



Appeal Decision

Site visit made on 13 November 2024

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 December 2024

Appeal Ref: APP/D1265/W/23/3330769

Holtwood House, Holt Wood Horseshoes to Billberies Farm Lane, Pond Head Road, Holt, Dorset BH21 7DR

- 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 Miller against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/00674.
 - The development is retain tractor and machinery store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed reference to 'Amended description' in the description of development in the banner heading above as this is not an act of development.
3. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.
4. Following the decision of the Council, a revised National Planning Policy Framework (the Framework) was published in December 2023 and replaces the previous version. However, as any policies in the Framework that are material to this decision have not fundamentally changed, and the main parties have referred to the revised Framework, this has not prejudiced any party. I will refer to the latest version and paragraph numbers in my decision.

Main Issues

5. The main issues are:
 - whether the development would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies,
 - the effect on the openness of the Green Belt,
 - the effect on the character and appearance of the area, and
 - 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

6. The appeal site adjoins the rear of Holtwood House but also extends to the north beyond a small fence and gate into a larger field. The wider area is rural in character and appearance and lies within the Green Belt.
7. At the time of my site visit, the appeal site was laid to grass with the appeal building being used to store machinery and equipment.

Whether inappropriate development

8. The Government attaches great importance to Green Belts. Paragraph 142 of the Framework identifies that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence.
9. This is reflected in Policy KS3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy April 2014 (LP) that states the most important purposes of the Green Belt in the area are to protect the separate physical identity of individual settlements by maintaining wedges and corridors of open land between them, and to maintain an area of open land around the conurbation.
10. Paragraph 152 of the Framework states that 'inappropriate development' in the Green Belt is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Subject to various exceptions set out in paragraph 154 of the Framework, it further states that a local planning authority should regard the construction of new buildings as inappropriate development in the Green Belt. One of the exceptions is at paragraph 154a) for "buildings for agriculture and forestry".
11. The appellant has advised that the building is to store machinery associated with the use of the appeal site as a paddock from which hay is cropped. However, there is a dispute between the main parties as to whether the appeal site falls under the definition of 'agriculture' for the purpose of erecting an agricultural building in the Green Belt.
12. Section 336 of The Town and Country Planning Act 1990 provides that the definition of agriculture *"includes horticulture, fruit growing, seed growing, dairy farming, the keeping and breeding of livestock (including any creature kept for the production of food, wool, skins, fur, or for the purpose of the farming of the land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and 'agricultural' shall be construed accordingly."*
13. The storage of machinery and equipment does not fall within the above definition. However, there is no doubt that machinery and equipment of various types are needed to carry out the above defined definition of agriculture.
14. With regard to the appeal site, it is not part of a farmstead or complex of other farm buildings and from the evidence, and as viewed at the time of my site visit, it is not being used as a paddock, for the keeping of livestock, grazing, or for the growing of crops. Moreover, part of the appeal site closest to the dwelling enclosed by fencing and where the building is located, had the appearance of an extended garden to the dwelling at the time of my site visit.

15. I have not been advised of any other agricultural land in the appellant's ownership and given its small size, any maintenance would be limited. When considering the amount of hay cropping and the small size of the appeal site, I am not convinced that the production of hay is anything other than an ancillary function to the appellant's ownership and associated maintenance of the land.
16. Whilst the use of land as a meadow falls within the definition of agriculture, in light of the maintained appearance of the appeal site, statement that the land is used as a paddock, lack of any wildflowers or other evidence of the land being maintained with the primary purpose of producing hay, I cannot conclude that the land is being used as meadow land. The evidence leads me to conclude that the appeal site is not being used for agricultural purposes.
17. Whilst the land may require maintenance and the storage of associated equipment, I find the building is intended largely for the storage of machinery and equipment unrelated to agriculture. As a result, it does not fall within the definition of agriculture. It follows that the building is not a 'building for agriculture' under Framework paragraph 154a). Consequently, the development constitutes inappropriate development in the Green Belt.

Openness

18. I accept that a similar size and design of building for the purposes of agriculture would be 'not inappropriate' in the Green Belt under Framework exception 154a). But I have found the building would not be for agriculture and hence the impact on openness needs to be considered.
19. Openness is one of the essential characteristics of the Green Belt. It requires consideration of both spatial and visual aspects. The absence of built development is a characteristic of the Green Belt.
20. The building is very modest in size but introduced a structure where none previously existed. It has been excavated into the ground and the building occupies vertical space by reason of its associated massing and volume. Hence the building would reduce the spatial and visual openness of the Green Belt.
21. I saw that visibility of the building from the public highway is reduced by existing fencing, gates, and hedgerows but a small part of the roof is still visible above them. In addition, reduced visibility from the highway does not mitigate against the spatial loss of openness.
22. Taking all factors into account, I find that the building reduces the openness of the Green Belt.

Character and appearance

23. The building is modest in size with a pent roof, finished in timber cladding and set into the land such that it is not highly visible from the public domain.
24. It is positioned outside of the consented garden to the host dwelling but accessed off gates and a driveway shared with the dwelling and therefore extends the visual extent of the built form further into the countryside. While it is not uncommon to find small timber clad stores in the countryside, I have not been provided with any compelling reasons why the relatively small store could not be located within the garden to the dwelling.

25. In light of this, given that the building is visible above the boundary treatment and from the host dwelling, and by reason of extending the built form further into the countryside, the development slightly diminishes the open and rural character of the locality adding to the visual clutter. Although the harm is very minimal due to the small scale of the building, excavation into the site and boundary treatment, it nonetheless fails to respect or enhance the relationship of the dwelling to the countryside.
26. I therefore conclude that the development harms the character and appearance of the area. As such, the development is contrary to LP Policy HE2 and Saved Policy DES11 of the East Dorset Local Plan January 2002. Amongst other things, these state that the design of development must be of a high quality, and to achieve this is compatible with or improves its surroundings, and that development will only be allowed where the form, together with the relationship of buildings and property boundaries to these spaces, respect or enhance their surroundings.

Other considerations

27. The Framework makes it clear that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the development, is clearly outweighed by other considerations.
28. I have had regard to the lack of harm to biodiversity, internationally protected sites, trees, living conditions of nearby occupiers, flooding/drainage, highway safety and setting of listed buildings. However, as these are requirements of local and national planning policy and guidance, they carry very little weight in my consideration. Given the size of the appeal site and lack of evidence that there are no other sites available to store the machinery and equipment, I also give the need for a store in this location little weight.

Whether 'very special circumstances' exist and Planning Balance

29. Paragraph 142 of the Framework makes it clear that the Government attaches great importance to Green Belts. The development comprises inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt. Paragraph 152 of the Framework makes it clear that inappropriate development should not be approved except in very special circumstances. There is also harm to the openness of the Green Belt, as it would be reduced, and the development harms the character and appearance of the area.
30. In accordance with the Framework, substantial weight is attached to any harm to the Green Belt. I consider that the harm I have found to the Green Belt would not be clearly outweighed by the other considerations outlined above. Consequently, the very special circumstances required to justify the development do not exist.

Conclusion

31. For the reasons given above the appeal should be dismissed.

C Rose

INSPECTOR