



Eastern Area Planning Committee

Date: Wednesday, 9 October 2024
Time: 10.00 am
Venue: The Allendale Centre, Hanham Road, Wimborne, Dorset, BH21 1AS

Members (Quorum: 6)

David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Alex Brenton, Toni Coombs, Beryl Ezzard, Scott Florek, Spencer Flower, Barry Goringe, Hannah Hobbs-Chell, David Morgan, Andy Skeats and Bill Trite

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

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.	APOLOGIES	
	To receive any apologies for absence.	
2.	DECLARATIONS OF INTEREST	
	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.	
3.	MINUTES	5 - 12
	To confirm the minutes of the meeting held on Wednesday 4 th September 2024.	

4. **REGISTRATION FOR PUBLIC SPEAKING AND STATEMENTS**

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. [Guide to Public Speaking at Planning Committee](#)

The deadline for notifying a request to speak is 8.30am on Monday 7th October 2024.

5. **PLANNING APPLICATIONS**

To consider the applications listed below for planning permission

6. **P/FUL/2023/05479 - UNIT 5, THE BARN, LITTLE LIONS FARM, LIONS HILL, ASHLEY HEATH, BH24 2EU** 13 - 42

Change of use of land and buildings to an animal rescue centre with ancillary offices and storage; the demolition of a hay store and silage clamp; the provision of 2 no. single storey extensions to existing buildings; retention of a mobile home for animal welfare; parking; and associated works.

7. **P/FUL/2023/02520 - LAND ADJ TO 142 RINGWOOD ROAD, LONGHAM, FERNDOWN** 43 - 66

Erect two dwellings (amended plans).

8. **P/FUL/2024/00324 - LAND AT OAK TREE PADDOCK, BACHELORS LANE, HOLTWOOD, WIMBORNE** 67 - 86

Convert existing building into dwelling house.

9. **P/FUL/2024/02697 - BARN OPPOSITE OLD QUARRY CLOSE, WORTH MATRAVERS** 87 - 108

Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking.

10. **P/FUL/2024/02407 - 51 NORTH STREET, WAREHAM, BH20 4AD** 109 - 124

Change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved.

11. **P/FUL/2024/02944 - MOORS VALLEY RAILWAY, MOORS VALLEY COUNTRY PARK, ASHLEY HEATH, RINGWOOD, BH24 2ET** 125 - 142

Removal of existing roof to main station and sheds. Replace with a

new, insulated, cladding with an open, covered ridge. Front, brick elevation of shed number 0043 to be partly demolished and re-built to match the front elevation of the adjacent shed (0042) in a saw-tooth design. Window to be bricked up to workshop 0050. Front elevation of brick to store areas 0088, 0089 & 0090 to be extended vertically to allow for the continuation of the roof line from store area 0091.

**12. P/FUL/2024/03747 - BERE REGIS PRIMARY SCHOOL,
SOUTHBROOK, BERE REGIS, BH20 7DB**

143 -
152

To site a temporary container classroom for a period of up to 5 years.

13. 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.

14. 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.

There are no exempt items scheduled for this meeting.

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EASTERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON WEDNESDAY 4 SEPTEMBER 2024

Present: Cllrs David Tooke (Chair), Duncan Sowry-House (Vice-Chair), Alex Brenton, Toni Coombs, Beryl Ezzard, Scott Florek, Spencer Flower, Barry Goringe, David Morgan, Andy Skeats and Bill Trite

Apologies: Cllrs Hannah Hobbs-Chell

Officers present (for all or part of the meeting):

Elizabeth Adams (Development Management Team Leader), Kim Cowell (Development Management Area Manager (East)), Philip Crowther (Legal Business Partner - Regulatory), Joshua Kennedy (Democratic Services Officer) and Megan Rochester (Democratic Services Officer).

2. Declarations of Interest

There were no declarations of disclosable pecuniary interests made at the meeting.

3. Minutes

The minutes of the meeting held on Wednesday 31st July were confirmed and signed.

4. Registration for public speaking and statements

Representations by the public to the Committee on individual planning applications are detailed below. There were no questions, petitions or deputations received on other items on this occasion.

5. Planning Applications

Members considered written reports submitted on planning applications as set out below.

6. P/FUL/2023/00864 - Blue Waters and Lichen Haven, Glebe Estate, Studland, Swanage, BH19 3AS

Members were provided with the following update:

- The officer's recommendation had been altered to reflect the need for affordable housing contributions in line with policy H11.
- Additional condition 19. There shall be no external lighting of the residential plots unless details have first been submitted to and

approved in writing by the Local Planning Authority. The lighting shall be installed and maintained in accordance with the approved details.

Reason: To protect the character of the intrinsically dark Dorset National Landscape.

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. The officer referred to concerns raised by the previous Local Ward member, Parish Council and third-party objectors in regard to a lack of infrastructure and over development of the site. In addition to this, members were provided with details of the site history, including pre application advice and were shown photographs of views looking towards the site, illustrative street scenes and proposed block and floor plans. Members were informed that the proposed design was similar to the pre application and would provide modern accommodation, garages and pools whilst being setback into the hillside to reduce height increases. The Case Officer advised members that a Landscape Visual Assessment had been carried out.

The officer also explained the proposed building materials, highlighting the inclusion of timber screens and anti-reflective glass to prevent overlooking and light spill. The distances between each dwelling were considered to be acceptable and the sustainability statement advised that ground floor heat pumps would be installed as an appropriate alternative to solar panels. The principle of the development was considered to be acceptable as the site was within the settlement boundary. The layout, scale, design, impact on character and appearance of area and the Dorset National Landscape was also considered to be acceptable. Therefore, the officer's recommendation was to grant planning permission subject to conditions set out in the officer's report and an additional condition 19 and either:

- The completion of aS106 planning obligation to secure the Affordable Housing contribution in accordance with policy H11 of the Development plan,

OR

- The applicant providing full justification of particular circumstances that prevent the provision of affordable housing on the site and the viability assessment is verified by an independent person appointed by the Council in accordance with policy H11 of the Purbeck Local Plan 2024.

Public Participation

The planning agent for the applicant, Mr Davies, welcomed the officer recommendation and highlighted that the existing site had little architectural merit and needed work to be completed in order for the buildings to meet building standards. The agent explained the history of the site and the rationale behind the combined plots. The proposed dwellings had been carefully and sensitively designed by a local architect with a mixture of styles and materials to respect the local character of the area. Mr Davies reiterated that the proposal was within the settlement boundary and the separation distances fitted comfortably within the

area. Individual amenity space and parking had been included. He hoped the committee would support the officer recommendation and grant planning permission.

Members questions and comments

- Councillor Trite sought clarification of the previous Local Ward member's comments.
- Clarification regarding viability of affordable housing.
- Councillor Flower raised concern regarding applications returning to committee with a change to viability and reductions to affordable housing delivery. Councillor Flower has concerns regarding viability issues being determined by officers and changes to planning obligations being made under the scheme of delegation. The presenting officer clarified the requirements of policy H11 of the Development Plan and the Council's legal advisor explained paragraph 151 of the constitution.
- Members requested further information regarding the pools.
- Questions regarding the element of the link with Almondsbury and the impacts that this would have had on existing neighbouring properties.
- Clarification regarding the location of the site within the Glebe Estate
- Thanked the officers for a comprehensive report and presentation.
- Questions regarding possibility of removing Permitted Development Rights to prevent future development impacting neighbouring properties.
- Limitations of screening height.
- Concerns of residents and the architectural design of the proposals were acknowledged
- Points of clarification regarding parking arrangements.
- Cllr Trite felt that the proposal was inappropriate in terms of scale and design and would have set a precedence for future development. He felt that the views of the Parish former ward councillor and residents had been disregarded,
- Concerns were raised that viability should be considered as part of the officer assessment, not left to post committee
- Cllr Skeats proposed to approve the proposal on the grounds that the Permitted Development Right would have been removed. There was no seconder, therefore, the motion fell.
- Cllr Coombs proposed to grant the officer's recommendation but with the additional condition that if there was a viability challenge that it would return to committee.
- Cllr Flower felt that viability should have been considered at the point of determining the application.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended with additional condition 19 and the planning obligation subject to the proviso that if there was a viability challenge then the application would return to committee, was proposed by Cllr Toni Coombs, and seconded by Cllr Alex Brenton.

Decision: To grant the officer's updated recommendation for approval subject to conditions set out in the officer's report, additional condition 19 and the additional requirement that if there was a viability challenge that it would return to committee. And to refuse the application if the affordable housing contribution or viability justification was provided in 6 months or longer period agreed by the Head of Planning.

7. **P/HOU/2023/06781 - 11A Bestwall Road, Wareham, BH20 4HY**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site within the settlement boundary of Wareham and explained the proposal and relevant planning policies to members. Photographs of the proposed elevations, floor and site plans were shown with the addition of views from the street scenes. Members were provided with details of the officer pre-application advice and were informed that the proposal before them had been amended. The Case Officer highlighted the objections which had been raised by Wareham Town Council and third parties, noting comments that the asymmetric design was not in keeping with the area and if granted, would have set a precedence for overdevelopment.

The officer discussed the impacts on neighbouring amenity, referring to the assessment of impacts set out in the agenda report. The proposal would be visible from footpaths to the north and neighbouring allotment gardens; however, it was not considered that the changes would have any detrimental impacts nor warrant a reason for refusal. It created a modest design and included the proposal to erect a boundary fence to provide screening. The dormer window which would be evident for neighbouring properties, but no significant harm from overshadowing or overbearing impact had been identified. To support mitigation of overlooking neighbouring properties, members were referred to condition 5 in which obscure glazed windows were proposed. The Case Officer noted the need for conditioning the balcony screen and updated members on additional condition 8 which referred to the boundary fence.

The officer's presentation included images of the existing parking arrangements. Members were informed that included in the proposal was to replace the existing sloped drive with level parking which would allow two off street parking spaces. The Highways Authority did not identify any harm to highway safety, and it was deemed acceptable. The officer's recommendation was to grant planning permission subject to conditions including:

8. Prior to the first use of the ground floor extensions hereby approved, a close board boundary fence to increase the overall height of boundary enclosure on the western boundary to 2m, from the point adjacent to the front elevation of no. 11A to the rear boundary, shall be erected and thereafter maintained.

Reason: In the interests of neighbouring amenity.

9. Within 1 month of garage being blocked up, the parking spaces shall be constructed and made available in accordance with plan 22150-00-17. Thereafter,

these areas must be permanently maintained; kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper and appropriate development of the site in the interest of highway safety.

Public Participation

A local resident spoke in objection to the proposal. He did not accept the planning officer's report and felt as though they had ignored the reality of the site. Mr Farrant felt that if granted, the development would be severally intrusive to his neighbouring property and would not have been in keeping with the character of the area, nor would it reflect the street scene. Therefore, he urged the committee to overturn the officer recommendation and refuse planning permission.

Members questions and comments

- Questions regarding whether the proposal was one of or the narrowest plots in the road.
- The road had evolved with several houses undergone alterations.
- Clarification regarding the age of the property and those surrounding it. It was established that the existing dwelling was built in the 1970s
- Concerns regarding the overlooking of neighbours and the close proximity of the boundary wall. Cllr Ezzard felt that the proposal was an overdevelopment and spoil the street scene.
- Queries regarding noise impacts from the balcony.
- Queries regarding the National Landscape.
- Clarification whether the balcony had been enclosed to prevent overlooking and whether it would benefit form a natural light source.
- Clarification as to whether the existing footprint had been doubled.
- Members noted the changes in building standards since the proposal was first built.
- Cllr Sowry-House felt that the existing property design was not typical for the road and was mindful of families looking to improve existing dwellings due to difficulty in moving. The proposal would improve the amenity of housing within the area. He was pleased to see that the dormer windows had been set back and felt that the applicant had done their best to keep the eaves height consistent.
- Members were mindful of the overbearing impacts on neighbouring properties; however, it was noted that the character of the area was ever changing and were pleased that officers had worked hard to mitigate the impacts.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **APPROVE** the officer's recommendation to **GRANT** planning permission as recommended as well as additional conditions 8 and 9, was proposed by Cllr Duncan Sowry-House, and seconded by Cllr David Morgan.

Decision: To grant the officer's recommendation for approval subject to conditions set out in the officer's report as well as additional conditions 8 and 9.

Cllr Beryl Ezzard left the room and gave her apologies for the rest of the meeting.

8. **P/HOU/2024/00735 - Hawthorne, 5 The Green, Bloxworth, Wareham, BH20 7EX**

With the aid of a visual presentation including plans and aerial photographs, the Case Officer identified the site and explained the proposal and relevant planning policies to members. Photographs of the existing, extant approval and proposed elevations were shown. Images from within the plot as well as views looking towards the proposal from neighbouring properties were included. Members were informed of the proposed building materials, noting wood cladding on the frontage and resin bonding gravel to replace the soft landscape at the front. Officer's felt that the modest front garden made a limited contribution to the character of the area and therefore the proposal could be accommodated and integrated into the street scene. Impacts regarding neighbouring amenity were explained, particular detail was given to parking was as officers had identified that there was only one viable parking space due to the need to retain access to the neighbouring drive. The highways team did not have any objections regarding highway safety, but the proposal was contrary to policy I2 of the Purbeck Local Plan which required adequate parking to be provided. The officer advised that notwithstanding the policy position, having regard to the fall back provided by the extant position which could have still been implemented, she was unable to recommend refusal on the grounds of loss of amenity and insufficient parking provision.

Images of the site showed an attractive cottage character. There was no flood risk identified, and a noise assessment had been carried out which identified that the air conditioning unit would not have impacted neighbouring amenity. The officer recommendation was to grant subject to conditions.

Public Participation

Mr Heaton, a neighbour, spoke in objection to the proposal. He felt that the application was flawed as it was a 5-bedroom home with only one parking space. He considered that the proposal failed to meet parking standards and if approved it would create a dysfunctional access to the property. Mr Heaton didn't object to the building; however, he highlighted the garages should be converted without alternative parking provision. He felt that the fence next to the site could have been inset to allow for additional parking. One space was not acceptable, it would have constricted access. The proposal should meet parking requirements and without sufficient parking, he felt that the proposal should be refused.

Mr Vincent, a neighbour, spoke in support of the proposal. He explained to members that he had lived on The Green for over 19 years. He explained that the existing garages were too small, and cars had been parking outside. Mr Vincent highlighted flooding and raised concerns regarding comments raised by the Parish meeting which he believed were based on one person's opinion and not

representative. He hoped the committee would support the officer recommendation.

The agent addressed the committee and explained the alterations. Mr Carter also raised concerns about the parish meeting's objection, stating that the application had only been briefly raised at the Parish meeting. He confirmed that permeable materials were proposed for the front garden, the use would not change, nor would it impact flooding. The agent noted that parking was proven to be acceptable, and the applicants had always parked the way proposed. Due to the existing garage having not met existing size standards, there was no loss of parking. The principle of development was acceptable and there were no objections from highways. Therefore, the agent hoped members would support the officer recommendation.

Members questions and comments

- Reassurance regarding Parish meeting's comments and from consultees.
- Clarification whether the aco drain would have led to a soakaway or surface water drain.
- Location of air conditioning units and whether acoustic fencing had been considered to mitigate noise impacts.
- Comments regarding the committee being in a difficult position due to the extant permission. Members sought clarification as to what could potentially happen in an appeal situation and the issues regarding fallback.
- Queries as to what would have happened if the committee were minded refusing permission.
- Confirmation regarding alternative parking in the locality.
- Cllr Sowry-House felt that the parking was inadequate, and the proposal would change the character of the development. He did not feel it was a good design as it relied on remote parking contrary to policies I2 and E12.

Having had the opportunity to discuss the merits of the application and an understanding of all this entailed; having considered the officer's report and presentation; the written representatives; and what they had heard at the meeting, a motion to **REFUSE** the officer's recommendation to **GRANT** planning permission as recommended, was proposed by Cllr Duncan Sowry-House, and seconded by Cllr Alex Brenton as o the proposed development provided inadequate parking provision as required by policy I2 (Improving accessibility and transport) of the Purbeck Local Plan 2018-2034 (adopted 2024). The proposal would increase pressure for parking elsewhere within the settlement and therefore did not represent good design contrary to policy E12 (Design) of the Purbeck Local Plan 2018-2034 (adopted 2024) and Chapter 12, in particular paragraph 130 of the National Planning Policy Framework (2023).

Decision: To refuse the officer's recommendation for approval.

9. **Urgent items**

There were no urgent items.

10. **Exempt Business**

There was no exempt business.

Decision Sheet

Duration of meeting: 10.00 am - 12.41 pm

Chairman

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Agenda Item 6

Eastern Area Planning Committee
9 October 2024

Application Number:	P/FUL/2023/05479		
Webpage:	Planning application: P/FUL/2023/05479 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Unit 5, The Barn, Little Lions Farm, Lions Hill, Ashley Heath BH24 2EU		
Proposal:	Change of use of land and buildings to an animal rescue centre with ancillary offices and storage; the demolition of a hay store and silage clamp; the provision of 2 no. single storey extensions to existing buildings; retention of a mobile home for animal welfare; parking; and associated works		
Applicant name:	Shelagh Meredith		
Case Officer:	James Brightman		
Ward Member(s):	Cllrs Bryan and Goringe		
Publicity expiry date:	26 December 2023	Officer site visit date:	16 November 2023
Decision due date:	5 July 2024	Ext(s) of time:	Yes
No of Site Notices:	2 site notices posted 22/10/23		
SN displayed reasoning:	To ensure effective publicity of the application		

1.0 The application comes to committee at the request of the Service Manager for Development Management & Enforcement.

2.0 Summary of recommendation:

REFUSE for the following (summarised) reasons:

1. Inappropriate development in the Greenbelt which would be harmful to openness and would result in encroachment into the countryside
2. Adverse impact on Lion's Hill Site of Special Scientific Interest which is part of the Dorset Heathlands.

3.0 Reason for the recommendation:

The proposal is contrary to the Local Development Plan because it would represent harm to the Green Belt that is not outweighed by any very special circumstances. Additionally, it is judged that the proposal is likely to result in an adverse effect on the integrity of Lion's Hill Site of Special Scientific Interest which is part of the Dorset Heathlands Special Protection Area and Dorset Heaths Special Area of Conservation and no imperative reasons of overriding public interest that would outweigh the harm arising have been identified.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Not acceptable given the potential impact on the Dorset Heathlands.
Impact on the Green Belt	Not acceptable – as the proposal represents inappropriate development, would harm openness and would encroach into the countryside.
Impact on internationally designated nature conservation sites (Lions Hill Site of Special Scientific Interest which is designated as a Habitat Site)	Not acceptable – as it is not possible to reasonably conclude with any certainty that the mitigation offered in the form of the submitted Management Plan would prevent an adverse impact on the designated site from the proposed animal & dog rescue use of the site arising from the future exercising of dogs on the SSSI.
Impact on the character & appearance of the area	Acceptable – as proposed extensions would not have an adverse visual impact.
Impact on the amenity of occupants of nearby dwellings	Acceptable - with conditions to require the site to be operated in accordance with the submitted management plan and Noise Impact Assessment noise mitigation measures
Flood risk and drainage	Acceptable – with conditions imposed to require a detailed surface water management scheme and a maintenance plan for this to be agreed by the Local Planning Authority.
Impact on Highway safety	Acceptable – as the proposal would not present material harm to the transport network or to highway safety.
Impact on biodiversity	Acceptable as proposal accords with the Dorset Biodiversity Appraisal Protocol

5.0 Description of Site

- 5.1 The application site which extends to 6.3 hectares, is in the countryside outside any settlement identified in the Local Plan Policy KS2. It is accessed via a narrow rough surfaced track from the Horton Road which serves a handful of residential properties and also provides access to the Castleman Trailway to the south.
- 5.2 There are several buildings on the site; a single storey office building and a large barn with attached open sided structure in the southern part of the site, and several buildings used for storage in the northern part of the site.
- 5.3 The nearest residential property is Little Lions Farm which lies immediately adjacent to the site to the west and is in the ownership of the applicants. Other nearby properties are Spring Ducks to the north and Forest Gate House to the northwest. Other dwellings at Merragreen, Oaklea Lodge and Grey Willows are further to the north near the Horton Road, with over 200m building to building separation.
- 5.4 Trees grow along all the site's boundaries and provide screening of the existing buildings.
- 5.5 The lawful planning use of the site is as offices/research/light industrial (former Use Class B1 Business, now Class E(g)). Some of the office space at the site is currently being used by the dog rescue charity 'Waggy Tails' for administrative functions (which falls within the lawful use) the remainder are vacant.
- 5.6 The immediate area is rural in character with detached properties set in spacious curtilages and there is significant tree cover.

6.0 Description of Development

- 6.1 It is proposed to change of use of land and buildings from offices/light industrial to an animal rescue centre operated by Waggy Tails, a local animal charity specialising in re-homing dogs, with ancillary offices and storage. The site will replace the existing premises in Canford Magna as that site has reached its capacity. The supporting statement advises the intention is that subject to planning approval, the proposals will be delivered without delay over the next two years, enabling the consolidation of the charity away from Wimborne, so that the existing property can be sold with receipts reinvested at Little Lions Farm.
- 6.2 The proposals include;
 - the demolition of a hay store and silage clamp immediately to the east and south of the barn respectively
 - a low-pitched roof single storey extension to the existing large barn to provide 23 cabins for dogs – some larger cabins would accommodate more than 1 dog (with external runs), kitchen for food preparation, laundry, treatment room and stores. Solar panels to be installed on the roof
 - a smaller flat/mono-pitched roof extension to the existing single storey flat roofed office building
 - retention of a mobile home for animal welfare (to the east of the barn). This is to be used for storage and has been stripped of services that would allow it to function as a dwelling
 - parking and associated works (to include the formation of an enclosed yard (with low wall and railings above) area adjacent to the barn and enclosed dog exercise areas to the south of the barn

- 6.3 The existing large barn is to be used as an indoor exercise and agility area for dogs and the existing office buildings and proposed extension will function as offices and an administration hub for the charity.
- 6.4 The submitted Management Plans states that Little Lions Farm has 17 acres which provides ample space for dog walking, grazing for horses/donkeys, and a large enclosure for hens.
- 6.5 The supporting statement advises that the associated land will be used for animal recreation – dog walking, play, agility and training. Some areas will be enclosed using post and wire fences to allow individual dogs and small groups to be contained/isolated during exercise/training. Other areas will be left open and untouched.
- 6.6 Various outbuildings will be used to store equipment used by the charity.
- 6.7 The existing horse stabling and paddocks will be retained for emergency horse/donkey rescue
- 6.8 There will be no public access into the land from the Castleman Trailway. Nor will there be access from the application site into surrounding sensitive heathland areas.
- 6.9 12 staff are employed (working across different parts of the charity such as the shop in Ferndown and the office). The number of volunteers varies; it is anticipated that there will be on average up to 3 staff and 3 volunteers working at the site on any given day.
- 6.10 There will be up to 2 staff on site overnight to ensure 24-hour supervision and care is provided for the animals. No overnight accommodation is provided.
- 6.11 The delivery of animals to the site are not a regular part of the charity's service. Very occasionally animals do arrive overnight in emergency situations and usually from the police. This is because there are no other 'out of hours' services available in the area so animals might otherwise be destroyed.

7.0 Relevant Planning History

03/00/0494/FUL- Decision: REFUSED - Decision Date: 22/06/2000
Change Of Use Of 4 Outbuildings 2 For Use As Workshops/ Car Repairs & 2 For Use as Storage (retrospective). APPEAL DISMISSED 29/11/2000

03/86/0646/FUL- Decision: GRANTED - Decision Date: 22/09/1986
Agricultural Buildings

03/84/0544/HST- Decision: GRANTED - Decision Date: 01/05/1984
RETENTION OF BUILDINGS FOR BREEDING OF ANIMALS

3/17/2281/PNAGF- Decision: REFUSED - Decision Date: 09/10/2017

Change of use for buildings to be used in association with established business.

3/17/2885/PNAGF- Decision: PRIOR APPROVAL NOT REQUIRED-Decision Date: 30/11/2017 - Change of use of agricultural buildings to a flexible use - to be used in association with established business (Media and Corporate Logistics Business). (B1) Business, Class B8 Storage and Distribution).

3/18/0477/FUL- Decision: GRANTED - Decision Date: 18/05/2018
Changes to route of Private Lane at Little Lions Farm

P/PAP/2022/00816 (Pre-application enquiry) - Decision: RESPONSE GIVEN
-Decision Date: 13/03/2023 - Demolition of existing buildings & erection of new building

In this response the same agent was advised to consult Natural England prior to submitting a planning application to establish what would be acceptable in terms of overnight accommodation and overall impact on designated sites. The applicant chose not to do this and acquired the site before a planning application was submitted.

8.0 List of Constraints

Within the Green Belt;

Tree Preservation Order (EDDC/SL/40) - area of woodland immediately to the west of the access road and to the west of the application site.

Within Dorset heathlands 400m heathland buffer, Description: Lions Hill

Special Area of Conservation (SAC): Dorset Heaths (UK0019857) to the south and east of the site

Special Protection Area (SPA): Dorset Heathlands (UK9010101) to the south and east of the site

Within Site of Special Scientific Interest (SSSI) impact risk zone;

Bournemouth Water Consultation Area

Flood Zone 3- only affects part of the access

Flood Zone 2- only affects part of the access

Risk of Surface Water Flooding Extent 1 in 30- only affects part of the access

Risk of Surface Water Flooding Extent 1 in 100- only affects part of the access

Risk of Surface Water Flooding Extent 1 in 1000- only affects part of the access

Groundwater – Susceptibility to flooding

Dorset Council Land (Freehold): Castleman Trailway (disused railway from Ringwood to West Moors) - Reference 04902- located to the south of the site

Existing ecological network (Polygons) & Higher Potential ecological network

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4198.21 & Avon Valley (UK11005); - Distance: 3562.51

Site of nature conservation interests (SNCIS): SU10/016 - Woolsbridge; - Distance: 2.42

Wildlife Present: S41 - bat ;

Minerals and Waste Safeguarding Area - ID: 6216

Minerals and Waste Safeguarding Area - ID: 5732

Minerals and Waste - Sand and Gravel

Radon: Class 1: Less than 1%

9.0 Consultations

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

Consultees

1. Natural England

Objection in principle

Comments rec'd 8/12/23

The proposal will:

- Have an adverse effect on the integrity of Dorset Heathlands Special Protection Area, Dorset Heaths Special Area of Conservation and Ramsar Site.
- Damage or destroy the interest features for which Lions Hill Site of Special Scientific Interest has been notified.

Further information is required in respect of the mobile home on the site and how access to the designated sites would be secured.

Further comments rec'd 17/5/24 following means of mitigation (management plan) proposed by the applicant's agent

Natural England has to consider a wider range of adverse effects such as the risk of disturbance to SPA birds as well as eutrophication of the heathland habitats which can be from both urine as well as faeces.

Dogs are exercised twice daily and in this location the risk that up to 30 dogs would be walked on the heathland on a twice daily basis, particularly in unfavourable weather conditions cannot be excluded.

Natural England cannot conclude that there is the necessary level of certainty that harm from the proposal would not occur in either the short or long term.

Natural England conclude that it would not be possible to conclude no adverse effect on the integrity of the habitats sites and that the Council should carry out an Appropriate Assessment before reaching a decision.

2. Bournemouth Water

- No comments or concerns

3. Dorset Council Highways

- The proposal does not present a material harm to the transport network or to highway safety.
- In response to a detailed letter of objection on highway safety grounds, the Highways Officer has advised they are satisfied with the clarification on vehicle movements that the agent has provided. An average of 20 movements a day would roughly equate to around two vehicle movements every hour (if it was over an average working day of 8 hours) and this would not be severe in terms of the NPPF.
- It is noted that the site is not open to the public and would be visited by appointment only, is served by a private road with opportunity to pass should two vehicles come across one another and its condition would mean that vehicles would be travelling at relatively low speeds.

4. Dorset Council - Environmental Services – Protection

Initial comments

- Concerns that it is difficult to model and calculate noise levels due to the unpredictability of dog barking and it is not accepted that dogs at a rescue centre will bark less than in boarding kennels.
- Noise management plan requested to demonstrate how dog barking would be managed.

Subsequent comments following receipt of a noise impact assessment

- Should planning permission be granted, suitable conditions should be included to ensure compliance with the noise impact assessment including sound insulation & the erection of a 2m high return on the north end of outdoor runs.

5. Dorset Council – Trees

No significant trees and proposal is acceptable in tree terms.

6. Dorset Council - Flood Risk Management

Initial comments

- Site in Flood Zone 1 but high ground water levels and potential for flooding identified.
- Significant fluvial and some surface water flood risk is shown to impact parts of the access road (Lions Hill Way) to the north.
- The submitted Flood Risk Assessment includes very limited details with regards to their proposals for surface water management. Soakaways are indicated but may not be viable.
- In the absence of a substantiated SW strategy, based upon an assessment of site characteristics, we recommend that a (Holding) Objection be applied to this proposal.

Further comments following receipt of further information

- The applicant intends to follow the Sustainable Drainage Systems (SuDS) hierarchy and has proposed to prioritise infiltration as a means of surface water management.
- The applicant has suggested that a pond may be used for attenuation if infiltration is not viable. A restricted discharge of surface water to a nearby watercourse would appear feasible due to the site's proximity to an ordinary watercourse.
- The development will result in an increase in floor area of 316m² and only some of this will result in an actual increase in impermeable surfaces due to most of the proposed extensions being built over existing hardstanding.
- Although the development is 'major', the overall increase in impermeable surface area is minor and any resultant increase in surface water runoff will be relatively small. Despite this, all runoff must be managed on site and disposed of in a manner that does not increase flood risk on or off site.
- The submitted information provides adequate surface water management details for the scale of development. The LLFA recommend conditions and informative notes are included on any permission granted to require a detailed surface water management scheme pre-commencement; maintenance and management plan & an Ordinary watercourse informative note.

7. Dorset Council Natural Environment Team

- The development falls within the Dorset Biodiversity Appraisal Protocol (DBAP) criteria.

8. St Leonards & St Ives Parish Council

Object for the following reasons:

1. Impact on Green Belt- significant effect on the openness, character and tranquillity of the space. Negative impacts for neighbour and visitor amenity.
2. Unsuitable access tracks- narrow, gravel tracks with many potholes, not suitable for the anticipated number of vehicles that could use the facility. The track from Lions Lane will be especially dangerous as it provides three access points to the heath and is used extensively visitors but has no pavement. Heavy use of this track by vehicles would be a major hazard for pedestrians, horse riders and dog walkers.
3. Significant environmental concern arising from the treatment of waste and its safe disposal.
4. Noise is a significant concern. The PC believes the noise calculations produced by the consultant appear inaccurate and don't reflect the actual noise that will be produced. Dogs by their nature will bark when other dogs bark. This chain reaction will be constant at all times – night and day. Noise will not be contained to the internal areas of the building and will result in nuisance for neighbours. No baffling.
5. Lack of clarity on the number of kennels and the number of dogs to be housed. Lack of clarity over staff numbers and sleeping quarters for staff. It is believed that dogs require 24 hour supervision so it is anticipated that staff sleeping quarters would be required. This is not shown in detail.

Representations received

Total - Objections	Total - Support	Total - Comments
15	93	1

Petitions Objecting	Petitions Supporting
0	1- 544 Signatures

Summary of comments of objections:

- Harm to highway safety: high traffic flow anticipated; traffic flow presented is an underestimate. Unsuitable access- lacks passing spaces, access onto Horton Rd not suitable as width of junction makes it impossible to pass vehicles. Conflict anticipated between vehicles generated by the proposal and commercial vehicles using the track and other users of the track including horse riders
- Noise & vibration from traffic movements; harmful impact affecting the quiet and private nature of the lane and surrounding properties
- Noise from animals- already noise from dogs barking using the enclosed training area at the site, existing premises Magna Road do not have properties so close by.

- Damage to access track- from additional movements. Application should provide substantial improvements to the track and ongoing maintenance
- Customers of the dog walking facilities at the site have parked on the pavement in front of properties nearby
- No right of access from the South
- No access by public transport
- Impact on users of the Castleman railway
- Design and access statement required
- The number of employees on the site will fall
- Proposed extension contrary to Green Belt (GB) policy & impact on GB openness
- Impact on Lions Hill Special Protection Area (SPA) from dog walking and impact on protected species from staff on site
- Clarity required regarding overnight staff accommodation and additional impact from this on the SPA
- Impact from flooding on access road
- Increase in sewage from site and dog waste
- Impact from kennel washing on nearby Moors River
- Impact on deer bred on the adjacent farm at Mumper's Dingle and other farm animals
- crime and invasion of privacy
- devaluation of local properties
- benefits do not outweigh harm

Summary of comments of support:

- Shortage of dog rehoming capacity in Dorset and nationally; Waggy Tails will reduce dog euthanasia, providing an exceptional service for rescue dogs
- Urgent need for better facilities given the increasing demand for emergency animal housing especially following the global pandemic and ongoing cost of living crisis and the proposal will enhance the charity's ability to meet this need and address animal welfare
- Waggy Tails are a respectful operator at its existing site in respect of nearby residents. BCP Councillor advises he has had no complaints from local residents and the site is quiet
- Existing premises at Magna Rd is too small to meet demand
- The proposed facility will provide improved facilities for the well-being of the animals in the charity's care
- Waggy Tails has developed a comprehensive mitigation plan that includes not exercising dogs on the heathland, ensuring dog waste is appropriately managed and using ample space within the new site to prevent any disturbance to the surrounding environment
- Applicants would give their neighbours the utmost consideration
- The security and welfare arrangements are very good
- Rural nature of the site will be unchanged
- Proposal will offer sanctuary for other animals such as horses, goats and donkeys

- Would provide increase space to exercise off the lead for the larger dogs within the secured compounds. This would stimulate the dogs and lead to less nuisance
- Dogs are held securely with two attachments on their leads and there is little opportunity for them to escape. Two people employed to walk larger dogs and volunteers receive training regarding safe practices. Dogs only off lead inside secure enclosures.
- Wildlife Rescue charity (Ringwood) supportive of the proposal
- Difficulty in finding suitable sites for the proposed use
- Lack of other charities that offer the same service in the area
- With the current and increasing countrywide dog abandonment issue it would be a possibly attractive cost saving for there to be a centralised and dedicated Dorset /BCP Animal Rescue centre with accompanying service level agreements.

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

Christchurch & East Dorset Core Strategy Part 1 2014 (Local Plan)

KS1 - Presumption in favour of sustainable development

KS2- Settlement hierarchy

KS3 - Green Belt

KS11 - Transport and Development

KS12- Parking Provision

HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2 – Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

PC4- The Rural Economy

Saved Policy DES2 of the East Dorset Local Plan 2002

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

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development 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 making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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 88 and 89 '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 beautiful 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 and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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

- Section 13: 'Protecting Green belt Land'. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paras 152 to 155 of particular relevance.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraph 180 protecting sites of biodiversity value, Paragraph 186 b) 'if development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest. Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

- Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document
- Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.
- Dorset Biodiversity Appraisal Protocol

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.

Subject to compliance with the submitted management plan it is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / Value
Material Considerations	
8 full-time employees proposed and these are additional with possibility of further employees in the future.	
Non-material Considerations	
Business rates	Unknown, although charities receive an 80% reduction in rates
CIL	Not liable as the applicants are a registered charity

15.0 Environmental Implications

15.1 There will be environmental impacts from the construction of the extensions resulting in some waste and fuel powered vehicle and equipment emissions. Suitable drainage will prevent any additional impact on terms of flood risk. Biodiversity enhancement measures will be secured via the approved Biodiversity Plan.

16.0 Planning Assessment

16.1 The main considerations for this application are:

- The principle of development
- Impact on the Green Belt
- Impact on internationally designated nature conservation sites

- Impact on the character and appearance of the area
- Impact on neighbouring amenity
- Flood risk and Drainage
- Highway Safety
- Social benefits

These and other considerations are set out below.

Principle of development

- 16.2 Policy KS2 directs development to settlements where infrastructure, services and facilities can be provided. The application site lies in the countryside in which might be described as a hamlet where policy KS2 identifies that development is not allowed unless it is functionally required to be in the rural area. Whilst recognising that the application site has been chosen because it meets the applicant's requirements for space, officers do not consider that there is a functional requirement for the proposed dog rescue centre to be located in a rural area.
- 16.3 The Christchurch and East Dorset Local Plan policy PC4 allows some small scale economic development on or on the edge of existing settlements and notes that proposals for the conversion and re-use of appropriately located and suitable constructed existing buildings in the countryside should ensure that (inter alia): when considering proposals that involve a loss of economic activity then proposals do not adversely impact on the economic, social and environmental sustainability of the area; proposals do not have a materially greater impact on the openness of the Green Belt and the purposes of including land within it; and the benefits outweigh the harms in relation to 6 criteria including the potential impact on the countryside, landscapes and wildlife.
- 16.4 The proposal will result in the loss of B1 space, but the charity use will retain some employees on the site, supplemented by volunteers. Due to the modest scale of existing use, no demonstrable adverse economic impact is anticipated.
- 16.5 The principle of development is not acceptable because of the likely significant impacts from the proposed use for dog kennels on the integrity of the adjacent Dorset Heathlands Habitat Sites in conflict with Policy ME1 and policy PC4 of the Core Strategy. This reasoning is elaborated upon later in this report.

Impact on the Green Belt

- 16.6 The former agricultural buildings benefit from office use (former Use Class B1, now Class E(g)) following the grant of prior approval (3/17/2885/PNAGF). This is the valid fall back in respect of the consideration of the application.

Whether the extensions are appropriate development in the Green Belt

- 16.7 To consider whether the proposals are acceptable in the Green Belt in respect of the National Planning Policy Framework (NPPF), it is necessary to assess them against the provisions of paragraphs 154 and 155 which set out the forms of appropriate development.

16.8 As extensions to existing buildings, the proposed extensions fall to be considered under paragraph 154 c). This states that extensions to existing buildings are appropriate development provided they do not result in disproportionate additions over and above the size of the original building. The volume of development is a useful measure of whether extensions are proportionate.

16.9 The table below sets out the existing and proposed volumes of the buildings and proposed extensions and the percentage increase in volume resulting from the extensions:

Existing	Proposed	% increase
Offices – 400 cubic metres	Extension – 44 cubic metres	11
Barn – 1370 cubic metres	Extension – 845 cubic metres	61

16.10 Although a significant increase in volume, the design of the barn extension with its very low pitch roof and its significant degree of physical subservience to the much higher and bulkier existing barn, means that the visual impact on openness might allow an on-balance judgement that the extensions were proportionate. However, the further additional built form, comprising walls with railings above to create external kennels, results in a cumulative increase which is judged to exceed that which could reasonably be considered proportionate to the size of the original barn so the proposal cannot benefit from NPPF paragraph 154 c).

16.11 Neither can the proposal benefit from the exception at NPPF paragraph 154 g) which allows limiting infilling or the partial or complete redevelopment of previously developed land. In this case the proposed development extends south and east beyond the modest curtilage of the buildings benefiting from an office use. The removal of the hay barn and silage pit structures cannot be included as a benefit since these remain in agricultural use, so the land does not fall within the definition of previously developed land. The proposed development would have a greater impact on the openness of the Green Belt than the existing development.

Whether the change of use of the site is appropriate in the Green Belt

16.12 The change of use of land is only appropriate in the Green Belt where it preserves openness and does not conflict with the purposes of including land in the Green Belt.

16.13 The outside yard and fenced exercise areas would have some modest impact on Green Belt openness from the introduction of Heras metal fencing for the exercise areas, but it is anticipated that the change of use, of itself could preserve openness.

Whether the change of use of existing building is appropriate in the Green Belt

16.14 The use of the other buildings on the site in association with the proposed animal rescue use is appropriate development under NPPF paragraph 155 d) as the re-use involves buildings of permanent and substantial construction, although the proposed use is associated with the extension to the barn described above which is itself inappropriate.

Overall impact on openness

- 16.15 The proposed extension to the barn (including the external kennels) would impact on the spatial and visual openness of the Green Belt by reason of the physical form which will expand development south and eastwards.

Summary

- 16.16 The proposed extensions to the Barn including animal pens represent inappropriate development in the Green Belt which is by definition harmful. There will also be some harm to the openness of the Green Belt and encroachment into the countryside contrary to the purposes of the Green Belt. The proposal fails to accord with the NPPF Green Belt policy accordingly.

Impact on internationally designated nature conservation sites

- 16.17 Local Plan policy ME1 'Safeguarding Biodiversity and Geodiversity' aims to protect, maintain and enhance the condition of all types of nature conservation sites. It is necessary for the Council to assess the direct, indirect and cumulative impacts of proposals relative to the significance of the features' nature conservation value. National policy is to be applied to ensure the level of protection afforded international, national and locally designated sites is commensurate with their status.
- 16.18 NPPF paragraph 180 requires planning decisions to '*contribute to and enhance the natural and local environment by a) protecting and enhancing...sites of biodiversity...in a manner commensurate with their statutory status or identified quality in the development plan*').
- 16.19 At paragraph 186 of the NPPF decision makers are advised to apply the following principles:
'a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused
b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest...'
- 16.20 NPPF paragraph 188 advises that where a plan or project is likely to have a significant effect on a habitats sites (either alone or in combination with other plans and projects), the presumption in favour of sustainable development does not apply unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.
- 16.21 The application site lies approximately 100m of heathland that forms part of Lions Hill Site of Special Scientific Interest (SSSI) and in the vicinity of other SSSIs including the Moors River System and Holt and West Moors Heaths. The heathland SSSIs are designated as part of the Dorset Heathlands Special Protection Area (SPA) on account of rare or vulnerable heathland bird species and is also part of a

Ramsar site on account of rare or vulnerable heathland wetlands and associated rare wetland species. The SSSIs are additionally part of the Dorset Heaths Special Areas of Conservation (SACs) on account of rare or vulnerable heathland and associated habitats and some individual species.

- 16.22 Given the proximity of the European sites (SPA and SACs) to the application site, and the proposed use of the site to provide accommodation for rescue dogs and other rescue animals which have the potential to have significant effects on the Lions Hill SSSI, the proposal needs to be considered under the requirements of the Habitats Directive 1992 as these sites are to be maintained or, where necessary, restored at a favourable conservation status (Article 3(1)).
- 16.23 Determination of the application should be undertaken with regard to the requirements of The Conservation of Habitats and Species Regulations 2017, in particular Regulations 63 and 64; and also legislative and policy considerations on the protection, conservation and enhancement of the heathland special interest features of the SSSIs.
- 16.24 The Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document (SPD) sets out a strategy for the avoidance and mitigation of impacts of new residential development upon the Dorset Heathlands and its overall objective is to establish a framework under which applications for development likely to have a significant effect on the Dorset Heathlands can be permitted (or should be refused) so that any adverse effects on the integrity of the Dorset Heathlands are avoided. Although the proposal is not residential in nature, some of the main urban effects on lowland heathland in Dorset identified by the SPD are relevant and the guidance on residential effects is useful when considering cumulative impacts.
- 16.25 The Council's pre-application advice (P/PAP/2022/00816) dated 13/3/23 highlighted the need to protect the integrity of Habitats Sites and advised the applicant to seek Natural England's view on the proposed animal rescue use before submitting a planning application. It appears that this advice was not taken, and the applicant purchased the land and submitted the planning application without seeking Natural England's advice.
- 16.26 The proposal is not directly connected with or necessary to the management of the habitats/European sites and Natural England has confirmed that it is of a nature that, in its context with the habitats/European sites and the vulnerability of interest features to residential development effects, is likely to have a significant effect both on the SPA and the SAC, at least in combination with other plans and projects.
- 16.27 Natural England also considers that the proposal would have a significant effect on the Ramsar site as this shares many of the interest features of the SAC. Government policy requires Ramsar sites to be treated in the same way as habitats/European sites and therefore an appropriate assessment should also be applied to this site.
- 16.28 Natural England originally objected to the proposal pending consideration of an appropriate assessment to be undertaken by the Local Planning Authority under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 and advised that it is likely to be only in exceptional circumstances that the Council will

be convinced that, in combination with other plans and projects, the effects or increased risk arising from the proposed use very close to the habitats/European sites would not add to adverse pressures on the integrity of these sites.

- 16.29 The applicant has been given the opportunity to respond to concerns raised by Natural England's consultation responses. In support of the proposal, they have advanced the following to support their contention that risk to the heathland is low:
- Waggy Tails is an existing facility that is wholly relocating within the same heathland catchment. They currently occupy premises at Helen's House, near Wimborne which is approximately 700m from the heathland. These premises extend to approximately 0.3ha including a small area of green space for recreation which is insufficient for their current dog-walking needs. The heath is easily accessible via a network of nearby public rights of way.
 - Waggy Tails chooses not to use the heathland for dog walking at all as the sandy ground conditions are not good for dog's coats and paws and can be very hot underfoot during the summer. The heaths can also provide habitat for snakes which they wish to keep away from the dogs (and vice versa).
 - There was no objection from Natural England to the 2018 proposed expansion of the number of dogs to be accommodated at Helen's House subject to a condition regarding a code of practice for dog walking. A similar management plan can be adopted to control the exercise of dogs.
 - The 6ha of fenced, private open space at Little Lions Farm can be operated like a Suitable Alternative Natural Greenspace (SANG) and is ideal for walking and training dogs without encounters with the public and their animals.
 - Longer walks are available from the site along the Castleman Trailway but access could be restricted if Natural England are concerned about this
 - Dogs are always kept on leads when being walked on public and private land
 - The land will not be made available to the public to exercise dogs
 - The use generates very little noise as it is not a boarding kennels; dogs live as near as possible to a home environment and are attended to immediately if there is an issue.
 - A management plan could be secured by legal agreement
 - Regular engagement with/monitoring by the Council's dog warden could be secured to monitor compliance
- 16.30 A management plan was submitted on 19 April 2024 which clarifies the following in relation to the heathlands:
- The trailway may be used occasionally in exceptional circumstances. Dogs will be on leads, one to one with a handler.
 - Dogs will not be walked on the heath
 - Dog faeces will be collected in the appropriate way- the Charity has a regular 'yellow' bin service
- 16.31 Officers are satisfied that the mobile home on the site has been stripped of facilities and will be used for storage rather than accommodation and there will be no overnight occupation by employees/volunteers.

- 16.32 Natural England has advised that from the information provided they are unable to conclude that adverse effects on the nearby designated sites can be avoided at a level of certainty which is commensurate with the requirements of The Conservation of Habitats and Species Regulations 2017. They have explained that:
- Little if any weight can be given to a reduction in pressure at Canford; the current facility at Canford Magna is remote from the heath with no direct access other than by driving there. There is a bespoke SANG with car parking to the north to reduce pressures.
 - Dogs are exercised twice daily and the risk of exercise taking place on the heathland over the lifetime of the proposal cannot be excluded
 - The proposed mitigation approaches are of a kind which are voluntary and dependent on consistent staff/volunteer management over time.
 - It is not clear that the authority is adequately resourced to take responsibility for the necessary monitoring and any enforcement action
- 16.33 The Council has undertaken an appropriate assessment which identifies the following likely impacts:
- Increased levels of access related to the exercise of rescued animals, in particular dogs (30 kennels are proposed), on the designated site; the Lions Hill SSSI is open countryside only a short walk from the site resulting in:
 - Enrichment of the site from faeces
 - Increased footfall leading to erosion on the paths
 - Disturbance to SPA birds, including displacement
 - Increased difficulty delivering the conservation management of the area.
- The likelihood of harm has been considered alone and in combination with the effects of other development of all types that raise the types of effects arising from human domestic occupancy of land nearby.
- 16.34 The avoidance/mitigation measures identified by the organisation have been carefully considered but, due to the proximity between the application site and the accessible protected heathland and the reliance on volunteers complying with a Trust policy in both the short and long term, officers are not satisfied that these arrangements can be effectively secured in perpetuity. It has therefore not been possible to positively conclude the appropriate assessment.
- 16.35 Although the service provided by the charity Waggy Tails is valued and it is recognised that expansion of their facilities would be beneficial for animals in their care, it is not considered that there are imperative reasons of overriding public interest that would justify approval of the proposal where it has not been demonstrated that harm to internationally designated Habitat Sites would be avoided.
- 16.36 The proposal is contrary to policies ME1: Safeguarding biodiversity and geodiversity, ME2: Dorset Heathlands of the Core Strategy and PC4: The rural economy as well as paragraph 186 of the NPPF.

Impact on the character and appearance of the area

- 16.37 The application site is in a rural area on land used formerly for agriculture and this land can now be used lawfully for office and light industrial uses (Use Class E(g)) which are commercial. There are dwellings in the area, woodland blocks, boundary hedges and trees and the character of the area is informal and well-vegetated.
- 16.38 The proposals would re-use existing buildings of permanent and substantial construction and would not require major rebuilding. The buildings are well screened and not readily visible from the access track or the Castleman Trailway.
- 16.39 As the site is not in an area that is well served by public transport, staff and volunteers are likely to rely upon private vehicles and deliveries will also be associated with the proposed use, but the site is already in use for offices/light industrial. The anticipated trip rates are not anticipated to adversely impact on the rural character of the area.
- 16.40 The site is not in any protected landscape and the proposal would have no adverse effect on the landscape in the immediate area given the small scale of the extensions and tree screening around the site. There is no conflict with Core Strategy Policy HE3 accordingly.

Impact on the amenity of occupants of nearby dwellings

- 16.41 Policy HE2 requires that development should be compatible with nearby properties including minimising general disturbance to amenity and saved policy DES2 sets out criteria for development to avoid unacceptable impacts from pollution including noise.
- 16.42 The proposed use for keeping dogs and other animals has potential for noise disturbance for the closest residential properties. The application is supported by a Noise Impact Assessment.
- 16.43 Breakwater, a neighbouring dwelling lies approximately 10m from the northern boundary of the application site. The northern buildings are identified for ancillary storage and the proposed dog accommodation is approximately 80m south of that neighbouring dwelling. The proposal would be closer to residential properties than the current site at Helen's House, 143 Magna Road, Poole.
- 16.44 The Council's Environmental Health Officer (EHO) originally raised concerns about the potential for barking dogs to cause nuisance to the occupants of the nearest properties. They advised that it is difficult to model and calculate noise levels due to the unpredictability of dog barking and they could not agree with the applicant's assertion that dogs at a rescue centre will bark less than in a boarding kennels.
- 16.45 The EHO advised that a Noise Management Plan (NMP) should be written to demonstrate how dog barking will be managed and if acceptable the NMP could be conditioned should planning permission be granted.
- 16.46 To address these concerns, the applicant's agent submitted a management plan for the site including the following measures:
- The number of dogs to be agreed with the local authority

- Dogs to be accompanied at all times and on leads outside their cabins (unless in secure exercise area where they will still be accompanied)
- Barking dogs to be attended by staff within a few minutes and a remedy sought to prevent reoccurrence
- Cabins with outdoor runs to be located on the south side of the block
- Any complaints to be investigated, logged and followed up within 24 hours. If specific causes of regular complaint are identified, methods of mitigation or management of these causes will be investigated and implemented where practicable and reasonable
- Animal welfare staff and volunteers trained in animal management and first aid with regular updates
- A manager on duty at all times with responsibility for management controls. Other staff may assume the role following suitable training.

16.47 In response to the management plan, the EHO has advised that any permission should be subject to a condition to secure a specified sound insulation performance, the installation of a 2m high return on the north end of the outdoor runs (closeboard fence/blockwork or cladding material) and operation in accordance with the management plan for the life of the approved development.

16.48 Vehicles using the track carrying staff, animals or supplies for the charity could result in some disturbance to users of the track and occupants of properties close to the track but the organisation has confirmed that overnight arrivals would be occasional and compared to the lawful use of the site for agriculture and commercial uses in Class E(g) (Commercial, Business and Service) of the Use Classes Order, it cannot reasonably be concluded there would be a significantly greater amount of traffic generated. Therefore, no harm is anticipated.

16.49 Subject to the proposed condition it is judged that the proposal would not result in a harmful impact on the amenity of occupants of the nearest residential properties from noise and the proposal is compliant with Local Plan policy HE2 and saved policy DES2 of the East Dorset Local Plan 2002.

Flood risk and drainage

16.50 The Council's Strategic Flood Risk Assessment suggests that the whole site is susceptible to high groundwater levels and associated flood risk. The majority of the site outside of any area at risk from surface water flooding, although a short section of the access track is at a 1 in 30 and 1 in 100 year risk of surface water flooding. There is no risk from fluvial flooding.

16.51 The site has a potential alternative access where Lions Hill Way continues to the south that is not predicted to flood and could be used in an event where the north access was restricted by flooding.

16.52 As a major application, the application was referred to the Lead Local Flood Authority (LLFA) who originally issued a Holding Objection subject to receipt of a surface water drainage strategy to show sufficient evidence to demonstrate that a viable Sustainable Drainage System (SuDS) scheme can be delivered for the proposed development.

16.53 The applicant subsequently submitted additional information that advised:

- they intend to follow the SuDS hierarchy and has proposed to prioritise infiltration as a means of surface water management.
- a pond may be used for attenuation in the event that infiltration turns out not to be viable and a restricted discharge of surface water to a nearby watercourse would appear feasible due to the site's proximity to an ordinary watercourse.
- The development will result in an increase in floor area of 316m² and only some of this will result in an actual increase in impermeable surfaces due to most of the proposed extensions being built over existing hardstanding. So, although the development has been defined as major the overall increase in impermeable surface area is minor in nature and any resultant increase in surface water runoff will be relatively small. Despite this all runoff must be managed on site and disposed of in manner that does not increase flood risk on or off site.

16.54 The Council's Flood Risk Manager LLFA is satisfied that the submitted information provides adequate surface water management details for the scale of development and for this stage in the planning process. They have recommended that any permission is subject to conditions to secure a detailed surface water management scheme for the site and maintenance and management of that scheme.

16.55 With these conditions in place, the proposal accords with Core Strategy Policy ME6 and the policy set out in Chapter 14: Meeting the challenge of climate change, flooding and coastal change of the NPPF.

Impact on Highway safety

16.56 Policy KS11 encourages the location of development where it reduces the need to travel. The application site is not in a sustainable location in respect of accessibility but it is acknowledge that it is a relatively modest proposal. KS11 also requires development to provide safe access onto the existing transport network and save movement of development related trips on the immediate network. Policy KS12 requires that adequate parking be provided.

16.57 The agent has advised that the charity operate 24/7 and there are generally 3 staff on duty and 1-2 volunteers during the day. There are 2 staff on duty overnight and approximately 15-20 vehicle movements/day from staff which are generally outside peak hours.

16.58 The charity has few deliveries with the post and a stationary order once a month. The site is not open to the public and visits are by appointment only so are minimal. On average 2 dogs a week are rehomed, and this results in around 6 – 8 vehicle movements/week associated with moving dogs.

16.59 The application site is accessed from Horton Rd which is a Class C classified road and a single vehicle width, unsurfaced and uneven track provides access from the Horton Rd to the site which also provides access for several residential dwellings.

- 16.60 The Council's Highways Officer has considered the objections received in respect of impact on highway safety and is satisfied with the clarification on vehicle movements that the agent has provided.
- 16.61 The Highways Officer advises that an average of 20 movements a day would roughly equate to around two vehicle movements every hour (if it was over an average working day of 8 hours) and this would not be severe in terms of the NPPF.
- 16.62 As the site is not open to the public and would be by appointment only, in addition to the fact that it is a private road, with it having opportunity to pass should two vehicles come across one another, and that its condition would mean that vehicles would be travelling at relatively low speeds, no objection is raised.
- 16.63 On this basis, it is considered that the proposal does not present a material harm to the transport network or to highway safety and Core Strategy Policy KS11 is complied with.

Impact on biodiversity

- 16.64 The biodiversity plan that has been approved by the Council's Natural Environment Team requires tree protection fencing to be erected prior to construction; any vegetation clearance to take place outside the peak bird nesting season (1st of March to the 31st of August) and sets out biodiversity enhancements to provide bat and bird boxes. Two bat boxes will be installed on retained mature trees within the site and one bird box will be installed on a mature tree on the woodland edge. A log pile will be created along the woodland edge to provide habitat for invertebrates.
- 16.65 These measures are sufficient to ensure the proposal provides the necessary biodiversity mitigation and enhancements and Policy ME1 of the Core Strategy would be complied with.

Social Benefits

- 16.66 The applicant has explained that Waggy Tails provides an essential service for the community. The organisation was established in 1997 as a registered charity and is an animal welfare organisation caring for animals looking for new homes. It is understood that nearly 5,000 dogs, and other animals, have been taken in and rehomed.
- 16.67 The charity operates in East Dorset and West Hampshire and South Wiltshire. Occasionally animals are homed further afield if a really good home is offered.
- 16.68 The charity has a no destruction policy i.e. no healthy animal is ever put to sleep without veterinary advice. Older animals, and those with disabilities which are difficult to home are cared for at the Sanctuary or in permanent foster homes. The charity remains responsible for the overall care and veterinary bills for these animals.
- 16.69 The applicants have explained that the global pandemic, followed by the cost-of-living crisis, has resulted in rapid increase in need for emergency accommodation for animals, whose owners feel that they are no longer able to care for their pets.

- 16.70 This increase has resulted in Waggy Tails operating at, if not beyond capacity at its current premises in Canford Magna for some time.
- 16.71 The charity has found it difficult to find an appropriate premises with land to support its operations but identified Little Lions Farm (purchased in August 2022) as having the potential to meet its need for larger premises to provide the animals in its care with better accommodation, and enable care of more species. The charity has identified welfare needs for horses, donkeys and others in this area.

Very special circumstances & Conclusion

- 16.72 The proposal would represent inappropriate development in the Green Belt which is given substantial weight. Additionally, the weight to be afforded to the likely significant impacts on the Dorset Heathlands from the exercising of dogs housed at the site on the heathlands, given the lack of certainty that has been provided that the Management Plan would prevent these impacts in perpetuity, carries substantial weight.
- 16.73 It is recognised there is an acute shortage of rehoming centres for dogs in the area and the demand for rehoming is high, stemming from the rise in dog ownership during the covid pandemic and the increased cost of living. This acute need for dog rehoming centres is therefore afforded weight, the degree of weight that can be given is limited because the proposal is for a replacement facility; it is intended to replace the existing Waggy Tails facility in Canford Magna with a similar capacity to house dogs (30 kennels). It is understood that funds from the sale of the existing facility would go towards the new premises, but the Canford Magna facility is considered to be a more sustainable location for housing animals as it is close to the conurbation.
- 16.74 The proposal would re-use some currently vacant buildings in a rural area and the noise impacts from the proposal could be controlled by conditions to prevent a harmful impact on the amenity of the occupiers of the nearest dwellings. The charity is only using the offices at the site at present. The site benefits from existing tree and vegetation screening meaning there would be no adverse impact on the character of the immediate area and there would be no material impact on highway safety, but these issues are neutral in the planning balance.
- 16.75 Reference has been made by the applicants to the opportunities afforded by the land at Little Lions Farm to diversify the animals that the charity supports, but limited evidence has been provided that this is a realistic prospect. Although the benefits of additional outdoor space for the charity compared to its existing premises are recognised, these are not judged so special as to outweigh the harm to the Green Belt and other harm arising.
- 16.76 Overall, it is not judged that the benefits of the proposal would clearly outweigh the harm to the Green Belt, by reason of inappropriateness, and any other harm resulting from the proposal or harm to a protected Habitats Site and Site of Special Scientific Interest. There are no imperative reasons of overriding public interest that would justify approval of the scheme which is likely to result in significant harm to the

integrity of Habitat Sites. The proposal is contrary to Policies ME1 of the Christchurch & East Dorset Core Strategy 2014 and paragraphs 186 b) and 142-143 and 152-155 of the NPPF.

17.0 Conclusion

For the above reasons refusal is recommended.

18.0 Recommendation: Refuse permission for the reasons set out below:

1. The application site lies within the South East Dorset Green Belt. The proposed disproportionate extension to the existing Barn building and change of use of land to provide an enclosed yard would represent inappropriate development in the Green Belt which is harmful to openness and would represent encroachment into the countryside contrary to the purposes of including land within the Green Belt. No very special circumstances have been identified that would outweigh the harm arising to the Green Belt and any other harm. The proposal is contrary to paragraphs 142-143 and 152-155 of the National Planning Policy Framework (2023).
2. At its closest point, the application site boundary is immediately adjacent to Lions Hill Site of Special Scientific Interest (SSSI) which is also designated as part of the Dorset Heathlands Special Protection Area (SPA) and Ramsar and Dorset Heaths Special Area of Conservation (SAC). It is not possible to reasonably conclude with any certainty that the mitigation offered in the form of the submitted Management Plan would prevent an adverse impact on the designated site from the proposed animal & dog rescue use, arising from the future exercising of dogs on the SSSI. Therefore, the proposal is contrary to Policy ME1 of the Christchurch and East Dorset Core Strategy (2014) and paragraph 186b) of Section 15 of the National Planning Policy Framework December 2023 as it cannot be concluded that there would be no adverse effect on the integrity of the Dorset Heathlands from the proposal.

Informative Notes:

1. 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 applicants/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.
- The applicant was provided with pre-application advice.

2. The plans that were considered by the Council in making this decision are:

- 51259-P1-01-SLP A Location Plan
- 51259-E1-01 A Existing Block Plan
- 51259-E1-02 Existing Ground Floor Plan
- 51259-E1-02 Existing Roof Plan
- 51259-E3-02 Existing Elevations
- 51259-E3-02 Existing Inner Elevations
- 51259-P5-01 Existing & Proposed Section
- 51259-P1-01 A Proposed Block Plan
- 51259-P2-01 A Proposed Ground Floor Plan
- 51259-P2-02 A Proposed Roof Plan
- 51259-P3-01 A Proposed Elevations
- 51259-P3-02 A Proposed Inner Elevations

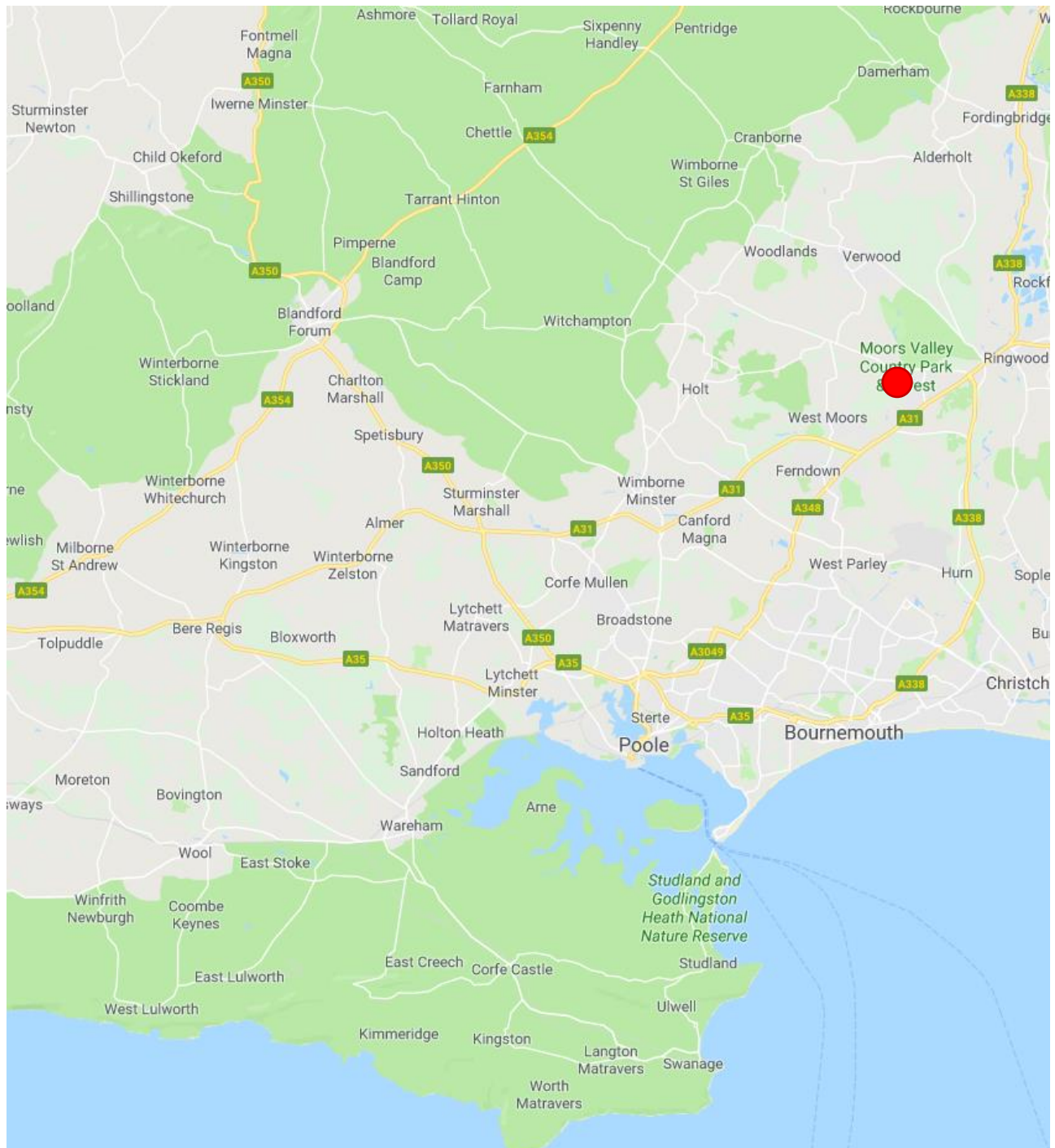
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● Approximate Site Location

Application reference: P/FUL/2023/05479

Site address: Unit 5 The Barn, Little Lions Farm, Lions Hill, Ashley Heath BH24 2EU

Proposal: Change of use of land and buildings to an animal rescue centre with ancillary offices and storage; the demolition of a hay store and silage clamp; the provision of 2 no. single storey extensions to existing buildings; retention of a mobile home for animal welfare; parking; and associated works



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Agenda Item 7

Eastern Area Planning Committee
9 October 2024

Application Number:	P/FUL/2023/02520		
Webpage:	Planning application: P/FUL/2023/02520 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Land Adj to 142 Ringwood Road, Longham, Ferndown		
Proposal:	Erect two dwellings (amended plans)		
Applicant name:	James Munday		
Case Officer:	Nikki Clayton		
Ward Member(s):	Cllr Hobbs-Chell and Cllr Robinson		
Publicity expiry date:	17 April 2024	Officer site visit date:	24 January 2024
Decision due date:	26 April 2024	Ext(s) of time:	26 April 2024
No of Site Notices:	2 Site notices were displayed by the case officer.		
SN displayed reasoning:	One by the site access and one by the bus stop so as to be evident to neighbours.		

1.0 The application is before the Planning Committee at the request of the Chair.

2.0 Summary of recommendation:

Grant planning permission subject to conditions set out in section 18.

3.0 Reason for the recommendation: as set out in paras 16-17 at the end of the report.

- 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.
- Paragraph 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 location is considered to be sustainable, and the proposal is acceptable in its design and general visual impact so aligns with the aims of local plan policy KS2.
- The application site is located within the Green Belt where inappropriate development should not be approved except in very special circumstances. However, the proposal benefits from exception 154 e) of the National Planning Policy Framework to inappropriate development within the Green Belt, as it would be infill development and would not conflict with the purposes of including land within the Green Belt. (NPPF section 13).

- The new development is considered to be a quiet diminutive addition to the streetscene and will not harm the significance of the grade II listed Post Office and Number 12 Ringwood Road or its setting and indirectly on Nos 142 & 144 Ringwood Road as non-destinated heritage assets. The development is considered to relate appropriately to the character and appearance of the local area in accordance with policies HE1 and HE2 of the Adopted Christchurch and East Dorset Local Plan.
- There is not considered to be any significant harm to neighbouring residential amenity from the application building in accordance with policy HE2.
- The proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities.
- There is suitable mitigation and protection for trees and acceptable replacement planting in accordance with policy HE2.
- The proposal is supported with site specific data and would accord with local planning policy ME6 in relation to flood risk.
- The proposal will contribute two new market dwellings to the housing supply and there are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- although outside the settlement is in an accessible location
Impact on the Green Belt	Acceptable- the proposal benefits from exception 154 e) of the NPPF as it is village infill development.
Scale, design, impact on character and appearance	Acceptable- the dwellings can be accommodated on the plot without harm to the grain and spacing of properties and it is considered that the proposal would not have a detrimental impact upon the character and appearance of the area
Impact on the living conditions of the occupants and neighbouring properties	Acceptable- the proposal is in accordance with Local Plan Policy HE2 and NPPF paragraph 130 which require development to be compatible with its surroundings including avoiding adverse impacts on neighbouring amenity.
Impact on landscape or heritage assets	Acceptable- The proposal appropriately responds to its context and would not have a harmful impact on the setting of the heritage assets.
Flood risk and drainage	Acceptable- The application was supported by satisfactory site specific data to demonstrate no

	groundwater risk; the proposal does not conflict with local policy ME6.
Economic and social benefits	The proposal will add two additional dwellings to the housing land supply with associated economic and social benefits.
Access and Parking	Acceptable- adequate car parking is proposed to serve the development.
Impact on trees	Acceptable- There is suitable mitigation and protection for trees and acceptable replacement planting in accordance with policy HE3.
Biodiversity	Acceptable- The Council's Natural Environment Team have approved the proposed Biodiversity Mitigation Plan and Officers are satisfied that the impact of the development on any protected species can be adequately mitigated by condition.
Fire safety	Acceptable- The site constraints limit accessibility by a fire engine but the applicant has liaised directly with the Fire Authority, who would accept domestic sprinklers. This is reflected on the plan (ref: 466c06 B).
Waste	Acceptable- Private collection has been agreed and can be secured by condition.

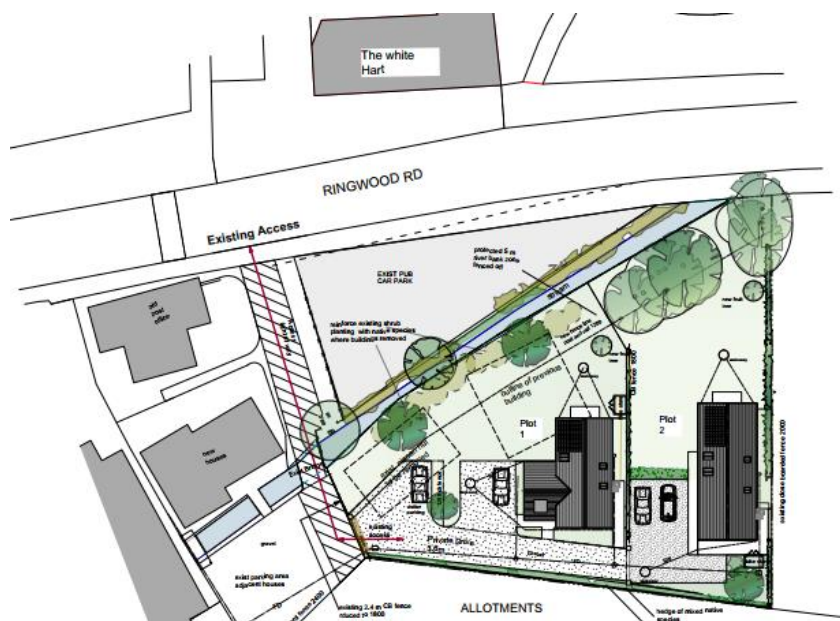
5.0 Description of Site

The site lies adjacent to but outside the settlement boundary of Longham. It is positioned on the east side of the Ringwood Road, the A348, opposite to the grade II Listed White Hart Inn. The site is located to the north of the access to the grade II listed Old Post Office site. The site lies within the South East Dorset Green Belt.

The character of the locality is semi-rural with a scatter of dwellings and commercial premises along the Ringwood Road interspersed with open, green spaces.

6.0 Description of Development

To construct two 4 bed, 2 storey market dwellings on the site with a shared access and parking areas.



Site plan (not to scale)

7.0 Relevant Planning History

03/79/0184/HST - Decision: REF - Decision Date: 22/03/1979
Erect Dwelling

03/80/2456/HST - Decision: GRA - Decision Date: 19/02/1981
Construct access to Ringwood Road

3/20/1643/FUL - Decision: REF - Decision Date: 19/02/2021
Add a covered porch and change the use of a single store into a 1 bedroom detached dwelling with associated parking and access.

3/21/0458/FUL - Decision: REF - Decision Date: 12/10/2021
Add a covered porch and change the use of a single store into a 1 bedroom detached dwelling with associated parking and access.
Resubmission of 3/20/1643/FUL

Relevant history for adjacent Post Office site

3/17/1488/FUL & 3/17/1489/LB- Decision: GRA- Decision Date: 21/11/2017
Proposed conversion (including change of use) to 2no. residential dwellings, demolition of various existing single storey buildings, erection of 2no. new dwellings with associated parking and landscaping.

8.0 List of Constraints

Grade: II Listed Building: POST OFFICE Distance: 3.74 (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Within the Bournemouth Greenbelt;

Within 5km Dorset Heathland Buffer

Within Bournemouth Water Consultation Area

Risk of Surface Water Flooding Extent 1 in 30

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Risk of Groundwater Emergence; Groundwater levels are between 0.025m and 0.5m below the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. There is the possibility of groundwater emerging at the surface locally

Site of Special Scientific Interest (SSSI) impact risk zone

Groundwater Source Protection Zone

Consultations

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

1. Natural England

No comment on the appropriate assessment.

2. Dorset Council - Highways

Raise no objections. Conditions and informative notes are recommended

3. Dorset Council- Conservation

Changes have been made to design, layout and orientation which address previous concerns raised. The design and placement of house 1 has been simplified to responded better with the location and setting of the site. The new development will be a quiet addition to the streetscene and will not harm the significance of the listed building or its setting.

4. Dorset Council - Building Control Purbeck Team

Comments in relation to fire safety as the access does not comply with approved document B for access by fire engines.

1. Dorset Council - Trees (East & Purbeck)

The site can accommodate the development without adding any significant pressure on retained trees.

6. Dorset Council - Waste

Occupants will need to present their waste on the main Ringwood Road which could present collection problems.

7. Ferndown Town Council -object

Members were pleased to see that improvements to the current site were planned. However, they noted that this is green belt land. They considered the proposals to be cramped, excessive in scale, bulk, and mass (HE2). There were also concerns about inadequate parking places and in addition they shared the concerns of Building Control in respect of access to and from the site for fire vehicles. Members were also concerned about the sewage arrangements.

8. Ward Members

No comments received

Representations received

Total - Objections	Total - Support	Total - Comments
17	2	0

Summary of comments of objections:

17 Objection letters have been received, relating to:

- inappropriate development in the Green Belt
- the development would result in harm to the openness of the Green Belt.
- No very special circumstances have been identified which would outweigh the harm of the proposal upon the Green Belt in East Dorset.
- The design of the buildings proposed would be out of keeping with existing heritage assets and would therefore harm the surroundings.
- The development would be out of scale and character with the existing village form
- Harm to biodiversity
- Increased traffic

Summary of comments of support:

2 support letters have been received relating to:

- Good use of infill land/land that has been used to dump rubbish and cars
- Would incorporate the site into the village
- Would potentially bring more people into the public house and local church

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990- section 66 includes a general duty for decision makers to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan 2014:

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

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS3 - Green Belt
- KS11 - Transport and Development
- KS12- Parking Provision
- LN1- Size and Types of New Dwellings
- LN2- Design, Layout and Density of New Housing Development
- HE1- Valuing and Conserving our Historic Environment
- HE2 - Design of new development
- HE3 - Landscape Quality
- ME1- Safeguarding biodiversity and geodiversity
- ME2- Dorset Heathlands
- ME6- Flood Management, Mitigation and Defence

Saved East Dorset Local Plan 2002

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

- GB7- Infill development

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

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development 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 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 13 'Protecting Green Belt Land'- Great importance is given to the protection of Green Belts. The construction of new buildings in the Green Belt is inappropriate unless the exceptions at paragraph 154 are met. Other forms of development that are not inappropriate are set out at paragraph 155. Inappropriate development should only be granted in very special circumstances.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Other material considerations

Supplementary Planning Document/Guidance

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Affordable and Special Needs Housing and the Provision of Small Dwellings SPD

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Dorset Council SD01 Annual Position Statement – 5 Year Housing Land Supply 31st July 2024

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.

During the construction phase there could be a greater impact on neighbours with protected characteristics who are unable to leave their homes. Otherwise it is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Council Tax	£5,000.88 (Band D)
Community Infrastructure Levy	£58,149.12

15.0 Environmental Implications

Carbon emissions will arise during the demolition of the existing property and in the construction stage of the proposed development. An informative has been added to the decision notice to encourage the developer to use sustainable construction methods. Sustainable construction involves using renewable and recyclable materials on building projects to reduce energy consumption and toxic waste. The primary goal of this initiative is to decrease the construction industry’s impact on the environment by utilizing sustainable construction procedures, practicing energy efficiency, and harnessing green technology.

The proposed dwellings have been designed to benefit from solar gain and will be served by solar panels.

16.0 Planning Assessment

16.1 The main material considerations for this application are:

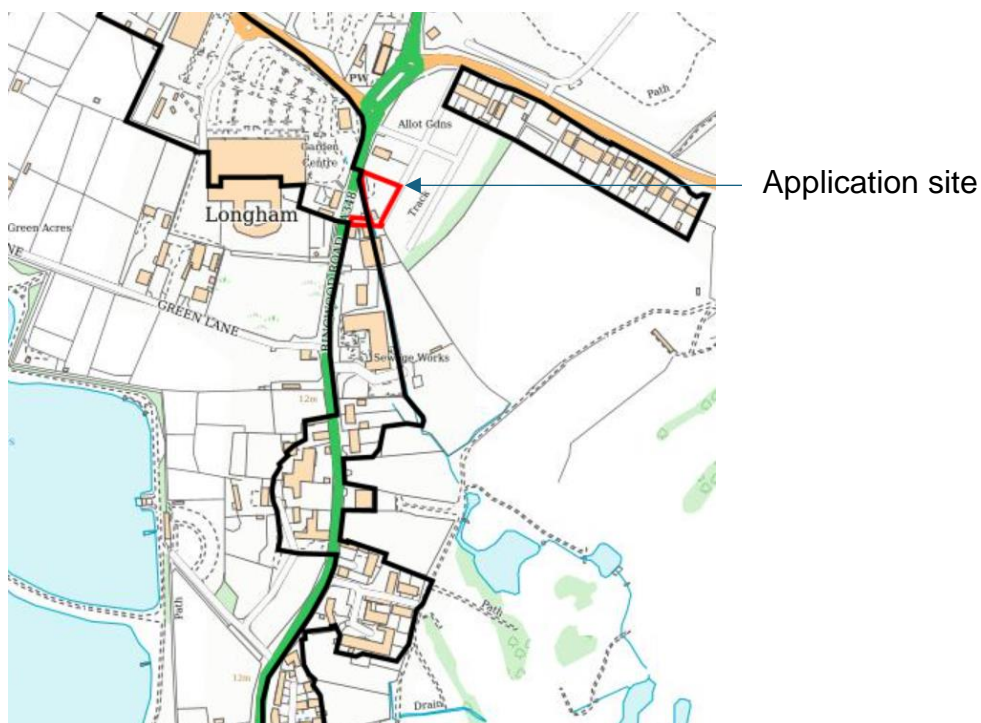
- The principle of development
- Impact on the Green Belt
- Impact on the character of the area and heritage assets

- Impact on trees
- Impact on highway safety
- Impact on neighbouring amenity
- Waste Management
- Flood Risk
- Biodiversity

These and other considerations are set out below.

Principle of development

- 16.2 Local Plan Policy KS2 sets out the district's settlement hierarchy stating that the location, scale and distribution of development should conform to the settlement hierarchy. It identifies Longham as a Village where only very limited development will be allowed that supports the role of the settlement as a provider of services to its home community. The proposal for two new dwellings is considered to be limited development. The proposal would modestly increase the population of the village.
- 16.3 The Christchurch and East Dorset Local Plan 2014 did not define settlement boundaries but saved policy GB7 in the East Dorset Local Plan 2002 identifies Village Infill Envelopes for villages in the Green Belt. The supporting text explains that *'because they are characterised by a cohesive built character and have basic facilities, they are considered suitable for limited infilling'*. Policy GB7 requires that infill development should be contained *'wholly within the Village Infill Envelopes, and should be of scale and character that respects the existing village form.'*
- 16.4 The proposal is for two dwellings to be erected just beyond the village infill area for Longham (as depicted in the image below), contrary to saved policy GB7. The access to the site lies within the infill area.



- 16.5 At the time that the agenda was finalised the Council was reliant upon a published 5 year housing land supply for the East Dorset area of 3.9 years. This meant that the tilted balance applied and policy KS2 was judged out of date. However, on 26 September the Council received confirmation from the Planning Inspectorate that they were satisfied that the Council's Annual Position Statement (APS) for the Dorset Council area can demonstrate a 5 year housing land supply. The published APS confirms a housing land supply of 5.02 years until 31 October 2025.
- 16.6 Policy KS2 can now be given full weight but as the application plot is adjacent to the settlement boundary identified by policy GB7, it is appropriate to take into account the policy intention set out in the supporting text, which is to focus the distribution of development to settlements that provide the best access to services, facilities and employment. This aim aligns with the NPPF and the three overarching objectives of sustainable development set out at paragraph 8: an economic objective, by ensuring that land is available in the right places, at the right time to support growth; a social objective to support communities by fostering well-designed places, the provision of homes and accessible services and open spaces; and an environmental objective, to protect and enhance the environment. It is clear at paragraph 9 that *'Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities in each area.'*
- 16.7 In terms of whether the site would be in a sustainable location, the NPPF accepts that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. The site is adjacent to a village infilling area and benefits from access to facilities and services in Longham including a public house 'The White Hart Inn', a large garden centre with cafe and a bus stop with services to Poole, Ferndown, Verwood, Ringwood and Bournemouth. Ferndown, a large settlement with a wide range of services and facilities to the north can be accessed on foot using a lit pavement.

Services/facilities	Approximate Distance
Public House	18m
Bus Stop	40m
Open space (SANG)	340m
Pre-school (Muddy Munchkins)	1.4km
Supermarket	2km
Doctors' surgery (Penny's Hill Practice)	2.3km
First/Middle school (Ferndown)	2.4km
Secondary school (Ferndown)	3km

- 16.8 Notwithstanding that the application site lies beyond the village infill boundary and might therefore be judged contrary to policy KS2, officers consider the application site to be appropriately accessible; future occupants would be able to access services and facilities on a regular basis by sustainable means such as walking, cycling or public transport. The proposal would make a modest contribution to the sustainability of those services.

The impact of the development on the Green Belt

- 16.9 The application site lies within the South East Dorset Green Belt where the Green Belt policies set out in the National Planning Policy Framework (NPPF), dated 2021, and the development plan, the Christchurch and East Dorset Local Plan Part 1 (Core Strategy) dated April 2014 apply.
- 16.10 The application site lies outside the designated Longham village envelope so cannot benefit from saved policy GB7 of the East Dorset Local Plan 2002 which allows infill development in village envelopes.
- 16.11 The National Planning Policy Framework (NPPF) identifies that new buildings in the Green Belt represent inappropriate development, which is harmful to the Green Belt, but there are exceptions set out at paragraphs 154 and 155 of the NPPF. NPPF paragraph 154 e) allows '*limited infilling in villages*'.
- 16.12 To qualify for this exception, it is necessary for the proposal to be 'limited infilling' and in a 'village'. Longham is described as a 'village' in CS Policy KS2 and it is accepted to be a village for the purposes of Green Belt policy in the National Planning Policy Framework (NPPF). The Courts (Julian Wood v SSCLG and Gravesham Borough Council [2015] EWCA Civ 195) have found that the boundary of a village defined in a local plan, such as the 'village infilling area', as shown on the Council's proposals map, may not be determinative for the purposes of determining whether a site is located within a village for the purposes of applying paragraph 145 (e) of the NPPF. In this case there are dwellings to the north and south and a public house to the west. Since Longham is characterised by ribbon development the lack of built form to the east does not disqualify the site from being identified as within the village.
- 16.13 The terms 'limited' and 'infilling' are not defined in the NPPF. These are a question of fact and planning judgement for the planning decision-maker having regard to the nature and size of the development itself and context provided by the form and pattern of adjoining development and the nature and location of the application site.
- 16.14 The proposal is for two dwellings which have been reduced in size following receipt of amended plans during the course of the application. The scale of development is judged to be of limited form.
- 16.15 The village of Longham comprises linear development either side of Ringwood Road. Development comprises a mix of houses, residential barn conversions and commercial properties interspersed fields that contribute to a semi-rural character. The application site is a wedge shape, located between residential plots. The proposed dwellings would infill the relatively modest gap between the 4 dwellings clustered at 130 Ringwood Road to the south and the semi-detached 142 Ringwood Road to the north. The rear gardens would not encroach any further east than those of 142 and 144 Ringwood Road that also share their rear garden boundary with the

allotments. The development would be separated from the highway by a small car-park area and partially screened behind existing hedging and trees, but the set back is limited; the development would contribute to the continuous built form in this part of the village. The proposal would not represent piecemeal development but would complete the line of existing properties and optimise the use of services already available to residents.

- 16.16 For the above reasons, taking account of the prevailing character of the street context, officers consider the proposed development represents limited infilling in a village when considering the specifics of the application. This would be an appropriate form of development in the Green Belt under NPPF paragraph 149 e) and, by definition, not harmful to the Green Belt.

Impact on the character of the area and heritage assets

- 16.17 Local Plan Policy HE1 requires that heritage assets will be conserved and where appropriate, enhanced for their historic significance and local importance.
- 16.18 The proposed development site will affect the setting of destined and non-destinated heritage assets; the development site has historically formed part of the landscape setting of the Post Office to the south and The White Hart to the west which are Grade II listed properties.
- 16.19 The application is supported by a heritage statement. Historic mapping suggests that there were buildings at the front of the site which is now car parking for The White Hart, with limited building works on the proposed development site. Further assessment of historic maps shows the proposed development site was once part of land associated with 142 Ringwood Road which is now divided off. Nos 142 & 144 Ringwood Road north of the site are a pair of semi-detached cottages with steeped pitched roofs and stone detailing to windows and doors which mimic the design, scale and appearance of the former post office Ringwood Road.
- 16.20 Nos. 142 & 144 Ringwood Road are considered by the Council's Conservation Officers to be non-destinated heritage assets. Para 209 of the NPPF requires the effect of an application on the significance of a non-designated asset should be taken into account in determining the application. Further information has been submitted by the applicant following conservation concerns raised in August 2023 regarding setting.
- 16.21 The site sits behind a large hedge on an area of untidy land with an existing dilapidated shed in situ. The proposed development site is not designated but forms part of the wider landscape setting of the listed buildings and non-destinated heritage assets which form a small group of historic buildings along Ringwood Road.

- 16.22 Development in this part of Longham follows a pattern of intermittent housing and rural development. Buildings in general face the main road and are well detailed and consistent in their proportions, details, and materials. The constraints of the site do not allow for the houses to face directly onto the main road due to the waterway but the proposed houses will present gable ends towards Ringwood Road which are architecturally and visually compatible with the surrounding development in accordance with policy HE2. Views of the development in the streetscene will be intermittent as the existing green screening will be retained. This will be reinforced following the removal of the existing building to maintain this landscape feature in accordance with landscape policy HE3 (condition 7).
- 16.23 The combination of materials is considered acceptable and the use of timber post and rail fencing to the boundary harmonises with the character and appearance of the local area.
- 16.24 The works would have a public benefit in that the proposals would involve clearing the proposed development site of undergrowth and the existing single storey dilapidated outbuilding and this in turn would tidy the area and improve views of the listed buildings in the street scene. However, it is acknowledged that this could be undertaken without development taking place.
- 16.25 The applicant has worked collaboratively with officers throughout the application process to make improvements to the design, layout and orientation of the dwellings to address previous concerns raised by officers. The design and placement of house 1 has been simplified to respond positively with the location and setting of the site.
- 16.26 The new development is considered to be a quiet diminutive addition to the streetscene and will not harm the significance of the grade II Post Office or the White Hart through changes to their setting nor will there be harm to Nos 142 & 144 Ringwood Road as non-designated heritage assets.
- 16.27 The development is considered to relate appropriately to the character and appearance of the local area in accordance with policies HE1 and HE2 of the Adopted Christchurch and East Dorset Local Plan.

Impact on trees

- 16.28 The site includes a couple of mature trees which add to the local landscape quality in this area. The National Planning Policy Framework encourages the retention of trees wherever possible. Suitable mitigation and protection for these trees both during any construction period and post-occupation has been identified and a safeguarding condition (no 3) is imposed to accord with landscape policy HE3.

Impact on Highway Safety and parking

- 16.29 The proposal provides a safe and permeable layout providing access to and from the site. It utilises the existing access arrangement in accordance with Policy KS11. This proposal provides 2 car parking spaces per plot, which is in accordance with the parking guidance and Policy KS12.

Due to the site access constraints and potential impact upon traffic flow along Ringwood Road it is judged necessary and reasonable to impose a condition securing a Construction Management Plan (no.5).

Impact on amenity

- 16.30 Given the orientation of the site and the position of the houses it is considered that there is sufficient separation distance (over 20m) between the proposed dwellings and existing houses along Ringwood Road to avoid harm to neighbouring amenity.
- 16.31 Having regard to relationships within the development itself, both houses have been designed to ensure good levels of amenity for existing and future residents. While side windows are proposed, these mainly serve bathrooms or stairwells. The main windows in Bedroom 4 in House 2 are obscure glazed but a rooflight will provide outlook. There are good levels of separation (9m) between the two properties and suitable boundary treatment. The proposals accord with Policy HE2 and LN1.

Waste Management

- 16.32 The waste collection team have commented that the limited access to these properties would mean that the occupiers of these properties would have to present their waste on to the main road, which due to the distance of approx. 30m, could potentially cause a problem for both the waste collection team and the resident.
- 16.33 The applicant therefore accepts that a condition securing private waste collection will be required to ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities.

Fire safety

- 16.34 The site constraints limit accessibility by a fire engine but the applicant has liaised directly with the Fire Authority, who have confirmed that they would accept domestic sprinklers. This is reflected on the plan (ref: 466c06 B). The Fire Authority have requested that information is passed onto the applicant, this can be done by way of an informative.

Flood Risk

- 16.35 The site lies within an area identified by the Council's Strategic Flood Risk Assessment as being susceptible to high Groundwater levels which could be associated with flooding. As such, in line with NPPF Paragraph 103, the proposal is accompanied by a Flood Risk Assessment (FRA).

- 16.36 The applicant updated their FRA to include the results of the ground water bore hole testing. The pit was excavated to a maximum depth of 1.3mbgl and was situated at approximately 13.01mAOD (Above Ordnance Datum). The site investigation has confirmed that groundwater is present on site at depth of 1.2m below ground level, with a groundwater level of approximately 11.8mAOD which remained constant throughout the duration of the investigation. Since the data was collected at a time when ground water levels would usually be high this information is sufficient for the FRA to reasonably conclude that the groundwater flood risk is low for the site.
- 16.37 This evidence provides officers with the confidence that the site is at low risk from groundwater flooding and therefore a sequential test is not needed.
- 16.38 A condition is imposed to ensure that a satisfactory scheme for surface water management is submitted and carried out (no.4) to ensure that the proposals do not increase flood risk both within and outside of the site, to accord with policy ME6.

Impact Upon Dorset Heathland Habitat Sites

- 16.39 The application site lies within 5km of Dorset Heathland SSSIs which are designated as Habitat Sites. The Council, as the appropriate authority, has undertaken an appropriate assessment of the implications for the protected site, in view of the sites' conservation objectives.
- 16.40 The appropriate assessment has concluded that the mitigation measures set out in the Dorset Heathlands 2020-2025 Supplementary Planning Document (SPD) can prevent adverse impacts on the integrity of the site. The Council collects Heathland mitigation payments via the Community Infrastructure Levy (CIL) which will secure the necessary contribution in accordance with the Dorset Heathlands SPD.
- 16.41 With the mitigation secured the development will not result in an adverse effect on the integrity of the designated heathland site so in accordance with regulation 70 of the Habitats Regulations 2017 planning permission can be granted; the application accords with Core Strategy Policy ME2.

Impact Upon Biodiversity

- 16.42 The application was received prior to the requirement for 10% biodiversity net gain.
- 16.43 The proposed application is accompanied by a biodiversity plan certified by the Dorset Natural Environment Team that proposes biodiversity mitigation measures during development and enhancements including a bat tube, three net boxes, bee bricks, native shrub planting and fruit trees. The mitigation measures and enhancements can be the subject of a condition to ensure that these measures are provided as part of the proposed development. The proposal would therefore accord

with Policy ME1 of the Christchurch and East Dorset Local Plan Part 1 Core Strategy (CS) dated April 2014, and with paragraphs 174 and 180 of the National Planning Policy Framework (NPPF) 2021.

Housing Supply/Size of Proposed Dwelling

- 16.44 Policy LN1 of the local plan explains that the size and type of new dwellings should reflect the current and projected local housing needs identified in the latest Strategic Housing Market Assessment (SHMA). Policy LN2 requires that development should maximise density to a level that is acceptable for the locality.
- 16.45 East Dorset has a particular need for two and three bedroom houses. The proposed new dwellings would add 2 x 4-bedroom dwellings for the open market. Whilst not directly reflecting the needs of the strategic housing market assessment, the dwellings design and layout are considered appropriate for the site specific circumstances and maintain the character of the local area.

17.0 Conclusion

It is judged that the proposed new dwellings represent limited infilling in Longham village so are not inappropriate development in the Green Belt and are in the sustainable location. The design is appropriate in its setting avoiding harm to heritage assets. The proposal is judged to accord with the Development Plan as a whole.

18.0 Recommendation: Grant planning permission 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:

466C 02 F1 Location, Proposed Site plan and view from allotments
466C 04 E1 House no 1 Layout and Elevations
466C 05 G2 House no. 2 Layout and Elevations

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

3. Prior to commencement of works (including site clearance and any other preparatory works) a pre-commencement site meeting between the Tree Officer, Arboricultural Consultant or Site Manager shall take place to confirm

the protection specification for the affected trees. The protection of the trees shall be in accordance with the ref: 23110-AA2 DC dated 04.03.204. The tree protection measures shall be erected in accordance with BS5837:2012 and shall be positioned as shown on the Tree Protection Plan ref: 23110-2. This is to be erected before any equipment, materials or machinery are brought onto the site for the purposes of development (including demolition). The 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: In the interests of tree protection

4. Prior to the commencement of development, a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and providing clarification of how drainage is to be managed during construction and a timetable for implementation of the scheme shall be submitted to and approved in writing by the Local Planning Authority. The surface water scheme shall be implemented in accordance with the approved details including the timetable for implementation.

Reason: To prevent the increased risk of flooding and to protect water quality.

5. Prior to commencement of development hereby approved a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of how deliveries will be managed, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety.

6. 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.

7. 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 06.07.2023 must be strictly adhered to during the carrying out of the development.

The development hereby approved must not be first brought into use unless and until:

i) the mitigation, compensation and enhancement/net gain measures detailed in the approved biodiversity plan have been completed in full, unless any modifications to the approved Biodiversity Plan as a result of the requirements of a European Protected Species Licence have first been submitted to and agreed in writing by the Local Planning Authority, and

ii) evidence of compliance in accordance with section J of the approved Biodiversity Plan has been supplied to the Local Planning Authority.

Thereafter the approved mitigation, compensation and enhancement/net gain measures must be permanently maintained and retained in accordance with the approved details.

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

8. All hard and soft landscape works shall be carried out in accordance with the approved drawing numbered 466C 02 F1. No part of the development shall be occupied until work has been completed in accordance with the approved details. Any trees or plants that within a period of five years after planting are removed, die, or become, in the opinion of the Local Planning Authority, seriously damaged or defective shall be replaced as soon as it is reasonably practical with others of species, size and number as originally approved.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

9. Before the development hereby approved is occupied or utilised the turning and parking shown on drawing number 466C 02 F1 must have been constructed. Thereafter, these areas, must be permanently maintained, kept free from obstruction and available for the purposes specified.

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

10. Prior to the development being first occupied a Refuse Management Plan shall have been submitted to and approved in writing by the Local Planning Authority. The plan shall include: details of the management company to be set up; the employment of a private contractor to collect the refuse; measures to be taken if no private contractor is available at any time in the future (such as the employment of a person or persons to ensure bins are wheeled to the collection point); and that bins will not be stored in the open or at the collection point apart from on the day of collection. Prior to occupation the refuse

management plan shall be implemented and subsequently carried out for the lifetime of the development in accordance with the approved details.

Reason: To ensure that the proposed development includes a long-term management plan for the collection of refuse in the interests of visual and residential amenities.

Informative Notes:

1. 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 applicants/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.

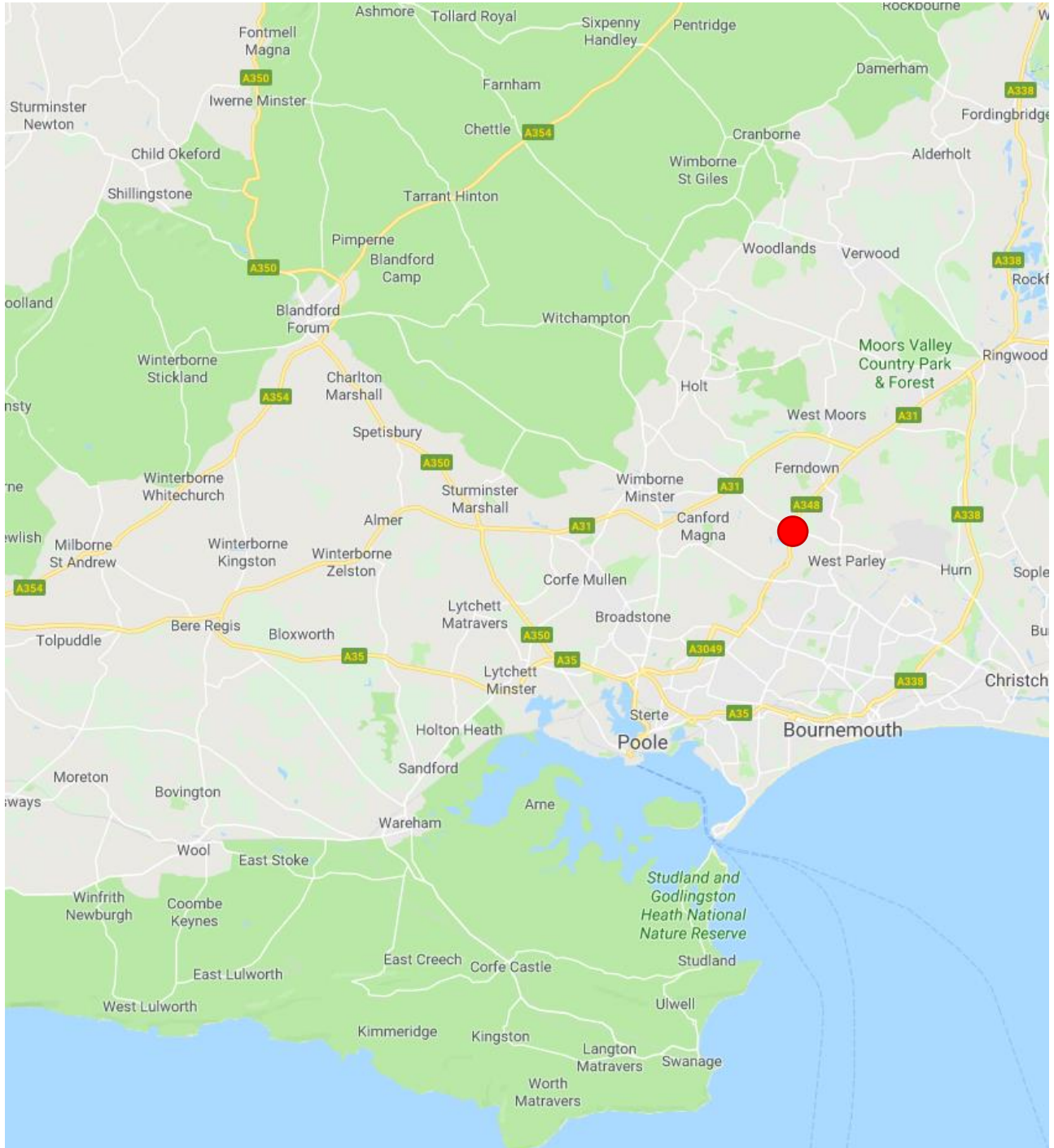
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● Approximate Site Location

Application reference: P/FUL/2023/02520

Site address: Land Adj to 142 Ringwood Road, Longham, Ferndown

Proposal: Erect two dwellings (amended plans)



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Application Number:	P/FUL/2024/00324		
Webpage:	Planning application: P/FUL/2024/00324 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Land at Oak Tree Paddock Batchelor's Lane Holtwood Wimborne		
Proposal:	Convert existing building into dwelling house.		
Applicant name:	Peter Traves		
Case Officer:	Fiona McDonnell		
Ward Member(s):	Cllr Cook (during consultation) now Cllr Chatawaka		
Publicity expiry date:	27 August 2024	Officer site visit date:	23 September 2024
Decision due date:	9 August 2024	Ext(s) of time:	11 September 2024
No of Site Notices:	2 notices were displayed.		
SN displayed reasoning:	Both notices are displayed in visible locations. One is displayed on the gate/entrance to Oak Tree Paddock and a further notice is displayed on a tree near to the entrance.		

1.0 The application is before the Planning Committee at the request of the Chair.

2.0 Summary of recommendation:

GRANT subject to conditions set out in section 18.

3.0 Reason for the recommendation: as set out in paras 16-17 at the end of the report.

- 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. There is not considered to be any significant harm to local character.
- The proposal benefits from the exceptions to inappropriate development in the Green Belt.
- No harm to neighbouring residential amenity has been identified.
- There is not considered to be any harm to the setting of local listed building.
- Harm to biodiversity and trees can be appropriately mitigated.
- Although the proposed dwelling is in an unsustainable location in the countryside no significant and demonstrable harm has been identified that would outweigh the benefits.

- There are no material considerations which would warrant refusal of this application.

4.0 Key planning issues

Issue	Conclusion
Principle of development	In an unsustainable location contrary to policy KS2 but will re-use a disused existing building and enhance its immediate setting.
Impact on the Green Belt	Acceptable- benefits from exception to inappropriate development.
Scale, design, impact on character and appearance	Acceptable- proposed materials and design acceptable in its rural context.
Impact on the living conditions of the occupants and neighbouring properties	Acceptable- good separation distance of 40m to nearest neighbouring property.
Impact on heritage assets	Acceptable- no harm to the setting of heritage assets.
Flood risk and drainage	Acceptable- low flood risk- condition included to agree a surface water drainage strategy.
Highway impacts, safety, access and parking	Acceptable- sufficient parking area available and no harm to highway safety.
Impact on trees	Acceptable- Tree protection measures satisfactory.
Biodiversity	Acceptable- Biodiversity plan approved by NET

5.0 Description of Site and surroundings

- 5.1 The application site is in a rural location to the north of Bachelors Lane, at the northern extent of Holtwood development, on the edge of Horton Parish Council area. The site also borders Holt Parish Council area.
- 5.2 The 0.1ha site is presently occupied by an L-shaped, single storey, 20th century stable block and workshop in the northwest corner with hard surfacing in front. There is also two smaller buildings, one close to the west boundary to the south of the hardstanding, the second sited to the east, close to the north boundary. There is an old oak tree at the entrance to the site.
- 5.3 The site is accessed by a private single laneway which extends from Bachelors Lane. The site is surrounded by agricultural grazing land to the north, south and east, and by farm buildings to the west. The site is located immediately to the east of Linen Hill farm and approximately 500m to the southeast of Grade II listed building Horton Tower.

6.0 Description of Development

- 6.1 It is proposed to convert the main stable/workshop structure into a four bedroom dwelling. Existing door openings in the southern elevation (former stable doors) will be adapted to integrate existing timber casement windows and doors behind the stable doors.
- 6.2 The main fenestration serving the living areas is in the northeast elevation. It is proposed to use synthetic rubber roofing, outer walls will be clad in burnet larch and small conservation style roof lights will be included where the hall sits under the pitched roof.
- 6.3 An outbuilding to the south of the stable building and a stable block is to be retained as will the existing area of hardstanding to the south of the building for use for car parking.

7.0 Relevant Planning History

P/PAAC/2023/07148- Decision: WITHDRAWN - Decision Date: 22/01/2024
Barn on Oak Tree Paddock, Holtwood, Wimborne
Change of use and conversion agricultural building to form 1 No. dwelling (Class C3).

8.0 List of Constraints

Within Green Belt.

Dorset Heathlands - 5km Heathland Buffer

Horton Conservation Area - Distance: 16.48m (Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Horton Tower- Grade II* listed approx. 250m northeast (Statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

Area of Great Landscape Value (AGLV)

Bournemouth Water Consultation Area

Adjacent Public Right of Way

9.0 Consultations

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

1. Natural England

No objection subject to mitigation being secured

2. Dorset Council Highways

No objection

3. Dorset Council Right of Way officer

No objection subject to a condition to keep Right of Way open throughout construction

4. Dorset Council Conservation Officer

Initial objection based on impact to historic Horton tower. Objection lifted following receipt of amended plans.

5. Dorset Council Natural Environment Team

The application is not within the scope of the Dorset Biodiversity Appraisal Protocol as no negative impacts on protected species or important habitats are predicted. It is recommended that the ecological enhancements set out in Section 6.0 of the Preliminary Roost Appraisal are secured by condition should the application be approved.

6. Dorset Council Tree Officer

Since the gravel drive is established, it is unlikely the tree will be further affected by the build, but Tree protection fencing specification should be provided.

7. Holt Parish Council

Objection

- impact on the green belt
- Significant change to current use
- Inappropriate design
- Highly visual.

8. Horton Parish Council

No objection

9. Ward Member

No comments

Representations received

Total - Objections	Total - No Objections	Total - Comments
4	0	0

Summary of comments of objections:

- Impact on highway- Bachelors Lane unsuitable for further development
 - Safety issues for horse riders and children.
 - Blind corners and damage to grass verges
 - Waste collection from end of lane.
- Impact on Horton Tower
- Noise from air source heat pump
- Impact on mature tree during construction
- High water table
- Vibration & dust from construction.
- Neighbours will not permit use of their land for laying water pipes.

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.

Section 66 of the Listed Buildings Act 1990 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 additionally requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

11.0 Relevant Policies

Development Plan

Adopted Christchurch and East Dorset Local Plan:

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

- KS1 - Presumption in favour of sustainable development
- KS2- Settlement hierarchy
- KS3 - Green Belt
- KS12- Parking Provision
- HE2 - Design of new development

HE3 - Landscape Quality

ME1- Safeguarding biodiversity and geodiversity

ME2- Dorset Heathlands

ME6- Flood Management, Mitigation and Defence

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

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

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 making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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 82-84 reflecting the requirement for development in rural areas.

- Section 6 'Building a strong, competitive economy', paragraphs 88 and 89 '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 beautiful 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 and beautiful 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 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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

- Section 13 'Protecting Green Belt Land'- Great importance is given to the protection of Green Belts. The construction of new buildings in the Green Belt is inappropriate unless the exceptions at paragraph 154 are met. Other forms of development that are not inappropriate are set out at paragraph 155. Inappropriate development should only be granted in very special circumstances.
- Section 14 'Meeting the challenges of climate change, flooding and coastal change'
- Section 15 'Conserving and Enhancing the Natural Environment'- Paragraphs 179-182 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (para 199). The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 203).

Other material considerations

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

SPG07 Horton Conservation Area

Dorset Council SD01 Annual Position Statement – 5 Year Housing Land Supply 31st July 2024

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.

It is considered that the proposed development would not disadvantage persons with protected characteristics.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Council Tax	£2,408.68 (Band D)
Community Infrastructure Levy	£0 (no change to footprint)

15.0 Environmental Implications

The proposal will reuse the majority of the existing building fabric and will be constructed to accord with modern building regulations for dwellings. A Structural Insulated Panel system is to be employed in the roof to maximise thermal performance. An air source heat pump is proposed. The bedrooms will have a southerly aspect and larger fenestration in the north east elevation will secure natural daylight without overheating. The rural location of the dwelling will leave future occupiers reliant upon private vehicles; Building Regulations will secure an electric vehicle charging point.

16.0 Planning Assessment

16.1 The main material considerations for this application are:

- The principle of development
- Impact on the Green Belt
- Impact on the character of the area and heritage assets
- Impact on highway safety
- Impact on amenity
- Impact on biodiversity

These and other material considerations are assessed below.

Principle of development

16.2 Policy KS2 directs development to settlements. In this case the application site lies in the countryside 1km by road from the village of Gaunts Common to the south (St James' First School is 2km along roads without pavements) and 2km by road north to Horton (2.5km to the village hall). The nearest settlement with shopping facilities is Wimborne (approx. 7k) and future occupiers would be reliant on private vehicle. There is no functional need for the proposed residential use in this location, so the proposal is contrary to policy KS2.

16.3 At the time that the agenda was finalised the Council was reliant upon a published 5 year housing land supply for the East Dorset area of 3.9 years. This meant that the tilted balance applied and policy KS2 was judged out of date. However, on 26 September the Council received confirmation from the Planning Inspectorate that they were satisfied that the Council's Annual Position Statement (APS) for the Dorset Council area can demonstrate a 5-year housing land supply. The Council can rely on a housing land supply of 5.02 years until 31 October 2025.

16.4 Whilst policy KS2 can be given full weight it is silent on the issue of building conversions, so it is necessary to consider the policy direction provided by the more recent National Planning Policy Framework. This identifies at paragraph 84 that decisions should avoid the development of isolated homes in the countryside but lists exceptions which include at 84 c) where '*the development would re-use redundant or disused buildings and enhance its immediate setting*'. Paragraph 157 of the NPPF explains that the reuse of existing resources including the conversion of existing buildings can help to support the transition to a low carbon future.

16.5 The building was empty when the biodiversity appraisal was undertaken in December 2023. The application form dated January 2024 confirms that the site is predominantly vacant except for some storage (evident outside the building) and 'the eastern wing used for metalwork repairs'. The agent has subsequently confirmed that the unauthorised metalwork use was very short term and ceased in the spring of this year and building is redundant. The proposal, which includes recladding the roof,

would improve the external appearance of the building providing some enhancement of the immediate setting. This is given weight in the planning balance.

Impact on the Green Belt

- 16.6 The application site lies within the Green Belt. Local Plan policy KS3 - Green Belt identifies that the most important purposes of the Green Belt in East Dorset are protecting the separate physical identity of individual settlements in the area and maintaining an open area around the conurbation. More detail is provided in section 16 of the National Planning Policy Framework.
- 16.7 The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Some development listed at NPPF paragraphs 154 and 155 is not inappropriate in the Green Belt.
- 16.8 Paragraph 155 allows for (d) the re-use of buildings provided that they are of permanent and substantial construction and (e) a material change in the use of land. Both of these exceptions are subject to the provisos that they preserve Green Belt openness and do not conflict with the purposes of including land within it.
- 16.9 In this case the building has an established equestrian use with more than 7 stables which would usually be associated with regular visits and the parking of vehicles by those caring for their animals. The proposed change of use to a single dwellinghouse is unlikely to result in any significant increase in traffic or vehicles compared to the lawful use following the construction phase. The introduction of domestic paraphernalia is anticipated but the visual impacts on openness would be limited by the modest size of the garden area proposed and the screening provided by the existing built form; the grassed area to the east does not extend beyond the existing stable building. The site is not currently demarcated by fencing suggested by the submitted plans but the introduction of post and rail fencing, as could be achieved under permitted development rights, would not have a demonstrable impact on openness. The retention of two outbuildings to serve the dwelling will reduce the pressure for future ancillary development which could also be controlled by condition (no. 15).
- 16.10 Overall, it is judged that the change of use can be accommodated without harm to Green Belt openness or encroachment into the countryside. A condition to ensure that boundary demarcation is erected and retained will be necessary to reduce the likelihood of future expansion of the residential use (no. 10).

Impact on the character of the area and heritage assets

- 16.11 Policy HE1 'Valuing and Conserving our Historic Environment' of the Christchurch and East Dorset Local Plan requires that heritage assets are conserved. Policy HE2 'Design of New Development' requires development to be compatible with its surroundings in relation to 11 criteria including architectural style and visual impact, while policy HE3 'Landscape Quality' requires development to protect and seek to enhance the landscape character of the area.
- 16.12 The site is in a rural location accessed by a private single laneway which extends from Bachelors Lane. Concerns have been raised by objectors that the proposed dwelling would increase traffic resulting in harm to this character but as the proposal is for one dwelling, to replace existing stabling, limited trip rates are anticipated that are unlikely to be greater than associated with the established stabling use.
- 16.13 The proposed dwelling will retain the existing, single storey, stable form and character, with fenestration following the pattern provided by the stable doors in the southern elevation. The northern elevation will not incorporate any fenestration thereby avoiding light spill to the north. It is not anticipated that the proposed change of use will have any demonstrable impact on the key characteristics of the Woodlands Area of Great Landscape Value which include scenic landscapes, well maintained hedges and substantial woodland cover.
- 16.14 The site is located approximately 500m to the southeast of Grade II* listed building Horton Tower which was built by celebrated Baroque architect Thomas Archer for Humphrey Sturt in 1794. The Tower is the most notable landmark building in the area being visually prominent due to its enormous scale. It continues to dominate the village and its surrounding landscape and its dramatic setting at the summit of Linen Hill is emphasised by open grassland grazed by sheep.
- 16.15 The open boundary and sloping open grounds which surround the Tower positively contribute to the historic, architectural, and aesthetic significance of the building. Ancillary buildings such as the stables at Oak Tree Paddock and the dispersed arrangement of buildings close to the tower promote the agricultural setting of the Tower and amplify the distinctive polite architectural form and prominence in the wider landscape.
- 16.16 The Council's Conservation officer requested modifications to the design of the new dwelling, to avoid visual prominence and the applicant has amended the fenestration arrangement, removing all glazing from the north west elevation and incorporating additional glazing changes in the north east elevation where the kitchen/ living area is located. These changes together with additional planting proposed have satisfied officers that the impact of the proposal from the public right of way will be limited.
- 16.17 No glazing is proposed facing the pastureland which will preserve the agricultural appearance and rural landscape setting of Horton Tower. Conditions are necessary

to remove permitted development rights for the north and west elevations to prevent future insertion of additional windows (no. 14) and control external lighting (no. 12). The Conservation Officer has advised that the current scheme will not harm the special character of the listed building and its setting, subject to conditions to control materials and finishes and joinery detail (condition 6).

- 16.18 A further condition is included to ensure that a soft landscaping plan is submitted. The soft landscaping plan to be agreed should include reinforcement planting of the boundary hedgerow to ensure gaps in the hedge which screen views of the building from the Tower is secured (condition 9).

Impact on Amenity

- 16.19 The proposal accords with the requirement of policy LN1 to meet minimum living space standards and will be served by an appropriately sized garden.
- 16.20 Policy HE2 requires development to be compatible with nearby properties including minimising disturbance to amenity. No harm is anticipated; the closest property, Linen Hill farm, is approximately 12m from the application site, separated by Batchelors Lane and landscaping but the nearest built form is a stable building screening the dwelling which is further west.
- 16.21 Anchor Paddock is located to the south of Oak Tree Paddock but there is a separation distance of 40m between the proposed conversion and buildings at Anchor Paddock.
- 16.22 An objection has been received from neighbours concerned about noise and dust arising from additional traffic using the unadopted single track gravelled access road. As previously explained, no significant increase in traffic is anticipated although a construction management plan is identified as necessary during the construction phase to control hours of operation and ensure that construction traffic is managed.

Impact on Highway safety

- 16.23 Batchelors Lane is a public right of way (E45/55) footpath which leads north past Horton Tower. Concerns have been raised about the impacts of an additional dwelling on other footpath users. The construction management plan previously mentioned can assist in reducing impacts during the construction phase.
- 16.24 The Highway authority are satisfied that traffic created by 1 additional dwelling will not result in any highway safety issues so there is no conflict with policy KS12. It is recognised that Batchelor's Lane is narrow but any future occupiers would be expected to drive with due care and attention.
- 16.25 Off street parking is available and will be secured by condition to accord with policy KS12 (no. 13).

Biodiversity

- 16.26 Objectors are concerned that the development will deter bats, butterflies and breeding birds in the vicinity resulting in population loss of protected species of summer roosting and nesting fauna on and around the site. Reference has been made to the presence of adders and frequent visits by barn owls to the barns throughout the year. Concern has also been raised of potential harm to a 200-year-old oak tree; that the trees' root system is likely to be damaged during and/or after construction.
- 16.27 The application is supported by a preliminary roost appraisal by a qualified ecologist which identifies that the main building has no loft space. The building is not suitable for barn owls and no evidence of nesting birds was found in the building nor evidence of bats. The southern shed had some ivy growing over it which should only be removed in winter. The Dorset Natural Environment Team (NET) is satisfied that the development can take place without harm to protected species but has recommend that the ecological enhancements set out in Section 6.0 of Preliminary Roost Appraisal (KP Ecology, 04.12.2023)- bat bricks and nest boxes- are secured by condition, should the application be approved (condition 11).
- 16.28 It is necessary to ensure that the oak tree on the western site boundary is protected during the development. The tree is located approximately 22m from the stable block and 11m from the outbuilding identified for retention so it is not likely that the root system of the ancient tree will be impacted by the works. A tree protection plan identifies a line of tree protective fencing to be put in place beyond the crown spread and Root Protection Zone (RPZ) and this is considered sufficient to protect the tree during construction works subject to a specification being agreed (condition 3).
- 16.29 The site lies within 5km of the internationally protected Dorset Heathland. It has been possible to positively conclude a Habitats Regulations appropriate assessment because the harmful impact arising from the additional residential unit in combination with other plans and projects can be effectively mitigated via Heathland Infrastructure Projects and Strategic access maintenance and management identified in the Dorset Heathlands Planning Framework SPD 2020-2025. The mitigation will be secured via the Community Infrastructure Levy.

Other Matters

Surface water drainage

- 16.30 The site is not in an area identified as being at risk of flooding but it is judged necessary to impose a condition (no. 4) to secure appropriate surface water management to ensure that these matters are properly dealt with as there are no details of current drainage arrangements.

Contamination

- 16.31 Since the building and land has previously been in equestrian use and potentially for metalwork, an unexpected contamination condition is judged necessary and reasonable in the interests of public health (no. 8)

Waste collection

- 16.32 Concern is raised with regard to waste collection arrangements at the dwelling. The agent has clarified the intention is for private waste collection, as is the case with some of the other properties along Batchelors Lane. It is anticipated that the proposed new dwelling would be added to this already existing private collection contract.

Air source heat pump

- 16.33 Paragraph 6.2 of supporting document 'planning, design and sustainability statement' (Jan 2024) advises that 'the proposal can incorporate the use of an air source heat pump for the generation of energy to serve the proposed dwelling'. Concern has been raised that Air Source heat pumps can be noisy and cause unwanted vibration. The agent has not confirmed that this will be the method used to heat the building, but a condition is included that should an Air Source heat pump system be incorporated- the heat pump should either comply with permitted development requirements or a noise impact assessment will be required (no. 7)

17.0 Conclusion

The proposed market dwelling located outside of any settlement is contrary to Local Plan policy KS2, but the proposed conversion of the building would achieve modest enhancements to the immediate setting in accordance with NPPF policy at paragraph 84 which provides exceptions to the general rule against allowing isolated dwellings in the countryside. The setting of the local listed building will not be harmed by the development and the character of the area will be maintained. It is judged, on balance, that the proposal accords with the Development Plan as a whole. Approval is therefore recommended subject to conditions.

18.0 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:

Location Plan	2023 – 10 - 21
Block Plan	2023 – 10 - 22
Site Plan	2023 – 10 – 23A
Proposed floor plans	2023 – 10 – 25A
Proposed elevations	2023 – 10 - 27

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

3. Before any equipment, machinery or materials are brought on to the site for the purposes of the development, tree protection measures, details of which have first been submitted to and agreed in writing by the Local Planning Authority shall be installed. The approved tree protection shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: In order to prevent damage during construction to the oak tree that contributes to the amenity of the area.

4. Prior to commencement of development details of the surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority and the approved drainage scheme shall be completed before occupation of the development.

Reason: To avoid drainage problems as a result of the development with consequent pollution or flood risk.

5. Prior to commencement of development hereby approved a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include hours of operation, vehicular routes, details of how deliveries will be managed to avoid access congestion. The development shall thereafter be carried out strictly in accordance with the approved Construction Management Plan.

Reason: In the interests of road safety and neighbouring amenity.

6. Prior to their first use on site, details of all external wall, roof and window materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken and thereafter maintained in accordance with the approved details.

Reason: In the interests of protecting the setting of Horton Tower and the character of the area.

7. No air source heat pump shall be installed on the dwelling unless one of the following applies:
- i) the air source heat pump shall comply with the requirements of Schedule 2, Part 14, Class G of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) or any subsequent reenactment thereof, or
 - ii) details and a noise assessment of the air source heat pump have been submitted to, and approved in writing by, the Local Planning Authority. The noise assessment must be undertaken by a Suitably Qualified Acoustician and consider the local circumstances, the nature of the installation and the five factors (Tonality, Intermittency of operation, Sound levels in reverse cycle, Low background sound levels, Structure borne sound and vibration transmission). The Institute of Acoustics, and Chartered Institute of Environmental Health guidance should be taken into consideration.

Thereafter, the development shall proceed in accordance with approved details including any mitigation measures and shall be maintained and operated in accordance with those details and any noise assessment details that have been agreed.

Reason: To safeguard the amenity of the occupiers of adjoining residential properties.

8. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

9. Prior to first occupation of the dwelling hereby approved, soft landscaping and planting shall be carried out in accordance with details first submitted to, and approved in writing, by the Local Planning Authority. If within the first 5 years any trees or plants are found damaged, dead or dying then they shall be replaced and the whole scheme thereafter retained.

Reason: In the interest of the amenity of the area and biodiversity.

10. Prior to first occupation of the dwelling hereby approved, details of boundary fencing and gate(s) to separate the residential use from the remaining paddock shall be

submitted to and agreed by the Local Planning Authority. The boundary treatment shall be installed as approved prior to first occupation and thereafter retained.

Reason: In the interests of the character of the area and to protect the openness of the Green Belt.

11. Prior to the first occupation of the dwelling the ecological enhancements set out in section 6.0 of Preliminary Roost Appraisal (KP Ecology, 04.12.2023) shall be implemented in full. The enhancement features shall thereafter be maintained and retained.

Reason: To minimise impacts on and provide opportunities for biodiversity enhancement.

12. There shall be no external lighting of the dwelling hereby approved unless details have first been submitted to and approved in writing by the Local Planning Authority. Thereafter the lighting shall be installed and maintained in accordance with the approved details.

Reason: In the interests of the character of the area and biodiversity.

13. The parking and turning area shown on the approved plan 2023-10-23 rev A shall be kept available for parking and turning associated with the dwellinghouse for the lifetime of the development.

Reason: To secure adequate parking in the interests of the character of the area.

14. Notwithstanding the Town and County Planning (General Permitted Development) (England) Order 2015, or any subsequent reenactment thereof, there shall be no windows or other openings in the north (rear) or north-east side elevation of the building nor any windows installed in its roof.

Reason: In the interests of the character of the area and to protect the setting of Horton Tower.

15. Notwithstanding the Town and County Planning (General Permitted Development) (England) Order 2015, or any subsequent reenactment thereof, there shall be no further outbuildings under Schedule 2, Part 1, Class E on the site.

Reason: In the interests of the openness of the Green Belt and to protect the setting of Horton Tower.

Informative Notes:

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. Street Naming and Numbering

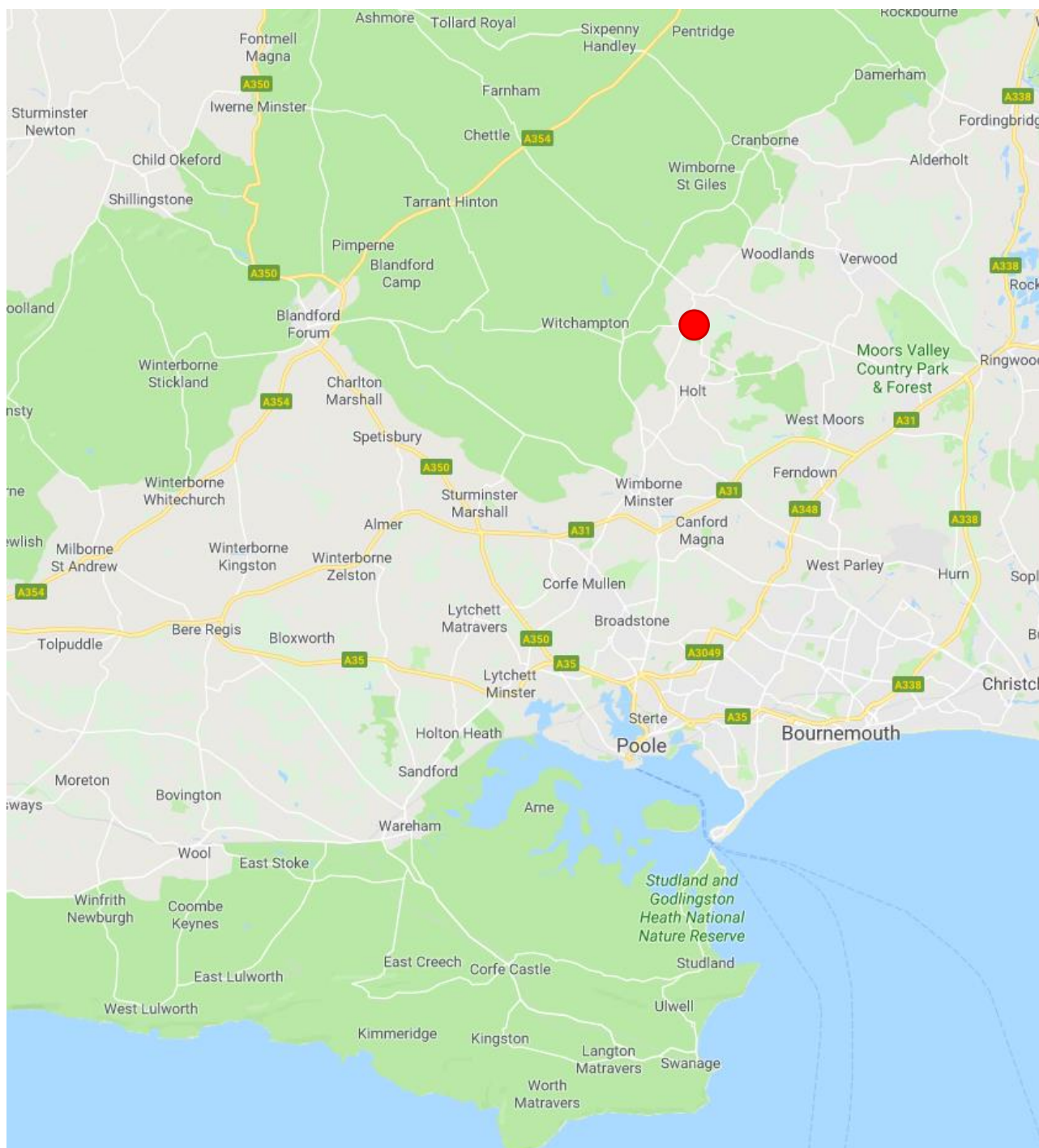
The Council is responsible for street naming and numbering within our area. This helps to effectively locate property to deliver post and for access by emergency services. New or changed addresses must be registered with the Council. This link has more information. <https://www.dorsetcouncil.gov.uk/planning-buildings-land/street-naming-and-numbering/street-naming-and-numbering>

● Approximate Site Location

Application reference: P/FUL/2024/00324

Site address: Land at Oak Tree Paddock, Batchelor's Lane, Holtwood, Wimborne

Proposal: Convert existing building into dwelling house.



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Application Number:	P/FUL/2024/02697		
Webpage:	Planning application: P/FUL/2024/02697 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Barn Opposite Old Quarry Close, Worth Matravers		
Proposal:	Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking		
Applicant name:	County Gates Developments Ltd.		
Case Officer:	Cari Wooldridge		
Ward Member(s):	Cllr Wilson		
Publicity expiry date:	23 August 2024	Officer site visit date:	28/02/24 for former application and more recently in passing
Decision due date:	12 August 2024	Ext(s) of time:	To be requested to allow for committee determination
No of Site Notices:	X4		
SN displayed reasoning:	The site notices were displayed in prominent positions in the interest of maximising awareness of the application.		

1.0 The application has been referred to committee for consideration by the Chair of the Eastern Area Planning Committee.

2.0 Summary of recommendation:

The committee REFUSE planning permission.

3.0 Reason for the recommendation:

The application site is in an unsustainable location in the countryside and outside any settlement boundary and the proposed residential development fails to accord with policy V1 of the Purbeck Local Plan 2024 and paragraph 84 of the NPPF. The benefits of the scheme include the opportunity to secure an affordable housing contribution but no material circumstances that outweigh the harm arising from the development of three isolated homes in the countryside have been identified.

4.0 Key planning issues

Issue	Conclusion
Principle of development	Unacceptable. Development of three dwellings in the countryside and outside the settlement boundary of Worth Matravers contrary to local and national policy in respect of rural housing. A 5-year housing land supply for the Dorset Council area has been confirmed by PINS and the tilted balance no longer applies.
Affordable housing and second homes restriction	Acceptable subject to condition and legal agreement.
Scale, design, and impact on character and appearance of the area including the Dorset National Landscape (formerly known as AONB)	Acceptable subject to conditions.
Impact on neighbour and occupier amenity	Acceptable.
Highway safety, access and parking	Acceptable subject to conditions.
Biodiversity impacts	Acceptable subject to conditions.
Flood risk and drainage	Acceptable.
Site contamination	Acceptable subject to condition.

5.0 Description of Site

- 5.1 The application site is located on the eastern fringe of Worth Matravers and is particularly prominent in wider landscape views due to its edge of village setting and the surrounding open landscape character. Nearby residential properties are located on Old Quarry Close and Newfoundland Close to the southwest / west of the site with the nearest property on Old Quarry Close being located approx. 16 m from the existing barn. The site is within the countryside and Dorset National Landscape (formerly known as AONB).
- 5.2 The existing barn is constructed of a concrete block base with grey metal elevations and roof cladding, a large metal roller shutter door on the east elevation, and several smaller units forming a lean-to extension off the north elevation. The site is enclosed by Purbeck Stone walling on its southern boundary, a landscape bund along its northern boundary and post and wire fencing. There is an existing double gated access off the highway and areas of compacted rubble hardstanding to the east and providing access to the north (rear) of the building. The remaining areas within the site are overgrown and an element of external storage is taking place to the rear.

6.0 Description of Development

- 6.1 The application proposes the partial demolition of the existing barn and conversion of the remaining barn structure to form three 4-bedroom dwellings with associated landscape and parking.

7.0 Relevant Planning History

6/1980/0517 - Decision: GRA - Decision Date: 17/10/1980
Erect extensions to existing agricultural building.

6/1994/0026 - Decision: REF - Decision Date: 28/02/1994
Change use of agricultural barn to form a camping barn.

P/CLE/2023/00563 - Decision: GRA - Decision Date: 28/03/2023
Use of a redundant agricultural barn for commercial storage under Use Class B8

P/FUL/2024/00712 - Decision: REF - Decision Date: 10/04/2024
Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking
Reasons for refusal:

1. Insufficient information has been provided in the form of a suitably scaled drawing to include site access visibility splays within the applicant's landownership and in accordance with guidance within the Manual for Streets to determine that the proposal would not result in material harm to the transport network or to highway safety. As such, the proposal is not considered to comply with Policy IAT of the PLP 2012 which requires that new development should provide for improved safety and convenience of travel, safe access to the highway, and should provide towards new / improved access to the highway.
2. The proposed development would result in a new and harmfully intrusive level of artificial light pollution into the intrinsically dark landscape and dark night skies of the Dorset National Landscape which would not positively integrate with the rural character and appearance of the area. The proposal does not seek to further the purposes of conserving and enhancing the natural beauty of the Dorset AONB / Natural Landscape and would erode key characteristics of the National Landscape Setting of the application site and village, including their sense of tranquillity, and remoteness associated with the dark night landscape and skies. As such, the proposal is contrary to Section 85 of the Countryside and Rights of Way Act (2000), paragraphs 180 and 182 of the NPPF, Policies LHH & D of the PLP 2012, and the objectives of the Dorset AONB Management Plan 2019-2024 (paragraph 9.3.1 and policy C2(d) and (f)). The level of harm to the key characteristics of the Dorset National Landscape resulting from the artificial light intrusion would be so significant as to outweigh the benefits of the scheme, including the provision of three additional dwellings towards the area housing land supply deficit, and the presumption in favour of sustainable development as set out in paragraph 11 of the NPPF does not therefore apply.

8.0 List of Constraints

National Landscape (Area of Outstanding Natural Beauty (AONB)): Dorset - (statutory protection Local Planning Authorities to seek further the purposes of

conserving and enhancing the natural beauty of the area of outstanding natural beauty- National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

Site of Special Scientific Interest (SSSI) impact risk zone - To enable the identification of potential risk posed by new residential development proposals to nearby SSSIs, SACs, SPAs and Ramsar sites.

Dorset Heathlands - 5km Heathland Buffer

Purbeck Heritage Coast

Minerals and Waste Safeguarding Area

Minerals and Waste - Building Stone

Radon: Class: Class 2: 1 - 3%

Right of Way: Footpath SE29/24; - Distance: 7.02

Scheduled Monument: Group of medieval strip lynchets at East and West Man (List Entry: 1019951.0); - Distance: 168.31

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021); - Distance: 4986.81

9.0 Consultations

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

Consultees

1. Natural England

Habitats Regulations Assessment required.

Providing that the Appropriate Assessment concludes that mitigation measures can be secured [with sufficient certainty] as planning conditions or obligations by your authority , and providing that there are no other likely significant effects identified (on this or other protected sites) which require consideration by way of appropriate assessment, Natural England is likely to be satisfied that your appropriate assessment will be able to ascertain with sufficient certainty that there will be no adverse effect on the integrity of the European Site from recreational pressure in view of the site's conservation objectives.

Natural England is unlikely to have further comment regarding the Appropriate Assessment, in relation to recreational disturbance.

2. Ramblers Association

No comments received.

3. Dorset Council – Highways

At present the barn has agricultural use but will be replaced with vehicular movements for residents and visitors.

By reducing the radii, the bell mouth can be narrowed, this is likely to encourage drivers to emerge with caution.

There is onsite parking and vehicles will be able to turn in a forward gear.

Applicant has provided a visibility splay drawing aligning to the carriageway geometry.

There appear to be 'Slow' road markings and 3-2-1 strips on the adjacent carriageway at intervals to the village threshold.

The development is vehicle reliant but there is capacity on site for the applicant to build in a cycle store facility, Ebike charging and EV charging as standard.

No objection subject to conditions and informative notes.

4. Dorset Council – Rights of Way

No comments received.

5. Dorset Council – Natural Environment / Biodiversity Net Gain Team

Comment of 07/08/24 - No specific comments to make on the BNG information submitted with this application.

6. Dorset Council – Building Control

Ensure Boundary Conditions are compliant with regards spread of flame and part B of the building Regulations.

May be clay soils.

Ensure electric Vehicle charging points are provided.

SAP/EPC/PARTG water efficiency calculations are provided and overheating calcs.

Ensure photographs are taken of all thermal junctions and elements and given to SAP assessor and ourselves.

Ensure Part R- Electronic communication is indicated where it comes into site and details provided.

Ensure means of escape in case of fire is compliant and access for fire brigade is ok.

6. Dorset AONB Team

Do not wish to comment due to scale of proposal.

7. Worth Matravers Parish Council

Object in principle and on planning policy grounds.

Size and scale.

The current very high barn structure, a replacement for a barn burnt down a few years ago, is not a reasonable comparison size and height to justify this residential proposal for three new three story terraced properties.

Application is unlike the one built opposite. Offers no affordable housing.

On the outskirts of Worth village and if approved would give rise to unwanted further private development pressure and impact on open land and gardens in the immediate area of Worth village.

8. Ward Member – Cllr B Wilson

Must be subject to the emerging Local Purbeck Plan - Policy H11 - Affordable Housing and Policy E14 restricting dwellings to being primary dwellings and not second homes.

Representations received

No representations were received in response to the consultation on this application.

[It is noted that 4 letters of objection were received in response to the consultation on former refused application P/FUL/2024/00712]

10.0 Duties

- 10.1 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.
- 10.2 Clause 85 of the Countryside and Rights of Way Act (2000) requires Local Planning Authorities to seek to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB).

11.0 Relevant Policies

Development Plan

The Purbeck Local Plan (2018-2034) Adopted 2024 – Date of adoption 18/07/24

Policy V1: Spatial Strategy for sustainable communities

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 E10: Biodiversity and geodiversity

Policy E12: Design

Policy H2: The housing land supply

Policy H11: Affordable Housing

Policy H14: Second Homes

Policy I2: Improving accessibility and transport

Policy I3: Green infrastructure, trees and hedgerows

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

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

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development 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 making': Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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 82-84 reflecting the requirement for development in rural areas.

Section 11 'Making effective use of land'

Section 12 'Achieving well designed and beautiful 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 131 – 141 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.

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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 (National Landscapes) great weight should be given to conserving and enhancing the landscape and scenic beauty (para 182). Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 184). Paragraphs 185-188 set out how biodiversity is to be protected and encourage net gains for biodiversity.

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document

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

Dorset Biodiversity Protocol.

Dorset Council Level 1 Strategic Flood Risk Assessment

District Design Guide SPD

Managing and using traditional building details in Purbeck

Dorset Council SD01 Annual Position Statement – 5 Year Housing Land Supply 31st
July 2024

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.

It is considered that the proposed development would not disadvantage persons with protected characteristics

14.0 Financial benefits

What	Amount / Value
Material Considerations	
Affordable Housing Commuted Sum	£114,000
Non-material considerations	
Council Tax	£2,270.94 (based on average Council Tax Band D)
CIL	£7,921.87

15.0 Environmental Implications

15.1 The proposal is for a barn conversion to three dwellings which will be undertaken in accordance with current building regulations standards. The conversion will involve utilising the existing fabric of the barn with associated reductions in emissions compared to a new build. Suitable drainage will prevent any additional impact on terms of flood risk. Landscaping and biodiversity net gain measures will be secured.

16.0 Planning Assessment

Background to application

16.1 In 2023 a Lawful Development Certificate for an existing use was granted for the 'use of the redundant agricultural barn for commercial storage under Use Class B8'. As a certificate of lawfulness cannot include conditions, there are no restrictions on this commercial storage use of the site.

16.2 In April 2024, an application for the partial demolition and conversion of the barn to form three dwellings, with associated landscaping and parking was refused planning permission on grounds of highway safety and harmfully intrusive light pollution on the intrinsically dark night skies of the Dorset National Landscape (full reasons for refusal included in history section above).

16.3 The current application seeks to address the former reasons for refusal and again proposes partial demolition of the barn and conversion into three 4-bedroom homes with associated landscaping and parking. Bedroom accommodation is proposed on the ground floor with open plan living accommodation at first floor served by large new window openings and inset balconies. Sliding timber shutters are proposed at first floor level. Sections of the barn are proposed to be removed as part of the conversion – particularly to the rear - to reduce the mass and visual prominence of the building within the landscape and to provide suitable private external amenity space for future occupants. Proposed materials include timber cladding with Purbeck Stone sections at ground floor. Additional landscape planting is proposed, and the existing landscape bund to the rear of the site is to be retained.

16.4 The main planning considerations are:

- The principle of development
- Affordable housing
- Scale, design and impact on the character and appearance of the area including the Dorset National Landscape- whether the previous refusal reason has been overcome
- Impact on neighbour and occupier amenity
- Highway safety- whether the previous reason for refusal has been overcome

These and other considerations are assessed below.

Principle of development

16.5 The application site is located approximately 70m northeast of the defined settlement boundary of Worth Matravers and is therefore classed as 'countryside' in accordance with Policy V1: Spatial strategy for sustainable communities and the settlement

hierarchy of the Purbeck Local Plan 2024. The site is close to but not adjoining the village settlement boundary so cannot benefit from Policy H8: Small sites next to existing settlements.

- 16.6 Policy V1 identifies appropriate locations for new housing. The proposed site does not accord with the policy requirements as it lies outside any settlement. The policy is silent on the reuse of existing buildings in the countryside.
- 16.7 National and local planning policies support sustainable growth in rural communities whilst recognising the need to retain the intrinsic character and beauty of the countryside. Paragraph 83 of the National Planning Policy Framework (NPPF) advises that in order '*to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities*'. The proposal would provide three additional market dwellings and future occupants may potentially make a modest contribution to supporting the local facilities currently comprising a pub, a tea and coffee shop, a church and a village hall.
- 16.8 Paragraph 84 of the NPPF advises that new isolated homes in the countryside should be avoided unless there are special circumstances such as (criterion c) where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.
- 16.9 The definition of 'isolated' was considered by the Court of Appeal in *Braintree District Council v Secretary of State for Communities and Local Government* [2018] EWCA Civ 610, [2018] 2 P. & C.R. 9. The court determined that it is for the decision maker to determine '*whether [the development] would be physically isolated, in the sense of being isolated from a settlement*' (Braintree 42).
- 16.10 In this case the building is not isolated from other houses, as it is close to housing on the rural exception site to the south of the highway and it lies approximately 70m from the Worth Matravers settlement boundary, albeit access to the settlement is by unlit country roads without consistent pavement. Notwithstanding the proximity to Worth Matravers, this is a 'small village with a limited range of facilities' as identified by the Local Plan settlement hierarchy, any occupants would be reliant upon private vehicle to access shopping, education and medical facilities in Swanage and beyond so in this respect the site is isolated from key services and facilities; the site is not a sustainable location.
- 16.11 A structural survey has been submitted in support of the application which confirms that the building is structurally appropriate and capable of conversion to a residential use, but a Certificate of Lawfulness (Existing Use) was issued in 2023 for the use of the redundant agricultural barn for commercial storage (Use Class B8) and the supporting application form advises that the Barn has a current B8 Use and is not vacant. As the proposed conversion would not re-use a redundant or disused building the proposal is not considered to benefit from any of the exceptions at paragraph 84 of the NPPF.
- 16.12 It is noted that the existing B8 use of the barn is not safeguarded by way of Policy EE2: Planning for employment of the Purbeck Local Plan 2024 as the site does not form part of the identified employment land supply set out in Policy EE1: Employment land supply.

16.13 For the above reasons, the principle of the proposed development is unacceptable in the countryside as it is contrary to Policy V1 of the Purbeck Local Plan 2024 and paragraph 84 of the NPPF.

Affordable Housing and Second Homes Restriction

16.14 The Parish Council has objected that the proposal does not provide any affordable housing as in the case of the rural exception site to the south-west. The Ward Member has also commented that the application must be subject of the then emerging Purbeck Local Plan policies including Policy H11: Affordable Housing and Policy H14: Second Homes. Since the application was submitted, the Purbeck Local Plan 2024 has been adopted by the Council and its policies now hold full weight in the determination of planning applications.

16.15 Policy H11: Affordable Housing of the Purbeck Local Plan requires the provision of 20% affordable housing as part of all development for 2 – 9 dwellings where the site is located in a designated rural area (as is the case for this application). The current proposal for conversion of a barn to 3 dwellings is therefore required to make an affordable housing contribution – albeit in the form of a commuted sum. It is noted that the submitted application form advises that the barn is in a B8 Use (established by P/CLE/2023/00563) and that the site is not currently vacant. As such, the proposal does not fall within the remit of paragraph 65 of the NPPF in respect of the re-use of brownfield land and a proportionate reduction of any affordable housing contribution. The full level of contribution is therefore required.

16.16 In accordance with the Council's Guidance Note on the application of Policy H11, the level of financial contribution has been calculated as £114,000. The planning agent has confirmed the applicant's acceptance of the level of contribution which will need to be secured by way of a legal agreement – to be paid prior to first occupation of any of the new dwellings. The contribution will be spent on the provision of affordable housing within the former Purbeck area.

16.17 In respect of Policy H14: Second homes of the Purbeck Local Plan 2024, this states that new housing within the Dorset National Landscape will only be supported where there is a restriction in perpetuity to ensure that such homes are occupied only as a principal residence. The policy text confirms that the requirement also applies to changes of use to residential. A condition would be required on any consent to ensure that the proposal meets the occupation requirement in perpetuity in respect of the three new dwellings.

Scale, design and impact on the character and appearance of the area including the Dorset National Landscape (formerly known as Area of Outstanding Natural Beauty)

16.18 The application site is located within the Dorset National Landscape (formerly AONB) in an exposed and visually prominent location when viewed from the adjacent highway and surrounding areas of the landscape. Section 85 of the Countryside and Rights of Way Act (2000) requires that relevant authorities now seek '*to further the purposes of conserving and enhancing the natural beauty of National Landscape (AONB)*'. The NPPF states that the intrinsic character and beauty of the countryside

should be recognised (paragraph 180) and requires that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues (paragraph 182).

- 16.19 Policy E1: Landscape of the Purbeck Local Plan 2024 requires that proposals for development conserve and enhance the natural beauty of the area and are appropriate in appearance, scale, height, layout, density, visual quality and other effects on the landscape character. It requires an assessment to be made of their direct, indirect, and cumulative impacts in relation to the significance of the landscape asset and balance them against other sustainable development objectives. Proposals are expected to conserve and enhance the natural beauty of the area and development that significantly adversely affects the character or visual quality of the landscape or seascape will not be permitted. Such adverse impacts include artificial light pollution on intrinsically dark landscapes.
- 16.20 The Dorset AONB Management Plan 2019-2024 sets out the special qualities of this designated area. This includes, that in addition to its outstanding scenic qualities, the AONB retains a sense of tranquillity and remoteness that is an integral part of the landscape. Reference is made that the AONB retains dark night skies, tranquillity, and an undeveloped rural character (paragraph 9.3.1). Policy C2 of the Plan advises that (d) *'The key test of a proposal against the statutory purpose of the AONB will be its ability to demonstrate that the proposed change would conserve and enhance landscape and scenic beauty'* and (f) *'Proposals that are harmful to the character and appearance of the area will not be permitted unless there are benefits that clearly outweigh the significant protection afforded to the conservation and enhancement of the AONB. Where impacts cannot be mitigated, planning gain and compensatory measures will be considered.'*
- 16.21 Policy E12: Design of the Purbeck Local Plan 2024 requires all development to demonstrate a high quality of design that meets specified criterion. The District Design Guide SPD (paragraphs 166 – 173) requires that conversions of rural buildings retain the existing character, domestic details should be minimised, and new openings should be avoided or minimised and should not impact on the functional character of the building.
- 16.22 Worth Matravers Parish Council have objected to the proposal on grounds of the size and scale. The Parish Council considers that the current very high barn structure is not a reasonable comparison size and height to justify the residential proposal for three new three story terraced properties, but the proposal is for a barn conversion (as opposed to demolition and new build development) with partial demolition that will reduce the overall mass and size of the existing structure.
- 16.23 The conversion will retain the original functional appearance of the barn and will remain in-keeping with the agricultural character of the area. The alterations and partial demolition will reduce the existing building mass. More natural and locally sourced materials are proposed for the external finish and will enable the building to sit more comfortably against the rural landscape. Officers consider that the proposed enhancements to the immediate curtilage – including landscape planting - would have a positive impact on the rural character of the area and provide enhancement in the National Landscape setting.

- 16.24 Parking provision is proposed to the east of the barn in an area currently finished with compacted stone. However, the new parking provision will be well landscaped with additional hedgerow and structure tree planting which will provide a betterment on the existing position. Conditions would be needed to secure details of materials and external finishes and hard and soft landscaping. Overall, the conversion of the barn to a residential use and the associated alterations and partial demolition are considered to provide a betterment that would further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape.
- 16.25 The conversion requires the insertion of considerable new openings on all elevations of the barn to provide sufficient daylight to future occupiers. The impact of the proposed openings and the associated artificial light intrusion into the dark landscape are therefore a key consideration. The village of Worth Matravers is not served by street lighting and its isolation and relative darkness form important characteristics of its landscape setting. The existing barn has no openings on the south and west elevations and limited openings on the north and east elevations. Whilst it is acknowledged that the existing B8 storage use has no restriction on internal or external lighting, it is unlikely that related activity would extend into hours of darkness on a daily basis, and given the existing lack of openings, any internal use would result in limited artificial light intrusion into the surrounding area.
- 16.26 Nearby dwellings on the eastern fringe of the village already have some impact on the rural character of the area from the emission of artificial light after dark. However, this light intrusion is limited by the domestic scale of their glazing, with the recent Old Quarry Close development forming the current eastern extent of residential light intrusion. The proposed barn conversion would result in a further eastward expansion of artificial light intrusion into the National Landscape, with associated light spill into the intrinsically dark landscape and potential for increased daylight glare.
- 16.27 The north elevation proposes ground floor windows only. Light emission from these windows would remain well screened by the retained landscape bund on the site boundary, thereby restricting the extent of light spill / glow into the wider landscape views. However, the new openings and extensive areas of glazing on the remaining elevations – particularly as a result of extensive floor to ceiling glazing and balconies at first floor level – could allow for a new level of artificial illumination and light spill.
- 16.28 Following the refusal of the former application on grounds of harm associated with artificial light pollution, the current application seeks to address the level of harm that would be caused by way of mitigation in the form of general glazing design principles. Based on the glazing design principles in place in the South Downs National Park area, the application (Design and Access Statement) confirms that:
- The total area of glazing does not exceed 25% of the floor area of the building.
 - No large continuous glazing sections exist such as cart shed openings.
 - No single glazing unit is larger than 10 square metres.
 - Three windows are positioned within recessed balconies on the principal elevations at first floor which will reduce light spillage.
 - No ceiling or roof lights are proposed.

- The Visible Light Transmission (VLT) for every glazing specification will be 0.65 or less.

- 16.29 In addition to the above, the proposal includes the installation of shutters providing the opportunity to mitigate impact if closed at night. Officers have previously considered that although the provision of shutters is welcome, a condition requiring the closure of the shutters at night (manual or automated) would not be enforceable over the lifetime of the dwellings.
- 16.30 Whilst the above principles are supported, in order to ensure that they are effective, a condition on any grant of permission would be required to secure additional details of how the VLT limit will be secured prior to the installation of any windows and that the VLT limit is secured in perpetuity. In addition, it is considered reasonable and necessary to include a condition requiring details of any external lighting to be submitted to the Council for approval prior to first installation to ensure that levels of harm are limited.
- 16.31 Given the existing lawful and unrestricted B8 use of the building – with no limit on traffic movement, hours of use, external storage etc. - it is considered that the proposal would provide some betterment on potential maximum traffic movements to and from the site and would not result in significant adverse impact either individually or cumulatively in respect of impact on the character of the area from traffic movements.
- 16.32 Subject to the VLT limit condition in respect of artificial light pollution mitigation, the proposed conversion to dwellings is considered to further the purposes of conserving and enhancing the natural beauty of the Dorset Natural Landscape and the associated sense of tranquillity and remoteness associated with the dark night landscape and skies.
- 16.33 In order to limit the potential for additional future development within the application site that could result in harm to the National Landscape setting, officers consider that it is reasonable to include conditions that restrict future householder permitted development in terms of extensions and alterations (Class A) and outbuildings (Class E), roof alterations that may increase light spill (Class C), and the insertion of new windows that may increase light spill. Enlargement of the dwellings by way of additions or alterations to the roof are already restricted within the National Landscape so will require planning permission.
- 16.34 In summary and subject to the above conditions, officers consider that the scale, design and impact on the character and appearance of the area - including the Dorset National Landscape – is acceptable and complies with Section 85 of the Countryside and Rights of Way Act (2000), paragraphs 180 and 182 of the NPPF, Policies E1: Landscape and E12: Design of the Purbeck Local Plan 2024, and the objectives of the Dorset AONB Management Plan 2019-2024 (paragraph 9.3.1 and policy C2(d) and (f)).

Impact on neighbour and occupier amenity

- 16.35 The proposed dwellings are sufficiently distanced and off-set from the nearest neighbours to ensure that there would be no adverse impact on neighbouring amenity in terms of loss of privacy, outlook, or overbearing development.

- 16.36 The application was publicised by way of 4 site notices. Unusually, and despite the number of comments received in objection to the former application which was refused, no comments have been received from neighbours to the current application.
- 16.37 In terms of occupier amenity, the proposal has been assessed against DCLG Nationally described space standards (March 2015) on the assumption that each of the four-bedroom properties would provide 8 bed spaces (maximum). The nationally described space standards for a 2-storey dwelling require a minimum gross internal floor area of 124 m² and this is exceeded for each proposed dwelling. A suitably sized and shaped external amenity area is also provided for each dwelling.
- 16.38 The proposal is considered to accord with Policy E12: Design of the Purbeck Local Plan 2024.

Highway safety, access, and parking

- 16.39 The application site has an existing access onto the lane to Worth Matravers. The former application was refused on grounds of insufficient information being provided in the form of a suitably scaled drawing to include site access visibility splays within the applicant's landownership and in accordance with guidance within the Manual for Streets to determine that the proposal would not result in material harm to the transport network or to highway safety.
- 16.40 The current application is supported by Access Visibility Plan 6082/001 which has been subject of consultation with the Council's Highway Engineer. In the response, the Engineer notes that the existing use of the barn will be replaced with vehicular movements for residents and visitors. By reducing the radii, the bell mouth can be narrowed, which is likely to encourage drivers to emerge with caution. There is onsite parking, and vehicles will be able to turn in a forward gear. The provided visibility splay drawing aligns to the carriageway geometry and there appear to be 'Slow' road markings and 3-2-1 strips on the adjacent carriageway at intervals to the village threshold. As such, the Engineer raises no objection to the proposal on grounds of highway safety and access, subject to conditions and informative notes on the decision.
- 16.41 The application proposes two parking spaces per dwelling and three visitor spaces. This level of provision accords with county wide parking guidance and is considered acceptable. The Highway Engineer notes that the development is vehicle reliant but there is capacity on site for the applicant to build in a cycle store facility, Ebike charging, and EV charging as standard.
- 16.42 In summary, the proposal is considered to comply with Policy I2: Improving accessibility and transport of the Purbeck Local Plan 2024.

Biodiversity Impacts

- 16.43 A Dorset Natural Environment Team approved (19/02/24) Biodiversity Plan has been submitted as part of the application and includes mitigation in respect of lighting, grass and scrub habitat creation, rural tree and hedgerow planting, and bird box installation. Subject to a condition requiring full implementation of the approved

Biodiversity Plan, the proposal is considered to accord with Policy E10: Biodiversity and geodiversity of the Purbeck Local Plan 2024.

- 16.44 In respect of Biodiversity Net Gain requirements, a Biodiversity Net Gain Statement and Metrics were submitted in August 2024. This shows limited baseline mitigation value (0.9 units) and identifies opportunities for onsite provision through hedgerow planting and additional grassland provision. There is a statutory requirement for a Biodiversity Gain Plan to be provided to the Council for approval prior to commencement so it is only necessary to add informative notes to the decision; the proposal is considered to comply with national 10% BNG requirements.
- 16.45 In accordance with the ruling of ECJ C-323/17 People Over Wind, Sweetman v Coillte Teoranta, the Council is required to undertake an Appropriate Assessment (AA) in accordance with Regulation 63 as there is the potential for the development to affect Habitat Sites. 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, which may remain if avoidance / mitigation measures are carried out as proposed. The site is located outside the Poole Harbour Catchment Areas for nutrient neutrality and recreational pressures. An AA has been undertaken in advance of the planning application being determined by the Council. This shows that suitable heathland mitigation measures can be secured through CIL and adherence to the Dorset Heathlands Planning Framework SPD to address likely adverse effects on the integrity of heathland sites. The proposal is therefore acceptable in this respect and Policies E7: Conservation of protected sites and E8: Dorset heathlands of the Purbeck Local Plan 2024.
- 16.46 An EIA Screening has been undertaken due to the siting of the proposed dwelling within the 'sensitive' Dorset AONB area. This has concluded that there are no likely significant effects resulting from the residential development within the settlement boundary.

Flood risk and drainage

- 16.47 The application site is located in Flood Zone 1 and outside areas of surface water and groundwater flood risk (as identified on the Dorset Level 1 Strategic Flood Risk Assessment 2024 mapping). The submitted Design and Access Statement and application form advise that some grey water recycling will occur for irrigation and surplus water will be discharged to a soakaway. Given the low levels of flood risk to the site and the pre-existing building it is considered that the proposal will not increase flood risk and accords with Policy E4: Assessing flood risk.

Site contamination

- 16.48 The application site and building have a historic use relating to agriculture and B8 storage, and land contamination is a potential issue.
- 16.49 The previous application was subject of consultation with the Council's Environmental Protection Officer who has advise that a contaminated land investigation and remediation condition should be included if permission is granted, in addition to an unexpected contamination condition to ensure that any previously unidentified contamination can be adequately dealt with should it arise as works

progress. Although not consulted on the current application, the position remains unaltered, and the required conditions will be included on any decision.

Housing Delivery Test

16.50 On 26 September, after the committee agenda was finalised, the Planning Inspectorate's report on the Council's 5-year housing land supply position statement was received. This confirmed that, using the standard method, in line with paragraph 77 of the NPPF, Dorset Council has a 5.02-year supply for the Dorset area. As there is now a confirmed 5-year housing land supply, the Council's housing policies are up to date and the tilted balance is no longer engaged.

17.0 Conclusion

Although the proposal has overcome the previous reasons for refusal in relation to its impact on the Dorset National Landscape and highway safety, the change to the Council's published Housing Land Supply position means that weight can be given to the Council's housing policies.

The application site is in an unsustainable location outside any settlement boundary so fails to accord with policy V1 of the Purbeck Local Plan 2024. The benefits of the scheme include the opportunity to secure an affordable housing contribution, but no material circumstances that outweigh the harm arising from the development of three isolated homes in the countryside have been identified, so the application cannot be recommended for approval.

Recommendation:

Refuse for the following reason:

1. The proposal, by reason of its siting outside the settlement boundary of a small village with a limited range of facilities and within the countryside, would not promote sustainable and accessible development or provide rural housing in a location where it would enhance or maintain the vitality of rural communities. As such, the proposal is contrary to Policy V1: Spatial strategy for sustainable communities of the Purbeck Local Plan 2024 and paragraphs 82 – 84 of the National Planning Policy Framework.

Informative Notes:

1. The plans that were considered by the Council in making this decision are:

LP01 P3 Location Plan

BP01 P3 Existing Block Plan

SL01 P5 Proposed Block Plan

FP01 P4 Proposed Floor Plans

E01 P4 Proposed Elevations

MM01 P3 Massing Model

6082/001 Access Visibility Plan
AC01 P1 Area Calculations 01
AC02 P1 Area Calculations 02

2. If planning permission is subsequently granted for this development at appeal, it will be subject to the Community Infrastructure Levy (CIL) introduced by the Town and Country Planning Act 2008. A CIL liability notice will then be issued by the Council that requires a financial payment, full details of which will be explained in the notice.

3. National Planning Policy Framework

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 was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these concerns.

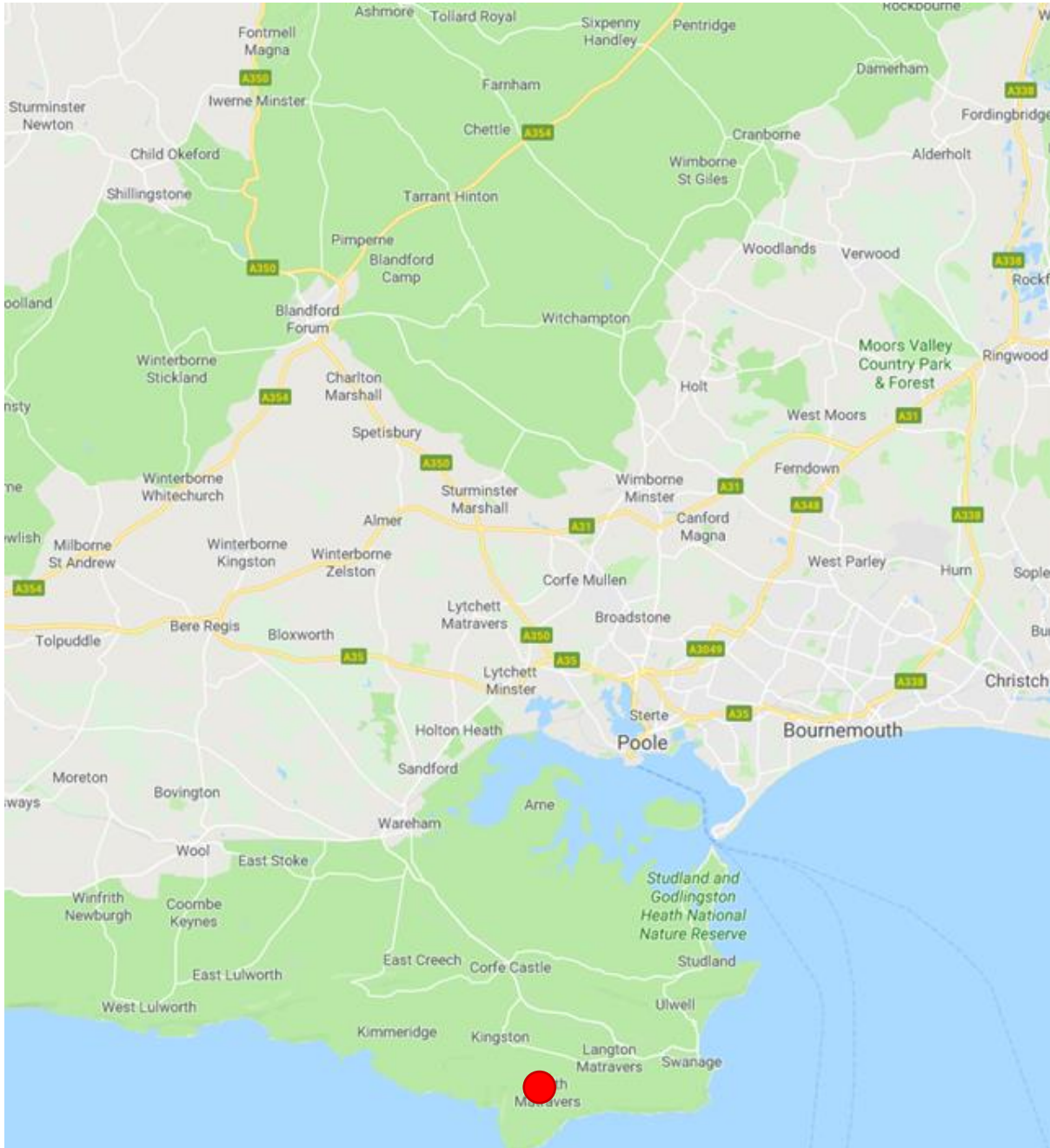
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● Approximate Site Location

Application reference: P/FUL/2024/02697

Partial demolition and conversion of existing barn to form three dwellings, with associated landscaping and parking

Site address: Barn Opposite Old Quarry Close, Worth Matravers



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Application Number:	P/FUL/2024/02407		
Webpage:	Planning application: P/FUL/2024/02407 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	51 North Street Wareham BH20 4AD		
Proposal:	Change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved.		
Applicant name:	Carly Frost		
Case Officer:	Simon Burditt		
Ward Member(s):	Cllr Ezzard, Cllr Holloway		
Publicity expiry date:	15 June 2024	Officer site visit date:	21 May 2024
Decision due date:	17 July 2024	Ext(s) of time:	17 July 2024
No of Site Notices:	Three		
SN displayed reasoning:	<p>One site notice was tied to the front of number 51 North Street.</p> <p>One site notice was tied to a fence post at the rear of number 51 North Street.</p> <p>One site notice was tied to a lamp post on the approach to the rear of number 51 North Street.</p> <p>The site notices were displayed in prominent positions in the interests of maximising awareness of the application.</p>		

1.0 The application has been referred to committee for consideration by the Chair of the Eastern Area Planning Committee.

2.0 Summary of recommendation:

The committee GRANT planning permission subject to conditions as set out in Section 18 of this report.

3.0 Reason for the recommendation: as set out in paragraphs 16 – 17 of this report and summarised as follows:

- 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 proposal will result in the loss of retail/commercial space within Wareham Town Centre, but no harm to the viability and vitality of the town centre is anticipated; the modest floorspace appears to be surplus to requirements.
- The proposed residential use would not result in harm to the streetscene or undermine the character and diversity of the affected part of the Town Centre
- The proposed use would not harm the historic interest and character of the Conservation Area and Listed Buildings.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable- no harm to the viability and vitality of Wareham Town Centre is anticipated
Scale, design, impact on character and appearance	Acceptable- the rear extension is appropriate, the front elevation remains unaltered
Impact on heritage assets	Acceptable- no harm identified
Impact on the living conditions of the occupants and neighbouring properties	Acceptable
Highway impacts, safety, access and parking	Acceptable- sustainable location, parking space to the rear retained.

5.0 Description of Site

- 5.1 The site lies to the west of North Street, which is a principal road when entering Wareham from the north. Number 51 is a Grade II terrace property re-built in the Georgian style following the great fire in Wareham in the eighteenth century.
- 5.2 Number 51 is on the northern extent of the Wareham Town Centre, sited approximately 230m north of the crossroads with West Street. To the north of 51 High Street there are only two properties in commercial use at ground floor: no. 67 is a tanning studio and no. 59 is a restaurant. Other properties are in wholly residential use.
- 5.3 To the south of the application site there is a predominance of commercial use at ground floor level on North Street; numbers 43 and 11 are residential properties.
- 5.4 The property at no. 51 currently benefits from a mixed use of retail (Use Class E) and residential. At ground floor level the property includes a shop floor/showroom served by a modern shopfront window. At the rear, the bathroom and utility room form part of the single unit of residential accommodation that spread across the first and second floors. The current layout provides access to the dwelling from North Street through the shop floor.

6.0 Description of Development

- 6.1 It is proposed to convert the shop/showroom to residential use. The single storey flat roof rear extension will be replaced by an extension with a pitched glazed roof. New stud partitions will facilitate the formation of a ground floor kitchen, dining room,

lounge and re-positioned toilet. Three bedrooms will be retained on the first and second floors together with a new bathroom and ensuite.

7.0 Relevant Planning History

6/1980/0840 - Decision: Granted - Decision date: 09/01/1981.
Erect projecting wall sign. (6/486 Listed Building Application).

6/2020/0573 Listed Building Consent - Decision: Refused- Decision date:
01/04/2021.

Swap kitchen & bathroom and opening of internal wall, create ensuite shower room, remove stud walls in shop area and renovations.

P/PAP/2024/00069 - Decision: Response given- Decision date: 05/04/2024.

Convert property back to one dwelling swap kitchen and bathroom locations and update throughout.

Only Conservation advice was sought. The Conservation Officer advised that the scheme, involving the replacement ground floor extension and internal works, could be supported, provided that changes to internal fabric (historic rear brick wall and doors) were reduced.

P/LBC/2024/02624- Decision: Granted - Decision date: 18/09/2024

Change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved. (Listed Building Application)

8.0 List of Constraints

The application site is located within the:

Wareham settlement boundary;

Wareham Town Centre;

Wareham Conservation Area (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990);

Poole Harbour Nutrient Catchment Area;

Poole Harbour Recreation Zone;

Dorset Heathlands - 5km Heathland Buffer.

Poole Harbour RAMSAR site (UK11054) lies 210m away

Dorset Heathlands RAMSAR site (UK11021) lies 2855m away.

The property is also a Grade II Listed Building (statutory duty to preserve or enhance the significance of heritage assets under the Planning (Listed Buildings & Conservation Areas) Act 1990)

9.0 Consultations

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

Consultees

1. Historic England

No comments to make, the comments of the conservation department and archaeological department of the local planning authority should be sought.

2. Dorset Council Highways

The development proposals make no provision for on-site parking. This is considered to be acceptable due to the town centre location of the site and the links to local transport, retail and leisure facilities. The Highway Authority has no objection to the proposal.

3. Dorset Council Conservation Officers

Initial objection withdrawn following receipt of amended plans identifying the retention of historic doors.

4. Wareham Town Council

Objection- the loss of the retail unit in the Town Centre is contrary to both the local plans (Policy TC1 in Wareham Neighbourhood Plan and Chapter 5 of Purbeck Local Plan).

5. Ward Members

No comments received.

Representations received

The application was advertised by site notice. No comments were received.

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.

The Planning (Listed Buildings and Conservation Areas) Act 1990 - Section 66 requires that when considering whether to grant planning permission for a development which affects a listed building or its setting, there is a general duty to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

11.0 Relevant Policies

Development Plan

Adopted Purbeck Local Plan (2018-2034) adopted 2024:

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

Policy V1: Spatial strategy for sustainable communities

Policy E2: Historic environment

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

Policy EE3: Vibrant town and local centres

Made neighbourhood plans

Wareham Town Neighbourhood Plan 2019-2034 (made November 2021)

H9- Settlement Boundary

TC1- Safeguarding Retail Provision in the Town Centre

LDP1- Design of New Development within Wareham Conservation Area

LDP3- Sustainable Design

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

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

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 making: Paragraph 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 7 'Ensuring the vitality of town centres'- planning policies and decisions should (inter alia): define a network and hierarchy of town centres and promote their long-term vitality and viability- by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters; b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre; f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
- Section 12 'Achieving well designed and beautiful 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 131 – 141 advise that:
The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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 16 'Conserving and Enhancing the Historic Environment'- When considering designated heritage assets, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (paragraph 205). The effect of an application on the significance of non-designated heritage assets should also be taken into account (paragraph 209).

Other material considerations

Dorset Heathlands Planning Framework 2020-2025 Supplementary Planning Document.

Purbeck District Design Guide - Supplementary planning document.
Wareham Conservation Area Appraisal.

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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.

No disadvantage to persons with protected characteristics is anticipated by the proposed modest changes.

14.0 Financial benefits

What	Amount / value
Material Considerations	
None	
Non Material Considerations	
Business Rates	Potentially -£1,322 but more likely zero due to small business rate relief
CIL	Not liable since <100m ² floor area

15.0 Environmental Implications

The proposed replacement rear extension will be required to accord with Building Control regulations securing improved thermal performance.

16.0 Planning Assessment

- 16.1 The main planning considerations are:
- The principle of development
 - Impact on heritage assets
 - Highway safety and parking
 - Impact on neighbouring amenities

These are considered below.

Principle of development.

- 16.2 Planning permission is sought for a replacement rear extension and to change the ground floor of the property from a shop to part of the dwelling that is currently accommodated on the upper floors. The site is within the settlement boundary so there is no objection in principle to the building operations or residential use, provided that the proposals are acceptable in respect of all other material planning considerations.
- 16.3 As number 51 North Street is within the Wareham town centre, the Purbeck Local Plan (2018 – 2034) policy EE3 – ‘Vibrant town and local centres’ is of most relevance.
- 16.4 Policy EE3 states that “*Retail development in Purbeck will be managed in accordance with the settlement hierarchy*”. Reference is then made to the town centres, including Wareham.
- 16.5 Confirmation is given that “*Ground floor changes of use in town and local centres will be permitted, provided that the proposed use would not harm the vitality, viability and functionality of the centre as a whole*”.

- 16.6 Specific reference is made in policy EE3 to the existing provision of retail space by confirming that “*Development leading to the loss of uses within Class E will only be permitted if:*
- ... f) it can be proven that the provision is surplus to requirements and*
 - g) the change of use would not harm the vitality and viability of the town centre or local centre...”.*
- 16.7 Within the Wareham Neighbourhood Plan (made November 2021) of most relevance is Policy TC1 – ‘Safeguarding Retail Provision in the Town Centre’. Confirmation is given that within the town centre, as defined in the plan, development will be supported if the following four criteria are met.
- “a) the proposed ground floor use falls within the NPPF definition of a main town centre use;*
 - b) the proposed use and any associated physical alterations would maintain an active and publicly-accessible ground floor use that enlivens the streetscene;*
 - c) the proposed use would not undermine the character and diversity of that part of the Town Centre; and*
 - d) the proposed use and associated works would not harm the historic interest and character of the Conservation Area and Listed Buildings”.*
- 16.8 Supporting information submitted with the application identifies that:
- i. Although within the designated town centre, the site lies at its northern extent
 - ii. Within the immediate locality of the application site there is a transition away from ground floor town centre uses; there is a mix of retail and residential use.
 - iii. The floor area of the shop is limited, for the front part (main shop area) is approximately 15.75 square metres. Part of this area is required to provide access to existing residential areas of the property including on the ground floor and the garden area and parking area are accessed via the ground floor utility room; this layout reduces the extent of potential retail floor space.
 - iv. There has been no retail use by the last two owners who used the area for informal residential purposes.
 - v. Permission was previously granted to convert the adjacent properties 53 and 55 North Street due to lack of demand for town centre uses.
 - vi. Estate agents have confirmed lack of demand for retail use in Wareham
 - 1. Email from Purbeck Property Office- unable to take on the unit due to the large number of empty retail units already in the town centre; low commercial rent demand.
 - 2. Email from DOMVS- low/no demand for retail premises

3. Email from South Circle- example of slightly larger premises in a more central location which has been advertised for 6 months.

- 16.9 Officers are mindful that the proposal fails to accord with policy TC1 (a) and (b) as residential use is not a main town centre use so will not maintain a publicly-accessible ground floor use.
- 16.10 Of the options available under Use Class E, the relationship of the commercial space to the existing residential use at ground and upper levels limits opportunities for diversification; it is judged that only retail or office use would be feasible.
- 16.11 The applicant has provided evidence that there is currently a low demand for premises for retail/town centre uses in Wareham, albeit that the site itself has not been subject to marketing. Other empty units further south along North Street, closer to the crossroads, supports their contention that the unit is surplus to requirements in accordance with policy EE3(f).
- 16.12 The property is located at the northern extent of the town centre designation. Planning permission was granted in 1994 for the conversion of no. 55 to residential and no. 53, immediately north of the application site, followed in 2016.
- 16.13 It is reasonable to assume that the position of the unit near the end of the spur extending from the centre of Wareham would be associated with reduced footfall, albeit it is on the route between the town centre and the station. It is recognised that the floor area of the shop is limited, with a maximum area of approximately 19sqm useable space and that it has not been in recent active use.
- 16.14 For these reasons it is judged, on balance, that loss of the retail unit would not harm the vitality and viability of Wareham town centre as required by policy EE3, nor that it would harm the character and diversity of this part of the Town Centre which is already in mixed residential and town centre uses, so the proposal accords with policy TC1(c).
- 16.15 The impact on the heritage value of the town centre is considered below.

Impact on Heritage Assets

- 16.16 Policy E2: Historic Environment requires that great weight is given to protecting, and where possible enhancing, Purbeck's designated heritage assets and their settings when assessing applications. The application was accompanied by a heritage statement providing context for the assessment.
- 16.17 The proposals do not include any external alterations to the front of the Grade II Listed Building which contributes to the setting of the Wareham Conservation Area so no harm has been identified to the character and appearance of this heritage asset which will be preserved.

- 16.18 With regard to the impact of the proposals upon the character, appearance and fabric of the Grade II Listed Building, the internal doors initially shown for replacement are now to be retained so the Conservation Officer has been able to withdraw their initial objection as the loss of historic fabric will now be limited. The proposed replacement of the modest single storey rear extension is acceptable in terms of size, scale and design. The heritage value of the listed building will be preserved in accordance with policy H2: Historic Environment.
- 16.19 As the associated listed building consent includes a condition to secure appropriate materials for the external alterations it is not necessary to duplicate conditions on this planning decision.

Highway safety and parking.

- 16.20 Policy I2 requires (inter alia) that proposals should be located in accessible locations, should maximise the use of alternative and sustainable forms of travel and protect adequate parking levels. To the rear of the application site there is an off-road parking space which already serves the residential property. On the basis that the dwelling is in a sustainable location and there is a parking space available, the proposals are acceptable in terms of parking and highway considerations in accordance with policy I2.

Impact upon the amenity and privacy of nearby properties and the occupants of the nearby properties.

- 16.21 The nature, size and scale of the proposals is such that they would not have any detrimental impact upon the amenity and privacy of any nearby properties or the occupants of such properties.

17.0 Conclusion

Whilst the proposal fails to accord with Wareham Neighbourhood Plan policy TC1 (a) and (b), the position of the application site combined with the modest size of the ground floor area available for a town centre use and evidence of lack of demand for such a unit from estate agents supports a conclusion that the current use is surplus to requirements and its loss would not harm the vitality and viability of the town centre. There are material considerations which justify departure from the Neighbourhood Plan.

18.0 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:
drawing number 001 (location plan and block plan),
drawing number 002 (site plan),
drawing number 010 (proposed location plan and block plan),
drawing number 011 (proposed site plan) and
drawing number 014 (proposed cross section)
submitted as part of the application, plus
drawing number 012 – revision B (proposed ground floor plan, first floor plan and second floor plan)
received on 28 August 2024 and
drawing number 013 – revision B (proposed rear elevation)
received on 3 September 2024.

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

Informative Notes:

1. Informative - Community Infrastructure Levy (CIL).

This development constitutes Community Infrastructure Levy 'CIL' liable development. CIL is a mandatory financial charge on development, and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. To avoid additional financial penalties, it is important that you notify us of the date you plan to commence development before any work takes place and follow the correct CIL payment procedure.

2. Informative note - Matching plans.

Please check that any plans approved under the building regulations match the plans approved in this planning permission. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission.

3. 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.

4. Informative note - Refer to listed building consent.

This planning permission should be read in conjunction with the associated grant of listed building consent, including the conditions and informative notes upon the grant of listed building consent.

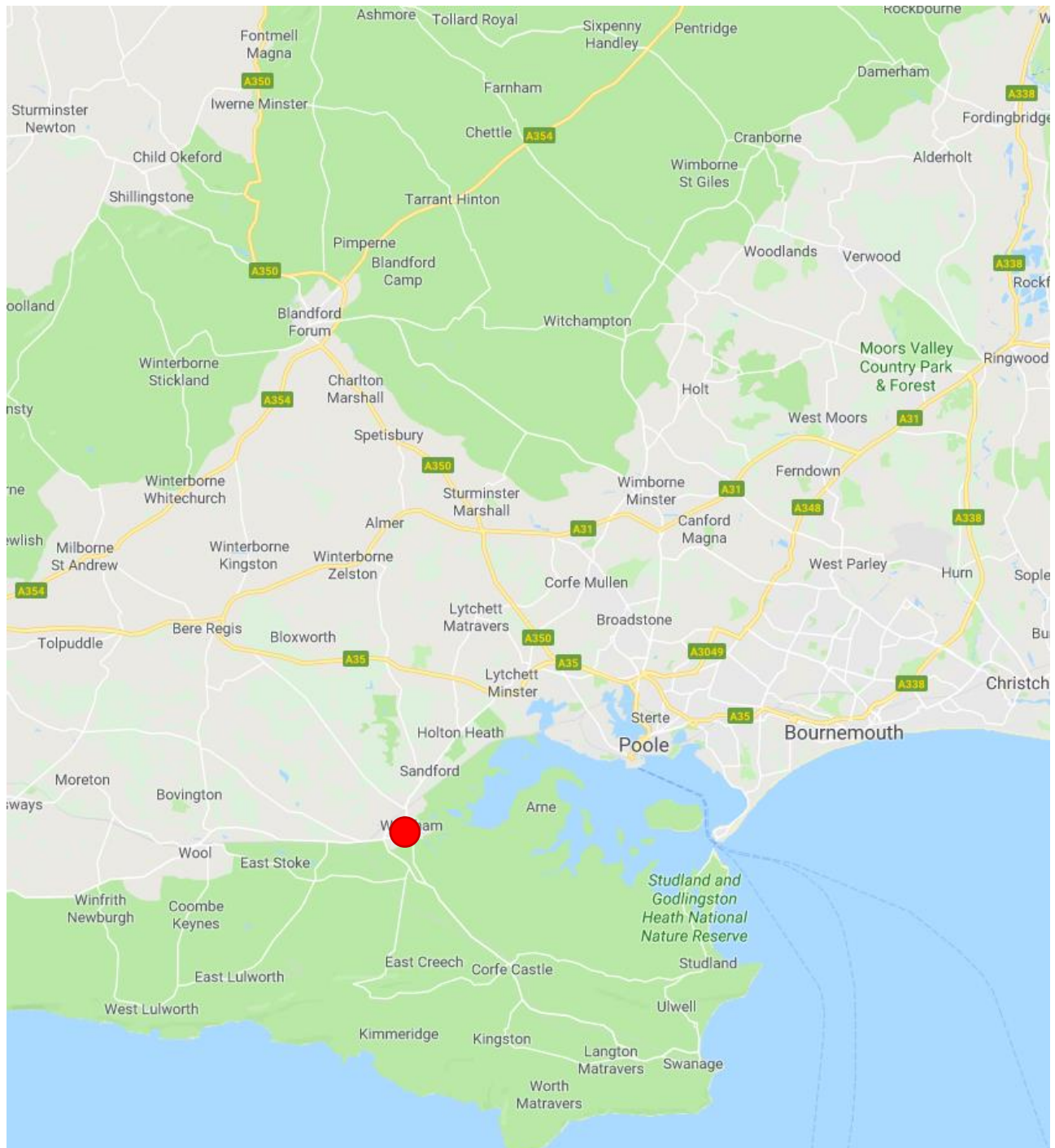
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● Approximate Site Location

Application reference: P/FUL/2023/07391

Site address: 51 North Street, Wareham BH20 4AD

Proposal: Works to facilitate the change of use of ground floor to residential dwelling. Replace existing single storey lean-to extension and internal alterations ensuring all heritage features are preserved.



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Eastern Area Planning Committee

9 October 2024

Application Number:	P/FUL/2024/02944		
Webpage:	Planning application: P/FUL/2024/02944 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Moors Valley Railway Moors Valley Country Park Ashley Heath Ringwood BH24 2ET		
Proposal:	Removal of existing roof to main station and sheds. Replace with a new, insulated, cladding with an open, covered ridge. Front, brick elevation of shed number 0043 to be partly demolished and re-built to match the front elevation of the adjacent shed (0042) in a saw-tooth design. Window to be bricked up to workshop 0050. Front elevation of brick to store areas 0088, 0089 & 0090 to be extended vertically to allow for the continuation of the roof line from store area 0091.		
Applicant name:	Mr Tim Hulme		
Case Officer:	Ellie Lee		
Ward Members:	Cllr Bryan and Cllr Goringe		
Publicity expiry date:	20 September 2024	Officer site visit date:	Photos provided
Decision due date:	17 October 2024	Ext(s) of time:	N/A
No of Site Notices:	3 Site Notices		
SN displayed reasoning:	Site Notices displayed at the Horton Road entrance, at the entrance to Kingsmere Railway Station and at the Moors Valley Visitor Centre to maximise visibility.		

- 1.0** This planning application is required to be considered at Planning Committee as Dorset Council is the freeholder of the land within the red line site boundary.

- 2.0 Summary of recommendation:**
GRANT subject to conditions

- 3.0 Reason for the recommendation:** as set out in paragraphs 16 and 17 at the end of this report.

- 3.1 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.
- 3.2 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
- 3.3 The development is appropriate in the Green Belt and the proposal is acceptable in its design and general visual impact.
- 3.4 There is not considered to be any significant harm to neighbouring residential amenity.
- 3.5 There is no increased worsening of flooding on the site or to elsewhere, as a result of the proposed works.
- 3.6 There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
Principle of development	Acceptable in principle as redevelopment of existing facilities.
Impact on the Green Belt	Acceptable as benefits from exceptions to inappropriate development.
Scale, design, impact on character and appearance	Acceptable as no harmful impacts upon the character and appearance of the area.
Flood risk and drainage	Acceptable as no worsening of flooding on site or to elsewhere.
Biodiversity	Accords with the Dorset Biodiversity Appraisal Protocol and local planning policies, subject to condition.
Dorset Heathlands, Trees and Landscaping	Acceptable, subject to mitigation and conditions.

5.0 Description of Site

- 5.1 The application site lies within Moors Valley Country Park and benefits from an existing leisure use. The application building is part of Moors Valley Railway, a model railway facility.
- 5.2 The public access into the site is via Horton Road. The application building is located approximately 1360 metres to the north of Horton Road, as the crow flies, and forms part of the tourist attraction to the site.
- 5.3 The site is in a rural location within the Green Belt.
- 5.4 The submitted Design and Access Statement sets out that the railway opened in 1986 with a single track connection to what later became Lakeside Station and the first loop of the spiral around the children's play area. The bottom part of the spiral

9 October 2024

route was opened in 1988, then the station at Lakeside was opened in 1989. The route is currently approximately 1 mile long but the total track length is approximately 1.5 miles long. The statement also highlights the more recent extensions to the carriage shed and a siding, to enable the secure storage of the stock.

- 5.5 The application building is located to the west of the nearby existing Club House and the site is largely hard surfaced in areas near to the buildings. Below is a photograph from the submitted Design and Access Statement showing the application building in the centre of the photograph. (The Club House is in the bottom right corner of the photograph).



- 5.6 The site lies less than 20 metres from a main river, which is to the west of the application building. The application building is also within an area where ground water levels have been identified as being high.

6.0 Description of Development

- 6.1 The application proposes a replacement roof and minor extensions and alterations to the existing buildings, including a change of the materials, to benefit the operation of the tourist attraction, as well as for aesthetic and functionality reasons.

7.0 Relevant Planning History

Application No.	Description	Decision	Date
3/03/1700/FUL	Carriage shed extension for narrow gauge railway.	Granted	10/03/2004
<u>3/03/1700/FUL Approved Plans:</u>			

03/01/0629/FUL	Provision of new glazed screen to first floor meeting room.	Granted	02/08/2001
03/87/1703/FUL	Extension to existing barns	Granted	12/01/1988
03/87/1048/QF	Convert farmhouse to golf club shop, changing rooms and workshop with flat over, driving range stalls with floodlighting and car parking.	Granted	08/09/1987
03/85/0296	Use of land as Country Park including construction of lake	Granted	12/03/1985
03/79/1724	Develop land for educational complex	Withdrawn	01/10/1979
03/75/0434	Erect agricultural buildings	Granted	22/05/1975

8.0 List of Constraints

Within 5km of Dorset Heathlands

Within Green Belt

Within Moors Valley Country Park – Open Space/Recreation Area (Policy HE4)

Public Right of Way (PROW): Bridleway E60/5; - Distance: 33.2m from site

Bournemouth Water Consultation Area

Main River Environment Agency Consultation Zone - Distance: 4.84

Environment Agency (EA) - Groundwater – Susceptibility to flooding (buildings fall within this area)

Dorset Council Land

Higher Potential ecological network

Natural England Designation - RAMSAR: Dorset Heathlands (UK11021) Distance: 4744.77m and Avon Valley (UK11005) Distance: 3771.68m

Radon: Class 1: Less than 1% - Distance: 0

Contaminated Land

9.0 Consultations

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

1. Natural England

No Objection subject to securing mitigation

Construction Environmental Management Plan (CEMP)

We advise that a CEMP is required to protect vegetation and the Moors Valley River System SSSI during construction. The CEMP should include measures to control lighting during construction and a condition should require approval of the details of any operational lighting.

The following mitigation measures should be secured:

- The Construction Management Plan should detail how hedgerows and trees will be protected, ensure no impacts on the quality of water courses or bodies and how dust will be controlled during construction.

Bats

Following the Preliminary Ecological Appraisal and Preliminary Bat Roosting Assessment, Natural England recommend that a preconstruction inspection for bats is undertaken to check the condition of the site remains the same and an emergence survey follows, directly prior to demolition to provide confidence no bats are emerging and are therefore not harmed by the demolition works. If evidence bats are found, works will need to stop immediately and advice of an ecological consultant sought. or, if the condition of the site has materially changed in the intervening time between this assessment and sale and subsequent proposed works then further surveys may be required and potentially a Natural England license if bats are present. This should be conditioned to any permission.

9 October 2024

Natural England advise that the recommendations in the Bat Emergence and Re-Entry Surveys (BERS) are secured by way of planning condition.

2. Environment Agency

No objection

3. Dorset Wildlife Trust

No comments received

4. Dorset Council - Rights of Way Officer

No comments received

5. St Leonards & St Ives Parish Council

No objection

6 Ward Councillors Ray Bryan and Barry Goringe

No comments received.

Representations received

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

Summary of comments of support: 1

- The proposed works will keep and enhance the character of the building.
- Will ensure the building's longevity.
- Will reduce environmental impact through use of modern thermally efficient materials.
- Moors Valley Railway is an excellent attraction within the park.

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 Christchurch and East Dorset Local Plan:

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

KS1 - Presumption in favour of sustainable development

HE2 - Design of new development

KS3 - Green Belt

Made Neighbourhood Plans

None

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

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

National Planning Policy Framework (NPPF)

Paragraph 11 sets out the presumption in favour of sustainable development. Development 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 making: Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available...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 12 'Achieving well designed and beautiful 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 131 – 141 advise that:

The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development.

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

- Section 13 'Protecting Green Belt land' sets out that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. (Paragraph 152). Exceptions to inappropriate development within NPPF paragraph 154 includes the 'extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.' (Paragraph 154 c).

Other material considerations

Dorset Heathlands Planning Framework 2020-2025 SPD

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

Countryside Design Summary SPG

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 proposed works to the existing building are modest and do not significantly increase the size of the building and would not alter accesses to the building. No disadvantage to people with protected characteristics has been identified.

14.0 Financial benefits

None

15.0 Planning Assessment

The following main considerations are considered in this report:

- Principle of development
- Scale, design, impact on character and appearance
- Flood risk and drainage
- Biodiversity
- Dorset Heathlands, Trees and Landscaping

Principle of Development:

- 15.1 The application site is within the countryside and within Moors Valley Country Park, where local policy KS2 allows only very limited development that is functionally required to be in the rural area.
- 15.2 The proposed works are minor alterations and extensions to an existing building on the Moors Valley Railway site, so the scheme accords with local planning policy KS2 in principle.

Impact on the Green Belt:

- 15.3 The application site is within the Green Belt in the countryside where the NPPF sets out that inappropriate development is, by definition, harmful to the Green Belt and

should not be approved except in very special circumstances. (Paragraph 152). New buildings are inappropriate within the Green Belt unless they meet the exceptions set out at paragraph 154 of the NPPF. The exceptions include 'c) *the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.*'

- 15.4 The proposed alternations and extensions to the existing building on the site are modest and do not increase the visual impact of the building upon its surroundings in terms of form and volume.
- 15.5 Whilst the building has been previously extended, the increase in volume is de minimis in planning terms and the main changes are to the appearance of the building, in particular the proposed materials.
- 15.6 Furthermore, as there is no increase in size of the building on the site, from the existing size, no further harm will be caused to the Green Belt. Therefore, the works proposed are considered to benefit from the exception at paragraph 154(c) and are not inappropriate.

Scale, design, impact on character and appearance

- 15.7 The proposed works to the building include a change to the existing materials as set out within the submitted Application Form and the Proposed Elevations. The proposal comprises of the following changes to the existing building:
- Removal of existing roofing to main station and sheds. Replacement new roofing to be an insulated, clad roof with a vented ridge. Modest roof extensions.
 - Front, brick elevation of shed number 0043 and re-built to match the front elevation of the adjacent shed (0042) in a saw-tooth design.
 - Window in north-west elevation to be bricked up to workshop 0050, to match existing. (Elevation drawing identifies this as the north elevation).
 - Large timber bi-parting doors in west elevation to be removed, leaving existing roller shutters in place.
 - Front elevation of brick to store areas 0088, 0089 & 0090 to be extended vertically to allow for the continuation of the roof line from store area 0091.
 - Timber cladding of an existing rendered gable to the main part of the building for weathering purposes. (Annotated as Timber panelling on the Proposed Elevation)
 - Replacement dormer windows proposed to the north-west (side) roof elevation, to match the existing dormer with its 4 no. windows. (Elevation drawing identifies this as the north elevation).

- Replacement dormer windows proposed to the south-east (side) roof elevation, to match the existing dormer with its 4 no. windows. (Elevation drawing identifies this as the south elevation).
- 26 no. rooflights within the north-west (side) roof elevation, to replace the existing larger 13 no. rooflights. (Elevation drawing identifies this as the north elevation).
- 26 no. rooflights within the south-east (side) roof elevation, to replace the existing larger 13 no. rooflights. (Elevation drawing identifies this as the south elevation).

15.8 The proposed works do not significantly or negatively alter the appearance of the existing building and its previous extensions, and the scheme is considered to be in keeping with the character of the area and its surroundings.

15.9 Therefore, the proposed works are considered to be in accordance with local policy HE2, in terms of design & character and policies within section 12 of the NPPF.

Flood risk and drainage

15.10 The application building lies within 20 metres of a main river, is within an area at risk of groundwater emergence flooding as identified within Dorset Council Level 1 Strategic Flood Risk Assessment (SFRA). The SFRA also identified that there is some surface water risk on the site and beyond but there is no known risk of surface water flooding to the building and immediately adjacent.

15.11 As there is no increase to the footprint of the building, it is not anticipated that the proposed works would result in a worsening of flooding on site or to elsewhere so no Flood Risk Assessment (FRA) has been required in support of the application.

15.12 As the flooding situation on the site would not be made worse by the proposed development and flood risk would not increase as a result, the scheme accords with local planning policy ME6 and policies within the NPPF.

Biodiversity

15.13 The planning application is supported by a Preliminary Roost Assessment (PRA) dated 08/07/2024, and a report relating to Bat Emergence and Re-Entry Surveys (BERS) dated 21/08/2024, both produced by Arbtech.

15.14 Within the submitted PRA, the ecologist recommends that 2 no. bat emergence and re-entry surveys (BERS) should be carried out on all buildings, and that the bordering modified grassland and hedgerow is to be enhanced by planting night-scenting wildflowers to increase foraging opportunities. The ecologist also recommends that that works should be undertaken outside of the nesting period, and that 4 swift boxes, 2 sparrow boxes, and 2 nest boxes for common garden species, should be installed.

- 15.15 The subsequent Bat Emergence and Re-Entry Surveys (BERS) covered the four buildings on the site and found no evidence of bats at the building. The ecologist recommends that an additional habitat for bats should be created as enhancement. Within the same report, the ecologist also recommended that any new lighting should adopt a low impact lighting strategy which follows guidance from the Bat Conservation Trust (Bats and Artificial Lighting in the UK' Guidance Note GN 08/23): <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> As such, an informative note has been added (Informative note 2) .
- 15.16 Natural England were consulted and advised the recommendations in the Bat Emergence and Re-Entry Surveys (BERS) are secured by way of planning condition (Condition 5).
- 15.17 Subject to a biodiversity condition, there is no anticipated harm to biodiversity from the proposal, so the application is judged to accord with local planning policy ME1 and with the Dorset Biodiversity Appraisal Protocol.

Dorset Heathlands, Trees and Landscaping

- 15.18 The application site lies within 5km of Dorset Heathland and is also located approximately 54 metres from the Moors River System (Sites of Special Scientific Interest (SSSI)). The application building is largely hard surfaced in areas near to the buildings, but it is acknowledged that areas near to the SSSI and vegetation need to be protected.
- 15.19 Natural England were consulted on the application and recommended that a Construction Environmental Management Plan (CEMP) is necessary in order to protect vegetation and the Moors Valley River System SSSI during construction. The CEMP should include measures to control lighting during construction and a condition should require approval of the details of any operational lighting (Condition 4). The applicant's agreement to a pre-commencement condition has been obtained.
- 15.20 Therefore, subject to mitigation and conditions, there is no anticipated harm to Dorset Heathlands. As such, an appropriate assessment under the Habitats Regulations is not required.

Other Matters

- 15.21 The application site lies on land which may be contaminated due to historic land use, so it is necessary in this case to apply the potential contaminated land condition.

16.0 Conclusion

Subject to conditions, the proposed works will benefit the use and functionality of the existing building at Moors Valley Railway and will not result in adverse impacts upon the character of the area, the Green Belt, Dorset Heathlands, the Moors Valley River System SSSI, landscaping, trees or flood risk.

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:
24-222-003 0 Proposed Elevations
24-222-004 0 Proposed Layouts
24-222-006 0 1:5000 Location Plan

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

3. The external materials to be used for the walls and roof shall be similar in colour and texture to the existing building and/or as per the materials shown on approved drawing ref: 24-222-003 0 (Proposed Elevations).

Reason: To ensure a satisfactory visual appearance of the development.

4. Prior to commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and agreed in writing by the Local Planning Authority. The CEMP shall include measures to control lighting during construction, shall detail how hedgerows & trees will be protected, will detail measure to avoid any harmful impacts on the quality of watercourses or bodies, and will confirm how dust will be controlled during construction. Thereafter, the development must be carried out in accordance with the approved CEMP.

Reason: To protect vegetation and the Moors Valley River System SSSI.

5. The development hereby permitted shall be implemented strictly in accordance with the recommendations and requirements within the Preliminary Roost Assessment (dated 08.07.2024) and the Bat Emergence and Re-Entry Surveys (BERS) dated 21.08.2024) produced by Arbtech Consulting Ltd. The development hereby approved must not be first brought into use unless and until:
 - i) the recommendations, mitigation & enhancement detailed on pages 17 and 18 of the Preliminary Roost Assessment, and also the recommendations, mitigation & enhancement detailed on pages 3, 22

- and 23 of the Bat Emergence and Re-Entry Surveys (BERS), have all been completed in full, in accordance with any specified timetable, and
- ii) evidence of compliance has been supplied to the Local Planning Authority 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 ecology report and thereafter the approved mitigation, compensation and enhancement measures must be permanently maintained and retained in accordance with the approved details.

Reason: To mitigate and compensate for impacts on ecological receptors, and to provide biodiversity gains.

6. In the event that contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority and an investigation and risk assessment must be undertaken in accordance with requirements of BS10175 (as amended). Should any contamination be found requiring remediation, a remediation scheme, including a time scale, shall be submitted to and approved in writing by the Local Planning Authority. On completion of the approved remediation scheme a verification report shall be prepared and submitted within two weeks of completion and submitted to the Local Planning Authority.

Reason: To ensure risks from contamination are minimised.

Informative Notes:

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

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

2. The applicant is advised that any new lighting should adopt a low impact lighting strategy which follows guidance from the Bat Conservation Trust (Bats and Artificial Lighting in the UK' Guidance Note GN 08/23):

<https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

3. Please check that any plans approved under the building regulations match the plans approved in this planning permission or listed building consent. Do not start work until revisions are secured to either of the two approvals to ensure that the development has the required planning permission or listed building consent.

4. 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.

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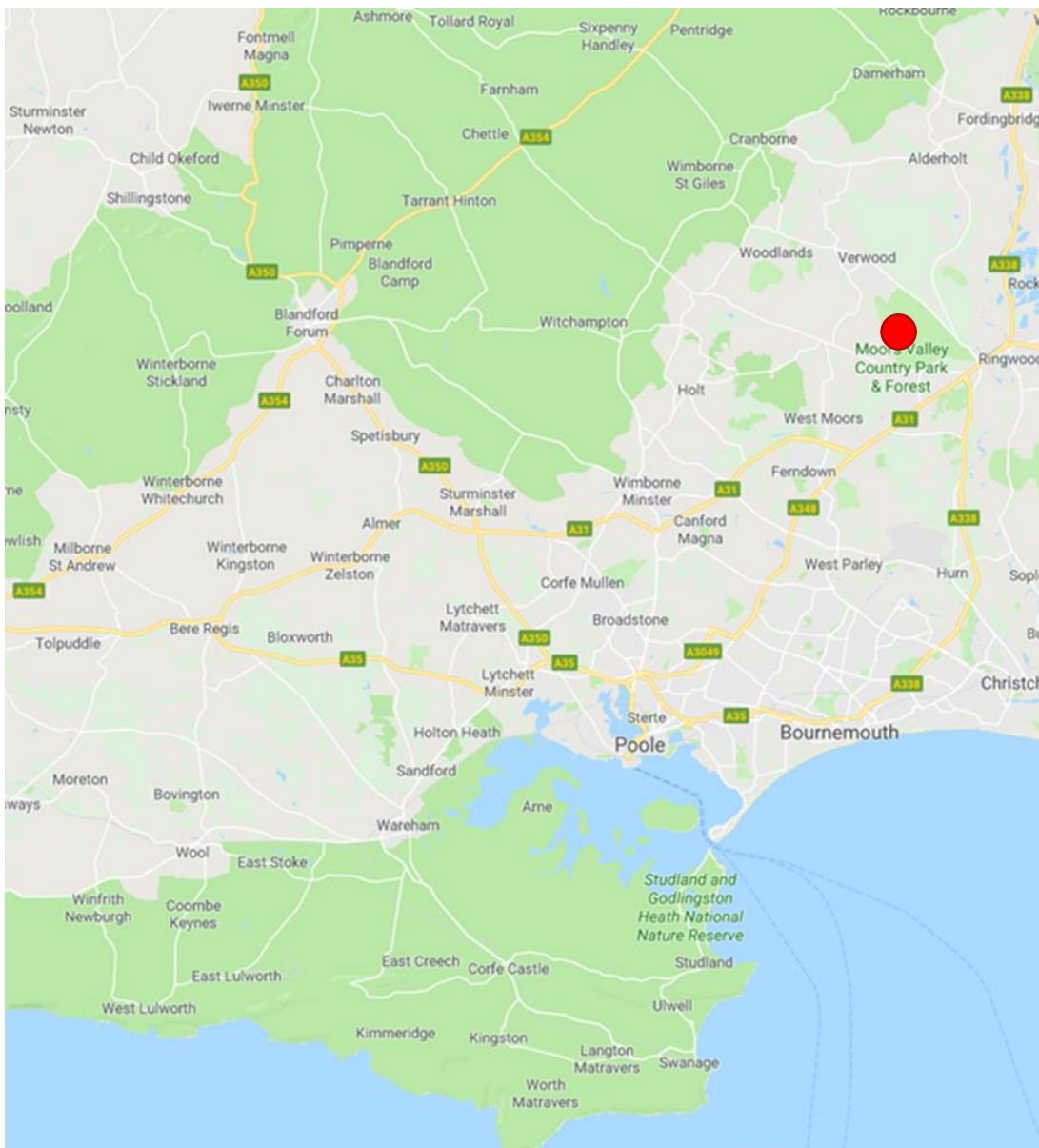
● Approximate Site Location

Application reference: P/FUL/2024/02944

Description of development:

Removal of existing roof to main station and sheds. Replace with a new, insulated, cladding with an open, covered ridge. Front, brick elevation of shed number 0043 to be partly demolished and re-built to match the front elevation of the adjacent shed (0042) in a saw-tooth design. Window to be bricked up to workshop 0050. Front elevation of brick to store areas 0088, 0089 & 0090 to be extended vertically to allow for the continuation of the roof line from store area 0091.

Site address: Moors Valley Railway, Moors Valley Country Park, Ashley Heath, Ringwood BH24 2ET



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Officer Report

Application Number:	P/FUL/2024/03747		
Webpage:	Planning application: P/FUL/2024/03747 - dorsetforyou.com (dorsetcouncil.gov.uk)		
Site address:	Bere Regis Primary School, Southbrook, Bere Regis, BH20 7DB		
Proposal:	To site a temporary container classroom for a period of up to 5 years		
Applicant name:	Wessex Multi Academy Trust		
Case Officer:	Victoria Chevis		
Ward Member(s):	Cllr Beddow and Cllr Baker		
Publicity expiry date:	16 September 2024	Officer site visit date:	17 th September
Decision due date:	16 October 2024	Ext(s) of time:	16 October 2024
No of Site Notices:	3		
SN displayed reasoning:	1 erected on the entrance gate to the site and 2 on lampposts along Southbrook secures visibility for all adjoined properties.		

1.0 Reason application is going to committee

The application site includes land owned by Dorset Council (whole site).

2.0 Summary of recommendation:

GRANT subject to conditions.

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

- The location of the proposed temporary classroom is discrete and the structure is acceptable in its design and general visual impact.
- No harm to neighbouring residential amenity is anticipated as a result of the siting.
- There are no material considerations which would warrant refusal of this application

4.0 Key planning issues

Issue	Conclusion
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Officer Report

Principle of development	No objection to the principle of development within the settlement boundary.
Scale, design, impact on character and appearance	The design is functional and given the surrounding context no objection is raised.
Impact on the living conditions of the occupants and neighbouring properties	There are no amenity impacts for the neighbouring properties.
Community benefits	The proposal will allow the school capacity to increase until a permanent building can be secured which accords with Government advice in the NPPF which gives great weight to the need to create, expand or alter schools.

5.0 Description of Site

Bere Regis Primary school is located within the settlement boundary, on a gentle hillside rising south from the river which separates it from most of the settlement of Bere Regis. The main entrance is accessed via Southbrook.

The school grounds are surrounded on three sides by open green space. To the east there are residential properties separated from the school grounds by a public footpath.

The temporary classroom is to be located to the west of the main school building. The site is partially hard surfaced, and the remainder is an area of grass and bushes.

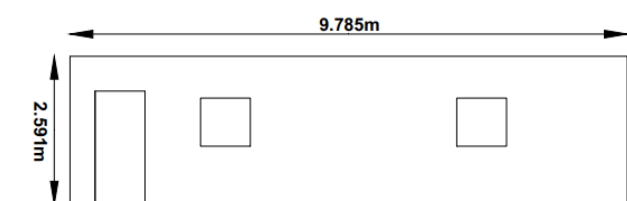
6.0 Description of Development

To site a temporary container classroom for a period of up to 5 years.

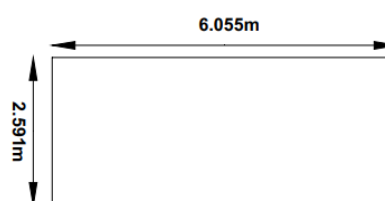
The temporary classroom is 6m wide and 9.8m long with a footprint of 58.8m². The converted container is flat roofed with a maximum height of 2.6m (all measurements are approximate). It will have prefabricated walls with a level access.

The application form states that the temporary classroom is required to accommodate a year group class, pending an application for an extension of the school's main building to accommodate an additional classroom.

Elevations

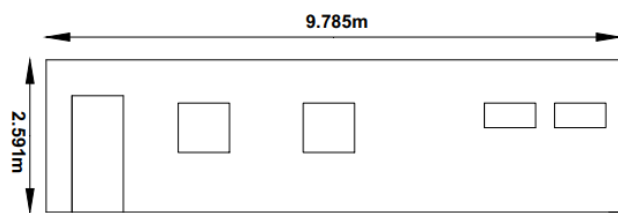


Elevation A - Container

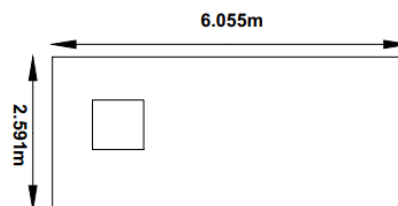


Elevation B - Container

Officer Report



Elevation C - Container



Elevation D - Container

7.0 Relevant Planning History

6/2014/0437- Decision: GRA - Decision Date: 05/11/2014

Erect new school and pre-school in field at end of Egdon Close and construct new access drive to it along Souls Moor.

6/2015/0072- Decision: GRA - Decision Date: 12/06/2015

Section 73 application for variation to condition 3 (Alteration to Access) of planning permission 6/2014/0437 (Erect new school and pre-school).

6/2014/0437_1- Decision: GRA - Decision Date: 05/11/2014

Erect new school and pre-school in field at end of Egdon Close and construct new access drive to it along Souls Moor

6/2015/0072_1- Decision: GRA - Decision Date: 12/06/2015

Section 73 application for variation to condition 3 (Alteration to Access) of planning permission 6/2014/0437 (Erect new school and pre-school).

8.0 List of Constraints

Neighbourhood Plan Areas – Purbeck/Bere Regis

Right of Way: Footpath SE6/30

Dorset Council Land (Freehold): Land for Bere Regis Primary School, Southbrook, Wareham

Within Dorset Heathlands 5km buffer

9.0 Consultations

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

Consultees

Bere Regis Parish Council – Members consider this application, and no comments or objections were raised. The application is fully supported.

Ward Members- Cllr Beddow and Cllr Mike Baker

No comments received

Representations received

No letters of representation have been received.

Officer Report

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 (2018-2034) adopted 2024:

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

Policy V1: Spatial strategy for sustainable communities

Policy E8: Dorset heathlands

Policy E12: Design

Policy I7: Community facilities and services

Adopted Neighbourhood Plan

Bere Regis Neighbourhood Plan

BR1: Settlement Boundaries

BR4: Bere Regis Groundwater

BR9: Community Facilities and Services

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

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

Officer Report

National Planning Policy Framework

Paragraph 11 sets out the presumption in favour of sustainable development. Development 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 8. Promoting healthy and safe communities- Paragraph 99 sets out the important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should (a) give great weight to the need to expand schools through the preparation of plans and decisions on applications.
- 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.

Other material considerations

Dorset Council Interim Guidance and Position Statement Appendix B: Adopted Local Plan policies and objectives relating to climate change, renewable energy, and sustainable design and construction. December 2023.

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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 is not anticipated to materially impact anyone with protected characteristics.

14.0 Financial benefits

None relevant.

15.0 Environmental Implications

The proposal will use a converted container. Some emissions will arise as a result of its transportation.

16.0 Planning Assessment

16.1 The main planning considerations for this application are:

- The principle of development
- Scale, design and impact on character and appearance
- Impact on amenity
- Community benefits

Principle of development

16.2 Paragraph 99 of the National Planning Policy Framework (NPPF) explains that the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities and that local

Officer Report

planning authorities should give great weight to the need to create, expand or alter schools.

16.3 Bere Regis Neighbourhood Plan confirms that the school lies within the settlement boundary (policy BR1). Purbeck Local Plan Policy V1 contains a presumption in favour of development within the settlement boundaries provided the criteria of Policy E12 are satisfied. Purbeck Local Plan Policy I7 and Neighbourhood Plan policy BR9 encourage the sustainable growth of community services within the settlement boundary.

16.4 As this site lies within the settlement boundary of Bere Regis and the provision of the additional classroom is necessary to accommodate the growth in pupil numbers, the proposed temporary classroom is acceptable in principle.

Scale, design and impact on the local area

16.5 The proposed temporary classroom will have a small overall footprint and low flat roof form so will appear subordinate to the main school building. The design is functional but as a temporary facility this is acceptable; the proposal does not conflict with policy E12.

Impact on amenity

16.6 The proposed classroom will enable the school to accommodate additional students but as a proportion of the existing school population the numbers will not be significantly increased. Due to the location of the proposed classroom west of the main school building and over 80m from the nearest residential boundary it is considered that the proposal will not result in any adverse impacts for the residential amenities of those occupying houses in Egdon Close.

Community benefits

16.7 The classroom will allow the school capacity to increase until a permanent building can be secured. The proposal accords with Government advice in the NPPF which gives great weight to the need to create, expand or alter schools.

16.8 The proposal will modestly reduce the play space available but does not impact the playing field.

Flood Risk

16.9 The site lies outside of the area identified by the Council's Strategic Flood Risk Assessment as being at risk of groundwater or surface water flooding.

17.0 Conclusion

For the above reasons the proposal accords with the development plan as a whole and is recommended for approval subject to a condition requiring the removal of classroom after 5 years to take account of its temporary nature.

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18.0 Recommendation

Grant, subject to the conditions:

Recommendation: Approve 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:

Proposed container location submitted 18/07/2024

Location plan submitted 14/07/2024

Site plan submitted 14/07/2024

Landscape plan submitted 14/07/2024

Elevation visuals submitted 14/07/2024

P02 - Proposed floor plans and elevations submitted 14/07/2024

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

3. This permission is limited to the period expiring 5 years after the decision date, when the building/container and any associated structures/works hereby permitted shall be removed.

Reason: To reserve to the Local Planning Authority control over the long term use of the land where a permanent development has not yet been permitted.

Informative Notes:

1. 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 applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions.

In this case:

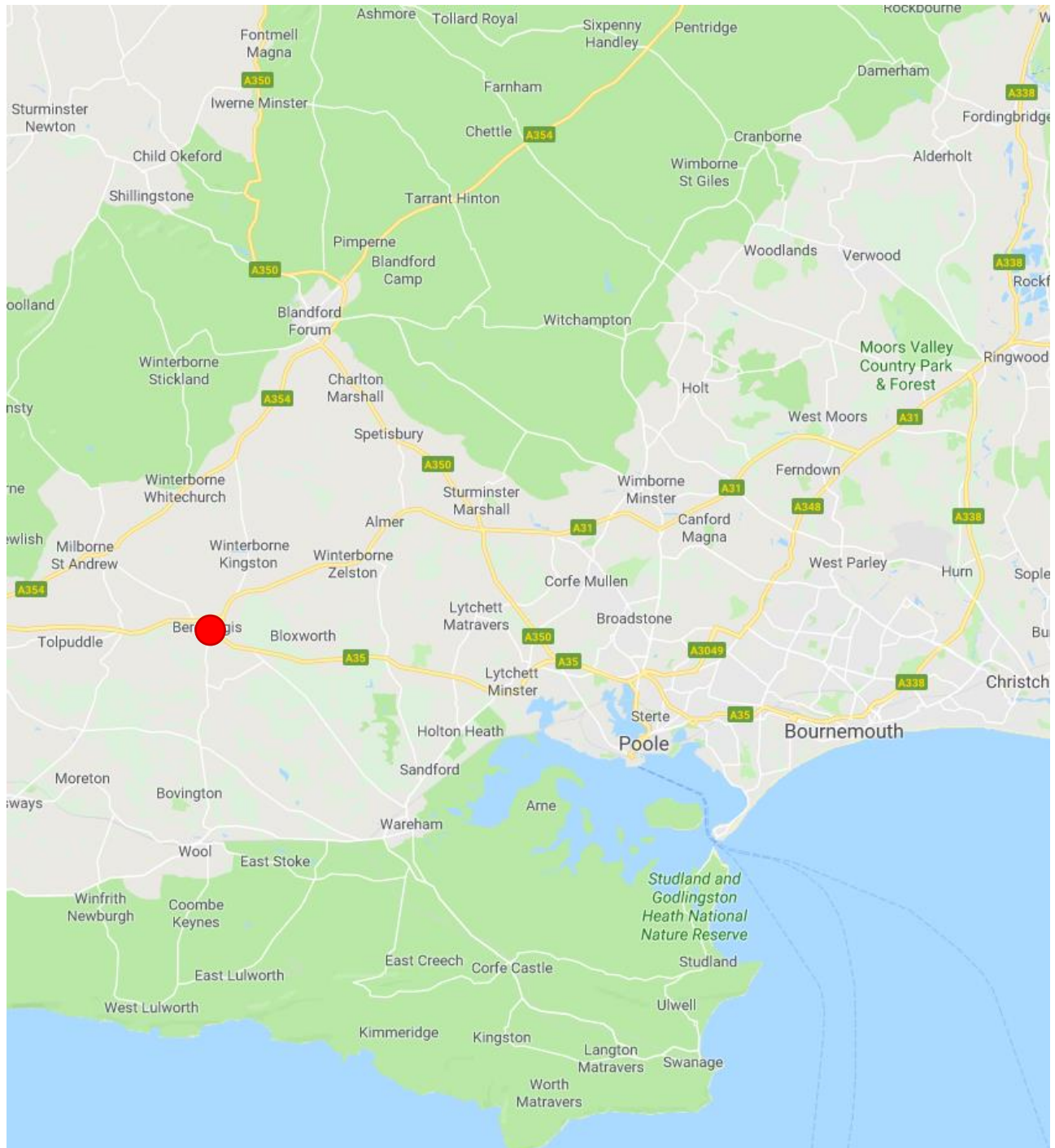
- The application was acceptable as submitted and no further assistance was required.

● Approximate Site Location

Application reference: P/FUL/2024/03747

Site address: Bere Regis Primary School, Southbrook, Bere Regis, BH20 7LQ

Proposal: Temporary classroom for period of up to 5 years



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