordingly.
8. Unless a stated exception applies, Framework paragraph 154 indicates that the construction of new buildings in the Green Belt should be regarded as inappropriate. The exception at 154. g), is limited infilling or the partial or complete redevelopment of previously developed land (PDL). However, for this exception to apply, such development must either, not have a greater impact on the openness of the Green Belt than the existing development, or, it must not cause substantial harm to the openness of the Green Belt where it would contribute to an identified affordable housing need within the area of the local planning authority. Given that the appeal scheme is for the redevelopment of PDL, the exception at Framework paragraph 154. g) is relevant in the consideration of this appeal
9. Policy KS3 of the Christchurch and East Dorset Local Plan Part 1<sup>1</sup> (the Core Strategy) specifies the most important purposes of the Green Belt in the area. These are to protect the separate physical identities of individual settlements by maintaining wedges and corridors of open land between them and to maintain an area of open land around the conurbation. By specifying what would constitute inappropriate development in the Green Belt, the Framework goes further than Core Strategy policy KS3. However, in seeking to protect the Green Belt, policy KS3 is in general conformity with those parts of the Framework which relate to the Green Belt.
10. The application form indicates that the proposed dwelling would be within the market housing category, and no mechanism has been put before me to ensure that it would be delivered as a unit of affordable housing. As such, I cannot conclude that the proposed development would contribute to meeting an identified affordable housing need. For this reason, the development would not conform with the second strand of Framework paragraph 154. g). Consequently, whether the development would have a greater impact on the openness of the Green Belt than the existing development, will determine whether it would be inappropriate development.
11. The area of the proposed dwelling would be a little less than the cumulative area of those buildings it would replace. Nevertheless, unlike the low single-storey structures with shallow roofs that currently occupy the site, the

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<sup>1</sup> Christchurch and East Dorset Councils - Christchurch and East Dorset Local Plan Part 1 – Core Strategy – Adopted 2014

proposed dwelling would be significantly taller and bulkier. Due to its increased height and massing, the proposed development would also be more prominent in views through some of the rear windows in the houses at 1-6 Avon Cottages. While existing and/or proposed trees and shrubs would prevent all but glimpses of the proposed building from other third-party land, the dwelling would nevertheless appear larger in such views than the existing buildings on the site. Moreover, and due to its additional massing and height, the dwelling would also be more prominent from within the nearby paddocks under the control of the appellants. For these reasons, and if implemented, the proposed development would have a greater impact, both spatially and visually, on the openness of the Green Belt than the existing development on the site.

12. The proposals would therefore be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. Consequently, and in respect of this main issue, the appeal scheme would conflict with policy KS3 of the Core Strategy as well as chapter 13 of the Framework.

*Location – local development strategy and access to services and facilities*

13. Based on the evidence and my own observations, I proceed on the basis that the appeal site, which currently contains a series of stables and open sided shed buildings, is within, but at the edge of the small settlement of Winkton.
14. Together, policies KS1 and KS2 of the Core Strategy provide a strategy for new development within the Council area. Policy KS1 provides a presumption in favour of sustainable development, and policy KS2 provides a settlement hierarchy, which identifies how sustainable development should be delivered across the local planning authority area. This hierarchy directs most development to those larger settlements which are best served by community, cultural, leisure, retail, utility, and employment facilities. In the unnamed hamlets identified in KS2, it is stated that development would not be allowed unless it was functionally required to be in the rural area. On the basis that Winkton is not specifically named in one of the other Policy KS2 settlement types, I proceed on the basis that it is a Hamlet.
15. The functional need for a dwelling to be located within the Hamlet of Winkton has not been demonstrated in this case. Furthermore, there is no specific exception within policy KS2 for either the redevelopment of PDL or residential infilling in hamlets. As such, the proposed development would not accord with the development strategy contained within the Development Plan.
16. During my site visit, I observed a very limited range of services and facilities within Winkton. Future occupiers of the dwelling would therefore be likely to need to travel further afield to access the range of services and facilities that would ordinarily required for everyday living.
17. Although I noted bus stops alongside that part of the B3347 which runs through Winkton, detail regarding the times and frequency of the service/s has not been provided. As such, I cannot conclude that the bus would provide future occupiers with an attractive and convenient alternative to the private car for accessing most services and facilities. Nor have I been able to establish that future occupiers would be commonly likely to walk or cycle to access everyday services and facilities. That being the case, it is reasonable to conclude that future occupiers would be likely to be heavily reliant on the use of private

motorised vehicles to access most everyday services, facilities, and employment, and that this would be likely to result in the generation of harmful emissions that contribute to climate change.

18. For these reasons, the appeal site is not a suitable location for the proposed development, with particular regard to the local development strategy and the accessibility of services and facilities. Consequently, it would conflict with policies KS1 and KS2 of the Core Strategy.

*Character, appearance and significance of Winkton Conservation Area*

19. The appeal site is located at the edge of a built up-part of Winkton and within the Winkton Conservation Area (WCA). As such, in determining this appeal, Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 - as amended, requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the WCA.
20. The significance of the WCA stems, in part, from the mature trees and hedgerows within it, and from the semi-rural setting provided by those parts of the WCA that are outside of the more built-up parts of the settlement. Even if the appeal site is, at least partially, within the transition sub area identified within the WCA appraisal<sup>2</sup>, it currently contains a low group of stabling and open shed structures. While these structures may be in various states of repair, they have a simple utilitarian and modest appearance, and their use has a functional relationship with that of the neighbouring paddocks, which at the time of my site visit were being grazed by horses. These existing buildings at the edge of a built-up part of the settlement, therefore, contribute positively to the semi-rural character and appearance of the area, and to the significance of the WCA.
21. The proposed dwelling would have a relatively steep pitched roof as well as bulky gable dormer features. As a result, and notwithstanding that the hipped roofs would help to minimise the scale of the building, it would have a significantly greater height and massing than that which it would replace. Furthermore, while the proposed use of bricks and slates would relate satisfactorily to nearby buildings, the configuration and large size of the windows and the dormer features in the paddock facing elevation of the dwelling, would be incongruous with other nearby development on the same side of Burley Road. For these reasons, and because of its domestic appearance, the development would have a harmful urbanising effect on the site. Moreover, the demolition of the existing buildings on the site, and their replacement with a house of the size and design proposed, would also reduce the contribution that the site would make to the significance of the WCA.
22. A series of trees are located close to, but outside of the north-eastern boundary of the appeal site. These trees make a significant contribution to the character and appearance of the area. It is not proposed that any of these trees be felled or pruned as part of the appeal scheme. Even if the root protection area of the nearest trees would extend into the site, the evidence indicates that no buildings forming part of the proposed development would extend closer to these trees than the existing stable buildings. Consequently, had the development been otherwise acceptable, I am satisfied that these trees could have been afforded adequate protection via the imposition of suitably

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<sup>2</sup> Winkton Conservation area appraisal & management plan – adopted January 2007

worded conditions. Furthermore, while some trees canopies overhang a small part of the appeal site, it is not clear that this would necessarily lead to future pressure to severely prune or fell these trees. For these reasons the development would not compromise the longevity or health of the trees that are close to the site boundaries. Nor would it reduce the contribution that these trees make to the quality and significance of the area.

23. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 then indicates that any harm to the significance of such assets should require clear and convincing justification. Whilst in this case, the harm that would be caused to the significance of the WCA would be less than substantial, in accordance with paragraph 208 of the Framework, this harm should be weighed against the public benefits of the scheme.
24. The Council advises that it has a 2.7 year housing land supply. This is slightly more than the 2.3 year housing land supply indicated by the appellant. Nevertheless, there is no dispute that there is a shortfall in housing land supply within the local planning authority area. A new dwelling would contribute in a small way to meeting the Government's objective of significantly boosting the supply of homes and to reducing the Council's housing land supply shortfall. Given shortfall in housing land supply within the area, moderate weight is attributed to the public benefit that would result from the delivery of an additional dwelling.
25. Economic benefits would also arise during the implementation of the permission and from the contribution that future residents would make to the local economy. Furthermore, the planting of shrubs, specimen trees, and native hedging, and, the implementation of measures to minimise the non-renewable energy requirements of the development, would be environmental benefits. However, given the small scale of the scheme, the weight that may be attributed to each of these economic and environmental public benefits is limited.
26. Taken together the public benefits would not outweigh the harm that would be caused to the heritage asset, to which great weight is attached.
27. Notwithstanding my considerations regarding trees, for the reasons previously given, the proposed development would cause harm to the character and appearance of the area and to the significance of the WCA. Consequently, in respect of this main issue, the development would conflict with policies HE1, HE2, and HE3 of the Core Strategy and BE4 of the Borough of Christchurch Local Plan 2001 (the Local Plan). Collectively these policies require development to; protect the significance of all heritage assets; complement existing buildings and spaces; be of a high quality of design; and protect the landscape character of the area. It would also conflict with those parts of the Framework that seek to conserve and enhance the historic environment.

#### *Heritage asset – the Thatched House*

28. The Grade II listed building known as The Thatched Cottage and its gardens occupy land adjacent to the appeal site. The significance of this designated heritage asset results, in part, from the historic fabric of the building as well as from its residential use. The gardens of the property, which are close to the

house, contribute positively to its significance. However, the common boundary between the appeal site and the Thatched Cottage, which is made up of a variety of fencing, walling, and tall and well-established plant growth, provides significant screening between the 2 properties. Furthermore, the proposed dwelling would be separated from this boundary by a driveway area, to which no alterations are proposed. For these reasons the development would not cause harm to either the significance of the heritage asset or to the contribution that its setting makes to its significance.

29. The proposed development would not therefore cause harm to the grade II listed The Thatched Cottage or its significance. Consequently, and in respect of this main issue, the development would comply with policy HE1 of the Core Strategy and policy BE15 of the Local Plan. Amongst other things, these policies seek to ensure that developments protect heritage assets and their settings.

#### *Other considerations*

30. The previously identified public benefits weigh in favour of this appeal. However, as formerly indicated, only moderate weight is attributed to the benefits associated with the delivery of housing, and limited weight is attributed to each of the identified economic and environmental benefits.
31. The proposed development would take place on PDL within a settlement. However, the evidence indicates that the appeal site has been used for equine livery purposes for many years, and its ongoing equine use was apparent during my site visit. As such, the benefit that would result from the re-use of PDL for the delivery of a single dwelling is given limited weight.
32. No compelling evidence has been presented demonstrating that the drainage of surface waters from the appeal site are leading to the subsidence of nearby garages. Nevertheless, and even if this is the case, it is not clear that the implementation of the appeal scheme is the only way to improve the sites surface water drainage. Accordingly, only very limited weight can be attributed to any potential benefits that the owners/occupiers of the garages would receive from improvements to the sites surface water drainage.
33. The appellant has indicated that the development would be self-build. However, no mechanism has been put before me to ensure that it would be delivered as such. Therefore, whether or not the Council can demonstrate that enough permissions have been granted to meet the local demand for self-build dwellings, this consideration would not weigh in favour of the scheme.
34. Even if the financial contribution outlined within the submitted UU towards the Heathland SAMMs, would mitigate any harm that the development would cause to the Dorset Heathlands Special Protection Area (SPA), this would be a neutral consideration rather than a benefit. That the development would not cause harm to the significance of the grade II listed The Thatched Cottage, is also a neutral consideration.
35. The frequency and distance of vehicle movements generated from the existing use of the site has not been quantified. I cannot therefore conclude that a beneficial reduction in vehicle movements and emissions would result from the implementation of the proposed development.

### *Green Belt balance*

36. Albeit that the modest scale of the scheme would mean that no more than limited harm would be caused to the Green Belt, as per paragraph 153 of the Framework, substantial weight is accorded to that harm.
37. The other considerations in this appeal do not clearly outweigh the harm by reason of inappropriateness, and any other harm. Consequently, the very special circumstances necessary to justify the development do not exist.

### *Other matters*

38. Given the shortfall in housing land supply within the Council area, the requirements of paragraph 11. d) of the Framework must be considered. This paragraph provides a presumption in favour of sustainable development, unless certain circumstances apply. One such circumstance at 11.d) i. is where the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Footnote 7 of the Framework confirms that the policies referred to within 11. d) i. include designated heritage assets and land designated as Green Belt. Given my previous conclusions in respect of the effect of the development on the Green Belt and upon the WCA, the presumption given by paragraph 11. d) is not triggered in this case.
39. The evidence indicates that the appeal site is within the zone of influence of the River Avon Special Area of Conservation (SAC) and Ramsar site, and, the Dorset Heathlands SPA, SAC, and Ramsar site. However, there is no need to consider the implications of the proposed development on these protected sites, because the scheme is unacceptable for other reasons.

### **Conclusion**

40. Overall, and for the reasons given above, the proposal conflicts with the development plan when taken as a whole. There are no material considerations either individually or in combination that outweigh the identified harm and associated development plan conflict.
41. For the reasons given above, this appeal should be dismissed.

*V Simpson*

INSPECTOR