



Appeal Decision

Site visit made on 10 December 2024

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/D1265/W/24/3346583

Castle Court School, Caretakers Flat, Knoll Lane, Corfe Mullen, Dorset BH21 3RF

- 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 and Mrs Porter against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/05990.
 - The development proposed is Change of use of main building to residential (1 dwelling). Demolition of outbuildings and erect a dwelling and associated works to facilitate this.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council has submitted an updated housing land supply Annual Position Statement (APS). This followed an examination of the draft APS by the Planning Inspectorate and shows that the Council can demonstrate 5.02 years housing land supply. As such, this position will stand until it expires on 31 October 2025. This represents a material change in circumstances and I have therefore determined the appeal on the basis of the updated position.
3. Reference is made in the appellant's evidence to an amended plan being offered to the Council during the consideration of the planning application. The evidence refers to the plan as a 'Wheatcroft plan.' However, it was not one of the plans on which the Council made its decision and I am not aware that it has been the subject of public consultation. I have therefore based my decision on 'East Elevation' plan 0478-PL-12 which is the plan the Council based its decision on.
4. A revised National Planning Policy Framework (the Framework) was published in December 2024 and amended in February 2025. The Council and the appellants have had the opportunity to make further comments on the 2024 Framework which I have had regard to in my decision. The 2025 amendment clarified the approach to be taken to paragraph 155 regarding grey belt and I have determined the appeal accordingly.

Background and Main Issues

5. The appeal site comprises a small group of buildings on an area of hardstanding. The buildings are situated at the eastern end of a lane which also serves a school; the buildings, grounds and facilities of which lie between the proposed development and its access to Knoll Lane. To the south and east beyond the site are open fields sloping downwards away from the site separating it from the built up area of Corfe Mullen further to the east. A belt of trees and public right of way, a bridleway, lies adjacent to its northern boundary.

6. Planning permission was granted in 2023¹ (the 2023 permission) to convert all the buildings on the site to “C3 residential use (2 dwellings)”. This followed an earlier permission in 2022² (the 2022 permission) to change the use of the buildings to “residential and associated works”.
7. The 2022 permission was for the conversion of the buildings on the site to a single dwelling with the outbuildings at the eastern part of the site, to be used as a store/workshop, studio and gym. The 2023 permission subsequently allowed the conversion of the buildings previously shown to be a store/workshop and studio into a separate part-two storey part-single storey dwelling with the studio to be used as a garage.
8. A red brick stable building, which was to be converted to a dwelling under the previous planning permissions, continues to be proposed for conversion to a dwelling under the appeal proposals. That element of the appeal scheme constitutes the re-use of a building. I have seen no evidence to suggest that the building is not of permanent and substantial construction and note that the Council arrived at a similar conclusion when previously granting planning permission for its conversion. The proposed conversion would therefore continue not to be inappropriate development in the Green Belt.
9. Against this background, 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;
 - The effect of the proposal on the character and appearance of the landscape with particular reference to the Corfe Mullen Area of Great Landscape Value;
 - Whether the proposed dwellings would be in an accessible location having regard to the strategy in the development plan for the distribution of new development; 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 proposal.

Reasons

Whether the proposals are inappropriate development

10. Policy KS3 of the Christchurch & East Dorset Core Strategy Part 1 2014 (the CS) sets out the strategic approach to the Green Belt and identifies the most important purposes of the Green Belt in the area. It indicates that development proposals on previously developed land (PDL) should be considered against sustainable development criteria. Whilst this broadly accords with the Framework, it is a general policy and provides less detail than the more recently published Framework.
11. The Framework makes clear that the Government attaches great importance to Green Belts and paragraph 154 establishes that development in the Green Belt should be regarded as inappropriate, subject to a number of exceptions set out in parts (a) to (h) of the paragraph. These include parts d) regarding the replacement of a building, and (g) regarding the limited infilling or complete redevelopment of PDL. Paragraph 155 states the circumstances when the utilisation of grey belt would not be inappropriate.

¹ LPA ref P/FUL/2023/00820

² LPA ref P/FUL/2022/02300

Grey belt

12. The site is PDL. Due to its small size, location away from a large built up area and distance from neighbouring towns, including historic towns, it does not strongly contribute to the purposes of the Green Belt in paragraphs 143 (a), (b) and (d) of the Framework. However, as the Council can demonstrate a 5 year supply of deliverable housing sites, there is not a demonstrable unmet need for the type of development proposed. As a result, the proposal would not comply with paragraph 155 which defines when the development of grey belt should not be regarded as inappropriate development.

Redevelopment of PDL

13. The revised Framework indicates that partial or complete redevelopment of PDL is not inappropriate development where it would not cause substantial harm to the openness of the Green Belt.
14. The existing store buildings along the northern edge of the site, together with the green clad outbuilding on its southern side, would be demolished and replaced along the eastern side of the site by the proposed dwelling. Whilst this would result in a small reduction in the volume of building by approximately 19 cubic metres, the new building would project beyond the existing group of buildings by approximately 4 metres and would extend across the entire width of the existing hardstanding. This would result in a significant increase in the bulk of building at the eastern end of the site compared to the existing situation. At its highest point, the proposed dwelling would be approximately 1 metre taller than the buildings to be demolished and would close the space which currently separates the two largest sheds at the eastern end of the site.
15. The eastern part of the site is prominent due to its position on rising land with open fields to the south and east. Whilst the proposal would also result in a reduction in the ground floor area of building on the site from approximately 288.5 sqm to 240 sqm, the lower height of much of the shed on the northern boundary means it is visually much less obtrusive than the proposed dwelling would be. Much of that shed sits at a lower level than the bridleway and when viewed from the adjoining fields blends into the background of trees. It is not prominent in views of the site from the south and east or from the public right of way due to the hedgerow and trees along the edge of the bridleway.

Effect on openness

16. The combination of the bulk of the new building and its spread across the width of the site would significantly increase the effect of the development on the openness of the Green Belt at the eastern end of the site compared to the existing buildings. The 'T' shaped design of the proposed dwelling also means that it would project back into the centre of the site reducing the existing space between the eastern boundary and the red brick building. Together with the proposed access works which would project beyond the northern edge of the existing group of buildings, this would further reduce the spatial openness of the Green Belt spatially and visually. When combined with the position of the bulk of the new dwelling beyond the existing group of buildings and its prominent position on a hill, these effects would cause substantial harm to the openness of the Green Belt in both spatial and visual terms.
17. Even though the proposals would result in the removal of the existing hardstanding, the hardstanding itself has little visual effect on the openness of the Green Belt as it blends in with the surrounding landscape. Whilst the hardstanding does have a small physical effect on openness by projecting beyond the existing structures, the proposed building would have far greater spatial and visual impact and encroach much more onto the countryside as a result. Reference is made by the appellants to planning permission being granted to extend 'the curtilage a further 5m'. I have not been provided with the details of that

permission but such an extension would not justify the harm caused by the appeal proposals which I have identified

18. The proposal therefore fails to meet the requirements of the exception set out in paragraph 154(g) of the revised Framework.

Whether a replacement building

19. The Framework states that replacement of a building is not inappropriate development, provided the new building is in the same use and not materially larger than the one it replaces.
20. As part of my site visit I took the opportunity to carefully consider the use of the existing buildings. Whilst they appeared to be being used for various purposes, including storage of domestic paraphernalia; parking and charging of a car, the housing of washing machine and tumble dryer and keeping of rabbits, none of the buildings were occupied and in use as a dwelling. Whilst minor structural works had been carried out to the interior of the upper floor of the red brick building, none of the buildings were being lived in or contained the facilities for day to day private existence as a self-contained dwelling such as a bedroom, bathroom or kitchen. The physical state and structure of the sheds and the current nature of the red brick building with empty stable bays at ground floor and informal storage in the roofspace above are such that, whilst they may have access to electricity and drainage and works may have been carried out to commence the conversion of the buildings to residential use, they are not in a state where they are capable of being lived in as homes on a day to day basis.
21. The evidence indicates that the mobile home, which I saw on my site visit, was brought on to the site in 2023 and is occupied by the appellants and their family who have vacated a rented property elsewhere. Whilst this is a residential use of the site, it is not taking place within any of the buildings proposed to be replaced. I am not aware of the mobile home's planning status but its siting in the yard outside of the buildings does not demonstrate that the buildings approved for conversion under either the 2022 or 2023 permissions are in use as dwellinghouses.
22. Therefore, as none of the buildings are currently in use as a dwelling and are not currently capable of being used as such without significant further works, they are not in the same use as the new dwelling which is proposed to replace some of them. The proposal therefore fails to meet the requirements of the exception set out in paragraph 154(d) of the Framework.
23. I therefore conclude that the proposal is inappropriate development in the Green Belt, contrary to national and local policy.

Character and appearance

24. The proposed building would be predominantly two storeys with a central apex rising above the main roof line. It would be constructed of stone with a lower ground floor beneath the ground floor. The southern and eastern elevations would have extensive large windows at both ground and first floor.
25. The area is defined as an Area of Great Landscape Value in the East Dorset District Council Areas of Great Landscape Value Supplementary Planning Guidance No.19 (1997) (SPG). Whilst the SPG does not form part of the development plan, CS policy HE3 indicates that within Areas of Great Landscape Value (AGLV) development will be permitted where amongst other things, its siting, design and scale are sympathetic with the particular landscape quality and character of the AGLV.
26. The SPG identifies various sub areas to the Corfe Mullen AGLV. The site falls within Sub Area 1 'Urban fringe area, including The Knoll'. The landscape is described in the SPG as

centred on a shallow valley with the area enclosed by hills, woods and hedgerows and characterised by an irregular mosaic of fields and paddocks. It further describes the visual effects of the school on the surrounding landscape as being minimised by the abundant tree cover on The Knoll and nearby countryside. Whilst the appellants refer to development which has been permitted in the AGLV since it was designated, my own observations concur with the description in the SPG.

27. Although views of the site from Broadmoor Road to the east would be filtered by trees along the side of the road, the proposed new build dwelling would nevertheless be prominent in views through occasional gaps in the trees due to its position on the hill. This includes from the allotments and their entrance from where it would be particularly noticeable. The new building and its access would also be clearly visible from the adjacent bridleway through gaps in the trees and vegetation along its southern edge.
28. Whilst the new building would replace existing buildings, the sheds on the northern edge of the site are partly of a lower height and their grey cladding blends with the wooded background. The proposed new building would have greater impact on the landscape than the existing green clad outbuilding due to the colour of the outbuilding's cladding blending more with the background of trees. The outbuilding is also partially screened on its southern side by an existing mature tree which, coupled with the dark cladding, further reduces the obtrusiveness of the outbuilding. The siting of the proposed dwelling beyond the site of the existing building means that it would not be screened by the tree to the same extent and, even with neutral coloured building materials, would be obtrusive.
29. The red brick building proposed to be converted is set back into the site and would be screened from views from the eastern direction by the proposed new building. The new building however would be visible in longer views across the landscape from the east including from the higher land along Brook Lane and across open fields from Haywards Lane from where its position on the slope would make it particularly prominent. Even though the land and trees rise beyond the site to the north, the proposed dwelling would nevertheless be an intrusive feature in the landscape due to its proposed position beyond the current group of buildings.
30. Dark skies at night form part of the rural landscape where artificial lighting is less common due to the more dispersed nature of development in the countryside. The 'Wheatcroft plan' offered to the Council would have replaced the glass balustrades on the proposed balcony with solid material to mitigate light pollution. Although this would have provided some screening of the lower parts of some of the proposed windows on the eastern elevation, significant areas of glazing, and thereby light emission, would have remained unscreened. As a result, even though there is lighting in the school to the west of the site, including floodlighting, the large number of windows in the proposed new building would make lighting within the building intrusive after dark. This would contribute to its harmful effect on the landscape.
31. I am aware of other developments in the vicinity. 'Padenca' is a school building located at the edge of the school grounds a short distance from the site of the proposed dwelling. Although the white rendered building is prominent in some views, it is an established part of the landscape. 'Fairmeads' lies to the north of the site and, together with other buildings in the vicinity is visible in the landscape. The allotments too are visible from various viewpoints but their use for horticulture and the growing of vegetables is not out of place in a rural location. I am not aware of the reasons leading to Padenca and Fairmeads being constructed in their current form and location or the development plan policies which applied at the time. Similarly, the evidence does not provide the planning context for the allotments. Nevertheless, the visual impacts of those existing buildings or the allotments do not justify the harm that would be caused to the character and appearance of the landscape by the proposed building.

32. The appellants have also referred to planning permissions being granted at Buckhorn Weston in Dorset and at Quarr in Somerset where sites with permitted barn conversions have subsequently been developed for new houses on the basis of the conversions providing a fallback position. I have not seen the development plan policies which were applied in those cases, the details of those schemes or the circumstances which led to their approval. Each case must be considered on its individual merits and the developments referred to do not justify the harm that would be caused by the appeal proposals.
33. I have given consideration to whether the harm I have identified could be overcome through the use of appropriate planning conditions if I were minded to allow the appeal. Whilst there is a mix of building styles and materials in the area and the use of materials in the proposed building could be conditioned to allow its effect on the landscape to be as limited as possible, the increase in the mass of building and its elevated position would still make the proposed building appear dominant in the landscape. Similarly, whilst planting, including fruit trees, around the edge of the site could be secured by a condition to soften the appearance of the building over time, the topography coupled with the height of the building means that it would remain prominent in the landscape for a number of years, particularly during the time it would take any planting to have a suitable screening effect.
34. The siting, design and scale of the building and its visual impact would not be sympathetic to the character and appearance of the countryside. It would thereby conflict with policies HE2 and HE3 of the CS in so far as they seek to protect and enhance the landscape character of the area and ensure new development is compatible with its surroundings.
35. The significant harm caused to the character and appearance of the AGLV would also conflict with the Framework's policy to protect and enhance valued landscapes.

Accessibility and location

36. The locational strategy for the distribution of new development is contained in CS policy KS2 which sets out a settlement hierarchy. Whilst the site may fall within the neighbourhood area of the draft neighbourhood plan and have a Wimborne and Corfe Mullen postcode, that does not mean it lies within the settlement as defined in the development plan. It does not fall within any of the settlement types listed in policy KS2. It is therefore in the countryside for the purposes of planning policy.
37. The Framework indicates that planning decisions should avoid the development of isolated homes in the countryside unless the proposal complies with one or more criteria set out in paragraph 84 of the Framework. Whilst the appeal site is physically separated from Corfe Mullen to the east by a tract of countryside, the built up edge of the settlement is clearly visible from the site's elevated position. Together with the adjacent school and its associated buildings, dwellings and facilities this reduces the site's feeling of physical separation to the extent that even though it would be physically separate from the settlement it would not look or feel isolated from it.
38. Nevertheless, the absence of footways and street lighting, coupled with the indirect nature of the route, means that Knoll Lane would not be a safe or attractive route for all pedestrians, especially after dark or in poor weather. Similarly, the bridleway is a roughly surfaced track which is also unlit. Access by foot to local services, including the nearest bus stop, would be either via the school access and Knoll Lane or along the bridleway. As a consequence, although Knoll Lane would provide access to Corfe Mullen by bicycle and the roads nearer the bus stop are lit, the lack of safe and suitable access for all users means that it is likely that future occupants would be reliant on the private car to reach services and employment.

39. As a consequence, whilst opportunities to maximise sustainable transport solutions vary between urban and rural areas, the proposed new built dwelling would not be in a suitable location having regard to its accessibility and the development plan's strategy for the distribution of new residential development. As a result, it would conflict with CS policy KS2 for the distribution of new development.

Other considerations

40. Although the principle of two dwellings on the appeal site has been approved through the 2023 planning permission, those dwellings would be created through the conversion of the existing buildings and not have the same harmful effects that I have identified for the appeal proposal. Nevertheless, the works referred to by the appellants indicate that there is a real prospect of one or other of the previously permitted residential conversions being carried out and therefore they carry significant weight as a fallback position.
41. Whilst the 2023 permission to convert the existing sheds includes substantial areas of glazing in the eastern elevations in particular, this would be less than that proposed for the new building. There would however be a small reduction in volume and footprint of building on the site arising from the demolition of the existing buildings and this carries moderate weight. As the existing hardstanding has less impact on the openness of the Green Belt and would, in any event be replaced by new development, its redevelopment attracts limited weight in favour of the proposal.
42. The Council concluded that the reliance on the private motor vehicle would be an adverse impact of the approved conversion scheme, but that this was outweighed by the re-use of redundant buildings, the enhancement of their setting, additional housing provision and biodiversity enhancement. The same circumstances however do not all apply to the appeal scheme which, although re-using one of the buildings, would involve the redevelopment of the rest of the site and would not result in an addition to the housing supply. Therefore, although planning permission has already been granted for two dwellings on the site through the conversion of existing buildings in a location with poor accessibility, this element of the fallback position attracts moderate weight in favour of the development.
43. Whilst some existing buildings would be demolished, the proposed new build dwelling would still be clearly visible from the adjoining bridleway and, as a result, would harm the character and appearance of the landscape when viewed from it. As I have found that it would be more dominant in the landscape than the lower part of the shed adjacent to the path, I give limited weight to the effect of the demolition of the existing buildings on the view from the public right of way. Although the development would create two dwellings, this would not represent an increase in the number already granted planning permission on the site and therefore the number of proposed dwellings attracts little weight.
44. The approved conversion of the existing buildings would retain their existing agrarian form and I have seen no evidence that they are unsafe. As the proposal would be more harmful to the character and appearance of the landscape than the existing buildings, I give limited weight to the suggestion that their removal, including an oil drum holder, would have an overall improvement in the aesthetics of the area.
45. Whilst modern methods of sustainable construction could be used in the proposed development, I have not seen detailed evidence to quantify the net benefit which might arise. The approved conversion would make use of the existing buildings and repurpose them for a new use which in itself would have some sustainability benefit by making use of an existing resource. Their demolition as part of the appeal proposal, the recycling of the materials arising in the proposed development, and the suggested efficiency of the use of PDL therefore carries limited weight. The additional planting of fruit trees and wildflower meadows together with the introduction of bird, bee and bat boxes together with other biodiversity benefits carry moderate weight.

46. The appellants suggest that covenants could be used to prevent future building on the site and the surrounding land that the appellants own. As I have not seen details of these covenants and how they would be imposed or enforced, I therefore cannot take any provisions that they might have into account.
47. I give substantial weight to the significant harm that would be caused to the AGLV and moderate weight to the modest harm which would be caused by the poor accessibility and conflict with the locational strategy in the development plan.
48. The evidence indicates that the site lies within 400m to 5km of the Dorset Heathlands Special Protection Area and Ramsar site and the Dorset Heaths Special Area of Conservation. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my conclusions on the main issues, it is not necessary for me to consider this matter in any further detail.

Green Belt balance and conclusion

49. The proposal would constitute inappropriate development in the Green Belt resulting in substantial harm to its openness. Inappropriate development is by definition harmful to the Green Belt. In accordance with the Framework, I give substantial weight both to the harm to the Green Belt and to its openness.
50. Taken together, the combined weight of the other considerations in this case does not clearly outweigh the totality of the harm arising from the appeal scheme that I have identified. Consequently, the very special circumstances necessary to justify the development do not exist.
51. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For these reasons the appeal should be dismissed.

R Kent

INSPECTOR