

**1.0** Application Number – WD/D/19/001514

Site address - **WEST COMBE, SMISHOPS LANE, LODERS, BRIDPORT, DT6 3SA**

Proposal - **Demolish agricultural barn and erect detached dwelling and garage**

Applicant name – Mr Harris

Case Officer – John Shaw

Ward Member(s) - Cllr A Alford

This application is brought through the Scheme of Delegation process due to the comments received from the Parish Council who objected to the proposal, which is contrary to Officer's recommendation of approval.

**2.0 Summary of Recommendation:** Approval of planning permission subject to conditions

**3.0 Reason for the recommendation:**

- The location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The development would have no undue impact on the wider landscape and the Uploders and Loders Conservation Area.
- There would not be any significant harm to neighbouring residential amenity.
- The development would not harmfully impact upon local highway safety, ecology or flood risk
- There are no material considerations which would warrant refusal of this application

**4.0 Table of key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The application is for the erection of 1 dwelling outside of, but in close proximity to Defined Development Boundary (DDB). The dwelling would not be regarded as isolated and would contribute to the vitality of the settlement of Loders. The site would therefore be considered as constituting sustainable development as determined by the NPPF (2019)
Design, appearance and impact on the character of the area and AONB	Design, scale and siting would be considered appropriate for the site and which would not harm the appearance of the AONB
Impact on Uploders and Loders Conservation Area	Design, scale and siting would be considered appropriate for the site and

	which would not harm the appearance of the Conservation Area
Impact on agricultural enterprise	The existing barn is redundant and its loss and the removal of the site from agricultural use would not unduly impact on the success of wider agricultural holding
Impact on amenity	The proposal would not result in a significant adverse effect on living conditions of either neighbouring properties or future occupiers of the proposed development.
Access and Parking	The proposed development would have an acceptable in terms of access and parking. No objection was expressed by the Highways Engineer.
Biodiversity	Following the submission of a Biodiversity, Mitigation and Enhancement Plan (BMEP) and its subsequent approval by the Dorset Ecology, it is considered that the proposed development would have an acceptable impact on biodiversity.
Flood Risk and Drainage	The proposed development would be likely to have an acceptable impact in regard to flood risk and drainage.
Affordable Housing	National planning policy as is now set out in the NPPF 2019 establishes thresholds below which affordable housing contributions should not be sought. As this site falls below these thresholds an affordable housing contribution is not required.

## 5.0 Description of Site

5.1 The site is what is described as a redundant farm storage building located 20m to the north of the Lodgers defined development boundary (DDB) and is accessed from a single track tarmac road off Smishops Lane and which serves one other existing dwelling, 'West Coombe' that was permitted under application 1/W/92/000187.

5.2 The existing agricultural building is a large functional structure with green steel sheeting and wooden cladding to its exterior walls and gently pitched corrugated roof. The building was extended following a 2003 planning permission and has a large expanse of gravelled hardstanding to its frontage with grass to the

south and west of the site. The site is fully enclosed by tall trees to all four sides and elevated from the village to the south.

5.3 A mobile home also currently occupies the site which is currently being used to store apples from the wider plot. During the course of the application, the agent has confirmed that the unit is not being used for residential purposes and the Council's Enforcement team accepted that use of the unit is in association with the lawful use of the farm. As the mobile home is being used in association with the lawful use of the farm, no planning permission is required.

5.4 A planning application for an agricultural workers dwelling at the site was refused in 1989.

5.5 The site forms part of the Loders and Uploders Conservation Area, which is centred on the built development which forms the village to the south and the historic Waddon Hill to the north. The site also forms part of the Dorset Area of Outstanding Natural Beauty (AONB) and the Powerstock Hills Landscape Character Area.

## **6.0 Description of Development**

6.1 The application is for a two storey dwelling with detached double bay garage to replace what is described as a redundant farm storage building. The access to the site would remain unchanged and would solely serve the proposed dwelling. The new dwelling would have a rear garden of depth of approximately 10m but would be overall set in large grounds with the majority of the open space to be to the front of the proposed home. The dwelling would be in close proximity to established trees to its side and rear elevations while the site would be fully enclosed from the wider area by established trees adjacent to the boundary.

6.2 The new home would be formed of natural stone walls, wooden doors and windows and slate tiles. During the course of the application, the size of the dwelling was reduced so that a two storey element which was to project to the rear and a conservatory to the side elevation were removed; as a result, the proposed dwelling is now to have 3 bedrooms.

6.3 The mobile home at the site would be utilised during the construction phase if permission was granted before being removed.

## **7.0 Relevant Planning History**

<b>Application No.</b>	<b>Application Description</b>	<b>Decision</b>	<b>Date of decision</b>
<b>1/W/03/000253</b>	Erect barn extension	Approved	17 March 2003
<b>1/W/92/000187</b>	Erect house with	Approved	15 May 1992

	garage		
<b>1/W/90/000227</b>	Renewal of PA 1/W/87/661 to site caravan for use by agricultural worker	Refused	4 June 1990
<b>1/W/89/000591</b>	Develop land by the erection of an agricultural workers dwelling	Refused	13 September 1989
<b>1/W/87/000661</b>	Site mobile home for use by agricultural worker	Approved	28 January 1988

## 8.0 List of Constraints

- Outside settlement boundary
- Within the Lodgers and Uploders Conservation Area (*statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990*)
- Area of Outstanding Natural Beauty : (*statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000*)
- Landscape Character Area (Powerstock Hills)
- Contaminated Sites

## 9.0 Consultations

- **Natural England:** No comments to make
- **Dorset Natural Environment Team:** No objection following submission and sign-off of Biodiversity, Mitigation and Enhancement Plan (BMEP).
- **Technical Services:** No Objection
- **Environmental Health:** No Comment
- **Highways Officer:** No Objection
- **Tree Officer:** No Objection subject to compliance with the Hellis Tree Consultancy Arboricultural report
- **Planning Policy:** Regarding your recent request about the proposed dwelling in Smishops Lane, here's some information on the number of new

homes built / consented in Loders since 2016 when the Neighbourhood Plan was made.

Basically there have been 5 completions since then and 1 further dwelling is under construction, giving 6 in total.

The need for 'about 10' dwellings in Loders, as identified in the NP, has not yet been met.

- **Loders Parish Council: Objection**

The Parish Council objected for the following reasons:

1. It is not a sustainable location
2. It lies outside the Defined Development Boundary
3. It does not meet the criteria for development outside Defined Development Boundaries set out in SUS2 of the West Dorset Local Plan
4. It does not meet the local need for two/three bedroom housing  
*Planning Officer comment:* During the course of the application, the size of the proposed dwelling has been reduced from a 4 bed to a 3 bedroom unit.
5. It is not a re-use or adaptation of an existing building
6. It does not enhance the conservation area or provide acceptable development in an Area of Outstanding Natural Beauty

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

## **10.0 Representations**

One letter of objection was received. The objection was for the following reasons:

- Is not compliant with the Loders Neighbourhood Plan
- Is outside of the development boundary
- Noise and light pollution may affect local wildlife
- The dwelling would not be classed as affordable housing

## **11.0 Relevant Policies**

*West Dorset & Weymouth Local Plan (2015):*

- INT1 Presumption in favour of sustainable development
- ENV1 Landscape and seascape and sites of geological interest
- ENV2 Wildlife and habitats
- ENV4 Heritage assets
- ENV5 Flood risk
- ENV8 Agricultural Land And Farming Resilience
- ENV10 Landscape And Townscape Setting

- ENV12 Design And Positioning Of Buildings
- ENV15 Efficient And Appropriate Use Of Land
- ENV16 Amenity
- SUS2 Distribution Of Development
- SUS4 Replacement Buildings
- HOUS1 Affordable Housing
- HOUS3 Open Market Housing Mix
- COM7 Safe and Efficient Transport Network
- COM9 Parking Standards in New Development

#### *Loders Neighbourhood Plan*

- LNP Policy E1: Protection of Important Gaps, Rural Views and Local Green Spaces
- LNP Policy E2: Protection of Special Landscape and Historic Features
- LNP Policy E3: Protection of Wildlife Habitats
- LNP Policy E4: To Protect and Enhance the Character and Appearance of the Area
- LNP Policy E5: Location of Development in relation to the Defined Development Boundary (DDB)
- LNP Policy H1: Provision of New Homes
- LNP Policy H2: Type and Size of Housing

#### *NPPF:*

- Section 2 – Sustainable Development
- Section 4 – Decision-making
- Section 5 – Delivering a sufficient supply of homes
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

#### Decision making:

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

- Dorset Landscape Character Area Appraisal
- Dorset AONB Management Plan (2019-2024)
- WDDC Design & Sustainable Development Planning Guidelines (2009)
- Lodors & Uploders, Powerstock & Nettlecombe Conservation Area Appraisal
- DCC Parking standards guidance

## **12.0 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.

## **13.0 Public Sector Equalities Duty**

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.

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.

## **14.0 Financial benefits**

14.1 The additional population would help generate spending in the local community, provision of infrastructure and services. The proposed development would also result in the creation of construction jobs during the build period. It is therefore considered the proposal would contribute albeit to a small degree to economic development and job creation.

### **14.2 Non material considerations**

- Council Tax receipts for one dwelling

## **15.0 Climate Implications**

15.1 Energy would be used as a result of the production of the building materials and during the construction process, however that is inevitable when building new homes and a balance has to be struck between providing housing to meet needs versus conserving natural resources and minimising energy use.

15.2 The plans show that solar panels would be added to the southern roof slope ensuring the home would benefit from a renewable electricity supply. The development would be built to current building regulation standards.

15.3 The development is also considered to be in a sustainable location, despite it being just outside the defined development boundaries of Loders. The site would be within walking distance of all the key facilities which serve the settlement.

## **16.0 Planning Assessment**

### ***Principle of Development***

16.1 In terms of the principle of the development, the site is just outside the Defined Development Boundary (DDB) for Loders. Policy SUS2 of the adopted local plan seeks to direct development to the main settlements and to “strictly control” development outside DDBs, “having particular regard to the need for the protection of the countryside and environmental constraints”. SUS2 (iii) does allow development outside of DDBs for open market housing through the re-use of existing rural buildings, however, as the current proposal is for the replacement of an existing rural building, it is accepted that the proposal is not compliant with SUS2. Loders Parish Council has stated that the proposal is also contrary to the Loders Neighbourhood Plan Policy, E5, which sets out that “*any new buildings (other than for farming and other land-based rural businesses, or associated rural workers’ housing) and associated land (such as gardens or parking areas) should be located within this development boundary*”.

16.2 Policy SUS4 (The Replacement Of Buildings Outside Defined Development Boundaries) states “*The replacement of a building should be permitted where the existing building is of permanent and substantial construction, and its continuing use would otherwise be consistent with other policies in this plan*”; the supporting text makes clear that the continuing use can be either the existing use or an agreed alternative use. The rest of this section will show, the replacement of the existing permanent barn with an alternative use as a dwelling would be deemed sustainable development and therefore agreeable to the Local Planning Authority in a manner that would be line with the flexible provisions of the supporting text of SUS4. It is also important to note at this juncture, that the reuse of the existing agricultural building for an alternative use which SUS4 encourages is not practical in this instance as the conversion of a 400m<sup>2</sup> rural building to a house would have an incongruous appearance due to the contrast between its scale and its proposed function as a single residential property. Overall, however, it is acknowledged that SUS4 does require that the continuing use *would otherwise be consistent with other policies in this plan* and as the development is not compliant with SUS2, then it follows that the proposal also fails SUS4.

16.3 The Council cannot currently demonstrate a five-year supply of deliverable housing sites. It is stated in the last published housing supply report that the supply

is 4.83 years across the local plan area. This means that para 11 is 'engaged' and relevant policies for the supply of housing, including Policies SUS2 and SUS4, may no longer be considered to be up-to-date. Para 11 of the NPPF states:

For **decision-taking** this means:

(c) *approving development proposals that accord with the development plan without delay; or*

(d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or*

*(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The sub-notes referred to at <sup>6</sup>, and <sup>7</sup>, are outlined on page 6 of the NPPF.

<sup>7</sup> is of relevance and advises:

*7 This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites...*

16.6 Returning to Paragraph 11 of the NPPF, it needs to be considered whether the proposal would represent sustainable development and whether there would be any adverse impacts of granting planning consent for the proposed development that would "*significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole*".

16.7 The three dimensions to sustainable development identified in both the West Dorset and Weymouth Local Plan, the NPPF and which form the context that underpins the Loders NP are: economic, social and environmental.

16.8 In terms of performing an economic role, the additional population would help generate spending in the local community, provision of infrastructure and services. It is therefore considered the proposal would satisfy albeit to a small degree the economic dimension of sustainable development.

16.9 With regard to the social role, the provision of one additional home would make a positive albeit small contribution to the district's housing shortage. Policy H1 of the Neighbourhood Plan also supports the increase of dwellings within the village

with a target set of 10 dwellings up to 2027 and this target has yet to be reached. Whilst the site does not fall within the DDB, the site is just 20m from the DDB and is in close proximity to the centre of Loders. Key facilities would be just a short walk away with the local primary school a 2 minute walk; the public house which serves the village a 3 minute walk and the village hall only 5 minutes away on foot. These distances are shorter than would be the case from many households which fall within the DDB. In light of these factors, it would be regarded that the proposal would aid the vitality of the local community by promoting the use of local services (thereby complying with paragraph 78 of the NPPF) and could not be deemed an isolated location (thereby complying with paragraph 79 of the NPPF) and thus, satisfying the social dimension of sustainable development.

16.10 On the whole, it is deemed that the proposal would be regarded as sustainable development when assessed against economic and social criteria laid out in the Local Plan and the NPPF. As such the principle of the development at the site is considered acceptable despite being outside of the development boundary limits.

16.11 As regards the environment stand of sustainable development, the impact on areas or assets of particular importance (the site falls within the Dorset AONB) as well as the impact on the character of the immediate area and the Loders Conservation Area will be considered in the following section. Following this, matters relating to impacts on neighbouring amenity, highway safety and parking, ecology and drainage will then be reviewed. Overall, consideration is to be given to whether there would be any adverse impacts of permitting the development that would significantly and demonstrably outweigh the benefits.

### ***Impact on the character of the area and the AONB***

16.12 Policy ENV1 of the West Dorset, Weymouth & Portland Plan which aligns with Loders NP Policy E1, states that the area's exceptional landscapes and seascapes and geological interest will be protected, and development should be located and designed so that it does not detract from and, where reasonable, enhances the local landscape character. Policy ENV10 and Loders Neighbourhood Plan Policy E4 are highly similar in that they seek to ensure development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness. ENV12 requires development that achieves a high quality of sustainable and inclusive design. ENV15 makes clear that development should optimise the potential of the site and make efficient use of land.

16.13 The existing agricultural building has a large footprint of approximately 400m<sup>2</sup> and has dimensions 31m wide x 19m in depth and 5m in height. The dwelling and garage would in contrast have a footprint of just 125m<sup>2</sup> and would be 12m wide x 7m deep x 7.5m high. The dwelling and detached garage would be approximately 100m from Smishops Lane from which it would have no visibility or from New Street Lane, which forms the historic core of Loders. The new home and garage would be

screened by existing trees in close proximity which would be to their side and rear elevations; these trees are healthy, established though still young with heights of approximately 11-13m and set upon a raised bank. The proposed development would be further screened by a thick collection of trees to the south, outside the red line of application but within the applicant's ownership and a further line of trees to the west, again in the applicant's ownership. A Tree Plan was submitted as part of the application which showed that no trees would be removed; a condition would be added as recommended by the Council's Tree Officer to ensure all works at the site comply with the submitted Tree Plan. Though the retention of all existing trees has been confirmed, a further condition relating to hard and soft landscaping would be imposed to ensure a high quality visual appearance to the overall development. In light of the set back, enclosed nature of the site and the reduction in the footprint of built development at the site, the development would have no undue visual prominence within the wider area or the AONB. The heavily screened character of the site is the primary in change to the character of the site from the time of the previous application for a dwelling at the site in 1989 when the site was much more open than it is today.

16.14 The dwelling would be of a traditional gabled design and formed of natural materials, namely, stone, slate and timber. The design of the dwelling has been informed by local distinctiveness and includes details such as chimneys set to either end of the ridge, an open porch set to centre of a broad two storey frontage and a fenestration layout where larger window openings occupy the ground floor with smaller openings at first floor. The design, scale and use of local, natural external materials would be in-keeping with the overall traditional aesthetic and rural village location. The proposed materials would be submitted to the Local Planning Authority before use at the site and this would be secured by condition.

### ***Impact upon the Heritage Assets:***

#### Heritage - summary of the Development Plan and other material considerations

16.15 Policy EN4 of the West Dorset, Weymouth & Portland Plan expresses the need for the impact of development on a designated heritage asset and its setting to be thoroughly assessed against the significance of the asset. Development should conserve and where appropriate enhance the significance.

16.16 Policy EN4 takes a similar approach as the NPPF as outlined in paragraphs 189 – 202, insofar as it requires proposals to justify any harm to a heritage asset and demonstrate the overriding public benefits which would outweigh the damage to that asset or its setting. EN4 says that the greater the harm to the significance of the heritage asset, the greater justification and public benefit that will be required before the application could gain support. Significance is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic.

16.17 Loders Neighbourhood Plan Policy E4 emphasis the need for all proposals for built development to reflect “*the character of the Conservation Area and respects the rural character of Loders Parish*”. Loders NP policy E2 seeks to ensure that new development does not harm special landscape and historic features.

16.18 The Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is given to the desirability of preserving or enhancing the character and appearance conservation areas when making planning decisions. This means that significant weight should be given to any harm to the character or appearance of the conservation area.

#### Assessment of the proposal upon the *Uploaders and Loders Conservation Area*

16.19 The Conservation Area extends north of the ribbon development of Loders to encompass Waddon Hill, the upper slopes of which are characterised by its mix of woodland and strip lynchets (medieval earth terraces). The existing farm building sits at the bottom of this hill and is a modern, utilitarian structure which due to its functional design makes no notable contribution to the Conservation Area. The building furthermore has little visibility from wider view due to the significant screening within and to the edge of the site as already discussed. The introduction of a moderately sized dwelling to replace the large existing structure along with the retention of the heavily screened character of the site would ensure that the proposal would have no adverse impact on the character of the Conservation Area both in regard to the built form to the south or the setting of Waddon Hill to the north.

#### ***Impact on agricultural enterprise***

16.20 ENV8 states that safeguarding farmland for future local food and energy crop production is an important consideration in planning.

16.21 The existing barn has been redundant for approximately 10 years with the wider farm holding farmed by local tenant farmers; the current tenant owns agricultural buildings and land directly adjacent to the holding of the applicant. The access currently utilised by the existing tenant to the surrounding farmland within the ownership of the applicant is from Waddon Way to the north-west; this access ensures there is no requirement for current or future tenants to access the farmland from the proposed site of development. The site would represent a small parcel of land removed from the wider holding and is a parcel which is not currently used as part of the agricultural enterprise. In light of these factors, it is not considered that the change of use of land from agricultural to residential would conflict with ENV8 of the Local Plan.

#### ***Impact on neighbouring amenity***

16.22 ENV16 of the West Dorset, Weymouth & Portland Local Plan seeks to ensure that developments would protect the amenity of users of neighbouring buildings and land uses and provide a satisfactory environment for current and future occupants.

16.23 The proposed dwelling would be approximately 50m from the nearest neighbouring home 'West Coombe' and would be largely screened from it by the trees which grow to the south and east of the site. In light of these factors, it is considered that the proposal would have no undue impact on residential amenity.

### ***Highway safety and parking***

16.24 The dwelling would be served by the existing tarmac road that serves 'West Combe' and which joins Smishops Lane to the south. The use of the road by two dwellings would not represent undue intensification and with the removal of the agricultural buildings, the likelihood of large farm machinery utilising the road would be reduced. The proposal has been considered by the Highways Officer who expressed no objection. The access into the site would be 5.5m wide allowing vehicles to enter and leave simultaneously. The existing hardstanding at the site which sits to the front of the existing agricultural building would be retained and this with the addition of a 2 bay garage would be more than sufficient to allow vehicles to leave in forward gear while providing up to six parking spaces. The concerns of the Parish Council regarding the increased pressure on road infrastructure in and around Lodors are noted, however, it is not considered that one additional dwelling would cause further undue traffic and the existing road damage highlighted is beyond the remit of a planning application for a single dwelling. Moreover, though the application form submitted confirms that 6 parking spaces would be available, it should not be taken from this that it is likely that 6 vehicles would regularly use the site considering the application is for only a 3 bedroom dwelling.

### ***Biodiversity***

16.25 Policy ENV2 of the Local Plan and Lodors NP Policy E3 in a similar fashion, states that proposals that conserve or enhance biodiversity should be supported. Opportunities to incorporate and enhance biodiversity in and around developments will be encouraged. International, national and local wildlife sites must be safeguarded from development unless there is no alternative acceptable solution.

16.26 An ecological survey and Biodiversity Mitigation and Enhancement Plan (BMEP) was submitted and reviewed by the Natural Environment Team (NET). No objection was received and a Certificate of Approval was subsequently issued. The proposed development would be conditioned to be carried out in accordance with the submitted BMEP.

### ***Flood Risk and Drainage***

16.27 Policy COM10 makes clear that development will not be permitted where the problems associated with the lack of necessary utilities service infrastructure, including energy supplies, drainage, sewerage, sewage treatment and water supply, cannot be overcome. Policy ENV5 states that new development or the intensification of existing uses should be planned to avoid risk of flooding.

16.28 The new dwelling would see the disposal of sewage via a septic tank and an informative would be added to the end of this report to ensure the applicant is aware of the correct guidance in regard to the installation and use of a septic tank. The site is outside of Flood Zones 2 and 3 and is not in an area at high risk of surface water flooding; the Technical Services Team was consulted and expressed no objection. The proposal would see surface water drain away to soakaways and considering the significant reduction in the footprint of built development at the site compared to existing, it is concluded that this development would meet the requirements of ENV5.

### ***Affordable Housing***

16.29 Policy HOUS1 requires all new dwellings to make a 25% / 35% contribution towards affordable housing. National planning policy as is now set out in the NPPF 2019 establishes thresholds below which affordable housing contributions should not be sought.

16.30 In the light of changes to national policy, affordable housing contributions will not normally be sought on sites of schemes of less than 10 dwellings or with a site area of less than 0.5 ha outside designated rural areas. As this site falls below these thresholds an affordable housing contribution is not required.

### ***CIL***

16.31 The adopted charging schedule applies a levy on proposals that create a dwelling and/or a dwelling with restricted holiday use. All other development types are therefore set at £0 per sq. m. CIL rate. The proposed development is not considered CIL liable as the dwelling would not represent an increase in Gross Internal Area (GIA) over and above the floor area of the existing barn.

## **17.0 Conclusion**

17.1 Overall, it is considered that there are no material harmful effects that would significantly and demonstrably outweigh the social, economic and environmental benefits of the development, as detailed in the main body of the report. The proposed development is not within but is adjacent to the village DDB and has good pedestrian connectivity to the facilities on offer in Lodors thereby aiding the vitality of the village. In the light of the current housing land supply position, the proposal to replace the existing agricultural building would make a small but positive contribution to the supply of housing where there are no other obvious and adverse planning impacts to justify a refusal of planning permission.

17.2 The proposed development is acceptable and therefore recommended for approval.

**18. RECOMMENDATION** Approve subject to the following conditions:

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

Proposed Garage Floor plans and Elevations - Drawing Number 19 039 05A received on 12/06/2019  
Proposed Ground Floor plans and Elevations - 19 039 03C received on 15/06/2020  
First Floor plans and Elevations - 19 039 04D received on 15/06/2020  
Site Location and Block Plan - 19 039 01C received on 15/06/2020

REASON: For the avoidance of doubt and in the interests of proper planning.
  
- 2        K10A        The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

REASON: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).
  
- 3        NS        Prior to development above damp proof course level, details and samples of all external facing materials for the wall(s) and roof(s) shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

Reason: To ensure a satisfactory visual appearance of the development.
  
- 4        NS        The development hereby approved shall be carried out in full accordance with the approved Hellis Tree Consultancy Tree Plan (dated December 2019).

Reason: To ensure that trees which contribute to the character and appearance of the area, and are to be retained, are not adversely affected by the development proposals
  
- 5        NS        No occupation shall commence until a hard and soft landscape scheme has been submitted to and approved in writing by the Local Planning

Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting.
- (e) a detailed programme of implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development

- 6        NS        The Biodiversity Mitigation Plan (BMP) signed by the Natural Environment Team on 12/02/2020 shall be implemented in full in accordance with the specified timetables in the BMP. The dwelling shall not come into first occupation until all mitigation measures have been carried out and thereafter shall be retained in perpetuity.

Reason: To minimise impacts on biodiversity.

## **NOTES TO APPLICANT**

### **1. 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.

2. Septic tanks should only be considered if it can be clearly demonstrated that discharging into a public sewer to be treated at a public sewage treatment works or a package sewage treatment plant is not feasible (taking into account cost and/or practicability). Details regarding the Environment Agency's formal requirements in respect of package sewage treatment plants and septic tanks can be found at: <https://www.gov.uk/permits-you-need-for-septic-tanks>

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3. The proposed use of soakaways at the site for surface water drainage must be in accordance with Building Regulations Part H (H3 - Section 3)