



## Eastern Area Planning Committee

**Date:** Wednesday, 5 April 2023  
**Time:** 10.00 am  
**Venue:** The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

### Members (Quorum )

Mike Barron, Toni Coombs (Chairman), Shane Bartlett (Vice-Chairman), Alex Brenton, Robin Cook, Mike Dyer, Barry Goringe, David Morgan, Julie Robinson, David Tooke, Bill Trite and John Worth

**Chief Executive:** Matt Prosser, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic Services  
Meeting Contact [megan.r.rochester@dorsetcouncil.gov.uk](mailto:megan.r.rochester@dorsetcouncil.gov.uk)

Members of the public are welcome to attend this meeting, apart from any items listed in the exempt part of this agenda.

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## Agenda

Item		Pages
1.	<b>AGENDA</b>	1 - 4
2.	<b>APOLOGIES</b>	
	To receive any apologies for absence	
3.	<b>DECLARATIONS OF INTEREST</b>	
	To disclose any pecuniary, other registrable or personal interest as set out in the adopted Code of Conduct. In making their decision councillors are asked to state the agenda item, the nature of the interest and any action they propose to take as part of their declaration.	
	If required, further advice should be sought from the Monitoring Officer in advance of the meeting.	

#### 4. MINUTES

To confirm the minutes of the meeting held on Wednesday 8<sup>th</sup> March 2023.

Minutes will be published with this agenda shortly. Please use this link to view the agenda for this meeting which includes a link to the recording of the meeting [Agenda for Eastern Area Planning Committee on Wednesday, 8th March, 2023, 10.00 am - Dorset Council](#)

#### 5. PUBLIC PARTICIPATION

Members of the public wishing to speak to the Committee on a planning application should notify the Democratic Services Officer listed on the front of this agenda. This must be done no later than two clear working days before the meeting. Please refer to the Guide to Public Speaking at Planning Committee.

[GuidanceforspeakingatPlanningCommittee.doc.pdf \(dorsetcouncil.gov.uk\)](#).

The deadline for notifying a request to speak is on Monday 3<sup>rd</sup> April at 8.30am

#### 6. PLANNING APPLICATIONS

To consider the applications listed below for planning permission

7. **P-FUL-2022-03050 - CHANGE OF USE OF AGRICULTURAL BUILDINGS AT BATTLE FARM TO USE CLASS B8 (STORAGE OR DISTRIBUTION) BATTLE FARM THROOP** 5 - 36

Change of use of agricultural buildings at Battle Farm to use Class B8 (storage or distribution).

8. **6/2021/0342 - USE OF LAKE FOR RECREATIONAL ACTIVITIES (OUTDOOR SWIMMING) AND RETROSPECTIVE SITING OF SHIPPING CONTAINER TO PROVIDE CHANGING ROOM FACILITIES - SWINEHAM FARM BESTWALL ROAD WAREHAM BH20 4JD - ELIZABETH ADAMS ( DEFERRED AT THE 22 FEB 2023 COMMITTEE TO ALLOW NOTICE TO BE SERVED ON A LANDOWNER)** 37 - 56

Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.

9. **6/2021/0262 - ERECT DETACHED SELF-BUILD RURAL EXCEPTION SITE DWELLING - WITLY LAKES CHURCH KNOWLE BH20 5NG** 57 - 92

Erect detached self-build rural exception site dwelling

10. **P/FUL/2022/06807- SEVER PLOT AND ERECT A 4NO BEDROOM DETACHED HOUSE - APRIL COTTAGE SOUTH INSTOW HARMANS CROSS SWANAGE BH19 3DS** 93 - 112

Sever plot and erect a 4no bedroom detached house.

11. **URGENT ITEMS**

To consider any items of business which the Chairman has had prior notification and considers to be urgent pursuant to section 100B (4) b) of the Local Government Act 1972

The reason for the urgency shall be recorded in the minutes.

12. **EXEMPT BUSINESS**

To move the exclusion of the press and the public for the following item in view of the likely disclosure of exempt information within the meaning of paragraph 3 of schedule 12 A to the Local Government Act 1972 (as amended)

The public and the press will be asked to leave the meeting whilst the item of business is considered.

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# Agenda Item 7

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<b>Application Number:</b>	P/FUL/2022/03050		
<b>Webpage:</b>	<a href="https://planning.dorsetcouncil.gov.uk/">https://planning.dorsetcouncil.gov.uk/</a>		
<b>Site address:</b>	Battle Farm Throop Dorchester DT2 7JD		
<b>Proposal:</b>	Change of use of agricultural buildings at Battle Farm to use Class B8 (storage or distribution)		
<b>Applicant name:</b>	Mr Philip Trim		
<b>Case Officer:</b>	Diana Mezzogori-Curran		
<b>Ward Member(s):</b>	Cllr Beddow and Cllr Wharf		
<b>Publicity expiry date:</b>	25 June 2022	<b>Officer site visit date:</b>	31 May 2022
<b>Decision due date:</b>	6 April 2023	<b>Ext(s) of time:</b>	6 April 2023

1.0 The application has been referred to committee by the nominated officer.

## 2.0 Summary of recommendation:

GRANT subject to conditions

## 3.0 Reason for the recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The reuse of the existing buildings and location is considered to be sustainable and the proposal is acceptable in its design and general visual impact.
- The impact of the proposal on the amenity of neighbouring residents and the village can be made acceptable by the imposition of planning conditions.
- It is not considered that the proposal will result in any severe impact on the highway network.
- There are no material considerations which would warrant refusal of this application

## 4.0 Key planning issues

<b>Issue</b>	<b>Conclusion</b>
Principle of development	In accordance with policies
Scale, design, impact on character and appearance	Acceptable as reusing buildings

Impact on highway safety	Acceptable in light of baseline unfettered agricultural use and delivery of passing place on Throop Hollow
Impact on amenity	Acceptable subject to condition limiting hours of operation and external lighting
Impact on landscape or heritage assets	No harm
Impact on biodiversity	Benefit from loss of poultry use. Biodiversity enhancement by installing tree bat box within the site

## 5.0 Description of Site

- 5.01 The site comprises approx. 1.57ha of land east of Throop Hollow (a D road) which runs through Throop and through Briantspuddle. The Battle Farm site houses 6 former poultry buildings for egg production. The buildings currently lie vacant, the former poultry enterprise having ceased in March 2021. The agricultural buildings on site have a total internal floor area of approx. 5190m<sup>2</sup>.
- 5.02 The site is accessed via a 300m long (approx.) private drive which is shared with two other properties, a residential dwelling known as 'The Bungalow' and an agricultural worker's dwelling associated with Throop Hollow Farm, an adjacent farm holding. Throop Hollow Farm, is served by a smaller group of agricultural barns forming a farm courtyard, to the south east of the application site. Both 'The Bungalow' and Throop Hollow Farm are in the ownership of the applicant.
- 5.03 The site is situated to the south of the village of Throop and is located in an area characterised by pastureland interspersed with hedgerows and trees. The local road network, where roads have verges but no pavement, contributes to the rural character. The site is located in open countryside and is close to, but outside, the Piddle Valley conservation area.
- 5.04 The site is on a hillside. The land on which the buildings are sited is lower than the site entrance and the site benefits from tree and hedge screening, although glimpsed views are possible from the south-west from public right of way SE4/14 and from the east along the access drive. The buildings are positioned within an enclave of trees, comprising a woodland group designated as a Site of Nature Conservation Interest (SNCI), closed off from the north and west, and partially to the east, but open to the south with a more modest screen to the southern side of the farmyard.

## 6.0 Description of Development

- 6.01 It is proposed to change the use of the six existing poultry buildings on the site from agricultural to use class B8 (storage or distribution).

All measurements approximate	Length	Ridge Height	Floor area	Materials
Building 1	105.4m	11.5m	2639m <sup>2</sup>	Steel portal frame with profile clad elevations and a profile roof

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Building 2	45.5m	7m	535m <sup>2</sup>	Steel portal frame buildings with block and steel profile cladding
Building 3	45.5m	7m	499m <sup>2</sup>	Steel portal frame buildings with block and steel profile cladding
Building 4	45.5m	7m	505m <sup>2</sup>	Steel portal frame buildings with block and steel profile cladding
Building 5	31.5m	7m	475m <sup>2</sup>	Profile clad steel frame building
Building 6	45.5m	7m	537m <sup>2</sup>	Steel portal frame buildings with block and steel profile cladding
Total			5190m <sup>2</sup>	

- 6.02 26 parking spaces are proposed for future staff and customers, provided on existing hardstanding east of Building 6 and on the northern boundary between Building 6 and woodland. Three HGV parking spaces will be provided on existing hardstanding east of Building 1. It is anticipated that the development could employ approximately 0.25 full time employee for maintenance, upkeep and general management, however, the development will provide an opportunity for tenant businesses (i.e. those occupying the buildings) to employ people to manage their storage/distribution business. The site also allows for turning and manoeuvring for larger vehicles.
- 6.03 The submitted information indicates that all buildings are of modern, permanent, sound, substantial construction and are considered appropriate for B8 use without significant adaptation or refurbishment.

## 7.0 Relevant Planning History

Application	Description	Decision	Date
6/1976/0473	Erect 3 additional poultry houses	Granted	19/08/1976
6/1976/0890	Erect 3 additional poultry houses	Granted	19/05/1977
6/1982/0744	Erect 3 additional poultry sheds	Granted	05/04/1984
6/2006/0779	Demolish eight redundant farm buildings and erect one replacement farm building	Granted	31/10/2006
6/2012/0013	Installation of solar voltaic modules on south-west facing roof slope	Granted	06/03/2012

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## 8.0 List of Constraints

Dorset Heathlands - 5km Heathland Buffer

Nutrient Catchment Areas

Site of Special Scientific Interest (SSSI) (400m buffer): Turners Puddle Heath;

Poole Harbour Catchment Area

## 9.0 Consultations

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

### Consultees

#### **Natural England** (Received 22.06.2022)

- No objection

#### **Dorset Council - Highways** (Received 08.06.2022)

- Further information required – DEFER

(Received 15.09.2022)

- Further to receipt of amended Transport Statement and Technical Note no objection subject to conditions

(Received 11.01.2023)

- Further to constraints update limiting passing place provision DC Highways accept that providing a passing place is a betterment therefore providing only one passing place is acceptable

(Received 02.03.2023) – Final comments

- No objection subject to conditions

#### **Dorset Council – Minerals & Waste Policy** (Received 19.05.2022)

- No objection

#### **Dorset Council – Planning Policy**

- No comments received

#### **Dorset Council – Environmental Services – Protection**

- No comments received

#### **West Purbeck Ward Members**

- No comments received



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**Affpuddle & Turnerspuddle Parish Council – (Received 24.06.2022)**

**Objection**

- The proposal would have a serious detrimental impact upon individuals and cumulatively on the environment, visually, and ecologically, arising from significantly increased traffic movements and the size of vehicles on site and using the surrounding country lanes.
- The application is lacking in detail and contains inaccuracies (Transport Statement)
- Biodiversity and Geology – This site is adjacent to and in close proximity to Turnerspuddle Heath and Oakers Bog SSSIs (also SPA, SAC and Ramsar)
- Loss of habitats
- Widening of the dividing roads, increasing the impact of fragmentation of the habitats and species
- Erosion of the verges which are an integral part of the heathland, sometimes supporting species less frequently found within the main heathland areas. This is likely to occur with or without the provision of passing places
- Enrichment of the nutrient poor habitats by dust
- Disturbance to sensitive species
- Mortality of vulnerable species by increased traffic movements
- Danger to grazing livestock
- No information on operating hours – nuisance to residents
- The application states that the proposal does not involve carrying out industrial or commercial activities, which appears inaccurate
- Site is within countryside
- Surrounding lanes, C-class and lower not suitable for increased size and quantity of vehicles and HGV's
- Unsustainable location for storage and distribution uses
- No traffic assessment made about increased traffic as a result of the fodder storage and distribution contracting business operating from Throop Hollow Farm or 'temporary campsite' for 100 pitches used for 28 days in August under PD rights
- Loss of amenity/change of character of the area due to increased traffic
- Inappropriate use of an open, elevated, and rural setting easily visible from the Conservation Area
- 400m from heritage asset – Throop Clump

Further comments received on 22.09.2022 after additional highways information submitted:

- Still lacking any real detail of what is proposed and how this will impact upon the local highway network
- No information provided on the impact on the roads

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- Transport Statement does not address the impact on vulnerable road users – pedestrians, cyclists, and equestrians
- Traffic survey was conducted in January when vehicles under the control of the applicant are the main user of the road. It does not show the varied use that occurs at different times of year such as the campers in the adjacent camp sites and other tourists
- There is no mention or analysis of the impact upon the highway network beyond this junction
- The planning application is not limited to one particular route it should be assumed that vehicles could travel in different directions when leaving the site
- To date all that has been provided is signposting to turn right out of the site and two inadequate passing places
- No information has been provided for the following:
  - Visibility splays at the C79 Wareham Road junction addressing particular concern of limited visibility to the left when exiting onto Wareham Road
  - Visibility splays at the Yearlings Drove junction with the B3990 addressing concern of limited visibility to the right when exiting onto the B3990
  - Visibility splays at the Yearlings Drove junction with Rye Hill
  - Visibility splays at the Throop Clump Junction addressing concerns in all directions
  - The extent of adequate formal passing spaces and carriageway widths along both the C79 and Yearlings Drove
- The change of use application would irredeemably change the rural character of the area
- A site visit should be conducted, and the Parish Council would request that it is invited to send representatives to attend the meeting. The site visit must include the concerns raised about highways and as such the Highways Department must also be in attendance
- Given a strong local feeling the only acceptable way forward should amendments be proposed is for a fresh application to be made

Further comments received on 03/10/2022 following the Highways submission dated 15/09/2022;

The following documents have been submitted in support of submitted comments:

- ✓ Consulting Engineers report (landscape survey)
- ✓ Tree preservation order dated 1972
- ✓ Plan showing the location of oaks
- The change of use will result in a much more intensive number of trips than the single holding poultry farm use. The adverse impact on the surrounding highway network will be seriously detrimental, which cannot be mitigated

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- Unsuitable local road network
- Traffic Management Statement must be implemented and adhered to for the full duration of the development. Apart from two signs the TMS gives nothing to implement. There is nothing to adhere to as the Applicant will only 'remind' and 'consider' when vehicles repeatedly use the road 'immediately to the north'
- Neither the TMS nor the planning conditions can control the use of the highway
- We believe that if the Highways Authority had had the benefit of considering the recent representations by the Parish Council, and other representations on behalf of residents on the TMS they would have made a different recommendation
- The volume and quality of data provided by the Parish Council and its residents far exceeds the scant and poor information from the Applicant
- We trust the Highways Authority will reconsider in light of this information

Further comments received on 06/02/2023 - not already listed in previous comments

- Outstanding application P/FUL/2021/05005 (Throop Hollow Farm) and current application (Battle Farm) are linked and should be combined for the purpose of planning assessment
- The applicant is in breach of planning conditions
- Incorrect information submitted leading to misleading picture of movements/use at Throop Farm (Agricultural Appraisal for Throop Farm application; The Manure Management Plan and Nutrient Management Plan)

Further comments received on 26.02.2023

The Parish Council requests site visit by the elected members of the Eastern Planning Committee. With this request Parish Council has submitted letter stating the reasons for site visit by committee members.

**Dorset Wildlife Trust** (Received 24.06.2022) – Comments

- DWT consider it unlikely that the development will have any adverse impacts upon the Site of Nature Conservation Interest (SNCI) due to the nature of the proposals and agree with the information provided as part of the Planning Statement that the cessation of poultry activity on the site will result in environmental benefits in relation to the reduction of ammonia and nitrogen emissions locally.
- Potential implications for biodiversity of any modification to the road network
- Any road widening, creation of increased visibility splays etc are required, this should be subject to full ecological assessment prior to the application being decided.
- A Biodiversity Plan might be required in line with the Dorset Biodiversity Action Plan (DBAP) to ensure adequate biodiversity mitigation, compensation and net gain.

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**Representations received**

The application was advertised by means of a site notice. Representations received from third parties are summarised below.

<b>Total – Objections</b>	<b>Total - No Objections</b>	<b>Total – Comments</b>
91	1	92

Third party objections relate to the following:

- Increased volume of traffic through the village
- Highway danger- inappropriate roads, no pedestrian provision, school bus route with no formal stops, inappropriate for large vehicles, trip rates anticipated to increase compared to existing
- Impact on amenity- noise and disturbance for residents especially those adjoining the access
- Inappropriate development harmful to the character of the area- not a sustainable location for intensity of use proposed
- Light pollution
- Air pollution
- Site close to Conservation Area and Listed Buildings – increased traffic of large vehicles on roads with no pavements will cause a risk of structural damage to houses and damage to roads from lorry movements
- Harm to wildlife
- Widening the road will impose a greater barrier and permanently increase the degree of habitat fragmentation and thus be in direct conflict with ambitions for biodiversity recovery in Dorset
- A huge variety of space available to rent in what amount to light industrial units in and around Dorchester, Weymouth, Blandford and Poole, not to mention possibilities at the Dorset Innovation Park – more appropriate location than Battle Farm
- Increased pollution would damage fragile environments, adjacent SSSI and nearby River Piddle
- Submitted Transport Statement is misleading and inaccurate data used for historical traffic movements

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- There is no ban on the use of 'enriched cages' in poultry farming hence there is no legislative reason for the Battle Farm buildings to be redundant

Further objections received after 15<sup>th</sup> September 2022 as a result of DC Highways final comments and submission of amended Traffic Management Statement.

- Estimated level of traffic has been accepted by DC Highways without any description of the type of traffic and assurance the traffic won't be going through Throop and village of Briantspuddle. No objection received from DC Highways is made without the actual site visit.
- The proposed signage not adequate and will achieve little as no legal enforcement is possible. Previous experience of farm vehicles turning north despite applicant's reassurance this wouldn't happen and issues with the camping site increasing the traffic through the village; likely that the same issues will be experienced
- The roads to the south of the site are not suitable for heavy traffic or heavy goods delivery vehicles
- The proposed signage not adequate and will achieve little as no legal enforcement is possible
- The widening proposed only relates to the small length of lane leading to the South from Battle Farm. After the crossroads all three lanes leading from that are equally narrow and difficult to negotiate
- HGVs will damage visual and ecological landscape – will required tree canopy pruning and verges will be overrun and degraded
- Inadequate detail of passing places
- Concerns about increase in traffic movements: TRICS data supplied by the Applicant suggests very significant increase in traffic movements, when considering the 154 trips per day scenario. Data from previous Planning Applications for Battle Farm (2006 – ref. 6/2006/0779) and a similar poultry operation, Walston Poultry Farm, Gaunt's Common (2021 – ref. 3/21/0935/FUL), suggest that use of the two sites, as poultry farms, generated between 20 and 30 trips per day (only 20% to 30% of the trips that the Applicant claims Battle Farm generated). The number of vehicles listed is far in excess of the actual number - it is a quiet country lane.
- Insufficient evidence to demonstrate that there will not be highways consequences which are severe (including conflict with other road users and accidents) in conflict with Policy IAT of PLP1 and paragraph 111 of the NPPF
- Carriageways are heavily used by pedestrians, cyclists, and equestrians and there are no footways.
- Concerns about the speed of vehicles exiting up and down the hill onto the public highway (suggested 34- 36 mph) due to the steepness of the hill, the C class road and surface.

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- The number of vehicles listed is far in excess of the actual number - it is a quiet country lane and is used by pedestrians (long and old) and also a consider number of horse and bike riders.
- Impact of increased movement of heavy commercial vehicles driving over the existing drain located on the corner of Throop.
- Contrary to planning policy – CO, LHH of the Purbeck Local Plan Part 1 (2012) (PLP1) and paragraph 174 of the NPPF

## 10.0 Relevant Policies

### Duties

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

### Development Plan policies

#### **Adopted Purbeck Local Plan Part 1:**

The following policies are considered to be relevant to this proposal:

Policy SD – Presumption in favour of sustainable development

Policy NW – North West Purbeck

Policy LD – General location of development

Policy D – Design

Policy LHH – Landscape, Historic Environment and Heritage

Policy CO – Countryside

Policy BIO – Biodiversity and Geodiversity

Policy DH – Dorset Heaths International Designation

Policy E – Employment

Policy IAT – Improving Accessibility and Transport

### Other Material Considerations

#### **Emerging Local Plans:**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

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- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**The Purbeck Local Plan (2018-2034) Submission January 2019** ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/approx.-local-plan/approx.-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/approx.-local-plan/approx.-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E2: Historic Environment

E12: Design

E4: Assessing flood risk

E10: Biodiversity and geodiversity

I2: Improving accessibility and transport

### **Supplementary Planning Document/Guidance**

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

### **National Planning Policy Framework:**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant

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policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- 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...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.
- Section 6 'Building a strong, competitive economy', paragraphs 84 and 85 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.
- Section 11 'Making effective use of land'
- 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 126 – 136 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.

Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and



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enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **11.0 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.

## **12.0 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 Public Sector Equalities Duty.

The proposed storage or distribution use of the site is not judged to result in any disadvantage to persons with protected characteristics.

## **13.0 Environmental Implications**

13.01 The proposal will result in a reduction of ammonia and nitrogen discharge and vehicle trips associated with the poultry farming. Vehicular trips to the storage or distribution units utilising vehicles reliant on fossil fuels are anticipated but the proposal will result in no significant additional environmental implications having regard to the poultry farm.

## **14.0 Financial benefits**

What	Amount / value
Non Material Considerations	
Business rates	Rating assessment to be undertaken by Valuation Office Agency. No estimate available.

## 15.0 Planning Assessment

15.01 The proposal seek approval to change of use of the six existing buildings on the site from agricultural to use class B8 (storage or distribution). The main planning issues for this application are:

- Whether the development is acceptable in principle
- Impact on highways and character of the area
- Impact on residential amenity
- Impacts on biodiversity

These and other issues will be considered below.

### The principle of development

15.02 The current application seeks to reuse existing chicken sheds for storage or distribution purposes (Use Class B8). The supporting statement explains that the poultry industry has undergone significant change as a result of regulation and the buildings are no longer considered to provide a suitable environment for modern poultry farming methods and thus an alternative use of the land is sought. The supporting information and an officer site visit have confirmed that the buildings are permanent and capable of re-use.

15.03 The application site is located outside of any settlement boundary and is therefore defined in the Purbeck Local Plan Part 1 (PLP1) as being within the open countryside. Policy LD (Location of Development) identifies that development will be directed towards the most sustainable locations in accordance with the identified settlement hierarchy. The policy states '*Land outside of settlement boundaries is classed as 'countryside' where development will be permitted only in exceptional circumstances as set out in Policy CO: Countryside*'.

15.04 Policy CO of the PLP1 clarifies that development within the countryside will be permitted where it does not have a significant adverse impact, either individually or cumulatively on the environment, visually, ecologically or from traffic movements and only where it complies with a defined list of exemptions. The exceptions include the reuse of a rural building or where development comprises a farm diversification scheme.

15.05 The policy provides further direction on the re-use of rural buildings, noting that the buildings themselves must be of permanent and substantial construction, and that they

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should be for employment, tourist accommodation or community facilities predominantly; albeit housing is also supported. Within the frame of 'employment' uses, B1, B2 and B8 uses are supported. In principle the proposal can accord with policy CO provided it does not result in any significant adverse impacts. This is considered further below.

- 15.06 Policy E (Employment) of PLP1 seeks to ensure that employment provision is located at the most sustainable locations in accordance with policy LD. It states that '*In rural areas, small scale employment uses will be encouraged to help rural regeneration and improve the sustainability of communities in accordance with Policy CO: Countryside.*' This aim accords with Policy NW: North West Purbeck which notes that '*Small scale proposals for rural economic regeneration*' in countryside within North West Purbeck will be encouraged.
- 15.07 Although there is no definition of 'small scale' in the policies mentioned, policy E refers to schemes exceeding 0.5ha as '*Larger employment developments*'. Officers consider that the proposal does not represent a 'small scale' enterprise envisaged by policy E; the site exceeds 1ha and the floor space, which is in excess of 5000m<sup>2</sup>, is significant.
- 15.08 Local objection is predominantly based on perceived inaccessibility of the site for a use which is associated with potentially significant trip rates. NPPF Paragraph 105 seeks to focus significant development to locations which are or can be made sustainable through limiting the need to travel and offering a genuine choice of transport modes. This aim is reflected in Employment Policy E and Improving Accessibility and Transport Policy IAT which requires development to be in accessible locations. It is acknowledged within the Framework that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, but the application site is particularly remote from any public transport and is served by unclassified roads.
- 15.09 The proposed B8 storage or distribution use has not been further defined. A distribution use has the potential to be associated with significant vehicle trip rates. The site lies approx. 2.7km from any urban area and all routes to the site require travel along unclassified roads without pavements for at least 2.5km. Although the proposal would re-use existing buildings, the isolated location of the site weighs against its use for the nature and scale of operation that is proposed.
- 15.10 The supporting statement claims that the proposal for 6 Use Class B8 (storage or distribution) units is appropriately located to provide diversified income to an existing agricultural business and encourage sustainable economic growth in the rural area by creating premises for local businesses. Officers recognise the economic benefits that the scheme offers in the light of the closure of the poultry farm business, this is given some weight in favour of the proposal.
- 15.11 Objectors claim there is a huge variety of space available to rent in what amount to light industrial units in and around Dorchester, Weymouth, Blandford and Poole and premises at the Dorset Innovation Park as an alternative location for the proposed use. As there is no policy basis for restricting provision of employment premises other than

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where harm would arise, it is necessary to consider the application that is before the Council on its merits.

- 15.12 The proposal is to convert 6 buildings for either storage or distribution purposes. All of the buildings are large; Building 1 is the largest at approx. 2639m<sup>2</sup>. The rest of the Buildings 2-6 are smaller but still range between 475m<sup>2</sup> - 537m<sup>2</sup> internal floor space. There is ample hard surfacing to accommodate vehicle parking associated with the uses. Each building would be capable of accommodating commercial or private storage or distribution uses.
- 15.13 Objectors claim that the site, once permitted, could be used as a builder's yard or as an expansion to applicants' contract farming business but these are sui generis uses for which a new planning permission would be required. The proposal is for storage or distribution uses under Use Class B8.
- 15.14 Policy LD seeks to direct development towards sustainable locations. The scale of the proposed business use exceeds that anticipated in rural areas by policy E which reads: *'In rural areas, small scale employment uses will be encouraged to help rural regeneration and improve the sustainability of communities in accordance with Policy CO: Countryside.'*
- 15.15 This is a positively worded policy which does not explicitly prevent larger employment use of existing buildings. The reuse of rural buildings and farm diversification is permissible in principle as confirmed by policy CO, so the main policy requirements is that the proposal should avoid 'significant adverse impacts'.
- 15.16 The rural location of the buildings means that they are unable to accord with the policy E aim of ensuring that new employment uses are accessible by sustainable transport mode. However, the application site has previously been used for employment, albeit agricultural rather than in B class use so less weight can be given to this departure from local policy.
- 15.17 Paragraph 152 of the National Planning Policy Framework (NPPF) requires that the planning system should support the transition to a low carbon future. This includes encouraging the reuse of existing resources, including the conversion of existing buildings as currently proposed. NPPF Para 84(a) requires planning decisions to enable *'the sustainable growth and expansion of all types of businesses in rural areas, both through conversion of existing buildings and well-designed new buildings'*.
- 15.18 The application site comprises six large buildings, five of which are no longer compliant with modern agricultural standards and legislation which has made them redundant. The proposal to reuse the redundant agricultural buildings is acceptable in principle provided that there is no significant adverse impact on the environment, visually, ecologically or from traffic movements to accord with policy CO as well as other policy requirements which are considered below.

Impact on highway safety

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- 15.19 The site is located in a rural area which is largely served by unclassified roads which have verges but no pavements.
- 15.20 The site is accessed via an agricultural track which runs westwards from the public highway, Throop Hollow. The public highway comprises a single track, country lane with no formal passing places. It is used by vehicles as well as pedestrians, cyclists, and horse riders and provides access to a Public Right of Way to the south which runs through the Turners Puddle Heath. The Heath is a designated Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) and Special Area of Conservation (SAC) located some 390m distance from the site.
- 15.21 Highway danger is a significant concern in the majority of the objections received by the Council against this application.
- 15.21 The application is accompanied by a Transport Statement (TS) and an additional Highway Technical Note (TN) which seeks to demonstrate that the likely trip rates arising from the proposed use would represent either a reduction if the site was used for commercial storage and distribution or a 'slight' increase if used for self-storage (usually associated with a larger number of smaller units) compared to the potential trip rates achievable under the current lawful agricultural use. The TS and additional TN provide data which was requested by the Highways Officer in relation to anticipated trip rates per day.
- 15.22 The Highway Officer originally commented that: *"Within the submitted Traffic Assessment, para 4.2 states that current daily trips are estimated at 95. In respect of the proposal, 4.7 suggests that the "worst case" scenario of the proposed buildings being used for self-storage could generate 154 daily trips. It is this scenario that the Highway Authority must work to. This would be an increase of 59 extra trips on the highway network. Therefore, the Highway Authority does not consider this to be a "slight increase" as stated in 5.7 (representing a 62% increase in daily traffic movements)"*.
- 15.23 The Technical Note confirms that two sets of TRICS data were submitted, one relating to a Commercial Warehouse use and a second for a self-storage use. The Highway Officer comments were based on the "worst case" scenario which results in an increase of an additional 59 daily movements. However, the table within para 4.2 of submitted TS (below) identifies the potential traffic generation that could be associated with the current lawful agricultural use if the farm was producing, grading and packaging eggs in existing buildings. Although by 2006 the use of the site was limited to egg production this was a commercial decision and not controlled by planning condition therefore, although hypothetical, the trip rates are considered represent a reasonable baseline.

Battle Poultry Farm Traffic Generation		
Activity	Description	Typical Daily Trips
Staff Commuting	Poultrymen, Graders and Packer	80
Eggs Out	5 Lorries per day	10
Feed in	1 Lorry per day	2
Manure Out	2 lorries per week	0.29
Senior Management Visit	2 per week	0.29
Gas Delivery	1 Lorry per week	0.14
Annual Restocking	88 loads / year	0.25
Deadstock Removal	1 Bin collected every 12 days	0.17
Packaging Deliveries	1 Lorry / 14 days	0.14
Maintenance Contractor	1 Visit per week	0.14
Pest Control	1 Visit per week	0.14
Farm Assurance	1 Visit per month	0.03
Vet Visits	1 Visit per month	0.03
<b>Total Daily Movements</b>		<b>95.22</b>

15.24 When operating as a poultry farm including grading and package of eggs, most trips would have been concentrated within the AM (7:30 – 8:30) and PM (16:30 – 18:00) peak periods when the Poultry workers arrived in the morning and departed in the evening resulting in a total of some 80 two-way traffic movements. When a full day of trips is considered, based on the figures provided in above table, the number of movements associated with the poultry use could be considerable, at approximately 95 per day. It is recognised that the majority of these were staff related with the number of likely lorries limited to approx. 15 lorries per day. Local objectors have referred to low current traffic levels due to the poultry use having ceased in 2021, but it is recognised that access to the agricultural site is unfettered for planning purposes and if farming operations were re-established then significant trip rates could currently take place without the need for planning permission.

15.25 To determine the net impact of the proposed development in traffic generation terms, the applicant has used TRICS data that was submitted as part of the application for a similar proposal for a change of use of a former poultry farm to a B8 storage use at Walston Poultry Farm some 7 miles north of application site. The location characteristics are very similar and the data has now been accepted by the Highway Authority as providing a reasonable parallel. Two sets of TRICS data were submitted, one set for a Commercial Warehouse and a second set for self-storage.

15.26 Based on the submitted TRICS data, the proposed commercial warehouse use would generate 8 traffic movements per hour in the AM peak, 3 per hour in the PM peak and a daily average of 85 two-way trips over the course of a day (05:00-21:00). For the self-storage warehouse use using the agreed TRICS data, the proposed self-storage use would generate 11 traffic movements per hour in the AM peak, 10 per hour in the PM peak and a daily average of 154 two-way trips over the course of a day (05:00-21:00).

15.27 Utilising indicative existing traffic generation figures and TRICS assessment to indicate the proposed development traffic generation, the proposal might generate a decrease of 10 traffic movements or an increase of 59 daily traffic movements, depending on the nature of the future use. Officers recognise that these figures can only be

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illustrative as there is current uncertainty about which B8 uses (storage, distribution or both) would be implemented on site should this proposal be approved.

- 15.28 The Parish Council has rejected the conclusions of the submitted Transport Statement as it believes the information within the report is based on inaccurate information and speculative data and its conclusions are unsubstantiated. Officers consider that the trip rates appropriately reflect operations that could lawfully take place on the site from a planning perspective.
- 15.29 It is recognised that the agricultural use of the site can be associated with large and slow moving vehicles such as tractors and HGVs. A change of use has the potential to improve this situation by changing the nature of vehicles using local roads and the site access. In this case, however, it is noted that the majority of the previous trips associated with the poultry use were undertaken by employees in their private vehicles and that the generic storage and distribution use of these large building is likely to result in continued and potentially increased use by HGVs. Officers have therefore considered whether the use would result in highway danger that would necessitate refusal.
- 15.30 The Transport Statement sets out the previous traffic generation from when the site was in operation as a fully functioning egg production unit and using TRICS Data (Industry standard system of trip generation analysis), predicts the likely traffic impact from the proposed use. The Council's Highway Team has confirmed that the information submitted in Transport Statement and additional Technical Note, including TRICS data is appropriate for this proposal.
- 15.31 The original comments provided by the Highways Officer confirmed that they would not support additional HGV movements through the villages and could only support traffic movements travelling south along Throop Hollow, towards the A35 (located to the north-east). Further, they required that a detailed analysis of the route from the south to the site (Throop Hollow and Yearlings' Drove) should be undertaken to confirm visibility, carriageway width, passing width, availability and improvement of passing place and identification of the impacts and how these could be mitigated in respect of highways conflicts.
- 15.32 In response to the Highway Officer's comment the applicant has submitted a Traffic Management Statement (Version 2) (TMS) setting out a package of measures to be employed as part of the proposal. This specifies how the suggested measures can be implemented and enforced and includes details of an improved passing place.
- 15.33 For the incoming traffic, it is proposed that the applicants will verbally brief all contractors, tenants, employees and any other visitors prior to their arrival advising on the preferred route to the South and describing the unsuitability of the road network immediately North of Battle Farm. For the outgoing traffic, in order to effectively direct traffic along the preferred route away from Battle Farm i.e. to turn right out of the farm entrance heading South, the applicant is proposing to erect two descriptive signs at the locations shown below.



Appendix 2 – Proposed Sign Design

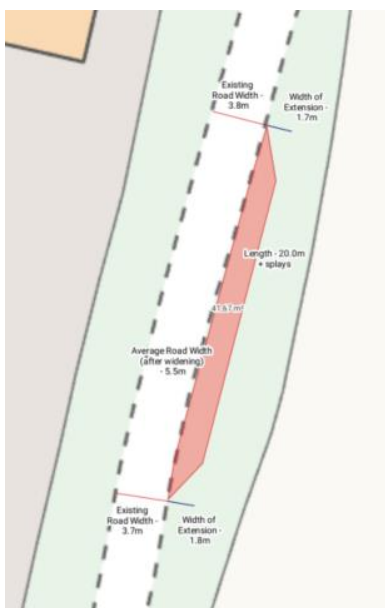


15.34 Officers recognise that it would not be reasonable or enforceable to impose a condition which prevented vehicles exiting the site from travelling north since this is an unrestricted public highway and traffic cannot be constantly monitored. Instead, the application is supported by a traffic management plan which requires measures to effectively direct traffic along the preferred route away from Battle Farm. The actions proposed, which are intended to direct traffic south, will be the responsibility of the site owner/manager and compliance could be evidenced so it is judged that a condition to secure these requirements would be enforceable and the Council's Highway team are satisfied that they will make the development acceptable in relation to highway safety. Officers consider that the proposals will also assist in diverting traffic away from the most sensitive residential dwelling in Briantspuddle.



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15.35 Regarding the requested details for improving of passing place, the applicant has submitted an amended Traffic Management Statement (TMS) (Version 2). Access to the site is by way of a private track leading to a stretch of D road (approx 300m long) followed by approximately 2.5 miles of C road leading to the A35 (Dorchester/Bere Regis Road). The existing private access track has been judged appropriate to serve the proposed use. It has been used by heavy good vehicles when operating as a poultry unit and has sufficient width as shown in the swept path analysis within the Traffic Statement. As an increase in HGV traffic is anticipated to result from the development, the applicant proposes to widen the section of D road to a width of 5.5m as works ancillary to this planning application as shown within TMS under Appendix 3 and below images.



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- 15.36 The proposed passing place which it is proposed to secure by condition 4, is of sufficient length and width to allow 2 HGV's to pass alongside each other (according to the Manual for Streets). The area of road to be widened would improve overall highway safety for all road users, not just those accessing Battle Farm. This is deemed by the Highways team to be sufficient in scale for the required and intended purpose and is not of a scale which will encourage high speed driving.
- 15.37 It is recognised that the lack of pedestrian refuge means that pedestrians using the local highways, including those walking to school or waiting to catch buses, will experience the effects of any additional traffic movements but highway safety would not automatically be compromised by the proposal.
- 15.38 The Council's highway team has considered the site access and internal layout as well as the potential to impact the safe and effective operation of the local highways network. They have raised no objection to the proposals on the basis that the unfettered agricultural baseline prevents them from objecting to a use which would not increase trip rates to such a degree to warrant reason for refusal. Furthermore, with conditions in place to encourage the diverting of traffic movements away from the villages and improving the passing places within the Throop Hollow, the Council's highway team are satisfied that the proposal would not result in harm to users of the highway (Conditions 4, 5 & 6).
- 15.39 A condition has been requested to secure parking and turning areas for those using the storage/distribution facilities; existing hard surfacing areas have been identified for parking and turning/manoeuvring (Condition 3). The Council's Highway Team has advised that subject to compliance with the Traffic Management Statement (TMS) the proposal is compliant with Policy IAT: Improving Accessibility and Transport of PLP1. Paragraph 111 of the National Planning Policy Framework states that '*Development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*' In this case the applicant has satisfied officers that subject to compliance with the TMS there would be no unacceptable impact on highway safety.

#### Impact on the character of the area

- 15.40 The site is situated on a hillside to the south of Throop, Briantspuddle and is located in a rural area characterised by pastureland interspersed with hedgerows and trees. The site is located in open countryside and is close to, but outside, the Piddle Valley Conservation Area.
- 15.41 The land on which the buildings are sited is lower than the entrance and the site benefits from tree and hedge screening, although glimpsed views are possible from PRow SE4/14 to the south-west and from the east along the access drive. The buildings are positioned within an enclave of trees, comprising a woodland group designated as a Site of Nature Conservation Interest (SNCI), closed off from the north and west, and partially to the east, but open to the south with a more modest screen to the southern side of the farmyard. The topography of the site and the position of woodland to the east, west and north provide a sense of enclosure.

- 15.42 Concerns have been raised by objectors that the proposed storage/distribution use would be associated with noise, light and traffic which would be harmful to the character of the area. It is considered that limiting the use solely to storage/distribution within the existing buildings and restricting hours of operation would reduce the potential for demonstrable harm from noise when compared to the existing lawful agricultural use (Conditions 7 and 9). External lighting could also be controlled by condition (Condition 8).
- 15.43 The Parish Council objects to this application on the grounds that it would have a serious detrimental impact upon individuals and cumulatively on the environment, visually, and ecologically, arising from significantly increased traffic movements and the size of vehicles on site and using the surrounding country lanes.
- 15.44 As explained above, the Council's Highways Team are satisfied that, subject to the provision of additional passing place and traffic routing, the increased levels of traffic could be accommodated on the highway without danger. In relation to the nature of the traffic and its impact on the character of the area, officers note that there is no opportunity to control the type of vehicles using the highways associated with the former and proposed uses. Concerns have been raised by objectors that an increase in HGV movements associated with the proposal is likely and this is associated with highway tree pruning, verge overruns and loss of tranquillity resulting in harm to the character of the area. Both agricultural and B8 uses can be associated with a range of vehicle types including Heavy Goods Vehicles so officers judge that the degree of harm would not represent a 'significant adverse impact' to the environment referred to by policy CO.
- 15.45 The amended tree report has been reviewed by DC Tree Officer who has confirmed that subject to conditions the proposed passing place on Throop Hollow can be accommodated without harm to the tree rooting area (conditions 11 and 12).
- 15.46 Due to the relatively screened nature of the site, conditions limiting operating hours and controlling external lighting would avoid demonstrable harm to the character of the area (Conditions 7 and 8). The proposal is anticipated to result in an increase in traffic movements but significant harm to the environment has not been identified.
- 15.47 Subject to conditions, the application is therefore considered to be acceptable in terms of impact of the proposal on the character of the area in relation to the requirements of policies CO and D of the PLP1.

Impact on residential amenity

- 15.48 Concerns have been raised by nearby residents regarding the overall disturbance from noise, light and pollution arising from the proposed use on the site. The most vulnerable dwellings are those sited along the shared access with the application site: The Bungalow, immediately to the east, and further to the east of the site sits Throop Hollow Farm (both in the applicant's ownership).

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- 15.49 The site benefits from an existing unrestricted agricultural use, albeit on a small scale with the aforementioned chicken sheds. Such a use has no restrictions on scale, timing or frequency of vehicle movements or hours of operation within the site itself and this provides the baseline against which to assess the proposal.
- 15.50 As the proposed use of the site for storage/distribution in 6 units is of a different character to the existing poultry use, introducing access by multiple customers, it is judged reasonable and necessary to restrict the business hours of the new site (Condition 7), thereby controlling the hours of use of the access track (other than trips associated with the bungalow and Throop Hollow Farm) and potential for disturbance which are currently unrestricted for the farming operation. Additionally, it is anticipated that the change of use of the units from agricultural to storage/distribution units would be associated with some improvements to nearby residential amenity through the reduction in farm odour and a lighting condition can be imposed (Condition 8).
- 15.51 It is recognised that the potential increase in HGV movements through Briantspuddle to the west and up to Bere Regis to the east could result in additional noise and disturbance for local residents but with the imposition of condition to control opening hours (condition 7) it is judged that the proposal is unlikely to significantly and demonstrably harm neighbouring amenity when compared to the lawful agricultural use of the site.
- 15.52 The application is therefore considered to be acceptable in terms of neighbouring amenities in relation to the requirements of policies CO and D of the PLP1

#### Impacts on biodiversity

- 15.53 The application site lies adjacent to the Site of Nature Conservation Interest (SNCI); Landshare Coppice, cited for its semi-natural deciduous woodland with associated woodland ground flora. The site and access roads also lie close to Turners Puddle Heath Site of Special Scientific Interest (SSSI). Whilst additional emissions could negatively impact on the SNCI and SSSI, the cessation of poultry activity on the site will result in environmental benefits in relation to the reduction of ammonia and nitrogen emissions locally so overall no adverse impacts are anticipated.
- 15.54 The Dorset Wildlife Trust has noted the application site is greater than 0.1ha which majority of cases would trigger the Dorset Biodiversity Appraisal Protocol (DABP). In this case as the proposal is for the re-use of the existing buildings and the site is largely laid in large buildings surrounded by hardstanding, there was no requirement to submit preliminary Biodiversity Survey or follow the DABP.
- 15.55 During the course of the application the proposal for passing place has been introduced to the scheme. This will result in the loss of a section of verge so a biodiversity survey has been carried out. A Biodiversity Plan certified by the Dorset Natural Environment Team has been received which has confirms that there will be no impact on biodiversity as a result of the provision of the proposed passing place.
- 15.56 Policy BIO of the PLP1 encourages development proposals to incorporate any opportunities for biodiversity enhancement in and around the development. In this

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case, the Biodiversity Plan appropriately identifies opportunity for biodiversity enhancement on site, via the installation of a woodcrete tree cavity bat box on a suitable tree within the site. A sympathetic lighting scheme to avoid harm to bats can also be secured (condition 8).

- 15.57 The application can be accommodated without harm to protected species in accordance with local plan policy BIO and NPPF para 180.

#### Other issues

#### Flood Risk and Drainage

- 15.58 The site is located within Environment Agency Flood Risk Zone 1 so is at low risk of fluvial flooding and there is no evidence of surface water flood risk. No additional floor area will be created and the proposed storage/distribution use will not result in any increase in flood risk so accords with local plan policy FR.

#### Balancing judgement

- 15.59 Taking the worst case scenario in the transport note the proposal is anticipated to result in additional traffic generation, which could include large heavy goods vehicles. Officers are mindful of the aims of policy IAT which seeks to improve accessibility within Purbeck and encourages development in accessible locations. The relatively isolated location limits the accessibility of this site but this assessment has found that the development could be accommodated without significant harm to the environment.
- 15.60 The proposal represents the reuse of existing agricultural buildings which is supported by policy CO. Large vehicles can be associated with loss of rural tranquillity, but the baseline use of the site is for agriculture which is not subject to any conditions limiting the number of or size of vehicles. The existing access is already used for residential as well as unfettered agricultural trips, there would be no extension to the built form and parking would be contained within the areas screened by existing buildings.
- 15.61 The permanent cessation of the poultry use could result in localised environmental benefits arising from a reduction in ammonia and nitrogen emissions. The requirement to install a bat box on site is secured by condition to provide a biodiversity enhancement in line with Dorset Council Biodiversity Protocol. Overall, the potential for biodiversity net gain can be given some, limited weight.
- 15.62 Overall, the benefits of continued economic and social roles of the site through diversification, the support of a resilient business sector and generation of job opportunities and some local air quality improvements associated with the cessation of chicken farming is judged to outweigh the potential harm arising from additional vehicle trips on the rural highway network associated with the proposed B8 use.
- 15.63 The benefits of the proposed development outweigh the conflicts with the development plan in relation to policy IAT. Although the site location is rural, there is no objection from the Council's highway team on the grounds of safety and conditions can mitigate the potential impacts by securing a passing place near the access and encouraging

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the routing of vehicles away from Briantspuddle. Officers are mindful of the increases in traffic and associated impacts on tranquillity but do not consider that the development would represent significant adverse impact on the environment. No demonstrable harm that would outweigh the economic benefits arising from the reuse of redundant buildings have been identified. For this reason the recommendation is approval.

## **16.0 Conclusion**

16.01 For the above reasons it is judged that the reuse of the buildings could be reasonably controlled by conditions and on balance, the application accords with Local Plan and national planning policies when considered as a whole.

## **17.0 Recommendation**

### **Grant, subject to the following 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 in accordance with the following approved plans:

PTBF170322/01 1 Existing elevations

Dated 12.04.2022 Location plan

Dated 12.04.2022 Block plan of the site

NJC 003 Parking Provision

NJC 004 Parking Provision

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

3. Before the development is occupied or utilised the areas shown on Drawing Number NJC-004 for the manoeuvring, parking, loading and unloading of vehicles must be surfaced, marked out and made available for these purposes. Thereafter, these areas must be 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.

4. Before the development hereby approved is occupied or utilised the following works must have been constructed to the specification of the Planning Authority:

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Passing place as shown in Appendix 3 of the submitted Traffic Management Statement V2.

Reason: These specified works are seen as a pre-requisite for allowing the development to proceed, providing the necessary highway infrastructure improvements to mitigate the likely impact of the proposal.

5. Before the development hereby approved commences all measures set out in the submitted Traffic Management Statement V2 must be implemented and these must be adhered to for the full duration of the development.

Reason: to minimise the likely impact of development traffic on the surrounding highway network.

6. Before the development hereby approved commences a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Planning Authority. The CTMP must include:

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction works and anticipated deliveries
- timings of deliveries so as to avoid, where possible, peak traffic periods
- a framework for managing abnormal loads
- contractors' arrangements (compound, storage, parking, turning, surfacing and drainage)
- wheel cleaning facilities
- vehicle cleaning facilities
- Inspection of the highways serving the site (by the developer (or his contractor) and Dorset Highways) prior to work commencing and at regular, agreed intervals during the construction phase
- a scheme of appropriate signing of vehicle route to the site
- a route plan for all contractors and suppliers to be advised on
- temporary traffic management measures where necessary

The development must be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: To minimise the likely impact of construction traffic on the surrounding highway network and prevent the possible deposit of loose material on the adjoining highway.

7. There shall be no access to the storage/distribution units by members of the public or by customers and no deliveries to them except between the following hours:

Monday to Friday 08:00-18:00

Saturday 09:00-17:00

Sundays and bank holidays 10:00-15:00

Reason: To protect the character of the area and neighbouring amenity.

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8. There shall be no external lighting of the site unless details are first submitted to and approved in writing by the Local Planning Authority. Any lighting shall thereafter be installed and maintained in accordance with the approved details.

Reason: In the interests of the amenity of the area and to protect biodiversity

9. The storage and distribution use hereby approved shall be limited to internal storage only. There shall be no external storage on the site.

Reason: To protect the character and appearance of the rural locality

10. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan certified by the Dorset Council Natural Environment Team on 15.03.2023 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

11. Notwithstanding details already submitted within the Arboricultural Method Statement, no development shall commence on site until the final design and specification of the passing place within the hedge rooting area (to include excavation depths, storage of materials, tree/hedge protection plan) has been submitted to and approved in writing by the Local Planning Authority. The passing place shall then be installed in accordance with the approved documents.

Reason: This information is required prior to commencement of development in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.

12. The tree protection shall be positioned as shown on the approved tree/hedge protection plan before any equipment, materials or machinery are brought onto the site for the purposes of the development. The tree protection shall be retained until the development is completed and nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the written consent of the Local Planning Authority.

Reason: This information is required in the interests of tree protection and to accord with Policies HE2 and HE3 of the Core Strategy.



**Informative Notes:**

1. The highway improvement(s) referred to in the recommended condition above must be carried out to the specification and satisfaction of the Highway Authority in consultation with the Planning Authority and it will be necessary to enter into an agreement, under Section 278 of the Highways Act 1980, with the Highway Authority, before any works commence on the site. The applicant should contact Dorset Council's Development team. They can be reached by email at [dli@dorsetcc.gov.uk](mailto:dli@dorsetcc.gov.uk), or in writing at Development team, Infrastructure Service, Dorset Council, County Hall, Dorchester, DT1 1XJ.

2. Informative: 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.

**Background Documents:**

For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

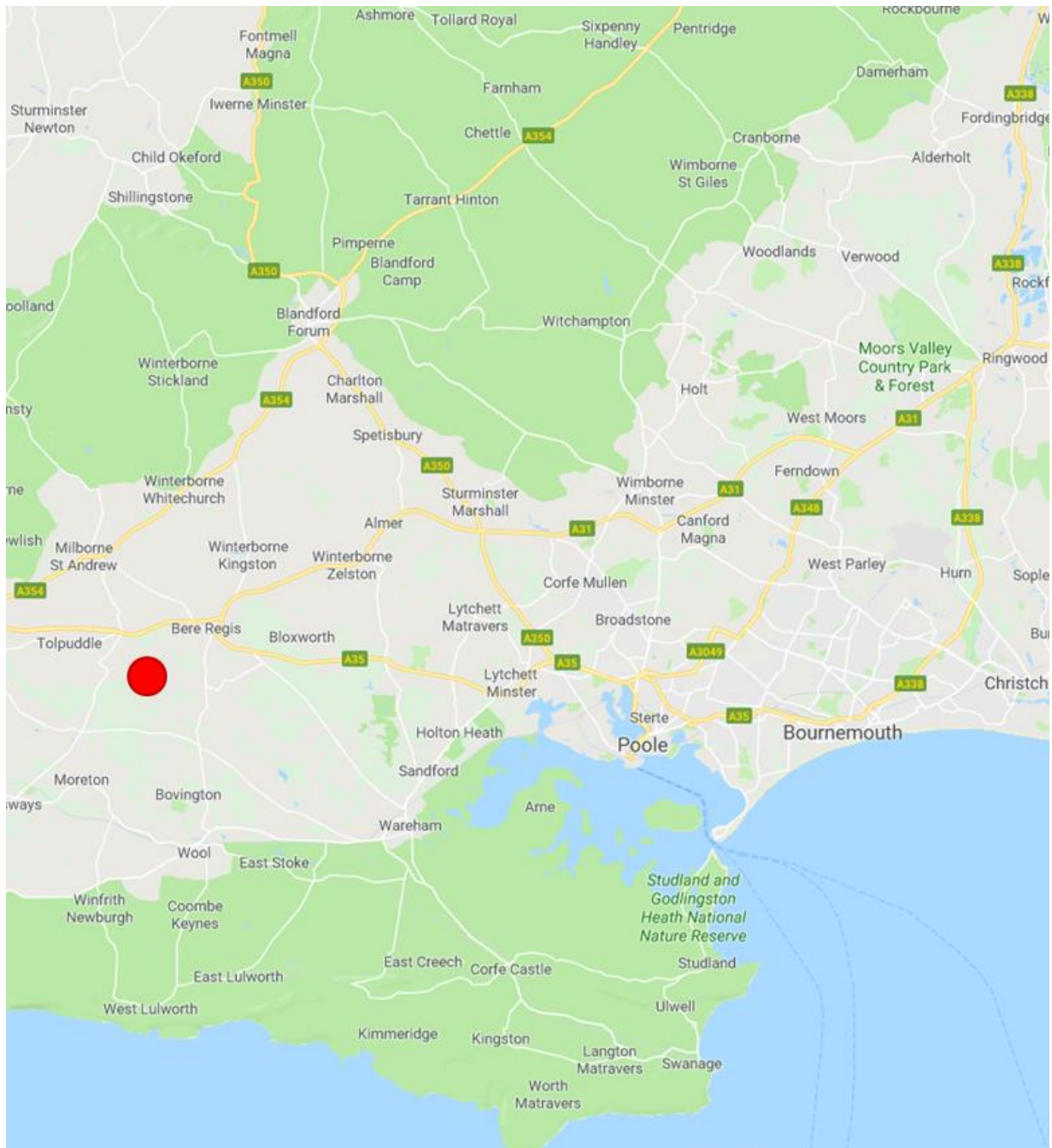
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Approximate Site Location 

Application reference: P/FUL/2022/03050

Site address: Battle Farm, Throop, Dorchester, DT2 7JD

Proposal: Change of use of agricultural buildings at Battle Farm to use Class B8 (storage or distribution)



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# Agenda Item 8

Eastern Planning Committee  
5 April 2022

<b>Application Number:</b>	6/2021/0342		
<b>Webpage:</b>	<a href="http://dorsetforyou.com">Planning application: 6/2021/0342 - dorsetforyou.com</a> <a href="http://dorsetcouncil.gov.uk">(dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Swineham Farm, Bestwall Road Wareham BH20 4JD		
<b>Proposal:</b>	Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.		
<b>Applicant name:</b>	Mrs Cheryl Weeks		
<b>Case Officer:</b>	Graham Parkinson/Elizabeth Adams		
<b>Ward Member(s):</b>	Cllr Ezzard, Cllr Holloway		
<b>Publicity expiry date:</b>	25 October 2022	<b>Officer site visit date:</b>	Various- latest 11 January 2023
<b>Decision due date:</b>	22 September 2021	<b>Ext(s) of time:</b>	23 February 2023

**This application was deferred at the Planning Committee held on 22 February following additional information about land ownership. Certificate C has now been submitted following the serving of notice on known land owners and publication in a local newspaper to alert any unknown owners to the application. Amendments to the officer report are highlighted in bold.**

**1.0** The Nominated Officer has determined that this application should be referred to the Planning Committee.

**2.0 Summary of recommendation:**

GRANT planning permission subject to conditions.

**3.0 Reason for the recommendation:**

- The use of the lake for recreational swimming in the summer months represents an appropriate recreational use in the Green Belt while retention of the container body and informal car park represents reasonable small ancillary development that does not harm the openness of the Green Belt.
- The small size and unobtrusive siting of the container body and car park has no significant impact on the rural and landscape character of the AONB.
- **The application is supported by evidence that the use will avoid harm to protected species or the integrity of European site.**

**4.0 Key planning issues**

Issue	Conclusion
Principle of development	Accords with the NPPF and policies CO and LHH of the Purbeck Local Plan
Impact on Green Belt	Acceptable
Impact on Dorset AONB	Acceptable
Amenity	Acceptable
Highways and parking	Acceptable
Impact on wildlife	Acceptable subject to conditions and varied legal agreement

## 5.0 Site Description

- 5.1 The application site lies in open countryside to the east of Wareham, accessed via Bestwall Road, the eastern part of which is a private access road to Swineham Farm which also serves a dwelling 'Curlews'. The land lies within the Green Belt and the Dorset Area of Outstanding Natural Beauty (AONB)
- 5.2 The application site partly comprises 0.16ha of land used for informal car parking and the stationing of a container body located at the junction of the public right of way and access track serving Swineham Farm. The application site also includes part of a lake, formed from quarrying, which has been restored to provide a wildlife habitat.

## 6.0 Description of Development

- 6.1 Retrospective planning permission is sought to use part of the lake (approx. 400m by 60m) for recreational swimming and retain a container body for changing/meeting room use and informal parking area abutting it.

The detailed description of the use is as follows:

- The swimming season starts in Spring (usually April as it is dependent on the water temperature being consistently above 12 degrees C) and always finishes by the 30 September.
  - The open water swim club has two sessions per week on Wednesdays and Saturdays. Wednesday 1700-1900 hrs and Saturday morning 0800-1130 hrs with no more than 25 swimmers at any one time.
  - Bookings are made in advance with no walk-ins allowed.
  - Marked course keep swimmers away from shore and island with buoys removed between sessions.
  - A 23cubic metre shipping container is used for providing a male/female separated changing facility and club reception, painted green to blend in with the landscape. Additional landscaping to be provided adjacent to southern elevation.
  - Area near container accommodates unmarked parking for approximately 20 cars.
- 6.2 The application originally included retention of a toilet structure but during the course of the application this was removed from the site and from the application.

## 7.0 Relevant Planning History:

6/1988/0373- Appeal Allowed- 1989

Winning and working sand and gravel, construct access road and bridge

Associated legal agreement dated March 1990 stipulating amongst other matters that *'the Conservation Land will forever thereafter be used only for nature and wildlife conservation purposes and for no other purpose'*.

6/2002/477- Granted 14/04/2003

Variation of conditions VIII, XIII, XV & XXXII of Planning Permission 6/88/387 (Dated 19 February 1991) to modify the approved restoration scheme relating to the wildlife lake & conservation area at Swineham and allow the importation of limited quantities of inert quarry waste by backhaul to assist with this.

## 8.0 List of Constraints

Within Dorset 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)

Within Bournemouth Greenbelt

Within Poole Harbour Nutrient Catchment Area

383m from Poole Harbour SSSI

2.6m from Poole Harbour RAMSAR

<5km from various SSSI which form Dorset Heaths Special Area of Conservation and Dorset Heathlands Special Protection Area

Within Purbeck District Council Heritage Coast

Within Flood Zones 2 and 3

Within Area Susceptible to Groundwater Flooding

Within Minerals and Waste Safeguarding Area

## 9.0 Consultations

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

### Consultees

#### 1. Natural England - Somerset and Dorset Team (original comments received 7 September 2021)

**Objection- further information required**

- **The area provides supporting habitat for the Poole Harbour SPA bird populations and is likely to be of particular importance in winter. The lake will also support breeding bird interests. No information on bird interests of mitigation has been provided.**
- **Requested a bird populations assessment and a biodiversity plan.**

**(Further comments received 20/09/2022)**

No objection

- Welcomes and supports the measures proposed within the Biodiversity Plan but remind the Council that account must be had of the legal agreement safeguarding wildlife use of the lake.
- The submitted Biodiversity Plan and its implementation to be secured through a condition as part of the grant of planning permission.

2. **Dorset Wildlife Trust** (comments received 10/09/21 and 16/01/2022)

Objected on the following grounds

- Insufficient ecological information to assess application.

3. **Dorset AONB Team** (comments received 12/10/2022)

- Insufficient details of parking and changing area. Plan of parking area should be provided showing details its layout, surfacing and positioning of the structures.
- Would prefer facilities to be concentrated along the western site boundary with an area of planting to the south of the parking/changing area, thereby helping to mitigate views into the area through the gateway from the bridleway.
- May bring opportunities to improve the appearance of the site through removal of spoil that is presently stored to the north of the parking area and would prefer changing facility to be clad in wood.
- Considers use should be limited in duration and frequency to that proposed.
- May be prudent for temporary permission to granted for a period of 5 years to enable future review of the use and impacts and that use restricted to outdoor swimming only.

4. **Dorset Council - Natural Environment Team** (received 09/11/21)

- Supports Natural England's request for further assessment of bird populations around the lake and a Biodiversity Plan that includes mitigation and net gain measures.

5. **Dorset Council - Highways** (received 12/08/21)

- Advised no objections

6. **Dorset Council- Public Rights of Way** (received 27/01/23)

- No objections but the public right of way must be maintained to the current or higher standard.



7. **Wareham Town Council** (received 27/08/21)

Raises objection on the following grounds:

- Will adversely affect wildlife and as such be contrary to the NPPF and policy BIO of the Purbeck Local plan.
- Container will not positively contribute to rural character of the locality therefore in conflict with NPPF and policy D of the local plan.
- Will generate significant additional traffic on access track which is also a public right of way increasing traffic conflict as a result.
- Remains concerned at the intensification and commercialisation of the area which is counter to the planning designations afforded to the area.

**Representations received**

Total - Objections	Total - No Objections	Total - Comments
7	124	129

Objectors made the following comments:

- Additional traffic harmful to other users of the public right of way serving the site. **Encouraging cars- unsustainable mode of transport**
- Retention of van body harms Green Belt and AONB
- Will harm wildlife- **disturbance and increase in nitrates**
- Insufficient safety measures in place and questions how water quality is to be safeguarded.
- No flood risk assessment carried out.
- **The proposal is against the law**
- **The lane- known as Swineham Lane- is a private road**
- **Light pollution**

Persons raising no objection made the following comments:

- Use provides a local exercise facility contributing significantly to health and well being of users.
- One of few facilities where safe wild swimming can take place.

- Carried on without harm for past two years.
- Well managed facility which has little impact on wildlife.

## **10.0 Relevant Policies**

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

### **Development Plan**

#### **Purbeck Local Plan 2012:**

The following policies are considered to be relevant to this proposal:

Policy SD: Presumption in favour of sustainable development

Policy LD: General location of development

Policy D: Design

Policy LHH: Landscape, Historic Environment and Heritage

Policy CO: Countryside

Policy BIO: Biodiversity & Geodiversity

Policy DH: Dorset Heaths International Designations

Policy PH: Poole Harbour

Policy FR: Flood risk

#### **Wareham Neighbourhood Plan**

Policy H4: Nationally, European and Internationally important Wildlife Sites (including Dorset heathlands and Poole Harbour) and protected species and locally important habitats

Policy LDP2: Design of New Development outside Wareham Conservation Area

Policy LDP3: Sustainable Design

### **Other Material Considerations**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);

- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**The Purbeck Local Plan (2018-2034) Submission January 2019** ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

- V2: Green Belt
- E1: Landscape
- E4: Assessing flood risk
- E10: Biodiversity and geodiversity
- E12: Design
- I2: Improving accessibility and transport
- I7: Community facilities and services.

### **Supplementary Planning Documents/Guidance:**

Dorset Area of Outstanding Natural Beauty Management Plan 2019-2024

Dorset AONB Landscape Character Assessment

### **National Planning Policy Framework:**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be

approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- 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...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.
- Section 13 'Protecting Green Belt land'- new development is inappropriate within the Green Belt unless it meets one of the exceptions within paragraphs 149-150 or very special circumstances outweigh harm to the Green Belt resulting from inappropriateness and any other harm.
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

## **11.0 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.

## **12.0 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 Public Sector Equalities Duty.

. The proposed changing room facilities are not large enough to facilitate use by wheelchair users, nor are there facilities to enable such people to enter the water. Whilst this limitation must be given weight in the planning balance under the Public Sector Equalities Duty, due to the sensitive location the changes that would be required to make the facilities inclusive would be unlikely to be appropriate so this is not a reason for refusal.

### 13.0 Financial benefits:

What	Amount / value
Material Considerations	
None	None
Non Material Considerations	
Business rates	Unknown

### 14.0 Environmental Implications

14.1 Continued use of the lake for recreational swimming will bring health benefits to local people and supporting information identifies that this can take place without harm to environmental assets. Some additional vehicle movements will be associated with the use.

### 15.0 Planning Assessment

15.1 The key planning issues relating to continuation of the use of the lake for recreational swimming and retention of the parking area and shipping container to provide changing facilities are as follows:

- Principle of the development
- Impact on Green Belt
- Design and impact on the Dorset AONB
- Impact on biodiversity
- Impact on amenity
- Impact on highway safety

These and other considerations are addressed below.

#### **Principle of development**

15.2 The application site lies outside of the Wareham settlement so policy CO of the Local Plan applies. Policy CO states that certain development in the countryside will be

permitted where it does not have a significant adverse impact either individually, or cumulatively on the environment, visually, ecologically, or from traffic movements.

- 15.3 Taking into account the location of the lake in the countryside and the rarity of approved locations for wild swimming, the need for a countryside location for the proposed development is accepted. For the purposes of policy CO the development could also be identified as providing a community facility located close to an existing settlement. The lake lies approx. 700m east of the Wareham settlement boundary.
- 15.4 Additionally, the proposal accords with the Government's commitment to sport and physical activity as important for the health and well-being of communities and to sustainable leisure development in the countryside. Paragraph 84 of the NPPF states, amongst other things, that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas through sustainable leisure developments which respect the character of the countryside. Paragraph 98 of the NPPF states, amongst other things, that opportunities for sport and physical activity are important for the health and well-being of communities.
- 15.5 Given the above there is no objection to the development in principle to the proposal but it remains to assess its detailed impacts.

#### **Impact of the development on the Green Belt**

- 15.6 The site forms part of the Bournemouth Green Belt and as such is subject to the provisions of the NPPF relating to Green Belts.
- 15.7 The NPPF makes clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
- 15.8 Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 15.9 Paragraph 149 goes on to say that construction of new buildings is inappropriate in the Green Belt but goes on to set out exceptions to this being, amongst other things, building used for outdoor sport or recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
- 15.10 Open-air recreational activities are permitted within Green Belts as long as the use and supporting facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it (exception (e) NPPF paragraph 150).

Para 145 encourages local planning authorities to plan positively for enhanced Green Belt use, such as providing opportunities for outdoor sport and recreation.

- 15.11 The use of the lake for swimming does not involve any built mass that can be seen to impact on the openness of the Green Belt and does not conflict with the aims of the Green Belt. As such it is only necessary to assess the impact of the associated proposed container body and car park.
- 15.12 The container body is required for on-site changing by swimmers and to provide a reception. It therefore provides a supporting function for the use of the lake for recreational swimming purposes. Under para 149 (b) such facilities are not inappropriate provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The container is modest in proportions- approx. 8m long, 1.7m wide and 1.7m high- so although it has a spatial impact this is very limited. Visually it is well screened to the south and west by hedging while some additional landscape planting would assist to limit impacts in views from the south through the access gate. It is judged that the siting of the container preserves Green Belt openness and will not conflict with the purposes of including land within the Green Belt. It is therefore an appropriate facility benefiting from exception 149(b) of the NPPF so is not inappropriate development in the Green Belt.
- 15.13 The area identified as an informal car parking area is approx. 50m long. It is grassed and there is no proposal to amend the surfacing. It is proposed to accommodate approximately 20 vehicles during swimming sessions and when not being used will have minimal/no visual impact. The limited amount of parking provided is considered proportionate to and necessary to support the proposed recreational swimming use. The material change of use is judged to accord with the exception at NPPF para 150(e) subject to conditions controlling the timings of use of the site so that vehicle parking remains transient.
- 15.14 For the above reasons it is considered that the container body and parking area are reasonable ancillary elements of the swimming use taking place and that their limited visual impact cannot be seen to materially impact on the openness of the Green Belt. As such they are considered to be appropriate development in the Green Belt and do not have to be accompanied by a case of very special circumstances.

### **Design and impact on the Dorset AONB**

- 15.15 The site falls within the Dorset Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the NPPF states, amongst other things, that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. Furthermore, the scale and extent of development should be limited, with development sensitively located and designed to avoid or minimise any adverse impacts.
- 15.16 Neighbourhood Plan policy LDP2 requires that *'All new development must demonstrate good quality design which responds to and integrates with the site's*

*context.* Policy D of the Local Plan similarly requires proposals to positively integrate with their surroundings and policy LHH requires that development will conserve, amongst other things, the setting, appearance and character of landscape assets. *'In considering the acceptability of proposals the Council will assess their direct, indirect and cumulative impacts relative to the significance of the asset affected, and balance them against other sustainable development objectives.'* Where appropriate enhancement will be expected.

- 15.17 The site lies within the Frome Valley Pasture character area which has a strong undeveloped rural character. The overall objective in this area of the Dorset AONB is to conserve the strong open, undeveloped character and the visual unity of the valley. Maintenance of appropriate boundaries is encouraged, with planting and built form to be sympathetic to landscape character

*Container body:*

- 15.18 The container body abuts the western side of the parking area and is tucked up against a hedgerow running along the access track serving Swineham Farm to the north. It is also set just under 25 metres back from the public footpath to the south but with only end on views available to it from this footpath.
- 15.19 Although the container body has no architectural merit, it is unobtrusively sited with a low profile ensuring that its visual impact is limited. **The container has internal lighting but no external lighting is proposed and this can be controlled by condition (no. 6).** The container is currently painted green and it does not materially impact on the landscape and rural character of the AONB. Although its degree of permanence means that it is being considered as a building, its physical attributes mean that it is reasonable to require its removal from the site in the event that the use of the lake for swimming ceases.

*Car park:*

- 15.20 This is only to be used when the swimming use is taking place which is limited by the season and by the number of sessions per week so is for relatively short periods outside of which the site will remain as open land. As such it is not considered that its use to date has resulted in material harm to the landscape and the rural character of the AONB.
- 15.21 The AONB Team have raised concerns and have requested further details of the layout of the car park, however officers judge that the informal use of the land would be preferable to any design that required parking to be formalised as this would likely lead to visual impacts outside of the periods of use.
- 15.22 While the AONB Team would prefer facilities to be concentrated along the western boundary, with an area of planting to the south of the parking/changing room building, the application has to be determined as submitted. The site already benefits from boundary screening to the west and south. Additional planting is proposed immediately to the south of the container and with this secured by condition it is



considered the impact of the development is nominal and the rural character of the AONB will be preserved.

- 15.23 It is accepted that it would be desirable to improve the appearance of the wider site through removal of spoil stored to the north of the parking area. Whilst the removal of the spoil is not necessary to make the current proposal acceptable, an informative note will bring the need to remove the spoil to the applicant's attention.
- 15.24 Regarding the suggestion of a temporary 5 year approval, officers note that Planning Practice Guidance is clear that conditions to limit any permission to a temporary period need to be justified, for example by anticipated changes in the planning circumstances or because a trial run is needed in order to assess the effects of the development. The proposed use has already been undertaken at the site without authorisation and this has provided the opportunity to assess the impacts, including impacts on protected species and the AONB landscape.
- 15.25 In these circumstances it is not considered necessary to impose a condition limiting the duration of the permission, but a condition requiring the removal of the container body should the use cease is considered appropriate and necessary because this is a temporary structure and to protect the openness of the Green Belt.
- 15.26 The development is therefore considered to comply with the provisions of the NPPF relating to the protection of the AONB and policy LDP2 of the Neighbourhood Plan and policies D and LHH of the Local Plan.

### **Impact on wildlife**

- 15.27 Policy H4 of the Neighbourhood Plan requires that development must avoid an adverse effect upon the integrity, either alone or in-combination, directly or indirectly on sites designated at a national or international level and on protected species. Features of local nature conservation/biodiversity interest should also be protected wherever possible and appropriately managed. This policy is in accordance with policy BIO and the NPPF requirements.
- 15.28 The lake is in relatively close proximity to internationally designated sites (Poole Harbour and Dorset Heathland). Additionally, the lake provides a significant wildlife habitat in its own right.
- 15.29 A section 106 legal agreement appended to the mineral extraction planning permission required that the lake and surrounding areas should only be used for nature and wildlife conservation purposes. It also requires that the nature conservation interest of the site must be retained in perpetuity.
- 15.30 Natural England has confirmed that the area provides '*supporting habitat for the Poole Harbour SPA bird populations and is likely to be of particular importance in winter supporting breeding birds.*'
- 15.31 The application as originally submitted lacked information on the impact of the use on over wintering birds or mitigation measures to address any impact identified. It

was therefore necessary to secure an assessment of the bird populations along with a suitable package of measures to ensure recreational disturbance associated with the use does not harm wildlife interests. It also needed to address monitoring of the breeding and winter bird populations by allowing access for breeding bird surveys and bird ringing activities. Additional information has been provided during the course of the application.

- 15.32 Following Breeding Bird Surveys conducted on the 21<sup>st</sup> April and the 24<sup>th</sup> May 2022, Natural England are now satisfied the swimming use is not causing significant effects to the designated features of breeding birds of the Poole Harbour Special Protection Area.
- 15.33 Natural England has advised that any permission granted should take account of the protection provided by the original legal agreement which required the lake “to be used only for nature and wildlife conservation purposes and for no other purpose”. Water based activities can disturb water birds with the potential to reduce the ornithological value of the lake.
- 15.34 In order for any planning approval to be lawfully implemented it will be necessary for the applicant to apply to amend the legal agreement because swimming would normally be considered as an “other purpose”. Given the site’s sensitive location the requirement for a strict nature conservation after-use for this former quarry lake remains, so only recreational swimming should be permitted. This can be secured by the required variation to the existing legal agreement. A condition preventing swimming from taking place outside the current summer season would also be necessary to protect biodiversity.
- 15.35 A Biodiversity Plan (BP) has also been submitted identifying proposed enhancement measures: a House Martin tower, Tern raft, woodland management and bat boxes.
- 15.36 Although these are to be undertaken outside of the application site area, they are on land within the same ownership and the land owners’ agreement has been obtained. A condition to secure the works would meet the test of reasonableness, with the exception of the House Martin tower, which would require separate planning permission due to its scale. The Dorset Natural Environment team who certified the Biodiversity Plan have confirmed that the House Martin tower would be beneficial but is not essential to make the proposal acceptable. An informative note can be added to the decision to encourage a separate planning application for this element.
- 15.37 **An objection has been raised about the use of the land in relation to the potential increase in nutrients entering Poole Harbour SPA associated with swimmers. The swimming operation has previously been served by an ancillary portable cassette toilet. As the proposal is for a temporary use with limited numbers of visitors who are likely to live in the vicinity, no likely harm by reason of nutrient enrichment has been identified. A condition can reasonably control the toilet facilities on site ensuring that they are seasonal only.**

- 15.38 It is considered that subject conditions restricting the numbers of swimmers and periods when swimming can take place, the use can continue without materially affecting the lake's wildlife. Natural England has confirmed that they are now satisfied that the proposed level of summer activity (April until end of September) is unlikely to have a significant effect on the Poole Harbour SPA / Ramsar Site designated interests. The introduction of bat boxes, a Tern raft and woodland management anticipated in the Biodiversity Plan would result in net gain for biodiversity.

**Impact on amenity:**

- 15.39 The lake is remote from any dwelling so no harm to amenity is identified from the recreational swimming use of the lake. Concern was raised however that noise and disturbance from cars gaining access to the car park serving the lake was harmful to aural amenity.
- 15.40 Access to the site is gained via Bestwall Road which is fronted by numerous houses before leaving the built up area in the form of a single width track. Beyond this there is one dwelling 'Curlews' fronting this track. It is recognised that the use will result in an increase in traffic, however given the proposed restrictions over the periods in which the activity can take place (April-September, 6 hours per week) and the number of swimmers (25 swimmers at a time), it is not considered there will be a material erosion to the aural amenity for the residents of this property justifying refusal.

**Impact on highway safety**

- 15.41 Bestwall Road is a public right of way, footpath SE2/20 & 25. Given the small numbers of people using the proposed swimming facility and that access to the lake is via narrow access road which encourages low speeds, no material conflict with other users of the access road has been identified. It is anticipated that this will continue to be the situation and no objection has been raised by the Dorset Rights of Way Team. In the absence of objection from Dorset Council's Highways team on harm to the free flow of traffic or highway safety in the locality, it is considered the highway impacts of the use continuing are acceptable.

**Other issues**

- 15.42 Objectors have raised concerns about safety issues. The access road serving the site is large enough for emergency service vehicles. It is the responsibility of the operator ensure that the open swimming use is operated safely.
- 15.43 **Objectors have suggested that the site lies within a Flood Risk zone but the Environment Agency's records show that the site lies within Flood Zone 1 and is not at risk from surface water flooding. The site will not be used during the winter months when the ground is more likely to be waterlogged. The proposal is not anticipated to contribute to increased flood risk.**

- 16.0 **Conclusion:**

- 16.1 The use of the lake for recreational swimming in the summer months represents an appropriate recreational use in the Green Belt while retention of the container body and informal car park represent reasonable small ancillary development that does not harm the openness of the GB.
- 16.2 It is also considered that the small size and unobtrusive siting of the container body and car park has a nominal impact on the rural and landscape character of the AONB.
- 16.3 Subject to conditions to restrict the number of swimmers and when and where swimming can take place, together with implementation of proposed wildlife enhancement measures the use can continue without materially affecting wildlife.
- 16.4 In the circumstances it is considered an appropriate balance has been struck between enabling the use to continue while ensuring wildlife interests are still given priority. It is therefore recommended that retrospective planning permission is granted.

**17.0 Recommendation:**

**Grant subject to the following conditions:**

1. The development hereby approved shall be undertaken only as shown on drawing no: Location Plan Rev B and 5926-SWIM revision A

Reason: To ensure the development remains as permitted in the interests of amenity.

2. The recreational swimming use hereby permitted shall only take place between 1 April and 30 September each calendar year and shall not take place outside of that period.

Reason: In the interests of wildlife.

3. No more than 25 people in connection with the use hereby permitted shall be on site at any one time and no more than 25 people shall swim in the lake at any one time. There shall be no more than 6 hours of swimming sessions in total at the site in any given week.

A written record of swimming sessions and the number of participants at each shall be kept and made available to the Local Planning Authority upon request.

Reason: In the interests of wildlife.

4. Swimming shall only take place in the areas shown on drawing no: 5926 - SWIM scale 1:2500. All marker buoys shall be removed immediately at the end of each swimming session.

Reason: In the interests of wildlife.

5. Within the first planting season (November to March) following the granting of this permission no. 5 *Cornus sanguinea* (Dogwood) shall be planted 0.6m apart alongside the southern edge of the container body.  
If any of the plants are removed or dead, dying or diseased in the first five years they shall be replaced with specimens of the same species, same size and in the same location in the next planting season (November to March).

Reason: In the interests of wildlife and visual amenity

6. No external lighting whatsoever shall be placed on the container body or within the red outline areas shown on drawing no: 5926 – SWIN rev A.,

Reason: To safeguard the night-time rural environment and in the interests of wildlife.

7. The container body shall be removed from the site and the land reinstated to its former condition within 6 months of the permanent cessation of the outdoor swimming use.

Reason: To ensure redundant structures are removed in order to retain the openness of the Green Belt.

8. The Lakeside Woodland Management identified in the Biodiversity Plan certified by the Dorset Natural Environment Team on 20/10/2022 shall be undertaken in the summer of 2023 in accordance with the details set out in the Biodiversity Plan.

Reason: In the interests of biodiversity

9. Bat boxes and a Tern raft shall be installed in accordance with the Biodiversity Plan certified by the Dorset Natural Environment Team on 20/10/2022, before 31 December 2024 and shall thereafter be retained.

Reason: In the interests of biodiversity

- 10. Toilet facilities shall be limited to one cassette toilet to be removed from the site between 1 October and 31 March (inclusive) each calendar year.**

**Reason: In the interests of biodiversity, the AONB and Green Belt openness**

## **Informatives**

1. The applicant is advised that the lake cannot be lawfully used for swimming as hereby approved until the legal agreement which is in force on the land is

varied. Please contact the Case Officer to progress this. A legal fee will be payable.

2. The House Martin Tower proposed in the biodiversity plan would require separate planning permission.
3. The applicants are reminded that driving on a footpath is an offence under Section 34(1) of the Road Traffic Act 1988 unless the express permission of the owner of the footpath has been obtained.
4. The applicants are reminded of the need to maintain the surface of the public right of way which serves the application site.
5. The land owner is advised that the spoil heaps north of the application site should be removed in the interests of the AONB.
6. Informative: 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:

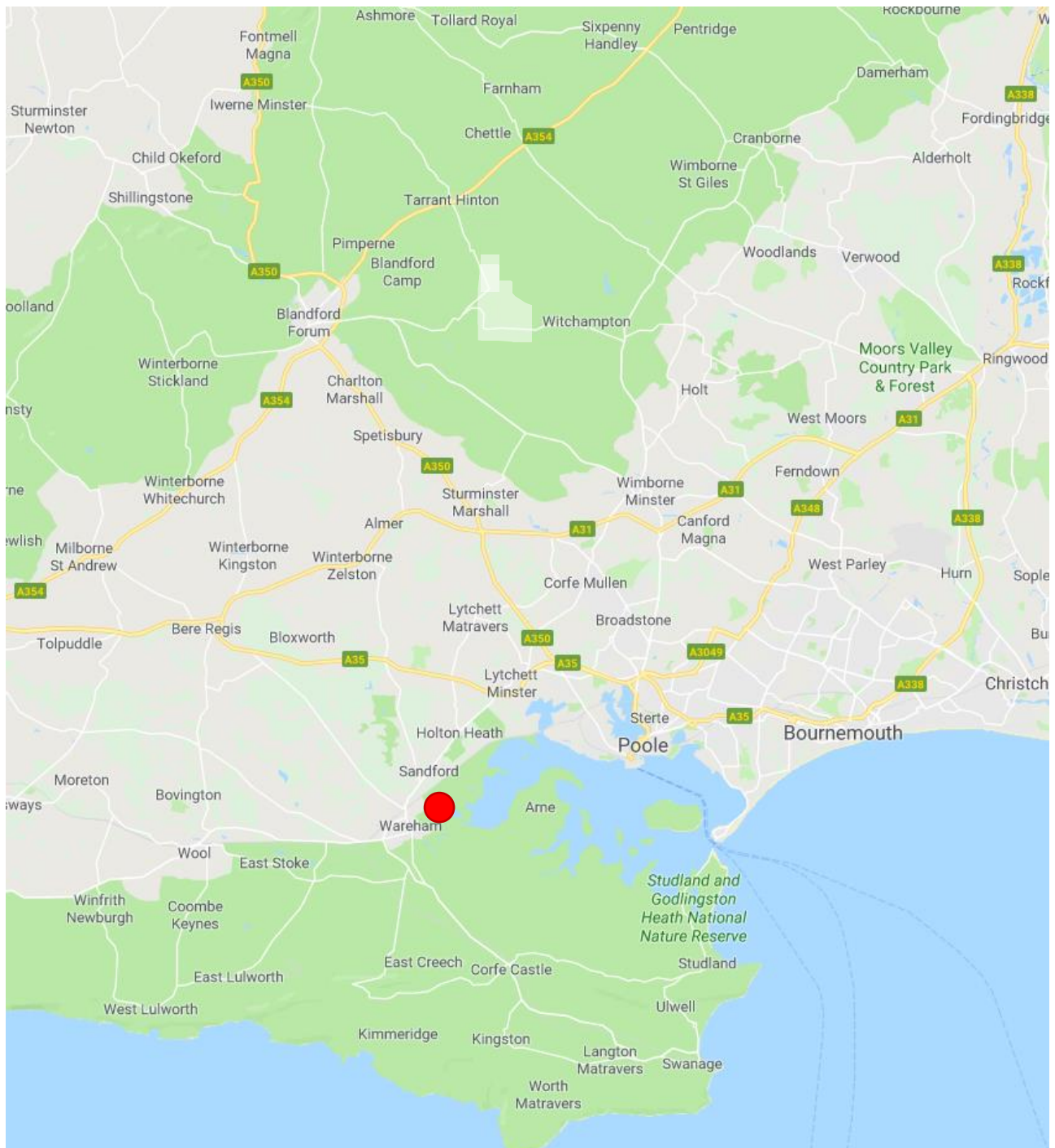
- The applicant/agent was updated of any issues and provided with the opportunity to address issues identified by the case officer.

● Approximate Site Location

Application reference: 6/2021/0342

Site address: Swineham Farm Bestwall Road Wareham BH20 4JD

Proposal: Use of lake for recreational activities (outdoor swimming) and retrospective siting of shipping container to provide changing room facilities.



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# Agenda Item 9

Eastern Area Planning Committee

5 April 2023

<b>Application Number:</b>	6/2021/0262		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/6/2021/0262">Planning application: 6/2021/0262 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	Withy Lakes Church Knowle BH20 5NG		
<b>Proposal:</b>	Erect detached self-build rural exception site dwelling		
<b>Applicant name:</b>	Mr and Mrs Smith		
<b>Case Officer:</b>	Cari Wooldridge		
<b>Ward Member(s):</b>	Cllr Brooks		
<b>Publicity expiry date:</b>	21 September 2021	<b>Officer site visit date:</b>	3 August 2021
<b>Decision due date:</b>	30 July 2021	<b>Ext(s) of time:</b>	<b>30 April 2023</b>

Please note that this committee report was updated in March 2023. All new additions and amendments are highlighted in bold and the background to the amendments is provided in Section 1 below.

## 1.0 Background

- 1.1 The nominated officer decided that this application should be considered by the Planning Committee on 9<sup>th</sup> March 2022. The committee resolution was to grant planning permission subject to conditions and the completion of a satisfactory S106 Legal Agreement to secure the provision of the affordable housing in perpetuity. The S106 was completed on 18<sup>th</sup> May 2022.
- 1.2 In the interim, on 16 March 2022, Natural England notified Dorset Council of their updated advice for development proposals that have the potential to affect water quality resulting in adverse nutrient impacts on internationally protected habitats sites. This advice applied to the catchments of five habitats sites which together cover a large part of the Dorset Council area. The application site lies within one of the affected catchment areas – the Poole Harbour Catchment. The advice was that Dorset Council should “carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.”
- 1.3 This report has been updated to consider whether the proposed dwelling can achieve nutrient neutrality and whether any required mitigation can be secured. Details of the proposed mitigation and proposed s106 obligations to

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**secure the proposed mitigation are provided in the section below on ‘Biodiversity Impacts’ (paragraphs 15.40 – 15.48).**

**1.4 The section on the Housing Delivery Test has also been updated to reflect the current housing supply position for the Purbeck area (paragraphs 15.7 and 15.8).**

**2.0 Summary of recommendation:**

**GRANT** permission subject to conditions and the completion of satisfactory S106 obligations to secure the provision of the affordable housing **and nutrient neutrality** in perpetuity.

or

**Refuse** permission if the obligations under section 106 of the Town and Country Planning Act 1990 (as amended) are not completed within 6 months from the date of committee or such extended time as agreed by the Service Manager for Development Management and Enforcement.

**3.0 Reason for the recommendation:** as set out in para 16 at end

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise
- The proposal is compliant with the NPPF, Purbeck Local Plan Part 1 and the Affordable Housing SPD in terms of Rural Exception Site Affordable Housing provision.
- There is not considered to be any significant harm to neighbouring residential amenity.
- There are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	Acceptable – taking account of Purbeck Local Plan Part 1 policy RES, the Purbeck Affordable Housing SPD and guidance and objectives contained in the NPPF.
Affordable Housing Provision	Acceptable – provision considered to be affordable and meets local housing need. To be secured in perpetuity through Section 106 Legal Agreement.
Impact on Dorset Area Of Outstanding Natural Beauty (AONB)	Acceptable –not harmful to the special qualities of the AONB.

Scale, layout, appearance, and impact on the character and appearance of the area	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Impact on neighbouring amenity	Acceptable in principle - full details to be provided at reserved matters stage (conditions 1-5)
Biodiversity Impacts	Acceptable – mitigation and enhancements considered to be appropriate (condition 9 <b>and additional s106 obligation</b> )
Flooding and drainage	Acceptable – subject to condition (condition 7)
Highway safety and access	Acceptable in principle – full details to be provided at reserved matters stage (conditions 1-5)
Impacts on trees / hedges	Acceptable – subject to condition (condition 8)

## 5.0 Description of Site

- 5.1 The application site is located to the south of the village of Church Knowle and is accessed by a track that serves other dwellings and surrounding agricultural land. Directly to the north of the site are the dwellings known as Withy Lakes and Becher Stables, both of which are owned by the applicants' wider family.
- 5.2 The site is accessed via a field gate within the eastern boundary at the southern end of the track. It is currently in use for grazing and is enclosed to the north, east and south by post and wire fencing with mature hedging and trees outside the fencing on the south and east boundaries. To the north, the post and wire fencing provides the boundary with the maintained garden of Withy Lakes. To the west, the application site is open and forms part of the wider holding (outlined in blue on the location plans) with land levels sloping downhill into a small valley.
- 5.3 The application site for the proposed dwelling is roughly square in shape and small in size (0.099ha). The red line extending along the access track to Church Knowle is not included in this calculation. There are no buildings within the site boundary.
- 5.4 The settlement boundary of Church Knowle is drawn tightly around the main built development of the village to the north and the site is located outside this, in the countryside and the Dorset AONB. The Conservation Area which includes much of the main part of the village is also located to the north, some distance from the application site.
- 5.4 A number of other dwellings are located along the access road in a low-density form, being largely single storey in nature and finished in a mixture of styles and materials including Purbeck Stone and a more recent timber clad stables conversion. Neighbouring uses are a mixture of residential and agricultural, with several dwellings being associated with extensive areas of land, including the bungalow of Withy Lakes which is subject of an agricultural tie.

## 6.0 Description of Development

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- 6.1 The application is for outline planning permission to erect a single detached, self-build, rural exception site (i.e. affordable) dwelling with all matters reserved.

*‘Rural exception sites – small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. Small numbers of market homes may be allowed at the local authority’s discretion, for example where essential to enable the delivery of affordable units without grant funding’ – Purbeck Affordable Housing SPD definition.*

As the application is in outline form, only the principle of the proposal is being considered. All other details of layout, scale, appearance, access, and landscaping are reserved for later approval.

- 6.2 Whilst the application is in Outline, indicative plans of the proposed dwelling have been submitted locating a single storey 3-bedroom L-shaped dwelling to the north of the plot. The indicative plans suggest a wooden clad building, with low level pitched roof with solar panels, and of a similar external design and appearance to the converted Becher Stables to the north.

## 7.0 Relevant Planning History

- 7.1 There is an extensive planning history relating to the application site and the wider land holding known as ‘Withy Lakes’. Much of the history relates to the agricultural use of the land and applications for an agricultural worker dwelling as summarised below:

Planning application	Proposal	Decision	Comments
6/1978/0546	O/A - Erect a dwelling and garage with garden and paddock	Refused	
6/1979/0569	O/A - Erect hay barn, implement shed, two animal sheds and food store	Approved	
6/1979/0570	O/A - Station mobile home	Refused	
6/1979/0762	O/A - Use land for erection of unit of residential accommodation	Refused	
6/1980/0029	Site temporary mobile home or caravan	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1980/0378	Erect stable, garage and site oil tank	Approved	

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6/1980/0938	O/A - Erect bungalow	Refused	
6/1982/0804	Erect stable, garage, oil tank and glasshouse (renewal)	Approved	
6/1982/0805	Station temporary mobile home (renewal)	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1983/0517	O/A - Erect agricultural bungalow	Refused	
6/1985/0881	Retain stable, garage, oil tank and glasshouse (renewal)	Approved	
6/1985/0882	Station mobile home (renewal)	Approved	Approved for a temporary period due to the special circumstances of the applicant.
6/1986/0285	O/A - Erect a bungalow	Refused	
6/1988/1023	O/A - Erect an agricultural bungalow		Approved based on the agricultural need for the dwelling. Condition 4 restricts occupation to a person solely or mainly employed, or last employed prior to retirement, in the locality in agriculture or forestry (as defined by the Town and Country Planning Act), or a dependent of such a person residing with him or her, or a widow or widower of such a person.
6/1989/0769	Erect an agricultural bungalow with integral garage. RESERVED MATTERS	Approved	

6/2004/0045	Certificate of proposed lawfulness- Use of land for nursery, installation of polytunnels and cold frames and occupy dwelling accordance with PA 6/1988/1023 - Condition 2 - Agricultural occupancy	Refused	Refused as the Council was not satisfied that the evidence submitted demonstrated that the agricultural occupancy requirements of condition 4 of 6/1988/1023 would be met
6/2004/0725	Erect three Polytunnels	Approved	
6/2012/0333	Erect extension	Approved	
6/2016/0544	Sever land and redevelop existing redundant agricultural building with small extension to north east side to create a single storey residential dwelling within its own curtilage	Approved	

### Pre-application Advice

- 7.3 Pre-application advice was provided in March 2020 on the principle of the proposed erection of a single storey dwelling. The officer response advised that officers could not support an application for a new market dwelling on the site due to the impacts on the countryside unless it would meet one of the exceptions of the [then] NPPF paragraph 79 such as the essential for a dwelling for a rural worker or exceptional design.
- 7.4 Further advice was obtained from both Planning and Housing Officers in October / November 2021 in relation to a single self-build rural exception dwelling at Withy Lakes (site non-specific). This noted that a rural exception site dwelling may be acceptable subject to meeting policy requirements and the consideration of all other material planning issues.

### **8.0 List of Constraints**

- Within Poole Harbour River Catchment
- Within Poole Harbour Nutrient Catchment Area
- Surface Water Flood Risk – 1 in 100 and 1 in 1000
- Within Dorset AONB (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)
- Within 5km of a European Habitat (SSSI)

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- Adjacent to Public Right of Way - Footpath SE9/20

## 9.0 Consultations

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

### Consultees

#### **DC - Housing Enabling Team (received 19/08/21 & 23/12/21)**

- No objection for one unit of self-build housing on a rural exception site.
- The Purbeck District Council Affordable Housing Supplementary Planning Document 2012-2027 states “*Self-build rural exception sites can be single plots or in a group. The Council will continue to explore ways of supporting self-build, either as individual bespoke properties or group projects, as part of achieving mixed and balanced communities. Households wishing to build a self-build affordable home have to be on the Council’s housing register.*”
- From 1<sup>st</sup> December 2021 the new Dorset Council housing register went live. The applicants applied to join the new register and their application is pending. The old register is now closed but Mr & Mrs Smith were on it with a proven local connection to Church Knowle.
- Self-build affordable housing must remain affordable in perpetuity via a S106 legal agreement between the leaseholder and the Council to ensure that the property cannot change ownership without the written consent of the Council. The Council will only grant consent for resale if it is satisfied that the new purchaser is paying the prevailing ‘affordable’ price and meets the terms of the S106 legal agreement. Inheritance of the property by family members is permitted in the first instance, provided that they meet the local needs criteria. Otherwise, the new owners may sell the property in accordance with the provisions of the S106 agreement.
- Following the recommendation of the District Valuer I agree with the resale value at 47% of market value.
- Currently there are 4919 households on Dorset Council housing register. Due to the increasing numbers on the housing register and the shortage of general needs affordable housing it is vital to provide affordable housing. This applicant is trying to address their own situation by building a self-build affordable house with a signed S106 detailing all the restrictions.
- application supported.

#### **DC – Planning Policy Team (received 21/12/21)**

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- The Affordable Housing SPD was adopted in 2013 and explains how self-build exception sites should be considered through planning applications.
- The SPD sets out a capped resale value for self-build exception sites. The cap has never been updated.
- Alternatively, the NPPF has introduced new affordable housing delivery mechanisms since the publishing of the Affordable Housing SPD. This indicates that affordable home ownership tends to be 20% less than market value, either via discounted market sales or other mechanisms. Furthermore, the First Homes mechanism sets the discount at 30% and the council have not altered this requirement through a local plan.
- The case officer should consider whether the discount of 61% being offered via this application, is appropriate given the above information.

**DC - Highways (received 01/08/21)**

- No objection to proposal but sustainability of the location may be an issue for further consideration.

**DC - Land Drainage (comments 21/12/21)**

- Verbal consultation response – outside areas of flood risk. No objection subject to SUDS condition (condition number 7)

**DC - Trees (received 10/08/21)**

- A Tree Survey & Arboricultural Impact Assessment has been submitted. The survey information suggests that some of the trees may be good long-term retentions and they would help in the setting of proposal. If minded to approve, then should seek to retain the trees. The proposed unit, as indicated, appears to be sufficiently distant from existing trees.
- Conditions detailed- Arboricultural Method Statement and soft landscaping scheme (Condition nos. 8 and 1).

**Dorset AONB Team (received 29/07/21)**

- The scale of the proposal is below the threshold for seeking advice from the AONB Team. Signpost case officer to The AONB Landscape Character Assessment (particularly the Corfe valley chapter) and the AONB Management Plan (particularly the Planning for Landscape Quality chapter).

**Natural England (received 26/08/21)**

- No objection subject to mitigation being secured in relation to Dorset Heaths and Poole Harbour Nutrients in accordance with the relevant SPDs.



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- Application may provide opportunities to incorporate design features which are beneficial to wildlife in accordance with the NPPF e.g. swift bricks, sparrow terraces and implementing hedgehog friendly boundary treatments.

**Church Knowle Parish Council (received 04/08/21 & 21/09/21)**

Comments of meeting on 27<sup>th</sup> July 2021:

- Oppose application. Key objection to attempt to build / develop agricultural land outside the defined settlement boundary and in the AONB.
- Site has a long history of applications refused for exactly these reasons.
- Consider application incorrectly completed and misleading on several points (applicant name details, agent details same as applicants', commencement of work, vacancy of field, affordable housing provision, pre-application advice, ownership of the lane).
- Consider Planning Statement is incorrect and misleading on several crucial points relating to siting, access details, description of built character, certificate of lawfulness and relevant planning history. The circumstances of the applicants should have no bearing on the application.
- Presumption in favour of sustainable development does not apply in NPPF (para 11) where adverse impacts outweigh benefits. Site is not sustainable. There is no employment, facilities, shop, or bus route in village. There are no benefits to the community of developing in the AONB and irreversible adverse impact on countryside is immeasurable. Contrary to paragraphs 72 & 177 of the NPPF relating to entry-level exception sites and major development in the AONB.
- Planning history for this site and adjacent properties includes agricultural ties and impacts on the AONB / countryside. There has been a stringent insistence that agricultural tie requirements are met for occupation of properties so tied.
- Proposal is contrary to Dorset Council's policies and plans as set out in Appendix 3 (Purbeck Local Plan Policies SE, CO, AH, RES, LHH, DH; Dorset Council Local Plan Spatial Development Strategy, DEV7 & HOUS3).
- Mr Smith has stated that he has an agricultural holding number and the land is still agricultural but Form A of his previous application 6/2016/0544 states that none of the land is part of an agricultural holding.
- Proposal would set a precedent that would permit development on much of the agricultural land in Church Knowle.

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- There is no need for the development and there would be no impact on the local economy in refusing it.
- There is no need to be met. The local planning register for Church Knowle will confirm this.
- The detrimental effect on the environment and landscape would be massive.

Comments of meeting on 14<sup>th</sup> September 2021:

- Primary objections remain.
- The applicants are unclear. Neither is without a place to live.
- The only way that they can build a house that can be considered affordable to a household that could not otherwise purchase/rent a house in the open market is because they already own the land. Which is, the main Parish Council objection, lovely agricultural land in a particularly beautiful area of rural England in an Area of Outstanding Natural Beauty. If the land were development land, properly purchased as such then the economics of any development in this location would preclude it from any consideration of “affordable housing”.
- The concept of a Rural Exception Site is being misused.
- The indicative drawings have been produced in middle of this application, have no real bearing on the application and are a spurious distraction. There is no obligation to build anything like these indicative drawings. It is difficult to understand why they have been allowed at all.

**Church Knowle Ward Councillor – Cllr Brooks (received 07/09/21)**

- Understand that the Parish Council have objected on the grounds that there is an existing agricultural tie. I would like to request that this is called in to be decided by the planning committee.

**Summary of Local Representations received**

The application was advertised by the posting of 2 site notices on 12/07/2021 with an expiry date of 5/08/2021. The application was also advertised in a local newspaper (the Dorset Echo) with an expiry date for comments of 22/08/2021.

Total - Objections	Total - No Objections	Total - Comments
7	1	0

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Letter of Objection from Dorset branch of CPRE (1)

- Outside settlement boundary.
- Conflicts with the Management Plan and the policies of the Dorset AONB.
- The concept of a Rural Exception Site is being misused. Such sites are supported by the communities in Purbeck where they are within development boundaries, are owned and managed by local Community Lands Trusts, and serve the long-term needs of the community rather than the self-interest of an applicant. There may well be other locations for any genuine affordable housing for local residents in the parish.
- The countryside of Church Knowle is precious and deserves to be afforded the highest degree of protection in accordance with relevant designations and planning policies.

Comments of Objection (6)

- Land subject of agricultural tie and should not be allowed to be severed. No agricultural use since former owners left.
- Applicant details are unclear from application form and planning statement.
- Harm to character and appearance of the area – outside settlement boundary and visual impact within AONB. Will set a precedent.
- Already partial loss of hedgerow to provide access.
- Concerns about track maintenance and track ownership unclear.
- Additional traffic and light pollution.
- History of development on adjacent site (stable block).
- A timber-clad dwelling would be unsympathetic in appearance.
- Asking for exception site but not excepting the council's valuation and conditions shows being built for profit.
- Against NPPF as does not contribute to protecting or enhancing the natural built and historic environment of Church Knowle.
- With exception of the pub, there are no facilities or services in the village.
- As previous owners of the property we fulfilled our Agricultural Tie conditions but were never allowed to deviate in any way with change of use of the buildings due to the sensitive site it occupies.

Comments of support (1)

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- Village is in desperate need of affordable housing.
- Very difficult for ordinary working families to move into the area.
- The parish council have previously considered sites for affordable housing in the village, including along the track.
- The local primary school is already operating below its nominated pupil admission number and is in need of more children.
- Disappointing that the parish council object to an application for affordable home in the village when they were previously actively seeking sites in the village for affordable housing to be built.
- Type of development should be actively encouraged as otherwise Church Knowle will continue to become a place of second homes and for those most fortunate.

## **10.0 Relevant Policies**

### **Development Plan Policies**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications must be determined in accordance with the development plan for an area, except where material considerations indicate otherwise.

#### **Purbeck Local Plan Part 1:**

- Policy SD: Presumption in favour of sustainable development
- Policy LD: General location of development
- Policy SE: South East Purbeck
- Policy CO: Countryside
- Policy HS: Housing supply
- Policy RES: Rural Exception Sites
- Policy BIO: Biodiversity and geodiversity
- Policy DH: Dorset Heaths International Designations
- Policy PH: Poole Harbour
- Policy FR: Flood Risk
- Policy D: Design
- Policy LHH: Landscape, Historic Environment and Heritage
- Policy IAT: Improving accessibility and transport

#### **Other material considerations:**

##### **Emerging Purbeck Local Plan:**

Officers have considered the emerging Purbeck Local Plan when assessing this planning application. The plan was submitted for examination in January 2019. At the point of assessing this planning application the examination is ongoing following

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hearing sessions and consultation on proposed Main Modifications (carried out between November 2020 and January 2021). The council's website provides the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, council, and other interested parties). Taking account of Paragraph 48 of the National Planning Policy Framework, the plans progress through the examination and the councils position following consultation on proposed Main Modifications, at this stage only very limited weight can be given to this emerging plan.

The following policies of the emerging Local Plan are considered relevant to the application but cannot be given any significant weight in the decision-making process:

- Policy E1: Landscape
- Policy E4: Assessing flood risk
- Policy E5: Sustainable drainage systems (SuDs)
- Policy E7: Conservation of protected sites
- Policy E8: Dorset heathlands
- Policy E9: Poole Harbour
- Policy E10: Biodiversity and geodiversity
- Policy E12: Design
- Policy I2: Improving accessibility and transport; and,
- Policy I3: Green infrastructure, trees, and hedgerows.

Supplementary Planning Documents/Guidance:

Purbeck District design guide supplementary planning document adopted January 2014.

The Dorset heathlands planning framework 2020 - 2025 supplementary planning document adopted March 2020.

Affordable housing supplementary planning document 2012-2027 adopted April 2013.

Purbeck Strategic Flood Risk Assessment 2018

Nitrogen reduction in Poole Harbour – supplementary planning document April 2017.

Bournemouth, Poole, and Dorset residential car parking study May 2011 – guidance.

British Standard 5837:2012 Trees in relation to design, demolition, and construction – recommendations.

Dorset Biodiversity Appraisal and Mitigation Plan.

Dorset AONB Management Plan 2019-2024

Dorset AONB Landscape Character Assessment & Management Guidance 2008

National Planning Policy Framework (NPPF):

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- Section 2: Achieving sustainable development:  
Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

- 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...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.

- Section 5: Delivering a sufficient supply of homes

Outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.

- Section 9: Promoting sustainable transport

Requires potential impacts of development on transport networks to be addressed and opportunities for sustainable travel to be identified.

- 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 126 – 136 advise that:

- o 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.
- o 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.
- o Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

- Section 14: Meeting climate change, flooding, and coastal change

Requires development to avoid areas of highest flood risk and be made safe for its lifetime without increasing flood risk elsewhere.

- Section 15: Conserving and enhancing the natural environment

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In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 178). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Planning Policy Guidance (PPG)

## 11.0 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.

## 12.0 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 Public Sector Equalities Duty.

It is not considered that the proposed, single storey dwelling would result in any disadvantage to persons with protected characteristics.

## 13.0 Financial benefits

What	Amount / value
Material Considerations	
Rural Exception Self-Build Affordable Dwelling	Single affordable dwelling
Non- Material Considerations	
CIL	Liabe - to be calculated at Reserved Matters stage but self-build

	Exemption applicable
Council Tax	£2056.78 (based on average Council Tax Band D)

## 14.0 Climate Implications

The proposal is for one new dwelling which will be constructed to current building regulation requirements and which will be serviced by suitable drainage to prevent any additional impact on terms of flood risk that may be exacerbated by future climate change.

## 15.0 Planning Assessment

The main planning considerations have been identified as:

- The principle of development
- Whether the proposal accords with affordable housing policy
- Impact on the AONB
- Scale, layout, appearance, and impact on the character and appearance of the area
- Impact on neighbouring amenity
- Impact on biodiversity
- Highway safety
- Flooding and drainage
- Impact on trees

These and other considerations are set out below.

### Environmental Impact Assessment

Due to the type of development proposed and the siting within a 'sensitive area' of the AONB the proposed development has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations 2017. The screening opinion concludes that the proposal is not considered to be EIA development and that the provision of detailed plans at reserved matters stage, together with the application of adopted planning policies, can ensure that any environmental effects resulting from the proposed development can be minimised.

### Principle of development

- 15.1 The Council's planning policies contained in the adopted Purbeck Local Plan Part 1 (PLP1) aim to achieve sustainable development in line with the key objectives of the National Planning Policy Framework (NPPF). Whilst noting that isolated homes in the countryside should be avoided, paragraphs 77 – 79 of the NPPF set out key objectives for the provision of rural housing that reflects local needs. Paragraph 77 specifically notes:

*"In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local*



*planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs...*

- 15.2 Local planning policies within the adopted Purbeck Local Plan Part 1 are considered to generally conform to the NPPF. Policies SD: Presumption in favour of sustainable development and LD: General Location of Development encourage new development to be located in the most sustainable locations, including within existing towns and villages. The village of Church Knowle is identified as an 'other village with a settlement boundary' and has a tightly defined settlement boundary as set out on the Local Plan Proposals Map (Inset Map 4).
- 15.3 The application site is located outside the defined settlement boundary of the village and is therefore classed as 'countryside', where development is permitted only in exceptional circumstances as set out in Policy CO: Countryside of PLP1. Policy CO seeks to protect the countryside from inappropriate development, apart from in exceptional circumstances where a countryside location is deemed to be essential. This includes (as listed in the policy text) '*a rural exception site providing affordable housing in accordance with Policy RES: Rural Exception Sites*' (definition at para 6.1 of this report).
- 15.4 Objections have been received from the Parish, CPRE and others stating that the development outside the settlement boundary and in the AONB is unacceptable. The proposal for the erection of a self-build rural exception dwelling falls under Policy RES: Rural Exception Sites and must be assessed against the requirements of the policy. The principle of the proposed residential development within the countryside is considered to be acceptable in accordance with the NPPF (paragraph 77) and policies SD, LD, and CO of the Purbeck Local Plan provided that the proposal meets the specific requirements of Policy RES, the Purbeck District Affordable Housing Supplementary Planning Document (SPD) 2012 – 2027, and the consideration of all other material planning issues.
- 15.5 Objections to the proposal also note that the agricultural occupancy tie on Withy Lakes should prevent the proposed dwelling. The Withy Lakes permission was sought on the basis of a 6-acre smallholding which had been farmed by the applicant for approx. 10 years. The County Land Agent at the time considered that the long-term viability was insufficient to justify a dwelling but the Committee in 1988 determined that permission should be granted. The proposed dwelling would utilise a modest area of agricultural land on the holding, reducing land available for farming by 0.244acres. Whilst this has the potential to reduce the viability of the land holding for agriculture, the occupation of Withy Lakes is not tied to that particular land but is for anyone who is employed in agriculture or forestry in the locality in order to meet local need. As such it is not judged that the proposed dwelling would undermine the purpose of the planning condition.
- 15.6 Responses also raise issues of the current application setting a precedent for future development outside of the settlement boundary. Whilst Officers note that any application is assessed on its own merits, the policy basis for rural exception sites within the countryside is well established at both national and local level and the current application is not considered to set any greater precedent than other rural

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exception sites within the former Purbeck District Council and current Dorset Council areas.

### Housing Delivery Test

- 15.7 **On 23<sup>rd</sup> June 2022 the Five-Year Housing Land Supply Assessment for the area covered by the Purbeck Local Plan 2018 – 2034 was published. Within the Purbeck Local Plan area, there is currently a supply of deliverable sites equivalent to 1.23 years of supply taking into account delivery against the housing target, a housing supply shortfall since 2018, the application of a 20% buffer as required under the Housing Delivery Test and the interim position whilst the Council awaits the outcome of discussions with Natural England regarding the implications of nutrients advice.**
- 15.8 **On 19 January 2021 the Housing Delivery Test Results were published. The Purbeck Local Plan area was found to have delivered 76% of the total number of homes required and therefore, in accordance with National Planning Policy Framework (NPPF) footnote 7, it is judged that the Purbeck housing policies are out of date and a presumption in favour of sustainable development applies.**

**In this case, as housing policies are the most important for determining the application are considered to be out of date, permission should be granted unless:**

- i. The application of policies in the NPPF 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 the NPPF taken as a whole.**

**In this case the NPPF policies do not provide any clear reasons for refusing the development proposed and no adverse impacts have been identified that would outweigh the benefit of the contribution made to affordable housing supply. The proposal is therefore considered to be sustainable development for the purposes of NPPF paragraph 11.**

For these reasons the proposal to erect a detached self-build rural exception site dwelling on this site remains acceptable in principle, subject to other material considerations.

### **Affordable Housing Provision**

Does the proposal meet the specific requirements of Policy RES of the Purbeck Local Plan Part 1?

Policy RES of the Local Plan states that affordable housing will be allowed in the open countryside in and around settlements where residential development is not normally permitted, provided that the following criteria are met:

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1. The Council is satisfied that the proposal is capable of meeting an identified, current, local need within the parish, or immediately adjoining rural Parishes, which cannot otherwise be met
2. Ideally, the site is not remote from existing buildings and does not comprise scattered, intrusive and isolated development and is within close proximity to, or is served by, sustainable transport providing access to local employment opportunities, shops, services and community facilities. However, if evidence can be submitted to demonstrate the site is the only realistic option in the parish, the Council will give consideration to supporting the proposal;
3. The number of dwellings should be commensurate with the settlement hierarchy set out in Policy LD: Location of Development, of character appropriate to the location and of high quality design; and
4. There are secure arrangements to ensure that the benefits of affordable housing will be enjoyed by subsequent as well as initial occupiers.

15.9 Criterion 1. Local Need

Objections to the application have stated that there is no need for the dwelling within the Parish. However, the applicants are on the Council's Housing Register (December 2021) and have a proven close family continuous residency connection to the Parish of Church Knowle of over 5 years. This position has been confirmed by the Council's Senior Housing Officer. There is no other affordable housing provision within the Parish which is available to meet the applicants' needs. On this basis, the application meets the requirements of criterion 1 of Policy RES.

15.10 Criterion 2. Location

The second criterion of the policy notes that ideally the proposed site should not be remote from existing buildings or comprise scattered, intrusive, and isolated development. It should be within close proximity to, or served by, sustainable transport providing access to local employment opportunities, shops, services, and community facilities.

15.11 The application site is located approx. 333m to the south of the settlement boundary for Church Knowle which is drawn tightly around the main village development to the north. However, access to the site is via an existing track which also serves the village hall and a number of other dispersed dwellings beyond the settlement boundary. These dwellings include Clayfield and Russett Hollow to the north of the application site, and within closer proximity of the application site, Withy Lakes (belonging to the applicant's parents) and Becher Stables (a stables conversion also belonging to relatives) so the proposed dwelling would not be physically isolated.

15.12 Despite being located to the south of Withy Lakes, the proposed dwelling would be screened by existing hedgerows to the east and south, the dwellings of Withy Lakes and Becher Stables and their curtilages to the north and could be screened by appropriate soft landscaping to the west. Given the low-density dispersed pattern of development that already exists along the access track, and the

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potential for new and enhances landscape screening, the siting of the proposed dwelling to the south of Withy Lakes is not considered to be remote from existing buildings or comprise scattered, or intrusive development.

15.13 In terms of proximity to existing services and public transport, such provision is by the very nature of the rural setting isolated. The village is served by a Public House and Village Hall but the nearest key shops and services (school, doctors etc) are located at Corfe Castle approx. 2 miles to the east. The village does not benefit from a bus service. However, any new dwellings within Church Knowle, including those constructed within the settlement boundary, would be subject of such limited provision due to the rural location. Policy RES makes provision for such situations, stating that *'if evidence can be submitted to demonstrate that the site is the only realistic option in the parish, the Council would give consideration to supporting the proposal'*. In this case, there are no other options of affordable housing available within the village. Whilst service and facility provision are limited, this would also be the case for any new dwellings proposed within the settlement boundary. On balance, although it would be preferable for such a dwelling to be in a more accessible location, Officers consider that the provision of an affordable dwelling that would meet a local housing need outweighs the limited harm that a single dwelling would create in terms of accessing service provision elsewhere by car.

15.14 Criterion 3. The Number of dwellings

The third criterion requires that the number of dwellings proposed should be commensurate with the settlement hierarchy set out in Policy LD of PLP1 and of a character that is appropriate to the location and of high-quality design. Policy LD identifies Church Knowle as an 'other village with settlement boundary'. The construction of a single dwelling of limited size and site area in accordance with Policy RES is considered to be commensurate with the small size of the village. In terms of impacts on the character of the area and the need for high-quality design, whilst details would be dealt with as part of a later Approval of Reserved Matters (ARM) application, it is considered that a suitably high-quality designed building that respects the setting and design of neighbouring rural dwellings and buildings could be achieved.

15.15 Criterion 4. Subsequent occupiers

Finally, the policy requires that there are secure arrangements in place to ensure that the benefits of the affordable housing will be enjoyed by subsequent as well as initial occupiers of the dwelling. This will be dealt with by way of a signed legal agreement which will restrict the future occupancy and re-sale value of the dwelling to ensure that it remains affordable in perpetuity.

15.16 Based on the above assessment, Officers consider that the proposed self-build rural exception dwelling meets the requirements of Policy RES of PLP1.

Does the proposal meet the specific requirements of the Purbeck Affordable Housing SPD 2012 – 2027 in relation to Policy RES?

15.17 The Affordable Housing SPD sets out additional guidance on the provision of such housing across the former Purbeck District Council area. In relation to rural

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exception sites, the SPD provides additional information on the provision of self-build sites. Paragraph 30 notes that such sites can be 'single plots or in a group' and the current proposal for an individual bespoke property accords with this.

15.18 Paragraphs 33 – 38 of the SPD explain how self-build rural exception site properties will be maintained as affordable in perpetuity for future re-sales. The completion of a Section 106 (S106) Legal Agreement between the leaseholder / freeholder and the Council will ensure that:

- The property cannot change ownership without the written consent of the Council.
- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement; and,
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.
- The re-sale value of the affordable dwelling as a percentage of the market value.

15.19 The current proposal will be subject of a S106 Legal Agreement addressing the above issues and retaining the affordability of the proposed new dwelling in perpetuity.

15.20 The SPD provides a formula (para 34) for calculating the re-sale value of the proposed dwelling as a percentage of the market value, as follows:

$$\text{(standard cost of construction x internal floorspace + nominal plot value) / prevailing market value = xx\%}$$

15.21 Since adoption of the SPD in 2013, the standard costs of construction, plot values and market values have all increased. A viability report accompanies the application which includes advice on current construction costs, current plot value costs, an assessment of comparison market values and additional costs not included in the SPD formula (including external works, contingency fee of 5% and design fee of 7%). The formula calculation in the applicant's viability report results in a re-sale value of 50.56% of the prevailing market value.

15.22 In accordance with Policy RES, Officers commissioned (fee met by applicants) an independent assessment of the submitted viability report by the District Valuation Service (DVS). Values and construction costs were calculated differently to the viability report but additional costs included by the applicant (contingency etc) were not considered unreasonable and are therefore accepted by Officers. The DVS has re-calculated the SPD formula (including the additional costs of contingency etc) as follows:

$$\text{(Standard cost of construction of £2,401 x internal floorspace of 100m}^2\text{ + nominal plot value of £20,000)/prevailing market value of £550,000 = 47\%}$$

This gives a resale figure of £260,128 which equals 47% of the prevailing market value.

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15.23 As noted in paragraph 36 of the SPD, as the affordable re-sale figure is a percentage of the open market value, this will increase or decrease in accordance with prevailing local market prices.

15.24 However, the SPD in paragraph 37 sets a resale cap to prevent resales from becoming unaffordable. In 2013 (date of adoption) the resale cap was set at £140,000. The cap was based on standard build costs and nominal plot value in the highest value area of Purbeck in 2013, and a ceiling of £140,000 was considered more than enough to acquire a plot and build a 4 bedroom, 100sqm property, with six bed spaces at that point in time. The SPD notes that the Council will review the cap annually to take into account changes to standard build costs and plot values. The Council's Planning Policy Team have confirmed that a review of the cap has never taken place and therefore the original cap is out of date. It is therefore necessary to determine the current application on the basis of current costs and value and the independent DVS assessment of the formula approach.

15.25 Further to the above, more recent NPPF updates have introduced new affordable housing delivery mechanisms. The definition of 'Affordable Housing' in the NPPF is:

*"Housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions...*

*..c) Discounted market sales housing: is that sold at a discount of **at least 20% below local market value**.....*

*..d) Other affordable routes to home ownership: is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, **other low cost homes for sale (at a price equivalent to at least 20% below local market value)**.....*

15.26 Additionally, the First Homes mechanism ([First Homes - GOV.UK \(www.gov.uk\)](https://www.gov.uk)) which also meets the definition of affordable housing for planning purposes, sets the discount at a **minimum of 30% against the market value**, and the Council has not altered this requirement through a local plan.

15.27 Nevertheless, paragraph 219 of the NPPF advises that:

*".....existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given".*

Despite the increasing age of the SPD, the intention of the cap which is to ensure that affordable housing remains affordable in perpetuity, is consistent with the Framework; the reference to 20% and 30% are minimum discounts. Officers

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consider that the current application should be determined with due weight attributed to the SPD formula.

- 15.28 It is noted that a current planning application in the Northern Planning Team Area (P/FUL/2021/01742 for the erection of rural exception site dwelling – currently awaiting completion of S106 Legal Agreement) will provide a 20% discount on the market value (80% of market re-sale value). This has been judged acceptable in accordance with current definitions of affordable housing included in the NPPF. The difference in that case is that there is no specific SPD formula to apply, unlike the Purbeck Affordable Housing SPD formula which officers consider continues to hold weight in the determination of applications within the former Purbeck District Council area.
- 15.29 The agent has confirmed that the applicants are content to enter into a s106 agreement in accordance with paras 15.18 and 15.22 securing a 47% discount. Subject to the completion of a S106 Legal Agreement and control of the size of the dwelling via condition (nos. 5 and 10), the proposed development is therefore considered to be acceptable in accordance with the objectives of the NPPF in Section 5: Delivering a sufficient supply of homes, the definitions of Affordable Housing included in the NPPF Glossary, Policy RES of PLP1 and the general objectives of the Purbeck Affordable Housing SPD 2013.

#### **Impact on the Dorset Area of Outstanding Natural Beauty (AONB)**

- 15.30 The application site is within the Dorset AONB and lies within the ‘Corfe Valley’ character area of the Dorset Landscape Character Assessment. This area forms “*a broad sweeping clay valley with a patchwork of rough pastures and dense hedgerows, set along the Corfe River*”. The Assessment also notes that “*Discrete picturesque villages set within small scale woodlands on the valley bottom, particularly within the western portion, possess a peaceful and unspoilt character.*”
- 15.31 Key characteristics of the character type which are considered relevant to the current proposal include:
- Continuous and complex patchwork of small regular intimate pastures with dense hedgerows and small broadleaved woodlands of oak and hazel.
  - Small scattered nucleated villages and farmsteads of limestone on valley floor with adjacent paddocks and piecemeal enclosures and dense small broadleaved woodlands.
  - Winding rural lanes with dense hedgerows and hedge banks.
  - Strong undeveloped rural character, particularly in the western portion, where traditional agricultural character and dark night skies have been largely maintained.
- 15.32 Officers are satisfied that the plot site, location and ownership of adjacent land will enable the AONB objectives to be addressed at the reserved matters stage to achieve a scheme which responds appropriately to the overall objectives and planning guidelines for the character area (conditions 1-5). By limiting the proposed dwelling to a single storey property an appropriate scale, form and density can be

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achieved. Use of appropriate materials has been factored into the viability appraisal. The impacts of lighting can be minimised by avoiding rooflights and controlling external lighting. Small scale broadleaved planting can be secured to reduce visual impacts of the development. The proposed access is suitable in the landscape and parking can be appropriately sited while biodiversity benefits are to be secured (see below).

- 15.33 Objections to the application have raised concerns about the proposal forming 'major development' within the AONB. The NPPF sets out national policy in relation to the scale and extent of development within designated areas, and notes that (paragraph 177): "*permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest*".
- 15.34 Foot note 60, page 51 confirms that "*whether a proposal is major development is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined*".
- 15.35 The proposal for a single 'rural exception' dwelling, of a restricted size to accord with policy RES and the Affordable Housing SPD, is not judged to constitute major development in the AONB.
- 15.36 In summary, impacts of the proposal on the Dorset AONB are considered to be very limited due to the small scale of the development, existing landscape screening by hedgerows and mature trees, and the ability to further mitigate impacts by additional and enhanced landscape screening which will be considered at Approval of Reserved Matters stage. The public benefit of providing an affordable dwelling would outweigh the very limited harm to the landscape designation. The proposal is therefore considered to be acceptable in terms of landscape impacts in accordance with Policy LHH: Landscape, Historic Environment, and Heritage of the Purbeck Local Plan Part 1.

#### **Scale, layout, appearance, and impact on the character and appearance of the area**

- 15.37 The current outline application is only considering the principle of the proposed development, together with the details of access. As the application is being considered in accordance with Policy RES and the self-build rural exception site policy set out in the Affordable Housing SPD, the plot size is limited to 0.1ha and the dwelling size is limited to 100sqm with permitted development rights to be removed (conditions 5 and 10).
- 15.38 Whilst indicative plans of the proposed dwelling have been submitted to aid assessment of the affordability of the proposed dwelling and determination of an affordable resale value, the plans are not for detailed consideration at this stage. The details of the dwelling's appearance, scale and layout will be considered via reserved matters application(s).

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



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- 15.39 The application site is greenfield and only adjoins residential development on its northern boundary (Withy Lakes and Becher Stables). On the basis of the indicative plans it is considered that there are unlikely to be any future issues arising in relation to impacts on neighbouring amenity, but these will be considered at the Reserved Matters stage.

### **Biodiversity Impacts**

#### ***Compliance with Habitat Regulations***

- 15.40 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, Natural England have advised the Council an Appropriate Assessment (AA) is required in accordance with Regulation 63 of the Habitats Regulations. The AA is to enable full consideration of the proposed development and any likely adverse effects on the integrity of European and internationally designated Dorset Heathland sites, **nutrient neutrality** in Poole Harbour, and recreational pressures on Poole Harbour, which may remain if avoidance / mitigation measures are carried out as proposed. **An AA was undertaken in advance of the planning application being determined by the Eastern Area Planning Committee on 9<sup>th</sup> March 2022. Council. This showed that impacts of the proposed dwelling could – at that time - be suitably mitigated in accordance with adopted SPDs. Natural England had raised no objection subject to the appropriate mitigation being secured.**
- 15.41 However, as already noted in Section 1.0 of this report, **in the period between the committee resolution and the sealing of the Section 106 Legal Agreement, the advice provided by Natural England changed. On 16 March 2022, Natural England notified Dorset Council of their updated advice for development proposals that have the potential to affect water quality resulting in adverse nutrient impacts on internationally protected habitats sites. This advice applied to the catchments of five habitat sites which together cover a large part of the Dorset Council area. The application site lies within one of the affected catchment areas – the Poole Harbour Catchment. The advice was that Dorset Council should “carefully consider the nutrients impacts of any new plans and projects (including new development proposals) on habitats sites and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation, including through nutrient neutrality.”**
- 15.42 Natural England confirmed that the existing strategy for Nitrogen neutrality in the Poole Harbour catchment can continue to be relied upon for determination of planning applications (the Nitrogen Reduction in Poole Harbour Supplementary Planning Document). However, no such strategy is in place for Phosphorous neutrality in the Poole Harbour Catchment. Affected planning applications (such as this application) are required to demonstrate through an Appropriate Assessment that appropriate measures or safeguards are in place to ensure Phosphorus neutrality in perpetuity to enable the issue / grant of planning permission. This has resulted in many applications being held in abeyance until such a position can be achieved.

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**15.43 Dorset Council is continuing to work with Natural England and surrounding local planning authorities on potential mitigation options to enable new residential development to deliver phosphorous neutrality. The Leader of Dorset Council has also written to the Secretary of State requesting the addition of sewerage treatment works serving less than 2,000 people in the Poole Harbour Catchment to be added to the amendment to the Levelling Up and Regeneration Bill. If the threshold for sewerage treatment works was lowered to those that served more than 1,000 people, the need for phosphorus mitigation within the Poole Harbour catchment would be removed and wider environmental benefits would be realised. In the meantime, planning applicants / agents are exploring other available options to ensure that their proposed development can deliver phosphorous neutrality.**

**15.44 The applicants for Withy Lakes propose the removal of an existing septic tank serving the existing bungalow and replacement with two new wastewater treatment plants. A site-specific Nitrogen and Phosphorous Calculation has been submitted. This concludes that the replacement of the existing septic tank serving the bungalow with a new Treatment Plant would reduce nutrient loading to the water environment, and that this saving could be used as an offset against which to balance the nutrient budget of the proposed new dwelling. The treatment of foul water from 2 residential units, each using a modern Treatment Plant will result in a smaller nutrient loading than the old septic tank serving the existing bungalow. A comparison of the existing loading and proposed loading where foul from both properties is treated by the new sewage treatment plant is summarised below:**

<b>Scenario</b>	<b>Existing dwelling</b>	<b>Proposed dwelling + existing</b>	<b>Difference in nutrient loading</b>
<b>Total phosphorous</b>	1.22kg of TP/year	0.54kg of TP/year	Saving of 0.68 kg TP per year
<b>Total nitrogen</b>	10.13kg TN/year	3.03kg TN/year	Saving of 7.1 kg TN per year

**15.45 The installation of new treatment plants to serve both dwellings would result in a net overall reduction in nutrient loading to the water environment and will result in a better than nutrient neutral solution.**

**15.46 On the basis of the submitted calculation, an Appropriate Assessment has been completed which concludes that the proposed development would not adversely affect the Poole Harbour SPA & Ramsar European Sites either alone, or in combination with other projects. This is subject to the implementation, functioning, and maintenance of the proposed sewage treatment plant in perpetuity being secured through an appropriate planning mechanism to ensure the nutrient neutrality of the proposed development and the avoidance of adverse effects on Poole Harbour SPA and Ramsar European Sites.**

**15.47 An additional s106 obligation, in a form to be agreed by the Council's Legal Services Manager, would provide a suitable and sufficient mechanism to secure the following:**

- **Prior to the commencement of development - the submission and agreement in writing by the Local Planning Authority of full details of the siting, pipework, connection points, and ongoing maintenance of the Graf One2Clean PTPs as described in the Updated Withy Lake P&N Balance Technical Note dated 30th January 23.**
- **The implementation and maintenance of the 'Treatment Plants' in perpetuity in accordance with the submitted details.**
- **Connection of the existing bungalow of 'Withy Lakes' to its operational treatment plant before any development on the new dwelling exceeds damp course level.**
- **Connection of the new dwelling to its operational treatment plant prior to first occupation.**
- **That the combined nutrient loading of the two treatment plants shall not exceed 0.54kg of Total Phosphorous per year and 3.03kg of Total Nitrogen per year.**
- **That no replacement plant shall be installed to serve either dwelling until full details of the plant, together with the nutrient loading calculations, have been submitted to and approved in writing by the Local Planning Authority, and that thereafter the plant shall be installed and maintained in accordance with the new approved details.**

**15.48 It is judged that subject to the above mitigation measures (Sewage Treatment Plants) being secured in perpetuity by way of an additional Section 106 obligation, the authority is able to conclude that there will be no adverse effects on the integrity of the designated sites of Poole Harbour. Natural England has been consulted on the completed Appropriate Assessment and the details above and have advised that it concurs with the assessment conclusions. Therefore, subject to an additional S106 obligation to secure the provision of the Treatment Plants, the proposal is considered to comply with Regulation 63 of the Habitats Regulations.**

*Other biodiversity considerations*

15.49 An Ecological Impact Assessment Report has been submitted as part of the application to demonstrate that there will be no harm to biodiversity on the site. The report concludes that the development proposal will mean the potential loss of foraging habitat for several protected bat species and dormice, a declining species in the UK. The report notes the legal protections offered to these different species

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which means that mitigation will be required in order to allow the scheme to gain planning permission. However, it also advises that mitigation and enhancements can be secured due to the small size of the site so as to secure minimal long-term impact on biodiversity. The Biodiversity Plan has been agreed by the Council's Natural Environment Team and a Certificate of Approval issued.

- 15.50 Subject to securing mitigation by condition (Condition 9), **an additional S106 legal obligation**, and through the application of the CIL, the proposal is considered to comply with policies BIO: Biodiversity and Geodiversity, DH: Dorset Heaths International Designations and PH: Poole Harbour of the Purbeck Local Plan Part 1.

#### **Flooding and drainage**

- 15.43 The application site is located in Environment Agency Flood Zone 1 and is not at risk of fluvial flooding.
- 15.44 The Council's Drainage Engineer has raised no objection to the proposal subject to a standard Sustainable Drainage condition (Condition 7) on the decision to ensure that the proposed dwelling would not worsen flood risk relating to surface water run-off both within the application site and to neighbouring properties. The proposal is therefore considered to be acceptable in accordance with Policy FR: Flood Risk of the Purbeck Local Plan Part 1.

#### **Highway safety and access**

- 15.45 Access to the site is via an existing track that extends southwards from the village which also provides access to neighbouring residential properties and adjacent farmland. A field gate has been installed within the hedgerow boundary on the eastern edge of the site allowing vehicular access into the application site and the wider landholding at the southern end.
- 15.46 The Council's Highway Engineer has raised no objection to the proposal. Their comments about the sustainability of the location have been addressed earlier in the report. The site provides sufficient space for suitable parking provision. Full details of the access and parking provision will be considered at approval of reserved matters stage.

#### **Impacts on trees**

- 15.47 The application site is enclosed by mature hedgerows which also include a number of mature trees. A Tree Survey and Arboricultural Impact Assessment (AMS) submitted with the application identifies that of the trees on the eastern boundary, four English Oaks are of good quality, a Willow is poor quality with low life span, and the remaining trees are of low quality but could be retained. The AMS advises removal of the Willow but notes that no trees will require removal to allow for a dwelling on the site. It also notes that some pruning will be required. Parking could also be accommodated on the site with minimal impact on root protection areas.
- 15.48 The Council's Tree Officer has advised that the trees worthy of retention should be retained and that a condition (Condition 8) should be included requiring a detailed Arboricultural Methods Statement to be submitted to ensure that any works do not infringe root protection areas. It is also recommended that a soft landscaping scheme is submitted, and this will be dealt with at reserved matters stage.

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15.49 In summary, the proposed development is considered to be acceptable in terms of impacts on existing trees.

## **16.0 Conclusion**

16.1 For the above reasons, the development proposed accords with the development plan and the NPPF.

16.2 The proposal is considered to be sustainable development for the purposes of NPPF paragraph 11. Approval is recommended subject to conditions and **s106 legal obligations** to secure the affordable housing provision **and nutrient neutrality** in perpetuity.

## **17.0 Recommendation**

**(A) Grant, subject to the completion of a legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the legal services manager to secure the following:**

Affordable housing provision of a single rural exception site dwelling with the following restrictions:

- The property cannot change ownership without the written consent of the Council.
- Consent for resale will only be granted where the Council is satisfied that the new purchaser is paying the prevailing 'affordable' price and meets the terms of the S106 Legal Agreement.
- The re-sale price will be equal to 47% of the prevailing market value.
- Inheritance of the property by family members is permitted in the first instance provided that they meet the local needs criteria.

### **And nutrient neutrality:**

- **Prior to the commencement of development - the submission and agreement in writing by the Local Planning Authority of full details of the siting, pipework, connection points, and ongoing maintenance of the Graf One2Clean PTPs as described in the Updated Withy Lake P&N Balance Technical Note dated 30th January 23.**
- **The implementation and maintenance of the 'Treatment Plants' in perpetuity in accordance with the submitted details.**
- **Connection of the existing bungalow of 'Withy Lakes' to its operational treatment plant before any development on the new dwelling exceeds damp course level.**
- **Connection of the new dwelling to its operational treatment plant prior to first occupation.**

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- **That the combined nutrient loading of the two treatment plants shall not exceed 0.54kg of Total Phosphorous per year and 3.03kg of Total Nitrogen per year.**
- **That no replacement plant shall be installed to serve either dwelling (approved and/or the existing bungalow of Withy Lakes) until full details of the plant, together with the nutrient loading calculations, have been submitted to and approved in writing by the Local Planning Authority, and that thereafter the plant shall be installed and maintained in accordance with the approved details.**

And the following conditions:

1. No part of the development hereby approved shall commence until details of all 'reserved matters' (that is any matters which concern the layout, scale and appearance of the building(s) to which this permission and the application relates, and to the means of access to the building(s) and the landscaping of the site) have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory development of the site.

2. An application for approval of any 'reserved matter' must be made 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 92 of the Town and Country Planning Act 1990.

3. The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: This condition is required to be imposed by Section 92 of the Town and Country Planning Act 1990 (as amended).

4. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 21134.01/P3 and Block Plan 21134.02/P2.

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

5. This permission shall not permit a dwelling other than of a single storey design only. The floor area shall be limited to 100sqm gross internal floor area (including attached garages). No habitable accommodation shall be included within the roof space.

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Reason: In order to ensure the building is appropriate as a rural exception dwelling and does not have a detrimental effect upon the landscape character of the Dorset AONB.

6. Any reserved matters application including details of layout and scale shall be accompanied by a plan showing details of existing and proposed finished ground levels (in relation to a fixed datum point) and finished floor levels and their relationship with adjoining buildings and ground levels. Thereafter the development shall be carried out in accordance with the approved finished floor and ground levels.

Reason: To control matters which will impact on the visual impact of the development within the Area of Outstanding Natural Beauty.

7. Prior to the commencement of development details of surface water and foul drainage schemes for the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall subsequently be implemented prior to the completion of the development.

Reason: To ensure adequate facilities are provided in the interests of flooding and pollution.

8. An Arboricultural Method Statement (AMS) prepared by a qualified tree specialist providing comprehensive details of construction works in relation to trees that have the potential to be affected by the development must be submitted with any Reserved Matters application for layout or landscaping and approved in writing by the Council. All works must be carried out in accordance with the approved details. In particular, the AMS must provide the following:

- a) a specification for protective fencing to trees and hedges during both demolition and construction phases which complies with BS5837 (2012) and

- a plan indicating the alignment of the protective fencing;

- b) a specification for scaffolding of building works and ground protection within the tree protection zones in accordance with BS5837 (2012);

- c) a schedule of tree work conforming to BS3998;

- d) details of the area for storage of materials, concrete mixing and any bonfires;

- e) plans and particulars showing proposed cables, pipes and ducts above and below ground as well as the location of any soakaway or water or sewerage storage facility;

- f) details of any no-dig specification for all works within the root protection area for retained trees:

- g) details of the supervision to be carried out by the developer's tree specialist;

Reason: This information is required to be submitted and agreed before any work starts on site to ensure that the trees and hedges deemed worthy of retention on-site will not be damaged prior to, or during the construction works.

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9. Prior to first occupation or use of the development hereby approved the mitigation measures as detailed in the Biodiversity Mitigation Plan dated 24/01/22 and certified as approved by the Natural Environment Team on 27<sup>th</sup> January 22 shall be completed in full.

Reason: To minimise impacts on biodiversity.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any subsequent re enactment thereof, with or without amendments, there shall be no extensions to the property, including its roof and no habitable accommodation shall be created within the roofspace.

Reason: To ensure that the dwelling is maintained at a size appropriate to a rural exception dwelling.

#### **Informative Notes:**

1. Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to the provision of affordable housing in perpetuity at the site.
2. The applicant needs to be aware that the Community Infrastructure Levy (CIL) will be applied to development on this site. The amount of levy due will be calculated at the time the reserved matters application is submitted.
3. Informative: The applicant is advised that the granting of planning permission does not override the need for existing rights of way affected by the development to be kept open and unobstructed until the statutory procedures authorising closure or diversion have been completed. Developments, in so far as it affects a right of way should not be started until the necessary order for the diversion has come into effect.

4. Informative: 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:



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

or

**(B) Refuse permission if the legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) is not completed by 5<sup>th</sup> September 2023 (6 months from the date of committee) or such extended time as agreed by the Service Manager for Development Management and Enforcement.**

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**Background Documents:**

Case Officer: Cari Wooldridge

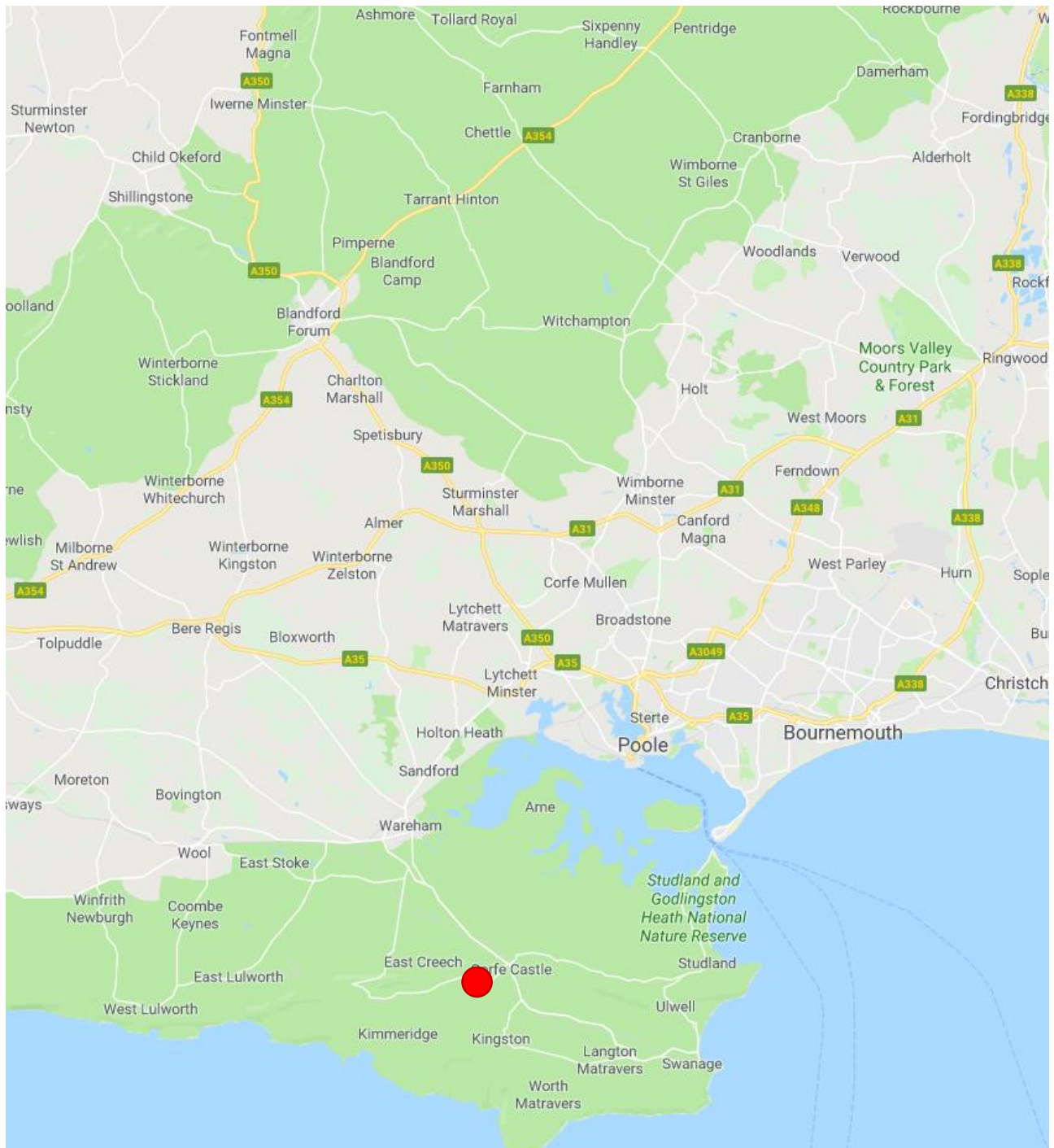
NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the Council's website.

● Approximate Site Location

Application reference: 6/2021/0262

Site address: Withy Lakes Church Knowle BH20 5NG

Proposal: Erect detached self-build rural exception site dwelling



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# Agenda Item 10

Eastern Planning Committee

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<b>Application Number:</b>	P/FUL/2022/06807		
<b>Webpage:</b>	<a href="https://www.dorsetcouncil.gov.uk/planning-application/P/FUL/2022/06807">Planning application: P/FUL/2022/06807 - dorsetforyou.com (dorsetcouncil.gov.uk)</a>		
<b>Site address:</b>	April Cottage South Instow Harmans Cross Swanage BH19 3DS		
<b>Proposal:</b>	Sever plot and erect a 4no bedroom detached house		
<b>Applicant name:</b>	Mr and Mrs Burri		
<b>Case Officer:</b>	Emily Elgie		
<b>Ward Member(s):</b>	Cllr Brooks		
<b>Publicity expiry date:</b>	9 December 2022	<b>Officer site visit date:</b>	24 March 2023
<b>Decision due date:</b>	28 December 2022	<b>Ext(s) of time:</b>	18 April 2023

**1.0** The application comes to committee at the request of the Nominated Officer.

**2.0 Summary of recommendation:**

Grant, subject to conditions

**3.0 Reason for the recommendation:**

Section 38(6) of the Planning and Compensation Act 2004 provides that determinations must be made in accordance with the development plan unless material considerations indicate otherwise.

The location of the site within a settlement boundary is sustainable and the proposal is acceptable in its design and general visual impact and there would be no material impact to the Dorset AONB, or demonstrable harm to neighbouring residential amenity. The scheme is compatible with the retention of protected trees, the proposed development is safe in highway terms, and the impact on designated sites will be appropriately mitigated.

The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

**4.0 Key planning issues**

<b>Issue</b>	<b>Conclusion</b>
Principle of development	The site is within the settlement boundary of Harmans Cross
Impact on landscape character and setting of AONB	The scale, character and enclosed nature of the site would not have a material impact on landscape character or the AONB

Impact on character and layout of locality	The siting and design of the proposal is acceptable and would not have an adverse impact on the character of the area.
Impact on protected trees	Loss of two trees is acceptable and the relationship with the protected Pinetree is unlikely to cause undue pressures for its removal.
Impact on amenity	The layout and design is considered to be acceptable and not be overbearing or overshadowing on adjacent dwellings nor give rise to undue overlooking.
Access and Parking	The access is considered to be acceptable in terms of highway safety and the parking provision is acceptable.
Wildlife	There would be no harm to protected species and the impact on designated sites would be mitigated against.

## 5.0 Description of Site

The application site forms part of the garden area of April Cottage, a detached chalet bungalow located on the corner of Valley Road and St Instow. On the Valley Road frontage there is a belt of trees and the land to the south slopes down so April Cottage sits below the highway level, with properties to the south stepping down the hillside. The site also slopes west to east so Fairfields, a chalet property to the east, is lower than April Cottage. Boundary enclosure is predominantly provided by vegetation and trees contribute to the character of the area.

The application site falls within the settlement boundary of Harmans Cross which lies within the Dorset Area of Outstanding Natural Beauty (AONB). The site lies within 5km of protected Dorset Heathland and within the Poole Harbour Recreation zone.

## 6.0 Description of Development

The application proposes the erection of a 4 bedroom, two storey dwelling with attached double garage to the east of April Cottage.

The new dwelling will have a gross internal floorspace, (including garage) of approximately 304m<sup>2</sup>. The dwelling is two storey, with a half hip pitched roof. Natural lighting on the north facing elevation is provided by small gable ended dormers partly 'breaking through' the eaves line. Principal light and outlook will be on the south facing elevation with full height patio doors shown at both ground and first floor levels, the latter with Juliet balconies.

The attached double garage is set at right angles to the main dwelling and includes a home office within the roof space.

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Parking and a turning area are proposed to the front of the new dwelling, with the site access being connected to the existing driveway serving April Cottage with access onto South Instow.

External walls are to be clad in Purbeck Stone with a clay tiles for roofing

The application is accompanied by arboricultural and wildlife appraisals.

## **7.0 Relevant Planning History**

P/PAP/2022/00396: Pre application advice given on this proposal the key conclusions of which are set out below:

- No objection in principle while the proposal also appears acceptable in its impact on the layout and character of the locality.
- In design and siting terms appears capable of addressing the opportunities and constraints of developing this site.
- No material impact identified on the outlook and amenity of adjoining householders.
- Appears acceptable in its highway impacts.
- Proposal appears capable of addressing wildlife concerns though the impact on the protected tree needs to be given specific consideration

The design of the proposed dwelling and its attached garage has been amended following pre-application advice to a follow more traditional design, incorporating stone cladding to the facades under a clay tiled roof.

## **8.0 List of Constraints**

Tree Preservation Order reference: PDC/TPO 179

Within Harmans Cross settlement boundary

Poole Harbour Recreation Zone

Areas Susceptible to Groundwater Flooding; Superficial Deposits Flooding; < 25%

Dorset Area of Outstanding Natural Beauty (AONB) - 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)

Within 5km of RAMSAR: Dorset Heathlands (UK11021);

Within 5km of RAMSAR: Poole Harbour (UK11054);

## **9.0 Consultations**

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

### **Consultees**

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**Natural England** (received 29 November 2023)

No objection, subject to securing appropriate mitigation for recreational pressure impacts on habitat sites

**Dorset AONB Team** (received 23 November 2023)

The AONB Team do not wish to comment on this occasion, due to the scale of the application.

**Dorset Council - Highways** (received 5 December 2022)

No objection, subject to condition to secure parking and turning area (Condition 7)

**Dorset Council - Building Control Purbeck Team** (received 11 November 2022)

Clay soil and trees so foundations may need to be designed, new parts F, L, O and S are now in force for the new Building Regulations. Check Radon protection if required.

*[Officer note: a radon barrier may be required under Building Regulations - a Radon Gas Membrane protects homes by preventing harmful gases from seeping into properties.]*

**Dorset Council - Trees** (received 20 December 2022)

On balance, no objection.

No objection to tree removal in respect of T4 (Cherry) and T5 (Birch). There is the potential for perception of dominance from the protected Pine tree. On balance, given the Pine tree's age and condition a tree based refusal could not be sustained. Acceptable subject to tree protection condition and detailed landscaping scheme (Conditions 4 & 6)

**Worth Matravers Parish Council** (received 7 December 2022)

Object:

Concerned about effect on the immediate surrounding area especially on the on a large protected tree.

Unacceptable light impact from the size and scale of the rear facades.

Large areas of unscreened glass and balcony areas will have a substantial effect on light pollution on the immediate locality and in the wider area.

**South East Purbeck Ward Member- Cllr Brooks**

Object:



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The design is too close to the tree

Although there will be no direct light impact on nearby dwellings as it overlooks gardens, it is high and is likely to be very prominent when lit.

### **Representations received**

The application was advertised by means of a site notice. Representations received from third parties are summarised below.

<b>Total - Objections</b>	<b>Total - No Objections</b>	<b>Total - Comments</b>
7 from 4 properties	0	4

- Principle of development- additional dwelling in small village will harm rural area
- Design- will appear dominating, dormer on south elevation out of keeping with low houses, mainly chalet bungalow development
- Impact on amenity- overbearing with loss of privacy, unacceptable loss of privacy to 'Woodstock' to the south, light impact
- Impact on trees- Concerned that a protected tree in the rear garden will be lost
- Impact on biodiversity- extensive area of brightly lit glazing will harm and disorientate wildlife at night; owls in the area.
- Highway safety-increased traffic movement at what is already a dangerous turn-off.
- Request for close board fence along the southern boundary, reduced window sizes and Juliet balconies.

## **10.0 Duties**

s38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications must be in accordance with the development plan unless material circumstances indicate otherwise.

## **11.0 Relevant Policies**

### **Development Plan**

#### **Adopted Purbeck Local Plan Part 1:**

The following policies are considered to be relevant to this proposal:

- Policy SD – Presumption in favour of sustainable development
- Policy LD – General location of development
- Policy D – Design

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Policy LHH – Landscape, Historic Environment and Heritage

Policy CO – Countryside

Policy BIO: Biodiversity & Geodiversity

### **Material Considerations**

#### **Emerging Local Plans:**

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).

The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

**The Purbeck Local Plan (2018-2034) Submission January 2019** ('the Submitted Draft Purbeck Local Plan') was submitted for examination in January 2019. At the point of assessing this application, examination of the Submitted Draft Purbeck Local Plan is ongoing, hearing sessions and consultation on Proposed Main Modifications and additional consultation on Further Proposed Main Modifications having been undertaken and a further public hearing session held on 19 July 2022. Updates on the latest position on the plan's examination and related documents (including correspondence from the Planning Inspector, Dorset Council and other interested parties) are published on Dorset Council website ([www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news](http://www.dorsetcouncil.gov.uk/planning-buildings-land/planning-policy/purbeck-local-plan/purbeck-local-plan-latest-news)).

Having regard to the plan's progress through the examination and Dorset Council's position following consultation on the Proposed Main Modifications and the Further Proposed Main Modifications, at this stage only limited weight should be given to the Emerging Draft Purbeck Local Plan.

In the preparation of this report, account has been taken of the following draft policies of the Emerging Draft Purbeck Local Plan, but for the reasons set out above these policies should be accorded little weight in the determination of the application:

E1: Landscape

E2: Historic Environment

E12: Design

E10: Biodiversity and geodiversity

**National Planning Policy Framework (NPPF) (2021):**

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF or specific policies in the NPPF indicate development should be restricted.

Other relevant NPPF sections include:

- 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...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.
- Section 5 'Delivering a sufficient supply of homes' outlines the government's objective in respect of land supply with subsection 'Rural housing' at paragraphs 78-79 reflecting the requirement for development in rural areas.
- Section 11 'Making effective use of land'
- 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 126 – 136 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.  
Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- In Areas of Outstanding Natural Beauty great weight should be given to conserving and enhancing the landscape and scenic beauty (para 176). Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.

**Other material considerations**

**Supplementary Planning Document/Guidance**

- Dorset AONB Landscape Character Assessment
- Dorset AONB Management Plan 2019-2024
- Nitrogen Reduction in Poole Harbour SPD Adopted
- Consultation Report - Nitrogen Reduction in Poole Harbour SPD
- Consultation Statement - Nitrogen Reduction in Poole Harbour SPD
- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- Managing and using traditional building details in Purbeck
- Poole Harbour Recreation 2019-2024 SPD

**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 Public Sector Equalities Duty.

The proposal would need to comply with current Building regulations and increases the level of accommodation provided within the settlement. It is not considered that the proposal to erect a new dwelling on this site would result in any disadvantage to persons with protected characteristics once the construction phase has been completed. During construction some people may be more affected by noise and disturbance.

## 14.0 Environmental Implications

- 14.1 The proposed new dwelling will result in environmental enhancement by way of improved building standards. There will be some carbon emissions associated with its construction, but the proposal will result in no significant additional environmental implications.

## 15.0 Planning Assessment

### Principle

- 15.1 The site falls within the settlement boundary of Harmans Cross which lies within the Dorset AONB.
- 15.2 Policy LD of the local plan states amongst other things, that development will be directed towards the most sustainable locations. Policy LD then goes on to set out a hierarchy of settlements where development will be directed which includes villages with a settlement boundary. Harmans Cross falls into this category so the proposal is acceptable in principle.
- 15.3 Notwithstanding compliance with policy LD, the Council's housing policies are currently judged to be out of date due to the limited housing land supply (equivalent to 1.23 years) in the Purbeck Local Plan Area. The tilted balance set out in the NPPF at para 11 is therefore engaged and permission for this additional house should be granted unless
- i. The application of policies in the NPPF 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 the NPPF taken as a whole.

### Impact on the landscape character and setting of the Dorset Area of Outstanding Natural Beauty (AONB)

- 15.4 Section 15 of the NPPF states, amongst other things, that great weight should be given to conserving and enhancing the landscape and scenic beauty with the AONB.
- 15.5 Policy LHH of the local plan sets out that development will be expected to conserve the appearance, setting, character, interest, integrity, health and vitality of the landscape and where appropriate be expected to deliver enhancement and improved conservation of the landscape assets.
- 15.6 Harmans Cross falls within the Clay Valley character area of the Dorset AONB, though being a developed location its contribution to the natural character of the AONB is less than if this were not the case.

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- 15.7 The Parish Council and third-party representations have raised concern regarding the visual impact from the size and scale of the rear facades which include large areas of unscreened glass. It is contended that these will have a substantial light pollution impact on the immediate locality and wider area. The application explains that the key purpose of the large glazed areas is to maximise light and passive solar gain derived from a south facing aspect and to offset the overshadowing impact of the large tree trees on southern boundary.
- 15.8 The glazed areas are part of an integrated design approach which it is considered fits in well with the scale and character of the proposed dwelling. Notwithstanding the hillside location of the proposed property, the windows will not direct light upwards so are unlikely to contribute to 'skyglow'. Any light spill will be seen in the context of existing properties, as the site is embedded within the settlement of Harmans Cross and will benefit from some tree screening, no material impact on the landscape character or setting of the AONB has been identified.
- 15.9 The AONB Team have elected not to comment on the application due to its limited scale.

Impact on the character and layout of the locality

- 15.10 Policy D of the local plan requires that development should positively integrate with its surrounding and reflect diverse but localised traditions of building material usage found across the District.
- 15.11 The site is located in a part of Harmans Cross characterised by chalet and single storey dwellings which are glimpsed from the main road amongst tree and vegetation screening. The proposed dwelling will infill an area of garden to the east of April Cottage but will sit comfortably alongside that dwelling, facing towards Valley Road. The proposed dwelling will retain a separation distance in excess of 12 metres with April Cottage and approx. 9.5m with Fairfields, a chalet dwelling is on lower ground to the east. These distances are comparable with existing building separation distances in the locality. Furthermore, the size and shape of the private amenity area remaining with April Cottage and that serving the proposed dwelling is considered sufficient to maintain separation and vegetation that contributes to the area's character.
- 15.12 Development in the immediate locality is characterised by stone clad detached chalet style dwellings with traditional pitched roofs incorporating gables and dormers. The proposed dwelling continues this approach, with a traditional hipped gable end and first floor windows framed by pitched roofs. Although the eaves will be higher than those on adjoining properties, it is

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judged that this departure can be accommodated as there is already a variety of house designs in the locality which respond to the varying topography. The rear, south facing elevation has significant glazed areas with patio windows/doors at ground and first floor level but the principle, front, elevation which will contribute to the streetscene is more traditional with smaller two pane windows and a canopy porch. The incorporation of stone cladding and plain clay rooftiles will reflect materials used within the settlement.

- 15.13 A cross section (plan no: 018) submitted as part of the application has been provided to assist understanding of the impacts on views from Valley Road abutting the site to the north. This shows the roof profiles of both April Cottage and the proposed dwelling and indicates that the proposed eaves and ridge height will be approx. 1.2m higher than those of April Cottage.
- 15.14 The proposed dwelling will have a greater bulk and mass than its immediate neighbours at first floor level but this will element will extend no closer to Valley Road than April Cottage, with both dwellings set back approximately 15m from the road. This set back of the dwelling is comparable to existing development to the east and west of the site. The main roof of the dwelling will also slope away from the road, reducing the impression of bulk. Although the garage, with its gable end, extends to approx. 7m from the highway, the tree screening on the frontage and drop in ground level enables the site to accommodate the proposed development without harm to the streetscene.
- 15.15 With regard to the impact from South Instow, the highway to the west, the proposed house being set behind April Cottage (and therefore partly screened from view by its bulk) and over 25 metres back from South Instow ensures that the impact on the South Instow street scene will be minimal.
- 15.16 For these reasons the proposal integrates with adjacent development and accords with a principal aim of policy D of the local plan.

Impact on amenity

- 15.17 Policy D of the local plan states, amongst other things, that new development will avoid and mitigate the effects of overshadowing, overlooking and other adverse impacts.
- 15.18 The proposed dwelling has a blank east elevation facing April Cottage and will maintain a 12m separation gap. The relationship with April Cottage is acceptable allowing both existing and proposed dwellings to operate in separate and self-contained manners without materially affecting the amenity of one another.

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- 15.19 To the east, the detached chalet style dwelling of 'Fairfield' is set over 7 metres away from the application site boundary and further south away from the highway. That property has a first floor window facing the site but at an oblique angle so that harmful overlooking of the new property is not anticipated. The proposed dwelling has a single first floor window serving a bathroom in the eastern elevation facing Fairfield which can be conditioned to be obscure glazed to avoid overlooking (condition 11).
- 15.20 To the south of the application site is 'Woodstock' a detached house fronting South Instow. Set into the hillside, this dwelling which appears as a bungalow but has two storeys at the rear, is on land at a lower level than the application site and its rear garden slopes down further to the east. This level difference amplifies the perceived impact of the proposed two storey development on higher land to the northeast.
- 15.21 Woodstock is sited obliquely to the application site and is positioned approximately 30 metres to the southwest of the proposed dwelling with 18m separation between the proposed rear elevation and shared garden boundary. The orientation of the two properties ensures there will be no direct overlooking between principal windows. The separation distance and opportunities for boundary screening would further reduce the impact which will primarily affect the eastern end of the garden.
- 15.22 Concerns have been raised by objectors about the extent of the glazing- four full height two pane windows- and a balcony which was originally proposed across the rear elevation, but during the course of the application the balcony has been replaced with Juliet style balconies which reduces the potential for overlooking of Woodstock. A condition can also be imposed to remove permitted development rights for changes to the roof or the insertion of a mezzanine/second floor in the future which could result in harm to neighbouring amenity (condition 9).
- 15.23 Whilst it is appreciated that the bulk of the dwelling will alter the open aspect currently enjoyed by the occupiers of Woodstock and a perception of overlooking of the eastern part of their garden may arise, it is considered that the impact of the new dwelling on the outlook and amenity of Woodstock is acceptable in amenity terms and would not warrant refusal.
- 15.24 The application is considered to accords with policy D of the local plan.

#### Trees

- 15.25 The application is accompanied by an arboricultural impact assessment (AIA). This states the proposed development requires removal of a birch tree and a



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cherry tree. The Council's arboricultural officer has no objection to the removal of these trees as they make a limited contribution to amenity.

- 15.26 To the south of the proposed dwelling is a protected Monterey Pine which contributes to the amenity of the area. The AIA notes that this is an aging specimen approximately 170 years old not having capacity for significant future growth. The tree protection proposed is judged sufficient to ensure that the tree is not harmed during construction.
- 15.27 The Council's arboricultural officer has carefully considered the relationship of the proposed dwelling with the tree and the potential for future pressures for its reduction/removal. Taking account of the tree's age and condition it is anticipated that tree's crown is likely to reduce in size and become more sparse allowing more light into the site. The arboricultural officer has concluded that, on balance the relationship is acceptable and the relationship would not result in harm that would justify refusal. Provision of significant glazing should mitigate any overshadowing impact on future occupiers whilst the tree also provides shading benefits in summer months with the attendant attenuation of solar gain.
- 15.28 A couple of other trees within the site are also referred to as possibly being affected by service works but it is not anticipated that this will affect their longevity. Overall, the impact of the proposal on existing tree cover appears minimal without resulting in future pressure to fell/lop trees to address overshadowing issues.
- 15.29 As such, it is considered an acceptable balance is struck between developing the site and tree retention. Appropriate conditions will be imposed to ensure the protection of the trees during development (Condition 6).

#### Wildlife

- 15.30 The application is accompanied by a Biodiversity Plan setting out wildlife mitigation and enhancement measures which have been approved by the Dorset Council Natural Environment Team thereby dealing with the 'local' wildlife impacts of the proposed development. Its adherence will be the subject of condition 8 to ensure the mitigation measures are implemented.
- 15.31 The site's location within 5 km of the Dorset Heath and Poole Harbour RAMSAR and Special Protection Areas has necessitated a Habitats Regulations Appropriate Assessment. Mitigation for the development on these protected habitats will be secured by Community Infrastructure Levy (CIL) contributions.

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Highways

- 15.32 Given the relatively remote location of Harmans Cross, which has little in the way of services and is poorly served by public transport, there is an expectation that cars will be the main transport mode. As such parking provision needs to be at least 3 spaces which is secured by a proposed double garage with a parking and turning area in front. The shared use of the driveway will limit opportunities for parking for the occupants of April Cottage but a site visit has confirmed that the driveway is wide enough that cars can park in front of that property without blocking the access to the new dwelling.
- 15.33 In connection with highway safety and impact on the free flow of traffic, the proposal involves use of an existing access onto South Instow which is a cul-de-sac with two spurs serving approximately 25 dwellings. This access has good sight lines onto South Instow so, taking into account the modest additional traffic that will be generated by the proposed dwelling and likely very low traffic speeds within the cul-de-sac, highway safety and the free flow of traffic in the locality will not be materially affected by the proposed development.
- 15.34 The proposal is considered to be acceptable in its highways and parking impacts.

## 16.0 Conclusion

As the Council is currently unable to demonstrate a 5 year housing land supply for the Purbeck Area, the tilted balance in paragraph 11 of the NPPF is engaged. In these circumstances planning permission should be granted unless policies within the Framework protecting areas or assets of particular importance provide a clear reason for refusal or adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

The village location is considered to be appropriate for a new dwelling and the proposal is acceptable in its design and general visual impact. There would be no significant harm to the AONB or neighbouring residential amenity. The proposal is considered to be safe in highway terms and the impact on designated sites would be appropriately mitigated. The relationship of the proposal with the protected Monterey Pine is not judged likely to result in significant demonstrable harm. The application complies with the relevant national and local policies and there are no material considerations which would warrant refusal of this application.

## 17.0 Recommendation

### **Grant, subject to the following 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.

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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 in accordance with the following approved plans:
  - 011 Proposed Location & Block Plans
  - 012 B Proposed Block Plan
  - 013 B Proposed Ground Floor Plan
  - 014 B Proposed First Floor Plan
  - 015 B Proposed Rear & Side Elevations
  - 016 A Proposed Front & Side Elevations
  - 017 A Proposed Sections
  - 018 Proposed North Street Scene
  - 019 A Proposed West Street Scene
  - 020 A Proposed Section AA
  - 021 A Proposed Section BB
  - 022 A Proposed Section CC
  - 023 A Proposed Section DD

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

3. Prior to development above damp-proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been 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. Prior to development above damp course level, a soft landscaping and planting scheme including species, sizes and densities shall be submitted to, and approved in writing, by the Local Planning Authority. The scheme shall include replacement trees. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. Any plants found damaged, dead or dying in the first five years shall be replaced.

Reason: In the interest of visual and neighbouring amenity.

5. Prior to development above damp course level, details of all proposed means of enclosure of the site shall be submitted to, and approved in writing by, the Local Planning Authority. The development must be implemented in

5 April 2023

accordance with the approved details prior to first occupation and shall be thereafter retained.

Reason: In the interests of the amenities of the area

6. The development hereby approved shall proceed only in accordance with the details set out in the Arboricultural Method Statement dated 03 January 2023 by Treecall Consulting Ltd and on Tree Protection Plan TC1 dated 03 January 2023 setting out how the existing trees are to be protected and managed before, during and after development.

Reason: To ensure thorough consideration of the impacts of development on the existing trees.

7. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 012 must have been constructed. Thereafter, these areas must be permanently maintained, kept free from obstruction and available for the purposes specified; the garaging hereby approved shall not be used as living accommodation.

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

8. The detailed biodiversity mitigation, compensation and enhancement/net gain strategy set out within the approved Biodiversity Plan or Landscape Ecological Management Plan (LEMP) certified by the Dorset Council Natural Environment Team on 29 September 2022 must be implemented in accordance with any specified timetable and completed in full (including photographic evidence of compliance being submitted to the Local Planning Authority in accordance with section J of the Biodiversity Plan/ the LEMP) prior to the substantial completion, or the first bringing into use of the development hereby approved, whichever is the sooner. The development shall subsequently be implemented entirely in accordance with the approved details and the mitigation, compensation and enhancement/net gain measures shall be permanently maintained and retained.

Reason: To mitigate, compensate and enhance/provide net gain for impacts on biodiversity.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Classes A, AA or B of Schedule

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2 Part 1 of the 2015 Order, shall be erected or constructed and no mezzanine or other second floor accommodation shall be created.

Reason: To protect amenity, the character of the area, and trees.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no garages, sheds or other outbuildings permitted by Class E of Schedule 2 Part 1 of the 2015 Order shall be erected or constructed.

Reason: To protect amenity, character of the area, and trees.

11. The first floor window in the east elevation shall be obscure glazed and any opening part shall be at least 1.7m above the finished floor level of the room it serves prior to first occupation and for the lifetime of the development.

Reason: In protect the amenity of the occupiers of Fairfields.

**Informative notes:**

1. The applicant is reminded that the site lies within Dorset AONB. Use of curtains/blinds is encouraged to reduce light spill in the interests of the character of the area.

2. Informative: 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:

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

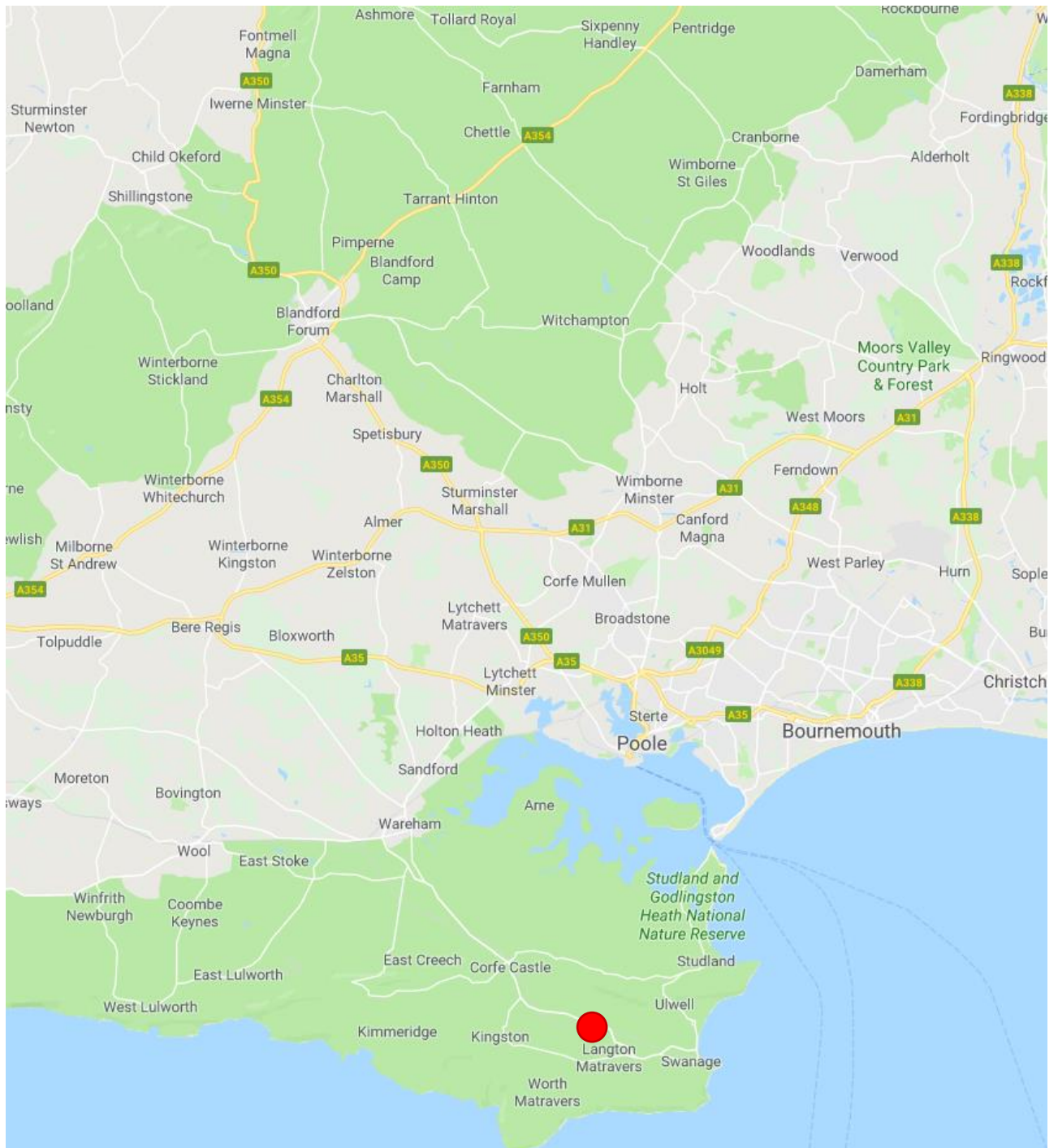
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Approximate Site Location ●

Application reference: P/FUL/2022/06807

Site address: April Cottage, South Instow, Harmans Cross, Swanage, BH19 3DS

Proposal: Sever plot and erect a 4no bedroom detached house



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