



Appeal Decision

Site visit made on 24 September 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2024

Appeal Ref: APP/D1265/W/24/3337311

Dyett's Field, High Street, Lytchett Matravers BH16 6BJ

- 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 J Long against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/00458.
 - The development proposed is to erect an agricultural building with hardstanding area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposed development from the Council's decision notice, as it is more concise and accurate than that given on the application form.
3. Subsequent to the Council's decision, the Government published revisions to the National Planning Policy Framework (the Framework). The alterations result in paragraphs 137-138 and 147-150, which are referred to on the Council's decision notice, being renumbered 142-143 and 152-155. The wording, however, remains the same. Consequently, I have not found it necessary, in the interests of natural justice, to seek further written comments, and neither party would be prejudiced by my consideration of the revised advice in my determination of the appeal.

Main Issues

4. The main issues are:
 - a) Whether the proposal is inappropriate development in the Green Belt having regard to the Framework and development plan policy; and,
 - b) The effect of the development on the character and appearance of the area and, if there would be harm, whether that harm would be outweighed by the agricultural or forestry need for the building.

Reasons

Whether inappropriate development

5. The site lies within the Green Belt. Paragraph 152 of the Framework says that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved except in very special circumstances. Paragraph 154 says that the construction of new buildings should be regarded as

inappropriate development, but sets out certain exemptions to this rule. One of these, set out at subparagraph a), is buildings for agriculture or forestry.

6. The Council has questioned whether a building of the proposed scale and design is reasonably required for the purposes of agriculture or forestry currently being undertaken at the site. However, the Framework does not set out any limiting criteria relating to size or need, and my attention has not been drawn to any development plan policies that take a different approach to agricultural or forestry buildings in the Green Belt. Consequently, if the proposed building is for agriculture or forestry, it would not be inappropriate development.
7. The application form states that the building would be for agricultural storage purposes. The supporting statement clarified that the building would be used for the storage of Christmas trees grown on the land, and associated machinery. Part of the building would be used as an office to store documents linked to the forestry use, and as a welfare facility. The proposed use is, therefore for agriculture or forestry. No evidence has been submitted to indicate that it would be used for any other purpose. Consequently, notwithstanding the Council's doubts regarding the need for the building, it would not be inappropriate development.
8. Case law¹ has held that, where development is found to be not inappropriate, through application of the exceptions in the Framework, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes of including land in the Green Belt. Consequently, it is not necessary for me to consider these issues further.

Character and appearance

9. The appeal site comprises part of an area of sloping rough grassland that borders the built-up part of the village to the south, and High Street/Colehill Road to the west. The land is visually separated from the road by a high hedge, but the foliage is relatively sparse, so views into the site are possible, and the land is clearly seen through the field gate opposite Jennys Lane. Although the houses in Charborough Close influence the eastern part of the land, the site has a much closer visual association with the open countryside to the north than with the built settlement. There are views across the site to this open countryside, and the appeal site forms an integral part of the rolling landscape that provides the setting for the village.
10. The land is currently divided into horse paddocks with post and wire fencing, and I was able to see a small field shelter and a water tank from the field gate. Otherwise, the land is undeveloped and makes a positive contribution to the rural character of the surrounding countryside. Although the land does not have a specific landscape designation, it is, nonetheless, attractive countryside, and paragraph 180 of the Framework requires that its intrinsic character and beauty should be recognised in making planning decisions.
11. The appellant's evidence states that the building would be 23.5 metres X 10 metres, and the Council's evidence that it would have a ridge height of 7.7 metres is unchallenged. It would, therefore, be of a considerable scale. The drawings also show an extensive area of land to be taken up by a wide access

¹ Lee Valley Regional Park Authority, R (on the application of) v Epping Forest District Council & Anor (Rev 1) [2016] EWCA Civ 404

road and turning areas. Furthermore, the use of face brickwork on the walls, with domestic scale windows to part of the building, would give it a somewhat industrial appearance. Consequently, the building would be an uncharacteristic and intrusive feature in its open countryside setting.

12. It would be readily visible from the road through the field gate and, as the hedgerow is quite sparse, and largely deciduous, it would have quite an obvious presence close to the road, particularly during the winter months. Being on the highest part of the site, it would be a prominent feature from considerable distance in views from the north. It would, therefore, have a harmful impact on the intrinsic character and beauty of this attractive tract of open countryside. Landscaping is proposed to the southeast of the building, but this would be ineffective in reducing its harmful impact in views through the field access, or in longer views from the north. It would, therefore, have an adverse visual impact and would fail to make a positive contribution to landscape character, placing it in conflict with Policy CO of the Purbeck Local Plan Part 1 (2012) (the Local Plan).
13. Much of the land associated with the appeal site is in use for grazing horses. It is stated, however, that the building is required to support a fledgling business growing Christmas trees on the eastern part of the site. It would provide dry and secure storage for cut trees, prior to their despatch to retailers, as well as the storage of associated machinery and paper records. However, little evidence has been provided about the scale of the proposed business, how it will operate, and what its likely turnover would be.
14. The appellant contends that the building would provide for a sufficient storage area for the trees once they are harvested. However, no business plan has been provided to explain how the necessary space has been calculated, or whether the profitability of the business would support the initial investment in a building of this scale. It is also not explained why the trees would need to be stored for any length of time between being cut and despatched to retailers for sale, rather than being cut, loaded, and despatched in a single operation. The activities described in the appellant's statement of case² do not indicate that a range of heavy machinery, beyond a mower, would be necessary to maintain the tree crop. It is not demonstrated, therefore, why such a large area is required for "plant/machinery".
15. It is stated that the office is needed to store documents relating to the trees and equestrian grazing licenses, but it seems unlikely that these would require the considerable amount of space that is proposed. This room would also be used as a tea/break room, but it would be generously proportioned, and I have not been provided with evidence to indicate that a large number of employees would be on-site at any one time to justify such a large area.
16. To conclude on this issue, the development would be harmful to the character and appearance of the countryside, and I am not persuaded by the evidence that this harm would be outweighed by the agricultural or forestry need that has been presented. Consequently, the proposal would be contrary to Policy CO of the Local Plan, which seeks to avoid adverse visual impacts on the countryside environment. The Council's reason for refusal also cites Policies 1 and 2 of the Lytchett Matravers Neighbourhood Plan (2017), but I have not found any specific conflict with these policies.

² Paragraph 3.11

Other Considerations

17. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise. My attention has been drawn to the Council's decision³ dated 5 January 2022, that a proposed agricultural building in the same field did not require prior approval under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015. That proposal is capable of implementation at the time that I am determining the appeal. If I were to dismiss the appeal, it is more than a theoretical possibility that the building would be constructed. It therefore represents an established fallback position, and is a material consideration in my decision.
18. It is contended that the fallback building would be of similar size and design, but would have a more harmful impact on the character and appearance of the area, as it would be further into the field, and would require a larger area of hardstanding. I have not been provided with full details of the plans that were submitted with the prior approval application, but the evidence indicates that this building would, in fact, have a considerably smaller footprint and ridge height than the appeal proposal. From what I saw at my site visit, a building of reduced dimensions, but further from the roadside hedge, would not have a more harmful impact on the landscape than the appeal proposal.
19. Furthermore, on the evidence before me, it does not appear that the two buildings overlap, so they are not mutually exclusive. If I were to allow the appeal, there would be a physical possibility that the fallback building could be built whilst still allowing the appeal proposal to be implemented. Consequently, the established fallback position does not represent a less harmful alternative, so does not alter my overall conclusions.

Conclusion

20. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR

³ LPA reference: P/PABA/2021/05355