1. PURPOSE AND RECOMMENDATIONS

<table>
<thead>
<tr>
<th>Purpose of Report:</th>
<th>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.</th>
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<tbody>
<tr>
<td>Recommendations:</td>
<td>It is RECOMMENDED that: (This report is for Information)</td>
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<tr>
<td>Lead Member:</td>
<td>Councillor Butler - Planning</td>
</tr>
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<td>Wards:</td>
<td>Council-wide</td>
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<tr>
<td>Contact Officer:</td>
<td>Jane Lynch - Development Management Manager</td>
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3. APPEAL DECISIONS

3.1 Appeal Reference: APP/U1240/W/16/3156125

Application Reference: 3/16/0255/FUL

Address: 3 Pompeys Lane, Longham, Ferndown

Proposal: Demolition of existing and erection of a replacement dwelling

The appeal proposal involved the demolition of the existing dwelling and the erection of a replacement dwelling. The Inspector considered that the main issues in this appeal were whether or not the proposal was for inappropriate development in the Green Belt and, if the proposal was for inappropriate development in the Green Belt, whether very special circumstances existed in support of it and the effect of the proposal on the character and appearance of the area.

No. 3 Pompeys Lane is a modest single storey property in a poor state of repair. The appeal site lies within the South East Dorset Green Belt. The Inspector afforded significant weight to the fall-back position in which planning permission was granted under ref: 3/15/0211/PDE and which, if implemented, would give rise to a dwelling totalling 201 square metres, whereas the appeal proposal would result in the dwelling having a footprint of 122 square metres. He found that the proposal would not be ‘materially larger’ than the existing dwelling. In terms of the impact of the proposal upon the openness of the Green Belt, the Inspector considered that the proposal would result in no greater material impact on the openness. He concluded that the proposal did not represent inappropriate development in the Green Belt in line with the approach in the Framework.
Given the particular surrounding context of the appeal site the Inspector concluded that the proposal would not have an unacceptable effect on the character and appearance of the area.

The appeal was therefore allowed with conditions imposed.

**Cost Application:**

An application for a full award of costs was submitted by the appellant’s agent on the grounds that the Council had failed to substantiate its reasons for refusal in two principal respects. The first is an alleged failure to give due weight to the current nature of the appeal site and to the benefits of the proposal in providing improved accommodation, and the second is that the Council failed to take appropriate account of the existence of a fall-back position (being development permitted via permission Ref 3/15/0211/PDE). However, having taken account of all other matters raised, the Inspector came to the view that unreasonable behaviour resulting in unnecessary expense had not been demonstrated, and concluded that with reference to the approach in the Guidance that an award of costs was not justified in this instance.

The application for an award of costs was therefore refused.

### 3.2 Appeal Reference: APP/TPO/U1240/5073

**Address:** 4 Fairways, Ferndown

**Proposal:** Fell two Monterey Pine

The appeal followed the refusal by the Council to fell two Monterey Pines in the rear garden of 4 Fairways, Ferndown. The application was the third that had been received in the few months since the owners had bought the property. Fairways consists of bungalows in fairly spacious plots: number 4 is at the northern end of Fairways near Turbary Road. The two Monterey Pines grow close together in the rear garden and form a single canopy. The applicant claimed that the trees should be felled because:

- removal of trees to the rear has resulted in the trees being more prone to failure from northerly winds, especially as they have asymmetrical crowns leaning towards the property;
- recent development on a property to the rear had resulted in damage to the root systems; and
- the trees are suffering from Red Band Needle Blight which reduces their ability to photosynthesise.

The amenity value of the trees is not in dispute; the trees make a substantial and positive contribution to the character of the surrounding area and are visible from Fairways, Turbary Road and Ringwood Road. The Inspector was not convinced that the evidence produced by the appellant was sufficient justification, either singly or cumulatively, to over-ride the
amenity value of the trees, nor did the trees show significant signs of decline or loss of vitality such that their removal was justified.

The appeal was dismissed.

3.3 **Appeal Reference:** APP/U1240/W/16/3155041

**Address:** Hollygrove Farm, Verwood Road, St Leonards

**Proposal:** Re-use of the land previously used as electrical testing area as car parking.

This appeal was made under section 78 of the Town and Country Planning Act 1990 as amended, against a failure to determine this application. Although no formal determination was made, the Council made clear in their statement that the intention was to refuse the application.

The main issues were whether or not the proposal is for inappropriate development in the Green Belt, and whether or not harm to the Green Belt is clearly outweighed by other considerations.

The Inspector considered that the proposal would result in a substantial increase in the use of the site, resulting in a significant detrimental physical and visual impact on openness, and therefore conflict with the policies of the Core Strategy and NPPF.

The Inspector did not consider that there were any special circumstances which would outweigh the significant harm which would result from the proposal.

The appeal was dismissed.