



Appeal Decision

Site visit made on 29 January 2025

by **M Aqbal BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 March 2025

Appeal Ref: APP/D1265/W/24/3346549

Rylstone, Martinstown, Dorchester, Dorset DT2 9JR

- 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 Robert Cyphus against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/00444.
 - The development proposed is erect building to provide two loose boxes, feed and fodder stores and tractor store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In reaching my decision, I have considered the revised version of the National Planning Policy Framework (as amended) that was published in December 2024 ('the Framework').

Main Issues

3. The main issues are:
 - i) Whether the proposal because of its scale is acceptable in its countryside location having regard to the development plan, and
 - ii) The effect of the proposal on the character and appearance of the area including the Dorset Area of Outstanding Natural Beauty (National Landscape).

Reasons

Whether the proposal is acceptable in its countryside location

4. The appeal site comprises part of paddocks located on rising land on the northern side of the main village street, the B3159 and to the rear of Rylstone, a grade II listed building and to the north-east of St. Martins Church, listed grade I (and listed monuments within the church yard). A public footpath runs east – west to the south of the paddocks and parallel with the hedgerow and churchyard wall between the village edge and surrounding agricultural land. The appeal site includes access to the paddock via Rylstone.
5. Because of its location beyond the built extent of Martinstown, the appeal site forms part of the open countryside. Local Plan Policy SUS2 West Dorset, Weymouth & Portland Local Plan (2015) ('LP'), sets out that outside the defined development boundaries, development will be strictly controlled with regard to the

protection of the countryside, and environmental constraints. Amongst other forms of development, LP Policy SUS2 does allow for equestrian development in such locations.

6. Policy ECON10 of the LP specifically relates to equestrian development. To be supported by this Policy, the proposal needs to be for equestrian development and meet the relevant requirements set out under part i) of this Policy.
7. In this case, the appeal site benefits from an extant planning permission¹ for the erection of a building to provide two loose boxes, feed and fodder stores, in the southeastern corner of the paddocks.
8. The proposal as part of the appeal scheme is for a building in a similar location as the one already permitted at the appeal site but larger in scale, due to the incorporation of a tractor and tool store. The appellants advise that this is to enable the storage of essential machinery, which is to be used on the land, for its current and future maintenance.
9. The part of the development which is to be used for loose boxes, feed and fodder stores is specifically required for equestrian purposes. Also, on the information before me, the scale of these is appropriate to the proposed use and the number of horses kept. These have also been accepted as part of the extant permission for an equestrian building at the appeal site.
10. To accommodate the tractor and tool store, the proposed building would have a larger footprint and, in part, a greater height than the approved building. Therefore, there would be an appreciable increase in scale when compared to the approved building.
11. It is questionable that the type of equipment for which storage is required is for the maintenance of land rather than being 'equestrian development.' However, even if I were to accept that this would support the latter, based on my observations the existing paddocks are of a modest size, incorporate some fencing and were in use for the keeping of horses. This suggests that the paddocks are being maintained to an acceptable standard for keeping horses without the need for an on-site tractor and tool store.
12. Given the limited information provided about the equipment to be stored, I cannot be certain that the scale of the building proposed is necessary to accommodate this or that such equipment could not be stored elsewhere, for example outdoors.
13. Furthermore, part ii) of Policy ECON10 of the LP, says that development should make use of existing buildings. To this end, whilst it has been suggested that the existing wooden stable near the appeal site is insecure, it is not clear why this could not be made secure to facilitate the storage of some of the equipment.
14. I have been advised that the site and paddocks have no formal vehicular access from the public highway other than a circuitous route via Rylstone. Nonetheless, this route appears acceptable for occasional use and on the information available, it is unclear why the modest paddocks would require more than occasional maintenance.

¹ Ref P/FUL/2023/05651

15. Whilst the appellants suggest that using contractors is not viable, this and their assertion that contractors only use large tractors have not been sufficiently substantiated.
16. For the above reasons, the scale of the proposed building is unsubstantiated and therefore cannot be supported in the proposed location under LP Policy ECON10, which amongst other things says that the scale is appropriate to the proposed use and the number of horses kept.

Character and appearance

17. The appeal site forms part of the open countryside beyond the built extent of Martinstown. Because the paddocks are free of any significant development, open and verdant, these positively contribute to and reinforce the rural and scenic quality of the area.
18. The appeal site is also located within the Dorset Area of Outstanding Natural Beauty (National Landscape). Paragraph 189 of the Framework says that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and National Landscapes which have the highest status of protection in relation to these issues. Accordingly, and because of its proximity to the adjacent public footpath, the appeal site is particularly sensitive to change.
19. Nevertheless, a building in the broad location of the proposal has already been permitted. which is likely to be implemented if this appeal fails, this constitutes a genuine fallback.
20. Against the above background, although the proposed building would be finished in similar materials as the approved building, this would have a 'T' shaped plan form. Because of its footprint and overall form, which includes a gable feature and elongated elevations, the proposed building would not reflect the simplicity and utilitarian design of the approved building. Moreover, the proposed building would extend closer to the public footpath to the south of the appeal site, relative to the approved building.
21. Because the tractor and tool store part of the proposed building would be located on the lowest part of the appeal site and in part screened by established hedgerows, in long distance views, this would have no significantly greater impact on the landscape character of the area than the approved building. Nonetheless, due to its scale, form and siting, the proposed building would have a stronger visual impact in views from the adjacent public footpath than the approved building. Also, a larger building in this location would dilute the separation between the built extent of the village and its more rural and largely undeveloped surroundings.
22. As such, the proposed building, the scale of which has not been clearly substantiated, would encroach and result in an erosion of the open countryside and landscape character of the area. Consequently, the proposal would fail to conserve and enhance the landscape and scenic beauty of a National Landscape.
23. Therefore, the proposal would harm the character and appearance of the area including the Dorset Area of Outstanding Natural Beauty (National Landscape). This conflicts with the aims of LP policies ENV1, ENV10 and ENV12. Together,

these policies require that the scale and mass of a building should reflect its purpose and not detract from the character of the site and surroundings, and where reasonable enhance the local landscape character. Accordingly, the proposal would also conflict with similar aims of ECON10 of the LP for safeguarding the countryside.

Other Matters

24. It has been suggested that the equipment stored in the proposed building would be used for the laying and repair of hedgerows and the maintenance of the adjacent footpath. Nonetheless, on the available information, I am unpersuaded that any benefits associated with such works would be sufficient to outweigh the harm and conflict with the development plan I have already identified.
25. In light of the submitted Heritage Statement and my observations, the proposal would not harm the setting and significance of the nearby heritage assets.

Conclusion

26. Based on my findings in respect of the main issues, I conclude that the appeal should be dismissed.

M Aqbal

INSPECTOR