

# Lydlinch



**Application Type:** Full Application

**Application No:** 2/2018/1348/FUL

**Applicant:** Mr Adrian Moore

**Case Officer:** Ms Katrina Trevett

**Recommendation Summary:** Approve

**Location:** Former Office, Hags Play Ltd, Holwell Road, Kings Stag, Sturminster Newton, Dorset, DT10 2BA

**Proposal:** Change of use of land to increase size of garden and alter parking and manoeuvring area (retrospective) for new dwellings approved by planning permission No. 2/2017/0718/FUL.

**Reason for Committee Decision:**

Objection from the Parish Council.

**Description of Site:**

The application site is situated on the southern side of Holwell Road, close to the junction into Kings Stag village. The dwellings that were approved have been constructed and the rear garden area has been landscaped and enclosed by fencing.

The application site is outside a settlement boundary. It is within the Blackmore Vale Landscape Character area.

**Planning Policies:**

**Local Plan:**

- Policy 1 - Sustainable Devt.
- Policy 4 - The Natural Env.
- Policy 20 - The Countryside
- Policy 24 - Design
- Policy 25 – Amenity

**Planning policy and guidance:**

The National Planning Policy Framework (NPPF) 2018  
The NPPF has been updated with a revised version published on 23 July, 2018.

Paragraph 11 of the of the NPPF advises of the 'Presumption in favour of sustainable development'.

Section 11 'Making effective use of land'

Section 15 '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 - 132 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 15- Natural Environment

Section 4. Decision taking:

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.

### **Constraints:**

Agricultural Land Grade - Grade: GRADE 3  
Parish Name - : Lydlinch CP  
Ward Name - Ward Name: Blackmore Ward

### **Consultations:**

#### **Lydlinch PC**

Consulted on the 6 December 2018, their comments dated 22 January 2019 are as follows:

It was proposed and agreed not to support the application for the following reasons:

- The proposed boundary materials of timber sleepers and steel channel 1.8 metres high are considered to be unsuitable in terms of the mixed commercial and residential use of the site and are detrimental to the residential amenity as well as posing a potential risk in terms of being an inadequate fire break between the two areas.
- Members would prefer to see a brick wall constructed between the residential and commercial areas as permitted in conjunction with application 2/2017/0718/FUL. As this is appropriate to the residential amenity in terms of visual aspect and safety in relation to the mixed use of the site
- If the residential amenity in terms of garden area and parking was considered to be adequate for the granted application 2/2017/0718/FUL members seen no significant planning reason for any alterations to these.

#### **Transport Development Management - DCC**

Consulted on the 6 December 2018, their comments dated 14 December 2018 are as follows: No objection.

## **Representations:**

There were no letters of representation.

## **Relevant Planning History:**

Application: 2/2017/0718/FUL  
Proposal: Erect 3 No. dwellings with 6 No. parking spaces.  
Decision: Approve  
Decision Date: 20.07.2017

This scheme seeks to amend the rear garden/parking layout and boundary treatment to the west boundary approved under 2/2017/0718/FUL.

## **Planning Appraisal:**

### **Principle of development**

This application effectively seeks to make a material change to an earlier scheme to erect new dwellings with associated gardens on the site, 2/2017/0718FUL. The change that is proposed is the realignment of the west boundary of the site so it is pushed slightly further west and runs along the access to the business site that neighbours the application site.

Policy 20 of the adopted North Dorset Local Plan Part 1 supports development in the countryside only if it is of a type appropriate in the countryside or it can be demonstrated that there is an 'overriding need' for it.

It is considered that this proposal is appropriate given that the changes to the layout and inclusion of a modest strip of land within the site will not be widely discernible to the public from what was approved. It enables the new dwelling on the west of the row to have a more practical garden area rather than it angling off; it has been made more square effectively.

As such, this proposal complies with Policy 20 of the adopted North Dorset Local Plan Part 1.

### **Impact on amenities of the site & surrounding area**

As previously mentioned, the changes to the rear west boundary will only be significantly viewed from within the business site that borders its west boundary or by aerial view. The garden area/parking area has been modestly extended to the west over a small portion of the Hags access. It does not involve a significant extension over agricultural land where concern may have been raised.

The new extended area is towards a business site. No residential neighbours will be affected by the change. No neighbour letters have been received.

The extended garden & parking areas will be appear confined within the site and the new boundary treatment consisting of timber sleepers & steel posts marking the new west boundary of the site appears appropriate as a boundary treatment to separate the business site from the residential use. The reasoning for using sleepers & posts instead of the matching brick (as per the previous scheme) is to prevent significant damage and collapse if the wall is knocked by the business traffic. The applicant has stated that the sleepers are to be coated with a fire proof coating.

However, it is acknowledged that the existing boundary treatment could be removed and replaced with a standard garden timber fence 2m high under permitted development rights as there is no mechanism for its permanent retention from the previous permission. This would be the same case if the boundary treatment were to be brick as originally proposed; it can be removed under PD rights. If the timber sleeper/steel posts were only 2m high, it would be permitted development in future in any event.

The visual nature of this boundary treatment is acceptable and does not harm residential or visual amenity significantly. The new boundary treatment is 2.4m high (1.8m high within the residential curtilage) but its at an appropriate distance from the nearest dwelling to ensure their amenity level is not compromised. It clearly marks the edge of the business site with the residential curtilage. The wider landscape is protected.

As such, the incorporation of more land within the residential curtilage and parking area is considered acceptable in this case given its limited impact and the reasonable improvement to the rear garden layout in particular.

### **Impact on highway safety**

The scheme will slightly enlarge the dedicated rear parking area for the new dwellings. It has taken a small portion of the access track to Hags away but this change is minor and does not impact on the safety or suitability of the business access. The Highways Authority has no objections to this scheme.

### **Other matters**

This scheme is not considering any changes to the tenure of the dwellings. The plans do not indicate changes to the dwellings previously approved.

### **Conclusion:**

It is considered that the proposed layout changes and new boundary treatment are reasonable and acceptable. The previous proposal will not greatly change as a result of this scheme.

A new 2m high boundary treatment would be permitted development in any case. Whereas the one in place is 2.4m high so requires consideration currently.

It is considered that the proposal complies with the North Dorset Local Plan Part 1 and advice contained within the NPPF.

**Recommendation:** Approve

### **Conditions:**

1. 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).

2. The development hereby permitted shall be carried out strictly and only in accordance with the following approved drawings and details: 1440/1A Site Plan & Location Plan, 1440/1/2 Ground floor plan & elevations; forming the approved application.

Reason: For the avoidance of doubt and to clarify the permission.

3. Before the development hereby approved is occupied or utilised the turning and parking shown on Drawing Number 1440/1A must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site and to ensure that highway safety is not adversely impacted upon.

### **Human Rights:**

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.

### **Public Sector Equalities Duty (PSED)**

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.

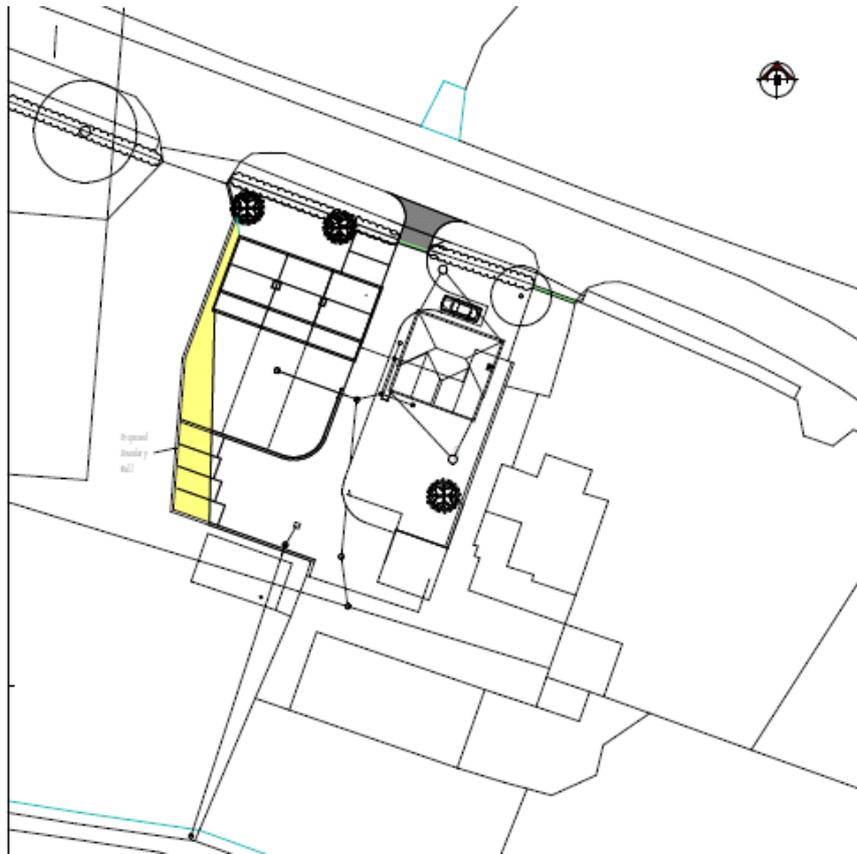
Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people.

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.

### **DECISION:**

LOCATION PLAN 2/2018/1348/FUL



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