



Appeal Decisions

Site visit made on 8 January 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Ref: APP/D1265/W/24/3343684

Coventry Arms, Mill Street, Corfe Mullen, Dorset BH21 3RH

- 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 James Mills against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/03506.
 - The development proposed is described as alterations to outside space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I observed on my site visit that the development has been completed in accordance with the approved plans. I have therefore determined the appeal on the basis that retrospective permission is sought for the development which has already been implemented.

Main Issues

3. The main issues are: (i) whether the development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, including the effect upon the openness of the Green Belt; (ii) whether the development would be likely to increase the likelihood of flooding in the area; and (iii) would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

Reasons

Inappropriate Development and Openness

4. Policy KS3 of the Christchurch and East Dorset Local Plan, Part 1 Core Strategy April 2014 (the CS) sets out the approach to development in the Green Belt. I am satisfied that this policy is in broad conformity with the Framework. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
5. In particular, paragraph 154(c) states that the extension or alteration of a building is not inappropriate as long as it does not result in disproportionate additions over and above the size of the original building. In this instance, the development has included the construction of a covered seating area and bin store. Given their use, which is to support the commercial function of the public house, and their proximity

to the main building, they can reasonably be considered to be extensions for the purposes of Green Belt policy.

6. The evidence before me establishes that the public house has been extended over time, and that these extensions have provided a significant increase in floorspace. Therefore, while the covered seating area and bin store are minor structures, any further extensions to the built form of the public house must be considered to result in disproportionate additions. As such, the development does not meet the requirements of paragraph 154(c) of the Framework and therefore represents inappropriate development within the Green Belt.
7. In terms of openness, it did appear to me during my site visit that both the covered seating area and bin store are permanent structures. However, they are both fairly minor additions in terms of size, and as a result, their impact on visual and spatial openness is very limited. The remaining elements of the development, including the decking and seating areas, do not have any impact on openness over and above that which would have already been the case given the existing lawful use of the space as a public house garden area.

Flooding

8. The appeal site lies within flood zones 2 and 3. Paragraph 176 and footnote 62 of the Framework note that small non-residential extensions such as this do not need to be subject to a sequential test or exception test. Nevertheless, it is made clear that a site-specific flood risk assessment should still be provided.
9. In this instance, the appellant has provided a Flood Risk Assessment (FRA), prepared by Innervision Design Ltd in February 2023. However, it is apparent that the FRA only relates to a single storey extension to the public house, which is the subject of a separate appeal. As such, the FRA does not consider the impacts of the covered seating area, bin store and decking.
10. As a result, I cannot be certain that the development has not increased the likelihood of flooding, and I therefore find conflict with CS Policy ME6 which seeks to ensure that new developments are safe from flooding from all sources.

Other Considerations

11. I have not been provided with any substantive evidence that would suggest that the business would become unviable if this appeal were to fail. However, it is a fact that the public house industry has struggled financially over a long period of time and that many are permanently closed each year due to these challenges. As such, any proposals that come forward that would support the commercial function of a public house should be supported in principle, subject to any other considerations. Furthermore, it seems to me that the work that has been carried out has provided a pleasant space for customers to drink and dine outdoors and so this public benefit is also a material consideration. Overall, I am of the view that these benefits should be afforded very significant weight as part of my decision.
12. However, the lack of a suitable FRA is a serious matter that must also be afforded very significant weight. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight should be given to the harm to the

Green Belt, and very special circumstances will not exist unless the harm is clearly outweighed by other considerations.

13. When considered in combination, the weight that I have afforded to the benefits of the proposal do not clearly outweigh the identified harm to Green Belt and the additional harm in relation to flood risk. As such, very special circumstances do not exist, and for this reason, the proposal does not conform with CS Policy KS3 and the relevant paragraphs of the Framework. For the avoidance of doubt, had an acceptable FRA been submitted, I would have concluded that very special circumstances do exist.

Other Matters

14. The appeal site is located within close proximity to Mill Cottage, a Grade II listed building. In this instance, the Council is satisfied that the development preserves the setting of the listed building. Given the relatively minor nature of the development, and its pleasing appearance, I have no reason to disagree with this assessment. The development therefore preserves the significance of this designated heritage asset and satisfies the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

15. For the reasons given, the appeal is dismissed.

C Butcher

INSPECTOR