



Appeal Decisions

Site visit made on 13 August 2025

by **Simon Hand MA**

an Inspector appointed by the Secretary of State

Decision date: 20th August 2025

Appeal A Ref: APP/D1265/C/24/3342177

Land West of Garston Farm, Fleet Road, Fleet, Dorset, DT3 4DJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by CD Read Building Services Ltd against an enforcement notice issued by Dorset Council.
 - The notice was issued on 8 March 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the material change of use of the land from agricultural use to Mixed use, including the storage of machinery and other items not associated with agricultural use. Without planning permission, the Unlawful Development of land, that being the construction of a lean to attached to a metal storage container, as well as the installation of industrial styles gates and posts.
 - The requirements of the notice are: (i) Stop using any part of the land as storage for non-agricultural machinery. (ii) Remove from the land all vehicles and equipment not associated with the agricultural upkeep of the land. (iii) Remove from the land the container and lean to structure. (iv) Remove from the land the industrial gates at the entrance to the land, including the posts and any fixtures or fittings.
 - The period for compliance with the requirements is: 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f), (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/D1265/W/24/3338314

Land West of Garston Farm, Fleet Road, Fleet, Dorset, DT3 4DJ

- 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 C Read against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/03430.
 - The development proposed is Retention of building for storage.
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Decisions

Appeal A – 3342177

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B - 3338314

2. The appeal is dismissed.

Preliminary Matters

3. The history of the use of the site is instructive for the outcome of the appeal. The appellants would seem to be a local builder who bought the plot of land in about 2020. According to the Council it was being used essentially as a builder's yard,

although the appellant denies this. In 2022 an appeal for a dwelling on the site was refused and at that time it was being mostly used as a small holding with chicken coops, polytunnels, hurdles etc. There was also a shipping container with a lean-to attached being used for a mixture of storage, some related to the small holding some not. Third parties are clear that the buildings and site have been used for storing building equipment.

4. Also, when the land was purchased large metal gates were installed which have definitely fuelled suspicions that the use is not agricultural as they do look like the sort of gates more commonly found on builder's yards and the like. The Council refused permission to retain the shipping container and lean-to as there was no evidence such a small, small-holding required such a large storage area. They then issued the notice subject to this appeal.

Reasons

5. The allegation is a mixed use of agriculture and storage of machinery for non-agricultural uses and also the erection of the storage buildings and the gates. At the time of my site visit the land was being used almost exclusively for rearing of chickens, geese, a few pigs and goats. The lean-to was used for storing hay and straw, but I could not see inside the shipping container. In a corner of the field was an area that was being used for storing materials, rubble and builder's waste.
6. Although the evidence for what the land was used for is fairly scanty, I have no reason to disbelieve the contention that the land has been in a mixed use in the past, and slight remains of that use persist today. The ground (a) appeal is for that mixed use, although the appellant denies it has occurred. He says the machinery was needed for agricultural work on the site and another field owned at Putton. However that field has only be used for occasional camping under the 28-day rule. No particular agricultural uses seem to be going on. The appellant also argues he is looking to expand his agricultural activities and will need to retain the storage for that reason. There is no evidence for that expansion or what activities would take place.
7. No argument has been put forward that a mixed use would be appropriate on the site, the appellant's arguments relate mostly to the storage units and that they are needed for agricultural purposes. I am not convinced by those arguments so the second question is what harm do the storage units and gates cause.
8. The site is a small field on the edge of the village of Chickerell, in a corner formed by a 'T' junction of roads where Fleet Road meets the B3157. To the north of the B road is the built-up area of the village while development is rather more scattered to the south of the B road (that is to the east of the site). To the west and south are open fields. The site is very much at a transitional point between the rural and urban and as such is sensitive to change. Furthermore, Fleet Road is an approach to the Fleet House estate, now Moonfleet Manor. A pair of listed gate pillars flank the road right next to the entrance to the site. English Heritage point out that they mark the edge of public and private land, the rural and the urban. The large metal gates of the site in particular are in harsh contrast to the rural setting of the pillars. The site also lies within the Heritage Coast designation and the fact that it lies inland from the coast is irrelevant.
9. The shipping container is an entirely functional unit and the lean-to sits awkwardly against it. Neither appear to be the sort of features one would expect in thus rural

location. The metal gates are particularly out of scale, especially for a small-holding. It is difficult to understand what prompted their construction if the land was going to be used to rear chickens and geese? I agree with the Council that they dominate the listed pillars and cause less than substantial harm to their setting. Taken with the storage units they harm the character and appearance of the area. This is contrary to ENV1¹ which seeks to protect the landscape of the Heritage Coast and ENV 10 as they do not contribute positively to the townscape setting. They also cause less than substantial harm to the setting of the listed gate pillars and there no offsetting public benefits. For these reasons planning permission should not be granted for a mixed use on the site, the storage units or the gates.

10. There is a separate s78 appeal just for the storage units. However, for the reasons given above I do not consider they are appropriate in this sensitive rural setting and I am not convinced they are necessary given the very low key nature of the use of the land.

Conclusion

11. I shall uphold the notice and refuse planning permission for the matters alleged as well as dismissing the s78 planning appeal.

Simon Hand

INSPECTOR

¹ West Dorest, Weymouth & Portland Local Plan 2015