



Appeal Decision

Site visit made on 17 December 2024

by M Aqbal BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/V1260/W/23/3334082

3 Woodgreen Drive, Bournemouth BH11 9TQ

- 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 Board against the decision of Bournemouth Christchurch and Poole Council.
 - The application Ref is APP/22/00854/F.
 - The development proposed is change of use of land to residential garden and erection of outbuildings and boundary fencing (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal site is located within the Green Belt. Since the application was determined, the revised version of the National Planning Policy Framework (as amended) ('the Framework') was published in December 2024. Because the revised Framework includes some changes to the Governments Green Belt Policy, the main parties were given an opportunity to comment on the appeal in light of the Framework and I have taken account of any submissions.

Background

3. The appeal site comprises 3 Woodgreen Drive ('No. 3') a semi-detached dwelling and its original garden and a plot of land to the rear of this. Notwithstanding the extent of the appeal site, as edged red on the submitted drawings, the area to which the change of use relates to is the land to the rear of the original garden of No. 3) ('the garden extension').
4. The application sought full planning permission for a change of use of land to residential use and the retention of a series of outbuildings associated with this use of the land as an extension of the garden for No. 3. These elements of the proposal have already been undertaken. The proposal includes the replacement of an existing 1.2 metre high timber fence for a 1.8 metre fence along the north east boundary of the garden extension.

Main Issues

5. The main issues are:
 - i) Whether or not the proposal would be inappropriate development in the Green Belt in terms of the Framework;

- ii) The effect of the proposal on the character and appearance of the area;
- iii) The effect of the proposal on the living conditions of neighbours; and
- iv) If the proposal would be inappropriate development whether the 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 necessary to justify it.

Reasons

Inappropriate development in the Green Belt

6. According to the appellant, the land associated with the garden extension was part of Knighton Heath Golf Club but did not form part of the formal golf course and was used for storage, with no public access. I have no reason to dispute this.
7. The Council have not referred to any specific Green Belt policy in the development plan. Therefore, I have assessed the proposal having regard to the Framework, which includes specific provisions in respect of the Green Belt.
8. The Framework says that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, including harm to its openness.
9. Paragraph 154 of the Framework says that development in the Green Belt is inappropriate save for a number of exceptions: This includes: h) v. the material changes in the use of land provided they preserve its openness and do not conflict with the purposes of including land within it.
10. The essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
11. Other than some use for storage, there is nothing to suggest that the area of the garden extension was occupied by any permanent development.
12. In terms of spatial impact, the garden extension is located on higher ground relative to the original garden of No.3 and also represents a substantial increase in size to this. Moreover, the extent of the garden extension is appreciable because of the use of boundary treatments, planting and other structures which delineate this. The garden extension also incorporates a number of outbuildings, associated decking and domestic paraphernalia, such as seating, along with some plant beds and planting, which are dispersed across it. Therefore, the proposal has resulted in a spatial impact on the openness of the Green Belt.
13. In particular, the physical presence of the outbuildings and associated areas of decking have introduced new built forms. The presence of these and the volume associated with them has resulted in a reduction in the visual openness of the Green Belt. In addition, the fencing and domestic paraphernalia associated with the garden extension further reduce visual openness.
14. Given the overall extent of the garden extension, I share the local planning authority's concern about the further spread of domestic paraphernalia and lack of control in respect of this. Furthermore, no mechanism has been provided to ensure that any further development would be prevented on the garden extension if the appeal were to succeed.

15. The purposes of the Green Belt are identified under paragraph 143 of the Framework. Because the garden extension is, in part, bound by residential curtilages and land associated with the Golf Club, its development does not result in the sprawl of large built-up areas or facilitate neighbouring towns merging into one another.
16. Because the proposal relates to the extension of an existing garden in an urban area, this would not unacceptably prejudice development of urban brownfield areas. Also, as already indicated the garden extension is on land which was formerly part of a recreational facility in an urban area. As such, there is nothing to suggest that the proposal is an encroachment into the countryside. The area of the garden extension does not form part of a historic town and therefore purpose d) of paragraph 143 of the Framework is not relevant.
17. Drawing on the above reasons, whilst the proposal does not conflict with any of the purposes of the Green Belt, this does reduce the visual and spatial openness of the Green Belt. I acknowledge that the garden extension is largely screened from public vantage points, even so, the requirement to preserve the openness of the Green Belt applies irrespective of whether or not this is visible from public vantage points. Therefore, the proposal fails to preserve the openness of the Green Belt and as such is not supported by paragraph 154, h) v. of the Framework.
18. Also, it has not been shown that the proposal meets any of the other exceptions identified within paragraph 154 of the Framework. Accordingly, the proposal is inappropriate development in the Green Belt.

Character and appearance

19. Due to its size and elevated position, the garden extension for No 3, is uncharacteristic of nearby gardens, which are generally smaller in size and on a single level. Despite this, garden arrangements including their sizes and forms in the vicinity of the appeal site are not readily apparent from public vantage points. Similarly, because of the screening afforded to the garden extension, the impact of this on the character of the area would be localised. As such, whilst the proposal does bring some change to the character of the area, it does not unacceptably harm this.
20. Because of its elevated position, the garden extension would be apparent from neighbouring properties. However, and notwithstanding that I have found that this harms the openness of the Green Belt, in the context of other gardens and outbuildings associated with these, the design of the proposal is acceptable.
21. As such, the proposal does not result in any demonstrable harm to the character and appearance of the area. Accordingly, I find no conflict with Policy PP27 of the Poole Local Plan 2018, which amongst other things requires a good standard of design in all new developments.

Living conditions of neighbours

22. Because of its elevated position, the garden extension and development associated with this, sit considerably above the level of the original garden of No.3 and the gardens for dwellings either side of this. Therefore, there is some overlooking of these properties and their gardens from the garden extension.

23. The proposed 1.8 metre fence along the boundary of the garden extension and the original garden for No 3 and the existing rear gardens of the neighbouring dwellings, would considerably reduce the extent of overlooking experienced by neighbours along Woodgreen Drive.
24. Due to variations in land levels across the garden extension, this includes areas where views would still be available towards the rear of the dwellings in Woodgreen Drive, above the height of the proposed fence. Nevertheless, given the acceptable separation of these areas from the rear of dwellings in Woodgreen Drive, this would not cause any unacceptable overlooking. Also, the proposed hedge planting would provide further mitigation over time.
25. For the above reasons, the proposal would not harm the living conditions of neighbours in respect of overlooking and loss of privacy. This accords with the aims of the Framework, which amongst other things seeks to create places that promote health and well-being, with a high standard of amenity for existing and future users.

Other considerations

26. The Framework advises that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in 'very special circumstances. It is stated that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
27. It has been suggested that the proposal provides ecological benefits. However, I have little information in respect of this. There are no other very special circumstances which have been advanced in favour of the proposal.

The Green Belt balance

28. I have found that the proposal would not unacceptably harm the character or appearance of the area or the living conditions of neighbours, which are neutral factors in the balance. Nevertheless, the proposal would harm the Green Belt by way of inappropriateness and loss of openness, to which I attach substantial weight.
29. Having taken account of any other considerations, I find that these do not clearly outweigh the Green Belt harm I have identified. Consequently, the very special circumstances necessary to justify the development do not exist. As such, the proposal is inappropriate development and conflicts with the provisions of the Framework for safeguarding the Green Belt.

Conclusion

30. For the reasons given above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR