



Appeal Decision

Site visit made on 21 May 2025

by **E Worley BA (Hons) Dip EP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal Ref: APP/D1265/W/24/3352338

The Old Rectory, Church Knowle, Dorset BH20 5NG

- 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 A & N Harbury against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/07201.
 - The development proposed is the change of use of agricultural land to ancillary domestic garden/curtilage and the construction of a tennis court.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council adopted the Purbeck Local Plan (2018-2034) on 18 July 2024 (PLP) after its determination of the planning application. The new local plan has superseded the policies of the previous Purbeck Local Plan Part 1, adopted November 2012. In these circumstances, I am required to determine the appeal against the current development plan for the area at the time of my decision. My attention is drawn by the Council to several policies therein, including Policy V1 of the PLP, which supersedes Policy CO of the Purbeck Local Plan Part 1, adopted November 2012, referred to in the refusal reason.

Main Issue

3. The main issue is whether the proposed development would be in a suitable location, with particular regard to its effect on the character and appearance of the area, including the Dorset National Landscape and the development plan.

Reasons

4. The appeal site comprises part of a larger parcel of land, located beyond the main built-up form of the village. Despite its position close to the rear boundary of the residential property known as The Rectory, due to the length of the garden, it is some distance from the dwelling itself. The site is separated from the generous formal lawned garden area of The Rectory by a boundary hedge and timber field gate. At the time of my site visit the land was being used for the grazing of sheep.
5. The surrounding area is distinctly rural in terms of character and appearance, by virtue of the form of the existing buildings at the site and on the adjoining land, together with the neighbouring open fields, hedges and trees, and the long-distance views outwards towards the undulating countryside. Due to its detachment from the host dwelling, and largely open and undeveloped nature of the agricultural land, the

appeal site reflects the rural character and appearance of the surrounding countryside.

6. The site is within the Dorset National Landscape (NL). The National Planning Policy Framework (the Framework) attaches great weight to conserving and enhancing landscape and scenic beauty in National Landscapes. The Levelling-up and Regeneration Act 2023 (LURA) places a duty upon me to seek to further the statutory purposes of conserving and enhancing the natural beauty of the NL.
7. The site falls within the Corfe Valley character area, which comprises a patchwork of small regular intimate pastures with dense hedgerows and small broadleaved woodlands of oak and hazel, small scattered nucleated villages and farmsteads with adjacent paddocks and piecemeal enclosures and dense small broadleaved woodlands. The nature and appearance of the appeal site and its surroundings accord with these characteristics. As such, it contributes positively to the landscape, scenic, and natural beauty of the NL.
8. The appeal proposal would see the change of use of land from agricultural use and the construction of an all-weather tennis court enclosed by chain link fencing. The submitted Proposed Site Layout Plan shows it would be constructed using a permeable green asphalt surface and green chain link fence on angled posts. Despite the colour and finish of the materials to be used, and the continued use of the surrounding land as pasture, the proposed development would nonetheless introduce an artificial structure comprising hard surfacing and fencing, which would appear as an anomalous entity, when compared to the current pastureland, using materials which would be at odds with the rural context and would not be sympathetic to the natural beauty of the area.
9. I recognise that the effects would be localised, particularly given that views of the tennis court from local vantage points, including from the public rights of way, would be limited to glimpsed views restricted by existing trees and boundary hedgerows. It would also be largely seen in the immediate context of rising land and mature landscaping, and against the backdrop of the nearby agricultural buildings and mature vegetation. Moreover, conditions could be imposed regarding materials to be used and to restrict lighting and the provision of planting, including the reinstatement of the historic hedgerow. However, even if the development may not be readily visually perceptible, that alone would not make the development acceptable or mitigate the adverse effects on the character and appearance of the site or the natural beauty of the area.
10. The appellants' Landscape and Visual Appraisal concludes that, due to the well screened and modest nature of the proposal, the proposals effect on the landscape and visual character of the area would be modest and not considered to be 'substantial' (adverse). Nonetheless, this would not overcome the harm I have identified in terms of the prevailing character and appearance of the area, having regard to the undeveloped qualities of the site and the surrounding rural landscape of the NL. Moreover, notwithstanding the localised effect of the proposal, I am mindful the Framework requires great weight to be given to conserving and enhancing landscape and scenic beauty in NLs
11. Consequently, taking the above factors into account, I therefore conclude that the proposed development would harm the character and appearance of the area and fail to conserve and enhance the landscape and would harm the scenic beauty of

the NL. The proposal would also fail to further the purpose of conserving or enhancing the natural beauty of the NL as required by the LURA.

12. In that regard it would conflict with Policy E1 of the PLP, which sets out that development in the NL will be permitted where it would conserve and enhance the natural beauty of the area and the expectation in Policy E12 of the PLP that proposals for development should demonstrate a high quality of design that positively integrates with its surroundings. In addition, the proposal would fail to accord with the aims of Policy V1 of the PLP which support high quality small scale development, on small sites adjoining settlement boundaries of other villages with a settlement boundary, where the development does not harm the character and value of any landscape.

Other Matters

13. I note that the field in which the tennis court would sit is used to host the Parish Fair, which it is suggested the provision of the proposed tennis court would complement. However, there is no compelling evidence that the tennis court would be integral to the event or that the absence of the facility would have any direct effect upon the revenue generated from it. Moreover, while the Parish Fair is a community event, based on the evidence before me, the tennis court would be located on land proposed to form part of the garden to The Old Rectory and would be used primarily for the personal enjoyment of the appellant.
14. While the Framework recognises the importance of access to opportunities for sport and physical activity in relation to health and well-being, the proposal in this case would be mainly for private use by the appellants and as such, any benefit in that regard would be limited. Furthermore, there is no clear evidence that the appeal proposal would be the only means by which the appellants could engage in outdoor sporting activities.
15. It is suggested by the appellant that alternative siting of the tennis court within the garden would not be practical due to the presence of mature trees and proximity to the listed building. Nonetheless, it has not been shown that the appeal proposal is the only way by which the proposal could be achieved. Moreover, even if the re-instatement of a grass tennis court within the garden of The Old Rectory could take place without planning permission, it would have a different effect in terms of the character and appearance of the area and NL and is therefore not comparable to the appeal scheme.
16. Whether or not the appeal site historically formed part of the garden of The Old Rectory, is not a matter for consideration as part of the appeal.
17. My attention is drawn by the appellants to several other examples of planning permissions granted by the Council, and at appeal, that they consider are relevant to the appeal proposal¹. However, it would appear that these schemes differ from the appeal proposal in terms of site context, particularly the presence of nearby development, other than agricultural buildings. While the tennis courts were located beyond the garden areas, they were nonetheless adjacent to existing development, including a manege and solar panels. Indeed, the Inspector in the appeal case found that, while the tennis court would contrast with the natural landform, given that it would be viewed alongside the manege, it would not appear as an alien

¹ LPA Refs: WD/D/20/000954, WD/D/15/001620 and WD/D/18/002110

feature. In addition, the proposed tennis courts at Meadow Cottage², Higher Barrowfield Farm³ Moorfields House⁴ and Buckthorne House⁵ appear to have a different relationship with the existing built form than the appeal proposal, and therefore effect on the character and appearance of the area and the NL.

18. Consequently, from the evidence before me, the effects of the proposed development in those cases were different to that of the appeal site before me now. As such, they do not appear to be directly comparable, and the weight to be attached to these is limited. Moreover, a number of these decisions are of some age and were therefore made in a different policy context, they also pre-date the LURA.
19. The Old Rectory is a Grade II listed building. The Council is of the view that, by virtue of the distance between it and the appeal site, the proposal would preserve the setting of the listed building. Based on the evidence before me and my own observations on site, I can see no reason to reach a different conclusion. The absence of harm in this regard, is a neutral matter and would not weigh in favour of the proposal. Furthermore, the absence of objection from interested parties would not render the scheme acceptable.
20. I note that the application was a resubmission of a previous scheme which sought to address the Council's concerns and was submitted after the Council provided positive pre-application advice. However, pre-application advice is the informal opinion of an officer, which is not binding on the Council, and does not prejudice any decision the Council might make subsequently. I have therefore determined the appeal on the planning merits of the case.

Conclusion

21. For the reasons set out above, the proposal would conflict with the development plan taken as a whole. Material considerations have not been shown to carry sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

E Worley

INSPECTOR

² LPA Ref: WD/D/14/001856

³ LPA Ref: 1/D/13/001390

⁴ LPA Ref: 1/D/13/000585

⁵ LPA Ref: 6/94/154/F