

## **Western & Southern Area Planning Committee - 7 January 2021**

### **Written Submissions**

#### **WD/D/20/001703 - Land Adjacent to Buckland House, Buckland House Lane, Buckland Rippers, DT3 4FT**

##### **Mr and Mrs Bonham-Lovett**

We wish to ask this Committee to not grant this application. Instead, we ask them to show support for the conditions made in the schedule attached to the original granted application in 2019 through the proper Democratic Planning Process.

We believe a Democratic Planning Process is intended to provide everyone in society with a level playing field on which to have an equal say and we ask the Committee to take particular notice of the comments and concerns made by the council tax payers and residents in this area.

This is a relatively small matter in the scheme of things but the principle of a strong and proper democratic planning and enforcement process should remain the same despite the size of the application.

We would ask Councillors to send a clear message to those planning applicants who seek to circumvent the proper democratic planning process by riding roughshod over conditions attached to planning schedules made through a clear democratic process. We would ask Councillors to show both the commitment and appetite to allow proper Planning enforcement to protect the welfare of the Residents and the beautiful Countryside of Dorset.

The toilet block in situ is larger, different in design and colour to the block that was originally agreed would be adequate for this camp site and formed part of the original application. The value of the visual amenity of the area was considered important enough to be considered as a factor in the democratic Planning process in 2019 and a condition was attached to the permission to ensure that the block would only remain in place for the two months the campsite is in operation "For the avoidance of doubt and in the interests of the visual amenities of the locality".

To grant this retrospective planning application is to have a detrimental effect on the visual amenities of the locality. The block in situ is highly visible from the road and the nearby public footpath. It is also clearly visible from other countryside walks and footpaths in the area and from up on the Ridgeway. It is an ugly utility building and it is another blight on the surrounding beautiful countryside.

In our opinion, the value of the visual amenity of the locality has not changed, it could still be beautiful if this application is rejected.

## **Mr & Mrs Perrott**

This is the fifth application to develop the land around Buckland House. Land that historically has not been used for agriculture or camping and parts of which are set aside as SNCI's.

With each application the majority of residents of Buckland Rippers have objected. The balance of planning is however, in favour of any applicant and the planning committee sometimes have to find reasons for refusal that would be resistant to any challenge.

The applicant was granted permission in 2019 for a temporary campsite to be open two months a year. This was only possible because of the conditions stipulated which provided the necessary balance in the planning decision.

Paragraph 54 of the NPPF was employed which says "Local Planning Authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions.

Paragraph 55 says conditions should be kept to a minimum and only be made when they are necessary, enforceable, precise, reasonable and relevant to planning and the development being permitted.

So the 2019 application was and could only be granted permission through the use of conditions. Compliance with the NPPF and Local Plan meant that without these conditions permission would have been refused.

Condition 4 of the 2019 permission said that the toilet block could only be on site for two months a year. The reason given for this and other conditions was to protect the visual amenity of the area. Condition 1 approved the floor plans and elevations in the interests of proper planning

This current application seeks without any given reason, to make a toilet block which lacks disabled access and is twice the size of the one approved in 2019, a permanent fixture. If it gains approval it overrides conditions 1 and 4 of the 2019 permission. Conditions which because of adherence to the Local Plan the Planning Department thought necessary for the 2019 application to gain approval.

The development site, adjacent SNCI's, the road, hedgerows and footpaths have not changed since 2019. Planning Law remains unchanged. There is no reason why the Planning Department should think differently than they did in 2019. If when granting permission then for a temporary campsite it was thought necessary to stipulate a condition saying that the toilet block had to be temporary in order to protect visual amenity, then to grant this application permission now, with or without conditions, would simply make a mockery of the NPPF.

I would urge the Committee to continue to recognise the way the NPPF stipulates conditions should be used, uphold the 2019 conditions, protect visual amenity and allow the applicant to operate the campsite in a way he found acceptable in 2019 by refusing this application.

## **Jeanine Beale**

We wish to ask the committee to refuse the above application.

In 2019 permission was granted for an 'overspill' campsite in the grounds of the former rectory Buckland house. This property has 2 sites classed as SNCI's and has always been classed as a residential family home. Permission was granted for the campsite subject to a number of conditions

**Condition 1** approved the floor plans and elevations in the interests of proper planning. The shower/toilet block was considered of an adequate size for the amount of tents that are allowed to occupy the site.

The toilet/shower block in situ is of a much larger size and very different in design to the one that planning gave consent in the original application. This current application gives no reason as to why a much larger toilet block is now deemed necessary for an overspill campsite.

**Condition 4** stated that the toilet block could only be on site for two months of the year - July and August whilst the campsite is in operation. The reason given for this and other conditions was to protect the visual amenity of the area.

**'For the avoidance of doubt and in the interests of the visual amenities of the locality.'**

Planning conditions were attached to the approval of the campsite for a reason. Since then nothing has changed. Therefore to grant approval of this application would override conditions 1 and 4 that were deemed necessary only 1 year ago

If retrospective applications are granted permission then surely that makes a mockery of the whole planning system. There is no reason why the planning committee should think any differently now than when approval was given in 2019.

We hope that the Committee will take into consideration the comments of the council tax payers and residents who live in very close proximity of the campsite.

We sincerely hope that this application is refused and the conditions stipulated in 2019 are upheld.

## **Mr & Mrs Snuggs**

There have been 7 applications for planning permission at Buckland House since 2018. This application is retrospective and conditions set out in WD/D/18/002905 have not been adhered to, or simply ignored, where it best suits the applicant.

In WD/D/18/002905 conditions 1,4,5 and 6 have been ignored.

Permission was given for a smaller green unit which was dismantled and now sits in the SNCI field adjacent to my property, proving it is not difficult nor impossible to dismantle and move.

It would not be unreasonable for the applicant, in the off-season, to move the aforementioned block into the large barn currently under construction close by the site of the toilets.

A large white area of various size units does not enhance the visual amenities of the landscape especially when it is visible from public footpaths in the wider locality, including S.Dorset Ridgeway.

The visual amenity of the locality was considered important enough to be considered as a factor in 2018. The visual amenity has **NOT** changed, therefore granting retrospective permission makes a mockery of the planning laws and would signal to other applicants that it is possible to flout planning laws and 'get away with it'.

National Grid are currently removing pylons and replacing electric cables underground around this area in order to enhance the impact on the visual landscape.

The septic tank/cesspit associated with this toilet block may be the cause of unpleasant smells experienced by some residents during the summer season. Should this tank not also be part of the planning application? A considerable volume of foul water is generated each day by 90 plus people.

The residents and council tax payers in this locality feel that in our democratic society our concerns and comments regarding Buckland campsite have not been given due consideration.

I urge the committee to endorse the decision of WD/D/18/ 002905 and reject this retrospective planning application.

## **Patricia Dhillon**

I wish to object to this application and submit a question for Emma Telford, Case Officer.

In July 2019 when the camp site gained permission to operate for two months each year various conditions were attached.

One of these, Condition 4, said:- "The toilet/shower block shall only be sited on the land between 23rd June and 8th September inclusive in any one year".

This was "for the avoidance of doubt and in the interests of the visual amenities of the locality"

Would the Case Officer explain why she considered it necessary to protect visual amenity by stipulating this condition, and why now, when there has been no change in policy or the physical characteristics of the site, she considers a permanently sited toilet/shower block twice the previously agreed size not to have an adverse impact on visual amenity?

## **H S Dhillon**

I wish to object to this application and submit a question for Emma Telford, Case Officer

This retrospective application gives no reason why the 2019 permission for a temporary toilet block is no longer suitable.

As the camp site is only operational for two months of the year would the Case Officer explain why a permanent toilet/shower block twice the size is required?

The visual amenity of the locality would be unnecessarily impacted for the major part of the year if this application was granted

Thank you for your consideration

## **Eric & Christine Hudson**

Further to my previous objections to this development and subsequent amendment proposals I confirm I object to this retrospective proposal. To grant it would have a detrimental effect on the visual amenities of the locality. The shower and toilet block currently on site without planning permission is highly visible from the road and the nearby public footpath. It is also clearly visible from other countryside walks and footpaths in the area and from up on the Ridgeway. It is also much bigger than that agreed in the original planning consent.

The value of the visual amenity of the area was considered important enough to be considered as a factor in the democratic Planning process in 2019. As a consequence, when, at that time, planning approval was granted for a smaller, different coloured block, the original granted permission a condition was made (Condition 4) that said: - "The toilet/shower block shall only be sited on the land between 23rd June and 8<sup>th</sup> September, inclusive, in any one year" and gave the reason for this as "For the avoidance of doubt and in the interests of the visual amenities of the locality". Nothing has changed since that decision to justify altering the condition.

However, the applicant has installed the second oversized toilet block of the wrong colour and failed to remove it at the times defined in the planning consent. Following a further season of operation of the campsite with no enforcement action by the council we are now faced with an application to make legal the toilet arrangements favoured by the applicant.

In my view the council through their planning department failed in their duty to protect the interest of residents and the natural environment of Dorset. Has the Planning department decided that the visual amenity of the locality no longer needs protection or do they lack the commitment to pursue such breaches of planning enforcement.

The application also seeks to agree to a colour change to the toilet block, but the colour proposed is a metallic green which would not be appropriate.

## **Penny Fenwick**

I would like to object to this planning proposal on the grounds of damage to the local biodiversity.

The campsite was originally intended to be a small, temporary overflow campsite for campers who could not be accommodated in the Higher Moors campsite during the peak summer months.

Sadly, this campsite has already caused damage to the local biodiversity. The installation of bright lights in an area which was previously dark, together with noise and disturbance caused by the campers and their vehicles, will have caused inevitable disruption to the owls, bats and other nocturnal creatures known to inhabit this area.

The toilet and shower block are sited close to a pond. Another pond on the site was filled in when the campsite was started. This is likely to have caused loss of habitat to creatures such as smooth and great crested newts and grass snakes, which are known to inhabit Buckland Ripers.

The report on biodiversity in the area produced on behalf of the applicant when he applied to have a temporary campsite on this land was woefully inadequate, the survey having been carried out at a time of year and a time of day when many of the creatures known to inhabit the area would not have been visible. A full and independent biodiversity report is necessary and any conditions imposed need to be rigorously enforced.

Allowing a larger, permanent toilet and shower block to remain on this site would further harm the wildlife in this previously dark, quiet, species-rich area at a time when we are increasingly becoming aware of the terrible decline in many species due to human interference.

Simply putting in some conditions to mitigate the disturbance to biodiversity when the applicant has previously shown little regard for such conditions offers no protection for the wildlife whatsoever.

Therefore I strongly believe that the application should be refused.

## **Meg and David Rolfe**

This retrospective application is a re-application of one that has been unsuccessfully submitted a number of times. There have been numerous objections, the reasons for which the council will be well aware, and need not be repeated here. It would seem that this application has been recommended for approval, with a number of conditions attached. Previous conditions, e.g. size and permanence, have been ignored. If there is no enforcement of conditions, there is no credibility in a planning system, and public consultation merely a sham.

We note that this toilet block has no disabled facilities, and this has been glossed over as unimportant in the planner's report, thus denying use of this site to a substantial proportion of the population – this fact should be made transparent in the site's advertising, as an additional condition.

## **Daniel Smy – Manager, Buckland campsite**

At our main campsite at Higher Moor Farm we run an award winning camp site and during our busiest times of July and August when demand for local campsites is high we now run a similar high quality site at Buckland Campsite. As per our site licence and our high standards we want to offer similar toilet and shower facilities here. Offering good quality toilet blocks is an essential requirement for running a good campsite and this is why we wish to permanently locate the toilet and shower blocks that are in situ.

Buckland Campsite offers 45 pitches and under our site licence requirements we must offer permanent toilet and shower facilities. We are happy to exceed these requirements and guest feedback confirms that they like having adequate high quality toilet and shower facilities. It is because of this and recent Covid 19 Secure guidance that we feel it necessary to have this toilet and shower facility.

The economic and logistical costs involved in removing the current facilities are significant and it would be sensible to have the block permanently in situ. We have been very supportive of the officers and fully support their report and can confirm we are happy to implement the conditions of more landscape planting and making the existing block green in colour. It is vital for the future wellbeing of this part of Dorset that we offer high quality camping to its visitors and hope the committee will support us in this application to ensure Dorset campsites are of the highest quality.

The impact of Covid 19 has caused considerable loss of income this year, we hope very much the Council will support us through this difficult time as we try to carry on in business.

I am a local resident, I love this area, my mother's family have links to the area which go back hundreds of years. I do not want to spoil this lovely area, I want to keep it alive and kicking supporting local people who desperately need employment. We all want to keep Buckland Campsite a family friendly campsite which enhances the local amenity of this magical part of Dorset.

It would be so sad if the Council do not support us in our endeavour to showcase this area to those who visit and stay with us.

## **Kevin Flower (Applicant)**

I would like to take this opportunity to thank you for enabling us to address you today. My family and I have farmed in Nottingham and the surrounding area for generations. We have maintained and farmed our land with care giving full regard to the environment and visual impact our business makes on the community.

After gaining permission for tent camping during July and August on one of our Fields at Buckland Rippers, we have located a new shower and toilet block which under license conditions from the local authority has to comply with certain minimum standards, which we choose to exceed as an award winning campsite. Being responsible operators we specified the blocks to offer as much room as possible and be sustainable with water usage. This led to the block being a little larger. We have had to install steps to comply with health and safety regulations and illuminate them accordingly with low wattage led lighting for safety.

On talking to planning officers it was agreed we should apply to leave the toilet block onsite thus reducing the environmental impact and cost of removal every few months. We have been in consultation regarding colour, tree planting schemes and lighting which we fully endorse.

Due to covid the bare root tree planting we were planning was delayed, but we have managed to plant an extra 50m of bare root hedging to encourage wild birds and insects. We now have the BS bare root trees from Ash Ridge Nurseries at Castle Cary ready to plant in January. We also will be planting a further 50M of hedging. After local reports this summer of hundreds of illegal campers on Chesil Beach I feel it important that we offer covid secure low intensity tent camping that is regulated by the local authority for Families wishing to visit our beautiful area.

This will encourage the economy of the local area as we employ many local people, and use other local business services for our campsite.

I hope you will agree with the officer and support this application.

## Diccon Carpendale (Agent)

Chairman, members of the Committee – You have already heard from the applicant and his site manager why the toilet/shower block needs to remain in situ throughout the year and how they want the quality of this camp site to be as good as their award winning site at Higher Moor Farm – a short distance away in Nottingham.

I would like to make a few comments regarding the pertinent “planning” issues regarding this application:

Originally, in 2018 this site was operated under the 28 day permitted development rights available for the temporary use of land for camping. Subsequently permission was granted in 2019 for the site to be operated for two months of the year during the summer season. A shower and toilet block was approved as part of this application with it being permitted to remain on site between 23rd June and 8th September each year. It is important to note the **only** reason for imposing this restriction was *for the avoidance of doubt and in the interest of the visual amenities of the locality*.

A high quality toilet and shower block has been provided not only to meet the requirements of the site licence but to ensure holiday makers have a high quality experience in a covid safe environment.

The only “planning” reason for preventing a shower/toilet block being sited on the land throughout the year was visual amenity. Your Officer’s report confirms there are minimal public views of the current unit and it has been agreed that it will be changed to a matte green colour overcoming this sole reason for the condition being imposed in the first place.

Whilst there have been various comments made by local residents regarding the application, many of these are **not** relevant to its consideration – the site benefits from a full planning permission for use during the summer and is subject to a site licence and careful management.

With the showers and toilets only being utilised during the approved season, the current proposal to retain it on-site throughout the year will have no additional impact upon residential amenity at all.

We have been working carefully with your officers and the applicant fully supports the Case Officer’s recommendation. I can confirm they are very happy to continue working with the Council to ensure the colour of the units is changed and further tree planting is undertaken in addition to much already carried out which will also satisfy your Natural Environment Team.

Thank you for your time and I urge you to support the Officer recommendation for approval.

## **Update Enforcement Report - Homestead Farm, Main Street, Bothenhampton, Bridport, DT6 4BJ**

### **Simon Brody**

I note that survey work has been carried out on the as built structure by the Council's Engineering Officer. I concur that the as built roof levels are similar to those obtained by my own surveyor. I do not understand why the Farmhouse slate roof could not be seen. Using appropriate surveying techniques this should not have been a problem. Perhaps the Engineering Officer could explain.

What is now important is to check that the approved levels are compared with the as built levels. There is a statement in the report that Officers checked the plans. May I ask which officers checked the plans, and why is their analysis not presented for public scrutiny? A table of differences in height between approved and as built is presented to this Committee with no explanation as to how these figures have been derived. Surely in this appeal scenario all analysis should be presented in sufficient detail such that it is fit for thorough cross examination.

I do not think that the information submitted in the agenda notes is sufficient for any rational decision to be made on whether enforcement action should or should not be taken. I would further suggest that no decisions are taken which might imply acceptance of the figures in the table of differences in heights.

## **Andy Partridge (Agent)**

The Council granted planning permission for *the demolition of original farmhouse and erection of 1 new 4 bed low carbon house under WD/D/17/002888*.

Subsequently, it refused an application for *demolition of original farmhouse in Conservation Area. Erection of 1.no. new 4 bed low carbon house (with variation of condition 1 of planning approval WD/D/17/002888 to amend approved plans)*, contrary to the officer's approval recommendation and despite the fact that there were no objections from statutory consultees or the conservation officer.

The Appellants have lodged an appeal against the Council's decision which sets out their full Statement of Case, together with appropriate documentation. As previously notified, via a formal notice to the LPA, the Appellants have requested that the Appeal be heard by Public Inquiry. This will allow a thorough airing of the issues for all parties concerned.

Members will be aware that under Section 172 of the Planning Act, enforcement action is a discretionary remedy and is not an automatic response to a breach of planning control. An enforcement notice must only be issued if it is *expedient*. In the Ardagh Glass case (*Ardagh Glass Ltd v Chester CC [2009] Env LR 34*), it was held that there should be a balancing of advantages and disadvantages before enforcement action is taken.

We argue in this case that the disadvantages significantly outweigh the advantages in the light of the submission of the appeal. Considerable and unnecessary additional costs will be incurred by both parties if an enforcement notice is issued, when an independent inspector will consider the matter fully at Public Inquiry.

Furthermore, we would point out the effect of the development is finely balanced from the Council's perspective. This is clear not only from the officer's recommendation to grant planning permission but also from the fact there were local residents who wrote in support of the application, including a petition from a significant number of residents.

With this in mind, the Appeal would establish exactly what element - if any - is harmful, and direct any enforcement notice to that element which is allegedly causing harm. We would suggest therefore that it is appropriate to let the appeal run and hold enforcement action in abeyance until the position on harm or otherwise of the development is clarified.