

1.0 Application Number: WD/D/19/002390

Site address: MULBERRY HOUSE, ROMAN ROAD, OSMINGTON, WEYMOUTH, DT3 6ER

Proposal: Erect 1 No. dwelling (part retrospective)

Applicant name: Mr and Mrs Snow

Case Officer: Hamish Laird

Ward Member(s): Cllr Nick Ireland

https://planning.dorset.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_139632

NOTE: The application is brought before the Planning Committee for decision because one of the applicants is a member of staff in accordance with the Scheme of Delegation.

2.0 Summary of Recommendation: GRANT subject to conditions

3.0 Reason for the recommendation:

- The application is one dwelling to be occupied as holiday let accommodation following the grant of planning permission Ref: WD/D/18/000030.
- The design, layout, scale, mass, appearance access and materials are acceptable.
- There is no significant harm to neighbouring residential amenity, nor to the character and appearance of the surroundings and AONB.
- There are no material considerations which would warrant refusal of this application

4.0 Table of key planning issues

Issue	Conclusion
Principle of development	Is acceptable – proposal is for one dwelling to be occupied as holiday let accommodation following the grant of planning permission Ref: WD/D/18/000030.
Scale, design, impact on character and appearance	Access, Appearance, Landscaping, Layout, and Scale as per the submitted drawings are acceptable.
Impact on amenity	No impact on residential neighbours amenities.
Impact on landscape or heritage assets	Site lies in the Dorset AONB and outside DDB for Osmington. It is well-screened by existing buildings, by topography of the site; and, the

	boundary tree screen with Roman Road. The development will have no materially adverse visual impact on the character of the area and the AONB.
Economic benefits	The development phase will provide employment and post development there will be financial benefit in the local community through, holiday let income, the use of local services and payment of Council Tax.
Access and Parking	Existing access to be used – no highway objections
EIA (if relevant)	N/A
Other issues	None

5.0 Description of Site

5.1 The application site is located on the north side of Roman Road, which in this location is an unmade, single width, track. It is set back from the roadway with access serving a stables building and double, wooden construction garage and log store. It lies to the west of Mulberry House and is screened from the house by a 1.8m high, wooden, close-boarded fence.

5.2 The site lies outside any DDB and the Osmington Conservation Area. None of the buildings are listed.

5.3 The full application seeks approval for the completion of the present partly completed structure approved for ancillary residential accommodation, and its change of use to form an additional new build unit of holiday accommodation on the site. This follows on from the approval of application Ref: WD/D/18/000030 which granted permission for the replacement of a Nissen Hut with new ancillary accommodation in May 2018. This was tied by condition 3 of the permission restricting its use and occupation as ancillary accommodation to the existing dwelling at Mulberry House. The current application seeks to use this ancillary accommodation as holiday let accommodation. This is subsequent to an initial proposal for holiday accommodation on the site as approved in August 2016, by Planning Application WD/D/16/00349 – this related to the use of the first floor above the garage block at Mulberry house for holiday let purposes.

Surrounding area

5.3 The surroundings are a predominantly rural on the edge of the village, with a mix of residential properties, fields, woodland, and isolated farm buildings. The site slopes downhill from north to south. The site and surrounding area lie within the Dorset AONB.

6.0 Relevant Planning History

Application No.	Application Description	Decision	Date of decision
WD/D/15/002521	Outline application for change of use of an existing stable block to residential and new garaging (Outline)	Withdrawn	1 December 2015
WD/D/16/000349	Change of use of ancillary accommodation to holiday accommodation(Full)	Approved	9 August 2016
WD/D/16/002580	Conversion of a former stable block into residential and a new two bay Garage (Full)	Approved	26 June 2017
WD/D/18/000030	Replace an existing Nissan hut with new ancillary accommodation	Approved	14 May 2018
WD/D/19/001489	Amendment to Planning Permission WD/D/18/000030 to allow installation of 3no roof windows to the rear roof slope and 5 no additional timber windows, separate rear entrance door from the adjacent window (previously joined)	Approved	08 July 2019

7.0 List of Constraints

Outside any Defined Development Boundary (DDB)

Outside the Osmington Conservation Area

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009).

8.0 Consultations

8.1 Osmington Parish Council: Objects to the application for the following reasons:

- 1. This development would create a significant increase in traffic on the bridleway.*
- 2. This is considered an over development of the site and an not a re-use of the redundant agricultural building.*
- 3. The development would also increase light pollution in the area.*

8.2 Dorset Council – Highways: ‘No objection.’

8.3 Dorset Council Countryside Access Team: ‘No comment’.

8.4 Dorset Council Trees Officer – No comments received.

8.5 Dorset Council Technical Services - With regards to this application I have no objection or further comment to make.

8.6 Dorset Council - Mineral & Waste Planning Authority

The MPA has no comment on this proposal, as it is within an existing building curtilage.

8.7 Natural England – No comments received.

8.8 Wessex Water Services Ltd – No objection.

All consultee responses can be viewed in full on the website.

Representations received

No third party representations have been received.

9.0 Relevant Policies

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

As far as this application is concerned the following policies are considered to be relevant.

- INT1 Presumption in Favour of Sustainable Development.
- ENV1 Landscape, Seascape and Sites of Geological Interest.
- ENV10 The Landscape and Townscape Setting
- ENV11 The Pattern of Streets and Spaces
- ENV12 The Design and Positioning of Buildings
- ENV16 Amenity
- SUS2 Distribution of Development
- HOUS1 Affordable Housing
- COM7 Creating a Safe and Efficient Transport Network.
- COM9 Parking Standards In New Development
- ECON6 Built Tourist Accommodation

Neighbourhood Plan – Not applicable.

National Planning Policy Framework – July 2018 (as amended)

The NPPF was updated with a revised version published on 23 July, 2018, and a further update in February, 2019, made minor amendments. As far as this application is concerned the following section(s) of the NPPF are considered to be relevant:

Section 2 ‘Achieving sustainable development’ advises at Paragraphs 8 and 9:

“8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

c) **an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.”

At paragraph 11, it advises of the ‘Presumption in favour of sustainable development’.

Section 6 ‘Building a strong, competitive economy’ advises generally on the requirement for planning policies and decisions to help create the conditions in which businesses can invest, expand and adapt. Taking into account both local business needs and wider opportunities for development.

Section 12 ‘Achieving well designed places’ indicates that all development to be of a high quality in design, and the relationship and visual impact of it to be compatible with the surroundings. In particular, and amongst other things, Paragraphs 124 – 131 advise that:

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Further advice contained in the following sections of the NPPF is of relevance:

Section 14 – Climate change – and where applicable – flooding and coastal change.
Section 15– Conserving and enhancing the natural environment. Paragraph 172 is of relevance. This, in part, reads:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.”

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Other material considerations

Within the Dorset Area of Outstanding Natural Beauty: Dorset AONB Management Plan 2019 – 2024.

Landscape Character Area: incorporating the West Dorset Landscape Character Assessment (2009)

Design and Sustainable Development Planning Guidelines (2009),

10.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property

This Recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public Sector Equalities Duty

11.1 As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics

- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

11.2 Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove OR minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the PSED.

11.3 In this case, the proposal is for the erection of a dwelling to provide holiday let accommodation. The design is such that it provides level access to the ground floor that caters for fully disabled and ambulant disabled occupants and visitors. It is considered that the requirements of the PSED are met by this proposal.

12.0 Financial benefits

Material considerations

In terms of the economic benefits of the proposals, the development phase will provide employment and post development there will be financial benefit in the local community through holiday let income and the use of services.

Non-material considerations

Payment of Council Tax.

12.1 Climate Change Implications

12.2 The proposal is considered to be in accordance with the Policies of the adopted Local Plan as regards holiday accommodation given that the proposal is on the edge of the village and as such comprises what is regarded as Sustainable Development. The proposal would also have to meet modern Building Regulations standards as regards construction.

13.0 Planning Assessment

13.1 Principle of development

13.1.1 The principle of development has previously been accepted via the approval of application Ref: WD/D/18/000030 which granted permission for the replacement of an existing Nissen Hut with new ancillary accommodation tied by condition restricting its use and occupation as such to the existing dwelling at Mulberry House. The structure is in the process of being erected, and the current application seeks to use this ancillary accommodation as holiday let accommodation. The principle of development would be for the establishment of a restricted residential use, rather than the development in general, as the structure already benefits from planning permission as indicated above.

13.1.2 Initially, a proposal for holiday accommodation on the site was approved by Planning Application WD/D/16/00349 – this related to the use of the first floor above the garage block at Mulberry house for holiday let purposes.

13.1.3 The use of the accommodation can be restricted by condition to a holiday let use only, and would therefore not benefit from planning permission as a stand alone Use Class C3 – Residential dwelling.

13.1.4 The principle of development is considered to be acceptable as it meets the provisions of Policies SUS2 – Distribution of Development; and, ECON6 – Built Tourist Accommodation, as outlined in the West Dorset, Weymouth and Portland Local Plan (Adopted - October, 2016); and , the advice contained in Paragraph 83 – ‘Supporting a prosperous rural economy’ in the NPPF – 2018 (as amended).

13.1.5 Policy ECON6.(Built Tourist Accommodation) of the Local Plan supports new built tourist accommodation which is :

- Within an established settlement of more than 200 population; ***Osmington is a settlement identified in the Local Plan as having a 200+ population***
- Through the re-use of an existing building;
- Through the replacement, intensification or extension of existing premises where the expansion would improve the quality and appearance of the accommodation and site – ***a former Nissen Hut building occupied this site location and the proposal is considered to improve the quality and appearance of the accommodation and site***

13.2 Layout scale, design, Impact on the character and appearance of the AONB

13.2.1 Adopted Local Plan Policy ENV1 – Landscape, Seascape And Sites Of Geological Interest – indicates that development which would harm the character, special qualities or natural beauty of the Dorset AONB including their characteristic landscape quality and uninterrupted panoramic views, will not be permitted. New development should also protect the visual quality of the local landscape. In the NPPF the advice at paragraph 172 gives great weight to “*conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.*”, which it is considered has also been taken into account.

13.2.3 The design of the holiday let unit is such that it appears as a 1½ -storey, detached unit providing a ground floor kitchen/living/dining room; and, a separately accessed store room. On the first floor are two bedrooms and a bathroom. The holiday let unit is in the process of being constructed in accordance with the WD/D/18/000030 planning permission, using green oak timber frame clad in feather edged, softwood boarding for the walls atop a 3-course high, brick plinth; and, using blue/black coloured natural slate for the roof. The structure has been erected and roofed using these materials. The dwelling’s northern aspect is set into rising ground

with an outlook onto a sloping garden area which restricts views in this direction to those obtained within the site only. The building is effectively screened by the existing trees and hedgerow on the sites southern boundary with Roman Road.

13.2.4 The design, siting, bulk, scale and materials as used for the walls and roof, are considered to be acceptable. The development accords with the provisions of Adopted Local Plan Policies ENV10 - The Landscape and Townscape Setting; and, ENV12 – The Design and Positioning of Buildings; and, the advice contained in the NPPF 2018 (as amended).

13.3 Impact on the amenity of neighbours

13.3.1 Policy ENV16 – Amenity – of the Adopted Local Plan permits development provided that it has no significant adverse impact on neighbours amenity through loss of privacy; loss of light or excessive overshadowing; or through a level of activity or noise that would detract from the quiet enjoyment of residential properties.

13.3.2 In this regard the scheme is considered to be acceptable. The nearest adjoining structures are the adjoining stables and garage buildings on the site, Mulberry House and the nearby dwellings to the south at Eureka and Little Manor. Neither of these residential neighbours which are located some 40m-50m away, and which are well-screened by existing trees and landscaping would be affected by the proposal. This accords with the provisions of adopted Local Plan Policy ENV16 – Amenity.

13.5 Economic benefits

13.5.1 The NPPF was first published in March, 2012. It outlined Central Government Policy relating to planning and development, arguing in favour of and supporting sustainable development. In so doing, it based the achievement of sustainable development on three overarching objectives - which are: an economic objective; a social objective; and, an environmental objective. These objectives are maintained in the updated NPPF of July 2018, (as amended).

13.5.2 In terms of the economic benefits of the proposals, the development phase will provide employment and post development there will be financial benefit in the form of income from the letting of the premises for holiday use, and in the local community through the use of services and facilities. It is considered that the proposal accords with the provisions of Adopted Local Plan Policy ECON6 and the economic and social objectives of the NPPF.

13.6 Access, Highways & Parking

13.6.1 There are no highway objections. Access to the site is to be derived from the existing access onto Roman Road. On site parking and turning arrangements are proposed with the existing double-gated, access onto Roman Road being used to serve the site.

13.6.2 The comments received from the Parish Council objecting to the proposals are noted. However the Councils Highways officer has raised no objection to the application on highway safety grounds, and the traffic generated by the development of 1 x 2-bedroomed holiday let unit is considered to be very low. The objectives of Adopted Local Plan Policies COM7 and COM9 are considered to be complied with.

13.7 Other Matters

13.7.1 The comments received from the Parish Council objecting to the proposals are noted. The proposed development is not for the re-use of an existing agricultural building, but for the use of an approved ancillary accommodation for holiday let purposes. The principle of development has previously been established, and the footprint, height, scale and use of materials for the building have previously been approved. The proposal does not therefore represent an over development of the site.

13.7.2 External lighting can be controlled by condition to ensure that any such lighting installed at the premises is kept to the minimum required for safety and security, to ensure that any impact on the rural night sky is kept to a minimum.

14.0 Conclusion

14.1 The location, layout, appearance, size and scale of the proposed dwelling and the landscaping of the site are acceptable. The materials of feather edged wooden boarding for the walls and natural slate are acceptable, the external structure has already been erected in accordance with the previous approval, application Ref: WD/D/18/000030, using these materials. This has not resulted in an adverse visual impact on the character of the site and surroundings. Neighbouring residents' amenities will be adequately safeguarded and there are no material considerations which warrant refusal of this application. As the structure already benefits from planning permission as indicated above, the proposal to be determined here is for the establishment of a restricted residential use, rather than the development in general. The use as holiday let accommodation can be controlled by conditions as outlined below.

14.2 The proposed development is acceptable and is in accordance with the provisions of policies INT1, ENV1, ENV2, ENV4, ENV10, ENV12, ENV16, ECON6, COM7 and COM9 of the West Dorset, Weymouth and Portland Local Plan (Adopted – October, 2015); and, the advice contained in Sections 12, 15 and 16 of the NPPF – July 2018 (as amended).

15.0 RECOMMENDATION GRANT, SUBJECT TO CONDITIONS:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan @ 1:2,500 scale indicating the site edged red.

Proposed Floor Plans & Section - Drawing Number OH 2019 001
Proposed Elevations and Frame Plan - Drawing Number PL001 REV B

All stamped received on 24 September, 2019.

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The site shall be used for holiday-let purposes only and shall be not used as the main, or sole, residence of the occupier.

REASON: The Local Planning Authority is prepared to permit the use of the site only for holiday purposes because it is located in an area where permanent residential use is precluded.

3. A register of all persons occupying the holiday accommodation hereby approved shall be kept by, or on behalf of, the owner/ owners of the holiday accommodation. The said register shall be made available for inspection during all reasonable hours at the request of a duly authorised officer of the Local Planning Authority, for such time as the development continues to be used as holiday accommodation.

REASON: To ensure that the accommodation is used for holiday purposes only.

4. No external lighting shall be installed as part of the development hereby permitted unless and until details of the height, positioning, design, external and candela rating of that lighting shall first have been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

REASON: In the interests of visual and residential amenity, and in preserving the character of the night sky from unnecessary light pollution.

Informatives

National Planning Policy Framework Statement

In accordance with paragraph 38 of the NPPF the council, as local planning authority, takes a positive approach to development proposals and is focused on providing sustainable development. The council works with applicants/agents in a positive and proactive manner by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.