

EASTERN PLANNING COMMITTEE

Appeal Decisions

1. PURPOSE AND RECOMMENDATIONS

Purpose of Report: To inform Members of notified appeals and appeal decisions and to take them into account as a material consideration in the Planning Committee's future decisions.

Recommendations: It is **RECOMMENDED** that:
(This report is for Information)

Wards: Council-wide

3.0 APPEAL DECISIONS

3.1 Appeal Reference: APP/U1240/W/17/3171902 & 07

Planning Reference: 3/16/2300/FUL & 3/16/2301/LB

Proposal: Change of use of existing single storey agricultural building and conversion to 1no. holiday let. Erection of stable block and covered parking.

Address: New Barn Farm, Cranborne Road, Knowlton, BH21 5AE

Linked appeals at the same address:

Appeal Reference: APP/U1240/W/17/3171910

Planning Reference: 3/16/2302/FUL

Proposal: Demolition of 2 existing agricultural barns and the erection of 1 new agricultural barn

Appeal Reference: APP/U1240/W/17/3171914

Planning Reference: 3/16/2304/FUL

Proposal: Construction of New Farm Shop Building to End of Existing Agricultural Building (single storey with mezzanine)

Decision: Planning Application Appeals Dismissed
Listed Building Consent allowed

New Barn Farm lies west of the B3078 in a rural area which forms part of the Cranborne Chase and West Wiltshire Downs AONB, immediately adjacent to (and in the centre of) Knowlton Circles Complex Scheduled Ancient Monument. A number of planning permissions have been approved in recent years for alterations and extensions to the grade II listed Farmhouse and conversion of the grade II listed barns immediately to the south.

The appeals were lodged on the grounds of non-determination. Subsequently the Planning Inspectorate screened the applications as requiring an Environmental Assessment which resulted in significant delays to the appeal process.

In respect of the landscape, the Inspector judged that the proposals for the holiday let and stabling and farm shop would not result in harm to the open character of the AONB but that the proposed barn, due to its size and solid appearance would result in harm for which there was insufficient agricultural justification.

Taking account of the historical sensitivities of the site, the Inspector judged that the proposed holiday let and stables would not result in harm to the listed buildings on the site so listed building consent could be granted. He similarly assessed the barn and shop proposals as avoiding harm to the significance or setting of the listed buildings. However, the Inspector placed significant weight on the direct negative effect on buried remains of the Scheduled Monument from ground works for the proposed buildings as well as the effect of the proposed barn and, to a lesser extent, the shop on the Monument's setting. He judged that the less than substantial harm to the significance of the Scheduled Monument weighed heavily against approval and there was no public benefit which would outweigh the harm.

The Inspector judged that the farm shop would accord with planning policies for the countryside which aim to secure economic growth, but the harm to the AONB resulting from the barn and the harm to the Scheduled Monument from all three proposals led to the planning appeals being dismissed.

3.2 Appeal Reference: APP/U1240/W/18/3223134

Planning Reference: 3/18/1633/OUT

Proposal: Demolish existing bungalow and detached garage and erect a 2 storey, 30no. bedspace dementia care home (Use Class C2) with new vehicular access and parking provision.

Address: 180 Ringwood Road, Ferndown, BH22 9AP

Decision: Appeal Dismissed

Members refused the application in accordance with the officer recommendation on the grounds that the proposed Care Home development, within but on the edge of Ferndown, was incompatible with protected trees and the proximity to the adjoining Public House, the layout failed to provide functionality and a legal undertaking was required to ensure compliance with the Habitats Regulations.

The Planning Inspector determined that there was insufficient evidence that the trees would be harmed and judged that the site layout was appropriate for the lifetime of the development. He also determined that there was no 'robust evidence' in respect of likely noise disturbance on future residents, while the

proposed layout, although likely to be amended internally, demonstrated that the building could be laid out in such a way as to avoid any harmful noise impacts that might arise. Ultimately, however, he found that without a planning obligation to avoid potential significant likely effects on European Sites, the application conflicted with NPPF paragraph 175 so could not be approved.

- 3.3 Appeal Reference: APP/U1240/W/18/3217713**
Planning Reference: 3/18/1633/OUT
Proposal: Sever Land and Erect 4 x 3 Bedroom Detached Family Houses with Car Parking and Form New Drive
Address: 58 Ringwood Road, Alderholt, SP6 3DF

Decision: Appeal Dismissed

Outline permission (with landscaping a reserved matter) was refused at Committee on the basis that the site lay in countryside beyond the Alderholt village envelope, the layout was cramped and overbearing, the access would lead to highway danger and Dorset Heathland mitigation had not been secured.

The Inspector found in favour of the Council's concerns in relation to highway danger; the junction radii was too small and insufficient visibility splays were available and on this basis the appeal was dismissed.

However, in relation to character and appearance the Inspector judged that, notwithstanding the varying land levels, the houses would not appear intrusive, overbearing nor did he consider the layout to be cramped. He did not identify harm to the character and appearance of the area or neighbouring amenity.

With regards to the location of the development, the Inspector judged that the development would not result in substantive harm given its limited size and proximity to the village of Alderholt. Taking account of the lack of sufficient housing land supply, he judged that the proposal represented appropriate small scale residential development, but the harm to highway safety was a clear and demonstrable reason for the appeal to be dismissed.

- 3.4 Appeal Reference: APP/U1240/W/19/3229266**
Planning Reference: 3/18/1708/HOU
Proposal: Erect a 3.000 high timber sound attenuation fence
Address: Misty Meadows, 147 Ringwood Road, Longham, Dorset BH22 9AB

Decision: Appeal Dismissed

Misty Meadows is a detached dwelling adjacent to the A348 (Ringwood Road) Longham. In 2010 a close boarded timber fence was erected along its roadside boundary, set back a little from the highway verge. The appeal proposed the retention of a further, 3m tall timber fence forward of the existing fence, closer to the highway.

Although the appellant claimed the fence to be a replacement, the original fence is still in situ in a different position and the new fence is materially larger. Fences are not in the list of exceptions set out in Paragraph 145 of the National Planning Policy Framework (NPPF) and as such represent inappropriate development in the Green Belt.

The NPPF states that the essential characteristics of Green Belts are their openness and their permanence. The previously erected fence is of comparatively modest scale and set back into the site, which, along with gaps through the existing boundary vegetation, ensure that a limited sense of openness is maintained. The proposed fence would be taller and closer to the public realm, and this increase in prominence and scale would reduce the openness of the boundary, albeit to a modest degree. The Inspector had regard to other fences in the vicinity but considered that the significant height of the proposal would lead it to maintain a dominant and particularly utilitarian presence, incongruous within the street scene.

For these reasons the inspector concluded that the proposal would give rise to a modest loss of openness to the Green Belt and harm to the character and appearance of the area. Contrary to Policies KS3 and HE2 of the Christchurch and East Dorset Core Strategy (CS) and the NPPF

To the south of the site, along Ringwood Road is a Grade II listed building (Longham House). The building is protected from the highway by a long and substantial red brick wall, which provides a degree of commonality with the listed building, marking its presence to the public realm and, contributes positively to its setting. The fence by contrast would be notably taller than the wall, causing it to have a dominating effect.

The Inspector considered that proposal would have a harmful effect on the setting of the Grade II listed building and conflict with the heritage aims of Policy HE1 of the CS and the NPPF.

Other arguments advanced by the appellant in connection with a reduction in noise and air pollution were not considered sufficient reason to outweigh harm to the Green Belt, by reason of inappropriateness and harm to openness, the character and appearance of the area and the setting of the listed building. Consequently, the very special circumstances necessary to justify the development do not exist and the appeal was dismissed.