



Appeal Decision

Site visit made on 3 December 2024

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal Ref: APP/D1265/W/23/3314935

Grange Farm, Grange Farm Access Road, Colehill BH21 4HX

- 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 Gaunts Estate against the decision of Dorset Council.
 - The application Ref is P/FUL/2021/05700.
 - The development proposed is Improvement Works to Existing Agricultural Access Track (to include the Provision of 4 Passing Bays) and the Mixed Use of the Track by both Agricultural Vehicles and those Associated with any Planning Permission Granted at Grange Farm, Grange, Colehill.
 - This decision supersedes that issued on 27 June 2023. That decision on the appeal was quashed by order of the High Court.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the appeal decision was quashed, the Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. The parties have had the opportunity to comment on the changes to the Framework insofar as they are relevant to this appeal. I have proceeded on that basis. References in the decision are to the December 2024 Framework.

Background and Main Issues

3. The appeal site is located in the Green Belt. The proposal relates to an established track which has been used for agricultural purposes. The appeal proposal seeks the use of the track in association with a consented scheme¹ for the change of use and conversion of four existing redundant agricultural buildings within Grange Farmyard to form nine dwellinghouses. The change of use of the track would enable its use by domestic vehicles as well as agricultural ones. Improvement works to the track were proposed as part of the application which included the provision of 4 passing bays and the addition of a wear layer of hoggin.
4. The previous decision was quashed on the grounds that the Inspector had considered the impact of the hard surfacing of passing bays would harm the openness of the Green Belt and result in further development beyond the existing track into the countryside. This did not form part of the Council's reasons for refusal, which related to the use of the track, and was not set out either within its statement of case or its statement of common ground. In not

¹ Council Ref: 3/19/2378/FUL

providing participants in the appeal with the opportunity to respond to these matters, the Inspector acted unlawfully. The appeal decision was quashed. I have had regard to the previous appeal decision, in so far as it forms a material consideration, but have determined the appeal afresh on its planning merits.

5. Since the previous appeal decision was quashed, the Council has granted agricultural prior approval² for alteration of existing highway to be 374m in length and 3.7m in width. This effectively enables the formation of the four passing places along the length of the track, resulting in its widening in those locations, and the surfacing of the track with hoggin as a wearing course. These works have been carried out. Thus, those matters relating to physical changes to the track and which the previous Inspector found would be harmful, have been addressed.
6. The remaining matter in dispute relates to the use of the track by vehicular traffic associated with the dwellings at Grange Farmyard. Thus, the main issues are:
 - whether the use of the track would be inappropriate development in the Green Belt having regard to the Framework and its effect on the openness of the Green Belt and the purposes of including land within it;
 - the effect of the proposal on the character and appearance of the area; and
 - if the proposal is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

7. The Framework states at paragraph 153 that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 154 explains that development in the Green Belt is inappropriate unless one out of a list of exceptions applies. Relevant to this appeal is the exception set out under paragraph 154(h)(v) which allows for material changes in the use of land provided they preserve its openness and do not conflict with the purposes of including land within it.
8. The appeal site comprises the length of the existing track. It extends from its entrance on the public highway, Grange, and loops around through an open agricultural field, to join the Grange Farmyard where the approved dwellings would be located. It is enclosed by vegetation along part of its length but is otherwise open.
9. The existing use of the track for agricultural purposes generates some vehicle movements. The proposal would add to this. The appellant has provided TRICS data indicating that there would be approximately 36 movements per day by non-agricultural vehicles in association with the nine permitted dwellings. This would represent a significant increase in traffic movements along the track. These are likely to be clustered at different times of day and there will also be

² Council Ref: P/PAPA/2023/06923

periods when no traffic movements occur. However, vehicle movements associated with dwellings will occur into the evening and after dark, requiring the use of headlights, whilst this would be less likely with agricultural vehicle movements. In terms of openness, there would be some visual and spatial harm associated with this, albeit that it would be transitory in nature. Nevertheless, this would be a permanent change and moderate harm to the openness of the Green Belt would occur.

10. The increase in domestic vehicles moving through undeveloped, open countryside would have an urbanising effect. However, with physical changes to the track being limited in extent and already approved, I do not find the use of the track would encroach into the countryside. As such, this purpose of including land within the Green Belt would not be undermined.
11. I have been referred to various appeal decisions³ relating to developments in the Green Belt with some similarities to the appeal. However, none sufficiently replicate the circumstances of the appeal scheme and they do not alter my findings on this matter.
12. The appellant has argued that intensification of the track's use is a high bar to meet for the proposal to amount to a material change in use, referring me to caselaw⁴ in respect of this. Having regard to this, I nevertheless find that the additional vehicle movements connected to the nine approved residential dwellings would bring about a definable change in the character of this track due to the frequency and regularity of comings and goings by domestic vehicles compared to the less frequent and less regular use of the track by agricultural vehicles.
13. The consented residential dwellings benefit from permission utilising an existing access through the Green Belt. There would be no difference in the number of traffic movements overall. However, that approved access is considerably shorter and runs between and close to existing development. Whilst it causes some loss of openness, this is on a lesser scale to that which would arise through the appeal scheme due to its exposed position. Thus, the fallback position is less harmful to the openness of the Green Belt.
14. I recognise that my findings in respect of this are different to those of the previous Inspector. I have exercised my own judgement on these matters and I have set out why I have come to the conclusions that I have.
15. The proposed use of the access track for non-agricultural purposes would fail to preserve the openness of the Green Belt. The proposed development would not therefore fall within the exception set out in paragraph 154 of the Framework and is considered inappropriate development in the Green Belt.

Character and appearance

16. The appeal site is set within a rural and tranquil landscape of open, agricultural fields, close to a small cluster of development around Grange Farm. There is some additional dispersed development along Grange, a narrow single-track rural lane. The track extends through the open fields, and whilst screened in places, is fairly exposed and visible from the surrounding area. It is not visible

³ APP/H1515/W/17/3175204, APP/U1240/C/09/2117879 and APP/C2741/C/20/3260883

⁴ Hertfordshire CC v Secretary of State for Communities and Local Government [2012] EWHC 277 (Admin)

in public viewpoints other than where it joins Grange, although it can be seen from Grange Farmhouse which adjoins part of the site.

17. The increased activity along the access track resulting from vehicles associated with the approved dwellings would have some impact on the rural character of the area and its tranquillity. This would be due to the additional noise, headlight beams and the appearance of vehicles winding their way across the fields and would be apparent from the surrounding area. Whilst overall numbers would be modest given the small size of the housing scheme, there would nevertheless be several additional vehicle movements throughout the day and into the evening which would occur frequently and regularly.
18. The track can already be used by agricultural vehicles of varying sizes, including HGVs. However, these are unlikely to use the track on a daily basis. The proposal would add to the use of the track on a regular basis and therefore would intensify the use with the resultant harms I have identified.
19. My attention has been drawn to a track serving Green Farm a short distance from the appeal site. This is a longer track that also runs through open fields and carries both agricultural and domestic vehicles. This is a feature in the landscape. However, I have limited information about this, including the amount of traffic movements associated with it. In any event, the existence of this track does not justify the introduction of more domestic traffic movements across the open countryside along the appeal site track and does not alter my conclusions in respect of the appeal scheme.
20. I conclude the proposal would harm the character and appearance of the area. It would therefore conflict with Policy HE3 of the Christchurch and East Dorset Core Strategy 2014 which requires developments to protect and seek to enhance the landscape character of the area and to demonstrate amongst other things that tranquillity and the need to protect against intrusion from light pollution, noise and motion have been taken into account.

Other considerations

21. The proposal would be sufficiently far from the nearest dwellings that it would not harm the living conditions of those occupants. This is a neutral factor.
22. I have been referred to two decisions⁵ by the Council where they have consented access tracks with a mixed use where domestic movements were not raised as a concern. I have limited information before me about why those developments were found to be acceptable in the Green Belt. I do however note that these schemes were for fewer dwellings than that which the appeal proposal would serve. Furthermore, in the case of Bedborough Farm, where there are seven dwellings, from the images provided, the track appears to run alongside an area of woodland and is significantly less exposed. In any event, I have considered the appeal proposal on its own planning merits.
23. Future occupants of the approved scheme would not be solely reliant on private motorised transport and the track to access services and facilities given there are some basic services nearby and in a reasonable walking distance of the site. Nevertheless, the appellant has submitted figures indicating around 36

⁵ Council Ref: 3/21/1277/FUL (Bedborough Farm) and 3/20/0799/FUL (Underwood Farm)

movements a day and this, to my mind, would be a significant increase in this location which would give rise to the harms I have identified.

Green Belt balance

24. I have concluded that the proposal would be inappropriate development and would therefore, by definition, be harmful to the Green Belt. I give substantial weight to this matter as required by paragraph 153 of the Framework. In addition, I have identified harm to the character and appearance of the area. This weighs heavily against the development.
25. The proposal would provide access to consented housing but an alternative and existing access, which I consider to be less harmful, is available for these. This is therefore a neutral factor.
26. The other considerations in this case do not outweigh the harm that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such the proposal would be contrary to the Framework.

Conclusion

27. For the reasons set out above, I conclude that the appeal should be dismissed.

Rachael Pipkin

INSPECTOR