



Appeal Decision

Site visit made on 5 November 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 December 2025

Appeal Ref: APP/D1265/W/25/3369094

Jubilee Farm, Burts Lane, Horton, Dorset BH21 7JX

- 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 G Revell against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/00104.
 - The development proposed is described as change of use of four buildings and yard to a mixed B2 and B8 use.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr G Revell against the decision of Dorset Council. This application is subject to a separate decision.

Preliminary Matters

3. The Government launched a consultation on reforms to the National Planning Policy Framework (the Framework) in December 2025, but as the proposals are still subject to change, they carry little weight. Accordingly, the decision was made with reference to the December 2024 version of the Framework.
4. I have removed words not related to acts of development from the banner heading above for clarity.
5. The application form states that the application is retrospective. Based upon my site visit and on the evidence before me, I have considered the appeal on the basis that the development has already taken place as did the Council.

Main Issues

6. The main issues are:
 - whether the proposed development would be inappropriate development in the Green Belt including its effect on openness, having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - whether the appeal site is a suitable location for the development regarding accessibility; and
 - whether any 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 required to justify the proposal.

Reasons

Inappropriate Development

7. The appeal site comprises a parcel of land including a number of buildings. Part of the appeal site benefits from a Lawful Development Certificate for approximately a third of the site which includes buildings C&D as shown on the site plan. The lawful use is for a Plant Hire Yard and a Demolitions Contractors Yard together with ancillary office accommodation and parking of vehicles.
8. Given the above, in my planning judgement, the use of Buildings C and D is lawful and I have no reason to disagree. Thereby they have the potential to benefit from an exemption to Green Belt Policy under paragraph 154(h)(iv) of the Framework.
9. Regarding the remaining land of the appeal site, including buildings A and B on the site plan, the appellant outlines that following the LDC the demolition business was moved into building B and building A (along with buildings C and D) were rented out to third party companies under Classes B2 and B8 of the Use Class Order.
10. There is limited substantive evidence before me to demonstrate that buildings A and B have been used for commercial purposes since 2009. However, paragraph 154(h)(iv) of the Framework does not prevent the conversion of agricultural buildings.
11. Moreover, paragraph 154(h)(iv) of the Framework outlines that provided they preserve the openness of the Green Belt, the re-use of buildings as long as the buildings are of permanent and substantial construction are not inappropriate development. This is further echoed by Policy PC4 of the of the Christchurch and East Dorset Local Plan Part 1-Core Strategy 2014 (the CS).
12. Whilst the Council contends that Building A has undergone some changes between 2009-2012, it outlines that the exact nature is not confirmed. Nevertheless, given that these changes would date around 13 years ago, in my planning judgement, these changes would be considered lawful.
13. Notwithstanding this, it is also highlighted in the evidence before me that Building B on the site has been replaced, by a large building post May 2020.
14. It is tacit in paragraph 154(h)(iv) of the Framework that the re-use of a building equates to lawful buildings, insofar as there is a presumption that the building would remain. Consequently, it remains that whilst Building B may have been in existence for more than four years, it has not been adequately demonstrated in the evidence before me that this was lawful. Consequently, in my planning judgement, there is sufficient doubt regarding whether Building B is lawful. Therefore, the appeal scheme does not benefit from the exception outlined in paragraph 154(h)(iv).
15. Planning Practice Guidance (PPG) sets out factors that can be taken into account when considering the openness of the Green Belt. It outlines that the openness of the Green Belt includes but is not limited to both spatial and visual aspects, duration and remediability and degree of activity¹.

¹ Planning Practice Guidance Paragraph 013: Reference ID: 64-013-20250225

16. Considering the above, and in particular the limited substantive evidence before me to demonstrate changes to Building B were lawful, in my planning judgement, the appeal scheme results in an increase in built form and associated activities. The appeal site is set back from the public highway and is viewed in context of the buildings and land which benefit from the LDC for the Plant Hire Yard and a Demolitions Contractors Yard together with ancillary office accommodation and parking of vehicles. Nevertheless, given the site-specific context, the appeal development does increase the built form and would result in harm to the visual and spatial aspects of the Green Belt, albeit to my mind, limited.
17. Regarding the associated activities of the site, there is limited substantive evidence before me to adequately demonstrate that the appeal scheme does not result in a harmful increase in traffic generation, especially when compared to an agricultural use. I acknowledge that vehicles associated with an agricultural use could result in movements throughout the day and night as well as benefit from unrestricted outside storage. However, this is to be expected in a rural area. The appeal scheme results in a more general industrial and storage use and thus the traffic generation associated with the uses, to my mind, likely increase the degree of activity surrounding the site.
18. Nevertheless, considering the extant LDC and the fallback position of agricultural use and associated activities, the harm by way of degree of activity and traffic generation would, in my planning judgement, result in limited harm to this aspect of openness of the Green Belt.
19. In conclusion, the Framework states that substantial weight is given to any harm to the Green Belt including harm to its openness. Therefore, based on the evidence before me, the harm I have identified to the openness of the Green Belt and on the balance of probabilities, the appeal scheme does not benefit from the exemption outlined in paragraph 154(h)(iv) of the Framework. Accordingly, the appeal scheme results in inappropriate development in the Green Belt. Consequently, the appeal scheme conflicts with Policy PC4 of the CS and the Framework insofar as they seek to ensure development in the Green Belt is not inappropriate.
20. The appellant has referred to Policy GB4 however, this is not a policy contained within the CS and nor is it a saved policy. It therefore is not determinative for this case.

Suitable Location

21. The appeal site is located in a predominantly rural location and is located outside of any defined settlement boundary. Consequently, for planning purposes it is considered to be in the open countryside.
22. Policy KS11 of the CS outlines that developments should reduce the need to travel and that development will be permitted where mitigation is provided against the negative transport impacts which may arise from that development or cumulatively with other proposals.
23. I have identified above that there are elements of the appeal site which benefit from an LDC as well as land adjacent to it. However, there is limited substantive evidence before me to adequately demonstrate the number and frequency of vehicle trips associated with the lawful uses on the site because Buildings A and B would likely generate additional trips. Therefore, I cannot be certain that the appeal

scheme does not exacerbate the number and frequency of these trips to an unacceptable level given its rural location.

24. Furthermore, given its rural location it is likely that any employees associated with the appeal scheme are relatively reliant upon private motor vehicles. Thus, whilst agricultural activities do result in a level of traffic generation, it remains to my mind, that there is limited substantive evidence to adequately demonstrate that the appeal scheme does not result in unacceptable levels of traffic generation due to its rural location.
25. In conclusion, based on the evidence before me, the appeal site is not a suitable location for the appeal scheme and would conflict with Policies KS2, HE3, PC4 and KS11 of the CS. These policies seek, amongst other things, to ensure developments are suitably located and do not harm the amenity and enjoyment of the countryside through traffic generation.

Other Considerations and Very Special Circumstances

26. The appellant refers to the ability to condition the appeal scheme which in turn could provide the Council greater control over the appeal site. Whilst this may be the case, given that it has not been shown to a sufficient degree that Building B is lawful, it remains that the exemption outlined in paragraph 154(h)(iv) cannot be engaged.
27. The appeal scheme likely provides economic benefits however there is limited evidence before me to adequately demonstrate to what extent. Consequently, to my mind, I afford it limited weight.
28. The appeal scheme would be inappropriate development in the Green Belt. Paragraph 153 of the Framework advises that substantial weight is given to any harm to the Green Belt, including harm to its openness. It also indicates that inappropriate development is by definition harmful and should not be approved except in 'very special circumstances'. These will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal is clearly outweighed by other considerations.
29. The appellant has not adequately demonstrated that there are any very special circumstances. In addition, the proposal would cause harm to the character and appearance of the surrounding area. Therefore, the very special circumstances necessary to justify the appeal scheme do not exist.

Conclusion

30. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR