

Application Number:	P/FUL/2023/01319
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Bonscombe Farm Bonscombe Lane Shipton Gorge Dorset DT6 4LJ
Proposal:	Conversion and change of use of an existing agricultural building to holiday let accommodation
Applicant name:	Mr and Mrs Eric and Helen Benedict
Case Officer:	Katrina Trevett
Ward Member(s):	Cllr Roberts

1.0 Reason for Planning Committee Consideration

This application is being re-reported to planning committee following changes to material planning considerations since Members resolved to approve the development subject to planning conditions and a Section 106 legal agreement at the 19 October 2023 Western and Southern Area Planning Committee.

2.0 Background:

At the 19 October 2023 Western and Southern Area Planning Committee Members considered that the application provided important economic benefits in supporting a local business and therefore had merit, they also felt that the impact on the AONB and surrounding area would be minimal, provided there was no external lighting on the property.

Members resolved that “authority be delegated to the Head of Planning and Service Manager for Development Management and Enforcement to grant planning permission subject to the completion of a S106 agreement to tie the development to the agricultural holding such that they cannot be sold separately and subject to planning conditions, the detailed wording of which shall have been first agreed by the vice-chair (acting today as the chairman).”

The October 2023 Committee Report is included at Appendix 2.

Since the 19 October 2023 planning committee the ‘Section 106 Agreement’ has been drafted but has not yet been sealed, given the changes to material considerations and the need to re-report the application to committee.

On 19 December 2023 the Department for Levelling Up, Housing and Communities published a revised version of the National Planning Policy Framework (NPPF). Associated 2022 Housing Delivery Test (HDT) figures and Planning Practice Guidance (PPG) has also been published and the statutory duty for areas of outstanding natural beauty (AONB) set out within the Countryside and Rights of Way Act 2000 has been amended.

Given these constitute revised material planning considerations, since it was resolved to grant planning permission, it has been necessary for officers to consider the implications of these revised material planning considerations on the applications and whether the Council can proceed to determination without re-reporting the applications to planning committee.

In deciding whether it is necessary to re-report the application to planning committee the council has considered the relevant test from case law which is whether the planning committee may reach a different decision on the application having regard to the revised material planning considerations.

This report therefore: identifies the revised material considerations; provides an officer opinion on the effect of the new material considerations; and invites Members to reconsider their resolution in light of the revised material considerations.

3.0 Assessment:

Appendix 1 identifies where the revised amended statutory duty related to AONBs affects the assessment and conclusions set out in the previous Committee Report.

4.0 Recommendation:

Members are requested to consider the revised material considerations and resolve whether they change the resolution of the 19 October 2023 Western and Southern Area Planning Committee to approve planning permission subject to planning conditions and a S106 legal agreement.

Appendix 1 – Consideration of revised material considerations

	Extract from Committee Report / Update Sheet	Officer Comments
<p>AONB (National Landscape)</p>	<p>The case officer has referenced the AONB impact on several occasions within the published committee report (appendix 2) and within the recommended reasons for refusal (pages 21 & 22 of the committee report) on the basis of ‘having regard to’ the purpose to conserve and enhance AONB’s.</p>	<p>Paragraphs 176-177 of the NPPF (when considered at the 19 October 2023 meeting) have been re-numbered as 182-183 in the NPPF December 2023. No change to wording.</p> <p>Amendments to Clause 85 of the Countryside and Rights of Way Act 2000 (CROW) introduced via Clause 245 of the Levelling-Up and Regeneration Act (LURA) came into force on 26 December 2023. The amendments require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB.</p> <p>A briefing note produced by Dorset National Landscape in response to the amendments (attached at Appendix 3) advises “the reasoning behind this change is to create a more proactive duty. Whereas the former ‘duty of regard’ could be interpreted as simply allowing a public body to acknowledge that a National Landscape would be affected, the new duty is expected to encourage explanation of how any positive or negative effects have been appraised and apportioned weight when reaching a decision.</p> <p>The primary purpose of an AONB (National Landscape) is “to conserve and enhance natural beauty”, as initially established within the National Parks and Access to the Countryside Act, 1949. The briefing note draws attention to supplementary (non-statutory/secondary) purposes of the AONB designation were developed in the 1990s and are as follows:</p>

	<ul style="list-style-type: none">□ In pursuing the primary purpose, account should be taken of the needs of agriculture, forestry and other rural industries, and of the economic and social needs of the local community.□ Particular regard should be paid to promoting sustainable forms of social and economic development that in themselves conserve and enhance the environment.□ Recreation is not an objective of designation, but the demand for recreation should be met in an AONB so far as this is consistent with the conservation of natural beauty and the needs of agriculture, forestry and other uses. <p>The applicant has submitted an addendum statement in response to the amended duty, which can be viewed on the Council's website. In summary the applicant's view is that "the existing building is unattractive and if left without a purpose, will eventually fall into disrepair, and will become more of an eyesore, which in itself is considered to neither conserve nor enhance the AONB. As such, the sensitive renovation of the piggery can indeed be considered to enhance the AONB in both the short and long term."</p> <p>The application falls within the Dorset AONB (National Landscape) and the amended statutory duty therefore applies. Members need to consider if the application 'seeks to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty.'</p>
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Appendix 2 – Published committee report for the 19th October 2023