



Appeal Decision

Site visit made on 27 August 2025

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

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/D1265/W/24/3355836

21 Hillside Road, Corfe Mullen, Dorset BH21 3SA

- 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 Mrs Jemma Monks against the decision of Dorset Council.
 - The application Ref is P/FUL/2024/01267.
 - The development proposed is the demolition of existing dwelling and erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - the effect of the proposed development on European sites; and
 - whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations and if so, whether this would amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not the development would be inappropriate development

3. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The Framework states that development in the Green Belt is inappropriate unless specific exceptions apply. One such exception is the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.
4. The existing dwelling is a detached 4 bedroom chalet bungalow with a detached outbuilding. Excluding the existing extensions, the Council indicate that it has a gross external area (GEA) of 83m², which is not disputed by the appellant, with a gross internal area (GIA), taking account of the first floor accommodation, of

132m². The appeal proposal seeks to replace the existing dwelling with a bungalow, comprising 5 bedrooms and an attached single bedroom annexe, which would have a GEA of 300m² and a GIA which is more than double that of the original building, of approximately 272m². The proposed dwelling would therefore be significantly larger in footprint and overall volume than the original dwelling. Consequently, the proposed replacement dwelling would be materially larger than the dwelling it would replace, and thus the exception outlined at paragraph 154 of the Framework would not apply.

5. in light of the above considerations the proposal would therefore be inappropriate development in the Green Belt and would thus fail to accord with the provisions of the Framework. Substantial weight is to be attached to the harm to the Green Belt, by reason of inappropriateness.

Openness

6. The appeal property is a modest detached chalet bungalow, and I have already concluded that the proposed dwelling would be greater in size, having regard to footprint and volume. Despite the reduced ridge height of the proposed dwelling, it would be considerably greater in width and depth than the original dwelling. By virtue of the greater overall bulk the proposal would be harmful to the openness of the Green Belt in spatial terms. Furthermore, the increase in overall size of the dwelling, and its position closer to the road, while it may not appear as an unduly dominant feature in the street scene, would undoubtedly increase the visual perception of the dwelling when viewed from the highway to the front of the site, compared to the existing situation. The size of the plot in relation to the footprint of the replacement dwelling, and remaining space between the building and the site boundaries, would not diminish these effects.
7. For the foregoing reasons, the proposal would inevitably give rise to a loss of openness of the Green Belt, both in spatial and visual terms than the existing development. This harm to the openness of the Green Belt is to be given substantial weight.

European sites

8. The appeal site is within 400m of the Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Dorset Heathlands Ramsar Site (Dorset Heathlands) where additional residential development is likely to have a significant effect upon the protected heathlands, either alone or in combination with other proposals. The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document, adopted April 2020 (SPD) sets out the Council's strategy to avoid and mitigate the impact of new residential development upon the Dorset Heathlands. However, the SPD is clear that ancillary residential accommodation forming part of an existing building in C3 Use Class to provide independent living where there is no net increase in functional dwelling units, i.e. granny annexes is permitted in this location, without the need for mitigation.
9. The appeal submissions indicate that, notwithstanding its separate external entrance and absence of an internal connection, the proposed annexe accommodation, while providing self-contained living space, would be occupied as ancillary accommodation to the main dwelling, to provide overnight accommodation for a carer, and not as a separate dwelling.

10. My attention is drawn to saved Policy HODEV4 of the East Dorset Local Plan, adopted January 2002 (EDLP) which sets out that extensions to existing dwellings to provide semi-self contained accommodation will be permitted where a separate dwelling would not be acceptable, subject to, among other things, its dependence on the existing dwelling is established by physical arrangements. Notwithstanding the functional relationship with the main dwelling, given the lack of an internal link between the main dwelling and the annexe, dependence on the existing dwelling would not be established by physical arrangements.
11. I note the appellant's willingness to enter into a legal agreement to secure the occupation of the annexe for purposes ancillary to the main dwelling, which it is suggested, in combination with a suitable planning condition, would satisfy the requirements of Policy HODEV4 of the EDLP. Nevertheless, there is no substantive reason why either would be necessary, given the description of the development for a single dwelling. Furthermore, any change of use to create a separate dwelling would require a further grant of planning permission.
12. I am mindful of the concern has been expressed by Natural England that the annexe would function (or there will be a significantly increased risk) as an additional residential unit. Nonetheless, there is no compelling evidence that the accommodation would be used otherwise than part and parcel of the main dwellinghouse. As such, based on the evidence before me, the proposal would not give rise to a net gain in residential dwellings at the site, and as such, would not have an adverse effect on the integrity of the Dorset Heathlands through the provision of an additional dwelling.
13. Thus, while the proposal for a replacement dwelling would not strictly accord with Policy HODEV4 of the EDLP, I am satisfied that it would not comprise a separate dwelling. Accordingly, it would not conflict with the aims of Policy ME2 of the Christchurch and East Dorset Local Plan- Part 1 - Core Strategy, adopted April 2014, which seek to protect the Dorset Heathlands.

Other Considerations

14. The existing dwelling benefits from a lawful development certificate (LDC) for single storey side and rear extensions, a porch and an outbuilding, which the appellant outlines, amount to a total additional GEA of 222m². Having regard to the extensions to the dwelling, which would result in a dwelling with a GEA of 197m², the replacement dwelling would represent a 52% increase in GEA. However, when taking account of the outbuilding, which comprises an additional 128m² GEA, the appellant contends that the LDC overall would represent a total of 325m² GEA, which would be above the proposed 300m² GEA of the proposed replacement dwelling.
15. In addition, prior approval for an alternative single storey rear extension, which would project 8m beyond the rear wall of the original dwelling house, comprising 112 m² of GEA, was also granted by the Council. The appeal submissions indicate that the combined extensions which form part of the LDC and prior approval, excluding the outbuilding, would result in a dwelling with a GEA of 253m², whereby the replacement dwelling would represent an 18% increase in GEA. The appellant asserts the proposed dwelling would therefore not be materially larger than this fallback position. Moreover, when taking account of the LDC outbuilding, the resulting GEA would be 381m², greater than the GEA of the proposed replacement

dwelling. The appellant suggests this fallback position would have a greater impact on the openness of the Green Belt than the replacement dwelling through the increased footprint, across 2 separate buildings, than the resulting GEA of the proposed replacement dwelling.

16. While the appellant suggests these additions would result in a dwelling of a somewhat piecemeal design, I have no reason to believe that they would not be constructed if the appeal were dismissed. However, there is no mechanism before me to prevent the outbuilding, which is the subject of the LDC, being implemented in addition to the appeal proposal. In which case, the combined GEA of the proposed replacement dwelling, in addition to the outbuilding, would result in a GEA above the replacement dwelling and greater than that of the hybrid fallback position.
17. A planning condition to remove permitted development rights to prevent the construction of the outbuilding would only come into effect once the appeal development was begun, therefore the outbuilding could be constructed first. Furthermore, there is no evidence to suggest that, should the appeal be allowed, it would reduce the likelihood of the certificate of lawfulness development being carried out. If implemented, the LDC outbuilding, in addition to the replacement dwelling, would be more harmful to the openness of the Green Belt. Therefore, even if the proposed replacement dwelling itself may not be materially larger than the totality of the other development that could be carried out at the site in terms of GEA, I afford very limited weight to the suggested fallback position as I am unable to ensure sufficient control over the site through any permission I may grant.
18. The appellant suggests that the appeal proposal would offer benefits in terms of design, which would be more comprehensive than that of the combined LDC and prior approval fallback extensions to the existing property. However, there is no compelling evidence that the design of the lawful development which could be carried out at the site would give rise to harm to the character and appearance of the host dwelling or the area.
19. The appeal submissions explain the need for the replacement dwelling as proposed, which would provide accessible living space at ground floor level, including bathrooms and bedrooms and level access to the outdoor space, as members of the appellant's family have significantly reduced mobility. The appeal proposal would also include annexe accommodation, required to provide periodic additional onsite care to meet the health care needs of the applicant's children.
20. In exercising my function on behalf of a public authority, I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010 (the Act) which sets out the need to eliminate unlawful discrimination, harassment, and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. The Act sets out the relevant protected characteristics which include disability and age. The effect of not granting planning permission may result in the appellant having to move elsewhere, my decision therefore has the potential to affect persons with one or more protected characteristics having regard to the Act.
21. I understand that the existing accommodation may be impractical for less mobile occupiers of the property, given it includes first floor accommodation, and may lack suitable facilities for overnight carers. However, while I am mindful of the needs of

the appellant's family, including children, there is no substantive evidence before me that the proposal is the only means of meeting their needs or that it would be the minimum necessary, solely to meet the need. In light of these considerations, and in the absence of any clear justification, I give moderate weight to the benefits associated with the personal circumstances of the appellant's family.

22. The proposal may be compliant with various other provisions of the development plan, including those relating to design, heritage issues, highway safety, trees, flooding, the character and appearance of the area and living conditions of the occupiers of neighbouring properties. However, the absence of harm, or conflict with other policies are normal expectations of well-designed development and therefore of neutral weight.
23. While I note the appellant's concern regarding the position of the Parish Council, I have determined the appeal based on the planning merits of the case and the evidence before me.

Green Belt Balance

24. The appeal scheme would be inappropriate development in the Green Belt which is harmful by definition and should not be approved except in very special circumstances. The Framework confirms that such circumstances only exist where the harm by reason of inappropriateness and any other harm is clearly outweighed by other considerations. As well as harm by reason of inappropriateness, the development would cause harm through loss of openness of the Green Belt, which the Framework indicates should be given substantial weight.
25. Having had regard to all other matters, I conclude that, on balance, the substantial weight to be given to Green Belt harm, is not clearly outweighed by other considerations in this case that would clearly outweigh the harm that would arise by reason of inappropriateness and harm to Green Belt openness. Consequently, the very special circumstances required to justify the proposal do not exist and it would conflict with the Framework.
26. Furthermore, having regard to the Act, the decision to dismiss the appeal is proportionate and necessary, given the harm arising from the appeal proposal would outweigh its benefits in terms of eliminating discrimination against persons with a protected characteristic, advancing equality of opportunity for those persons and fostering good relations between them and others.

Other Matter

27. An Ecological Assessment Report to address the Council's third refusal reason was submitted by the appellant during the appeal process. The Certificate of Approval, subsequently issued by the Council's Natural Environment Team, appears to indicate the Council's acceptance of the information. However, as I have found the development to be unacceptable for the reasons given, it is not necessary for me to consider this issue in any detail.

Conclusion

28. For the reasons given above the appeal should be dismissed.

E Worley INSPECTOR