



Appeal Decision

Site visit made on 2 February 2026

by Robin Buchanan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date 02 March 2026

Appeal Ref: APP/D1265/C/24/3338334

Brightfields Farm, Priors Corner, Horton, Dorset BH21 7EX

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended (the Act).
- The appeal is made by Mr M White against an enforcement notice issued by Dorset Council.
- The notice was issued on 8 January 2024.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of open agricultural land to storage of building materials, hot tubs, containers & machinery not associated with the agricultural use of the Land. The unauthorised erection of a temporary storage building with hardstanding base and additional hardstanding track.
- The requirements of the notice are to permanently:
 - 1 Cease to use the Land for any purpose other than agriculture;
 - 2 Cease to use the Land for storage, including the stationing of container(s) and tenting to aid storage;
 - 3 Cease to use the Land for the parking of machinery not connected to agricultural use;
 - 4 Dismantle the concrete slab identified on the map hatched in pink;
 - 5 Dismantle the trackway leading to the concrete slab identified on the map hatched in green;
 - 6 Remove all building waste materials from the Land;
 - 7 Remove all materials occurring from the above works to dismantle the concrete slab and trackway from the Land;
 - 8 Make good the Land: use topsoil as appropriate and reseed the surface of ground and allow to recover.
- 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) and (g) of the Act. 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.

Summary Decision: The appeal is dismissed; the enforcement notice is varied then upheld and planning permission is refused.

Preliminary Matters

1. At the site visit, I was met by a Council officer and a Mr Alves. Mr Alves informed me that he is now the owner of the Land (since April 2024) and the residential property, Brightfields, next to it where he lives. Furthermore, that the appellant had notified him about the site visit. I carried out the site visit and have determined the appeal on this basis.
2. The development in the breach of planning control in the notice is a material change of use and discrete building or engineering operations. This development is severable, so I could consider a split decision¹.
3. The main parties were given an opportunity to make comments on the revised National Planning Policy Framework published in December 2024 and amended in February 2025 (the NPPF). No comments were received.

¹ Section 177(1) of the Act.

Ground (a)

4. Ground (a) is that planning permission ought to be granted for the material change of use of open agricultural land to storage of building materials, hot tubs, containers & machinery not associated with the agricultural use of the Land and the erection of a temporary storage building with hardstanding base and additional hardstanding track.

Main Issues

5. The main issues are:
- whether the development is inappropriate development in the Green Belt;
 - if it is, its effect on the openness and purposes of the Green Belt;
 - the effect of the development on the landscape character of the area; and
 - whether other considerations clearly outweigh harm to the Green Belt, and any other harm, so as to amount to very special circumstances required to justify the development.

Reasons

Inappropriate development

6. The Council has not advanced a development plan policy for development in the Green Belt. It relies instead on Government policy for the Green Belt in the NPPF. This sets out that development in the Green Belt is inappropriate unless a relevant exception applies. I have been referred to the exceptions at paragraphs 154(a) and 154(h)(v) as potentially relevant.
7. **Paragraph 154(a)** – The temporary storage building (the building) comprises a metal portal frame, akin to assembled scaffolding, bolted to the hardstanding base (the base), which is concrete. The frame, including an expansive curved roof profile, is covered by silver/grey fabric, open at one wide gable end. Albeit that this end can also be enclosed by the sheeting, when open, as I saw it, this structure resembles an outdoor live performance music stage or the shape of a small aircraft hangar. It contained domestic items, such as a car, motorbikes, trailer and related paraphernalia typical of a home garage and workshop or as required to maintain the Land, including a sit on tractor lawnmower. In addition, miscellaneous builders paraphernalia, such as equipment, materials or waste including floor or wall tiles, ducting and wooden planks.
8. I have not been informed that the building was designed or manufactured for agriculture or forestry use. Nor that it has been certified by a competent person as suitable or appropriate for such use. There is also little evidence it is currently used for agriculture or forestry, whether in connection with the Land or land elsewhere. As a result, on the evidence before me, it is not a building for agriculture or forestry so this exception does not apply.
9. **Paragraph 154(h)(v)** – The Land was previously in lawful agricultural use as an undeveloped field. There is little to suggest that any or all of it is used as such now, including no apparent arable or livestock activity. Albeit a snapshot, I saw that most of it has been maintained as rough grassland, likely to prevent it becoming unkempt, with a closely mown meandering pathway around and through part of it.

10. The base projects beyond the building as an open apron, strewn with other builders paraphernalia, such as a stack of bricks, a pallet of timber planks and some pipes. In addition, a shipping container with various builders materials inside, such as windows and doors, insulation panels and paint. While an inventory of such items may have changed over time, there is little to suggest other than that the underlying non-agricultural storage use of the building and the base, with associated use of the hardstanding track (the track), thus use of this part of the Land in particular, has remained broadly the same, ie domestic or commercial in nature.
11. Despite the material change in the use of the Land, there is little to suggest it is used for outdoor sport or recreation, or as a cemetery or burial ground. Nor that it is in any use similar in flavour or extent to such uses, which exclude residential uses². Consequently, this exception does not apply for this reason alone.
12. **The track** – it appears to include some pre-existing bare earth but has been formed with compacted gravel, stones or brick and concrete rubble. The main parties have not promoted any potentially relevant exception for this part of the development.
13. Taking account of all the above, I find that the development is inappropriate development in the Green Belt, contrary to the NPPF.

Openness and purposes of the Green Belt

14. The building is moderate in height to an eaves line down each side. However, the apex of the arc in the curved roof at each tall gable end is high above ground and the rectangular floorplan is wide and long. This means there is substantial internal floor area and building volume and significant external scale and massing. In overall size it is a large structure. The base (including apron) is significant in area and this thick slab rises above ground level in places. While some specific items stored on it or in the building may have changed over time, their presence adds further bulk, especially the shipping container. The track is quite narrow in places, but long, and broadens out at one end for parking and turning. Though at ground level it is extensive in area.
15. The building could likely be dismantled reasonably easily but with some necessary planning, including appropriate equipment or machinery. But it is otherwise a robust structure and there is no apparent reason why it could not have some intended permanence. Indeed, there is evidence it has now been in situ for more than three years. The base is essentially also a foundation, so intrinsically a more enduring feature on the Land. It could not easily or quickly be removed without breaking it up, also with planning and appropriate equipment or machinery. Though more casually constructed, the track would likely require periodic consolidation for longevity to facilitate convenient access for present use and activity on the Land.
16. Although next to a boundary of the Land on one side, the building and base are free-standing in their immediate surrounds with substantial innate 3-dimensional physical and visual presence, while the track has significant innate 2-dimensional presence. I have not been informed that there was any recent pre-existing building or other structure on the Land, so there is no apparent net off-set compensation or mitigation available by this means. That most of the development is 'detached and relatively hidden from the road' is of little relevance to the notion of openness.

² *RB of Kingston upon Thames v SSLUHC* [2023] EWHC 2055 (Admin)

17. As a result, the Land is intrinsically no longer open in any equivalent or comparative sense. Nor does the development safeguard this part of the Green Belt from this encroachment. Though in a small way compared to the extent of the Green Belt, the development therefore does not preserve the openness of this part of the Green Belt, thus the Green Belt overall, which is one of its essential characteristics. Nor does it maintain all five purposes of the Green Belt. Consequently, it is contrary to NPPF paragraphs 142 and 143(c).

Landscape character of the area

18. The gently undulating countryside that I saw in the vicinity of the Land is generally small to medium sized fields with mainly modest sized residential properties in sporadic linear frontages next to narrow lanes. Though not subject to any formal landscape designation, there is a distinct impression of this area as predominantly open and undeveloped with a rural, parkland feel. The nearby Horton Tower sited on a knoll adds to this impression, appearing much as a folly in this landscape. Prior to the development pursued by the notice, and albeit bordered in part by some dwellings, there is little to counter that the Land made a positive contribution to this local landscape character.
19. The building and base are sited in-depth on the Land, away from the lane, as is much of the track. This development is therefore at odds with the prevailing arrangement of built form nearby and its presence in this position erodes this otherwise open pocket of land. The design of the building is unusual and unexpected (alien) in a rural area, accentuated by its significant size and the light, almost reflective, colour of the fabric covering. The light coloured base is stark and would not be out of keeping in a commercial yard in a built-up area or a farmyard setting, neither of which apply here. But for the current use of the Land, including the building and base on it, there is little justification for the track. As a result, the development overall, including the material change of use to storage, does not reinforce the prevailing rural nature of the area.
20. Despite a line of intervening trees and hedgerow, this development can be observed as incongruous and jarring in close views from the public right of way that runs along one side of the Land next to it, as well as from the lane in the vicinity of the largely open entrance to the Land. Parts of the building can also be glimpsed from elsewhere along the lane from lower ground to the south, through gaps between dwellings. I accept that in the summer, intervening hedgerow and trees in leaf would reduce the prominence and conspicuousness of this development. But it would not alleviate innate harm and landscaping (existing or proposed) should not be thought of as a remedy to inherently unacceptable development to begin with, nor is existing planting necessarily a permanent feature.
21. Planning conditions could require the silver/grey fabric to be replaced with an 'earth colour' fabric. Also, for existing boundary trees or hedgerow to be retained (if on the Land or otherwise owned by the appellant) and external lighting restricted. However, these conditions would not overcome the fundamental objections to the development already outlined.
22. I therefore find that the development has a significant unacceptable negative impact on the landscape character of the area. As such, it is contrary to Policy HE3 of the Christchurch and East Dorset Local Plan Part 1 - Core Strategy April 2014. It

includes that development should protect and seek to enhance the landscape character of an area.

Other considerations

23. The development is not in a National Landscape, the Land is not classified as Grade 1 or 2 (excellent or very good quality) agricultural land, nor is it at risk of flooding or would the development cause flooding elsewhere and there is no apparent biodiversity impact. Even if there was also minimal traffic to and from the Land, the absence of harm in these regards is a neutral factor in my decision.
24. It is not disputed that the Council has not observed agricultural use or activity on the Land since 2019, when I am informed it was acquired by the appellant. A Planning Contravention Notice indicates that essentially the appellant carried out the development in connection with a commercial business. There is little to suggest that the development supports the rural economy, nor that it has, or would, facilitate flexible agricultural storage of any sort that assists an established agricultural use, makes an efficient use of land in agricultural use or is related in scale to any existing or proposed agricultural holding or enterprise operated by a farmer. Nor is there evidence of any firm or even likely intention for such use in the future. I therefore give little weight to these considerations.

Green Belt Balance

25. The development is inappropriate development in the Green Belt, by definition (as set out in the NPPF) harmful to the Green Belt and should not be approved except in very special circumstances. These will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. As required by the NPPF, I give substantial weight to what I consider to be significant harm to the Green Belt caused by the inappropriate development, including to its openness and a purpose of the Green Belt. The development also causes significant harm to the landscape character of the area and this adds further notable weight against granting planning permission for it.
27. Consequently, the other considerations do not, therefore, individually or collectively clearly outweigh the totality of harm. Accordingly, the very special circumstances necessary to justify the development do not exist.

Other matters

28. Given the appreciable height of Horton Tower, the Land is within the setting of this Grade II* listed building. Its significance includes a prominent, panoramic visual presence in the surrounding landscape that is hard not to notice. The development can be seen in juxtaposition and line of sight with it from the lane and the public right of way. But the development is, by this comparison, inconsequential in height, not in immediate close proximity and separated by intervening hedgerow or trees. As such, it does not overly detract from the primacy of the tower or unduly intrude into its setting, so causes no harm to, or loss of, the significance of this designated heritage asset. The neutral effect of the development on the special architectural and historic interest of Horton Tower therefore preserves the listed building and its setting³.

³ Section 66(1) - Planning (Listed Buildings and Conservation Areas) Act 1990, as amended

Planning Balance and Conclusion

29. There are no other considerations to indicate that in respect of the Green Belt, ground (a) should be determined otherwise than in accordance with the NPPF; and in respect of landscape character, the development plan taken as a whole. Given that the development is individually and collectively unacceptable, a split decision is not warranted. For the reasons given above ground (a) therefore fails.

Ground (f)

30. In essence, the appellant contends that subject to a condition the development should be retained for agricultural use and that this would amount to reasonable lesser steps. However, there is little to counter that reverting to a previous lawful agricultural use of the Land is not development and it is not, anyway, prohibited by the notice. The clear intent and purpose of the notice is to remedy the breach of planning control as set out in it, which is not directed at agricultural use, and the Council does not seek to under enforce. In these circumstances, ground (f) cannot be used to consider planning merits or to vary the requirements of the notice as a means to effectively grant planning permission for other proposed development, ie for agricultural purposes. I have also established earlier that there is little or no evidence of any apparent realistic prospect of the Land or the development being used for agricultural purposes, so this is little more than speculation in any event.
31. No other scheme has been promoted and there is no other apparent obvious alternative. Consequently, I am satisfied that the requirements of the notice are not excessive, so ground (f) fails.

Ground (g)

32. I accept that the nature and extent of parts of the development is such, that to remove it from the Land would likely require co-ordination of suitable contractors and involve a significant quantity of materials or arisings. Only then could works to make good the Land be carried out, which may require a significant quantity of imported topsoil to begin with.
33. With this in mind, I consider that the appellant's request for a period of 6 months for compliance with the requirements of the notice would be reasonable and proportionate in this case. I also take note that the Council does not object to this. I will, therefore, reflect this time period in the notice.
34. Accordingly, the 3 month period given by the notice falls short of what is reasonable, so ground (g) succeeds.

Formal Decision

35. It is directed that the enforcement notice is varied as follows:
- Part 6 time for compliance – delete '*3 months*' and replace with '*6 months*'.
36. Subject to this variation, the appeal is dismissed and the enforcement notice is upheld. Planning permission is also refused on the application deemed to have been made under section 177(5) of the Act.

Robin Buchanan
INSPECTOR