



Western and Southern Area Planning Committee

Date: Thursday, 26 February 2026
Time: 10.00 am
Venue: Council Chamber, County Hall, Dorchester, DT1 1XJ

Members (Quorum 6)

Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Belinda Bawden, Matt Bell, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper, David Shortell and Kate Wheller

Chief Executive: Catherine Howe, County Hall, Dorchester, Dorset DT1 1XJ

For more information about this agenda please contact Democratic & Governance Services: DemocraticServices@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. If you would like to attend this meeting and have any specific requirements please contact the Democratic Services Officer named above.

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Agenda

Item	Pages
1. APOLOGIES	
To receive any apologies for absence	
2. DECLARATIONS OF INTEREST	
To disclose any pecuniary, other registerable or non-registerable interest as set out in the adopted Code of Conduct. In making their disclosure 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 29 January 2026.

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 24 February 2026.

5. P/FUL/2022/02899 - WINTERGREEN BARN, HIGHER MEERHAY FARM ACCESS ROAD, MEERHAY, DORSET, DT8 3SB 13 - 58

Continued use of land as a private residential Traveller site for sole use of the applicants and family, including use of the erected barn as a dayroom/workshop/store, 1 mobile home, 1 touring caravan and a mobile van (Revised description/additional information).

6. P/FUL/2025/05240 - SIDNEY GALE HOUSE, FLOOD LANE, BRIDPORT, DT6 3QG 59 - 82

Demolish existing building, erection of a new 56-bed reablement centre (Care Home with Nursing) with associated communal and supporting accommodation, landscaped gardens and car park.

7. P/FUL/2024/05592 - FARNHAM HOUSE FLAT 9, STILE LANE, LYME REGIS, DT7 3JD 83 - 108

Erect replacement dwelling.

8. 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.

9. 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 is no scheduled exempt business.

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WESTERN AND SOUTHERN AREA PLANNING COMMITTEE

MINUTES OF MEETING HELD ON THURSDAY 29 JANUARY 2026

Present: Cllrs Dave Bolwell (Chair), Neil Eysenck (Vice-Chair), Matt Bell, Simon Christopher, Paul Kimber, Craig Monks, David Northam, Louie O'Leary, Pete Roper and David Shortell

Apologies: Cllrs Belinda Bawden and Kate Wheller

Also present: Cllr Shane Barlett

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

Ann Collins (Area Manager – Western and Southern Team), Alison Curtis, Joshua Kennedy (Democratic Services Officer), James Lytton-Trevers (Lead Project Officer), Hannah Massey (Lawyer - Regulatory), Robert Parr (Planning Officer), Steven Tapscott (Senior Planning Officer), Eve Van der Steen (Senior Conservation and Design Officer) and Louis Wicks (Democratic Services Officer Apprentice)

51. Apologies

Apologies for absence were received from Cllr Kate Wheller and Cllr Belinda Bawden joined the meeting online.

52. Declarations of Interest

No declarations of disclosable pecuniary interests were made at the meeting.

Cllr Bolwell declared that he was the Ward Member for Bridport and was aware of application P/MPO/2025/06054, however did not consider himself predetermined on the application and took part in the discussion and vote for that item.

53. Minutes

The minutes of the meeting held on 11 December 2025 were confirmed and signed.

54. 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.

55. **P/MPO/2025/06054 - Land at Vearse Farm (Foundry Lea), Bridport, DT6 5JT**

The Lead Project Officer presented the draft plans of the roundabout to the committee, and the proposal was explained in relation to an application to alter a condition to allow dwellings to be occupied prior to the construction of the roundabout. Members were advised that a legal restriction currently prevented any occupation of the dwellings until the roundabout had been completed.

It was explained that the applicant fully intended to construct the roundabout but sought a variation to the legal agreement to allow 109 of the houses to be occupied beforehand.

It was noted that the restriction had been imposed at the outline planning permission stage. National Highways were identified as the principal consultee, and both National Highways and Dorset Council Highways had been consulted on the application. They advised that up to 109 dwellings could be safely occupied before the roundabout was completed.

The wording of the relevant clause within the legal agreement was displayed and the proposed change was described as an amendment to allow occupation of no more than 109 dwellings before the completion of the Miles Cross roundabout. A breakdown of the 109 dwellings was provided, showing that 76 of them would be affordable homes. Dorset Highways raised no objection to the proposed level of early occupation.

Mr Bates and Cllr Hartman, Symondsburry Parish Council, spoke in opposition to the application. They raised concerns about the delay of the construction of the Miles Cross Roundabout and the potential public safety implications of occupying dwellings before the work was completed. They also noted that the public benefit of the application was limited and that there were concerns from local residents and the Parish Council.

Mr Hawkins, representing the applicant and Mr Winchester spoke in support of the application. They noted that 76 of the 109 homes that would be occupied would be affordable homes and so there was a clear benefit in addressing the housing shortage in Dorset and that no material harm would be caused by the application.

In response to members questions the Lead Project Officer and Development Team Leader explained that the roundabout would likely take 9 months to complete given the size of the project and that National Highways had identified a window in which the work could be carried out.

Members had the opportunity to debate the merits of the application. Members noted the concerns raised by the local residents and the Parish Council about the delay in completing the roundabout, however also understood that the advice provided by National Highways and Dorset Council Highways was that 109 dwellings could be safely occupied, while also recognising the benefit of 76 affordable homes.

The Development Management Area Manager clarified that if the applicant breached the planning permission in the future then an enforcement case could be opened against them, however the applicant could choose to make a new application in the future if they wished.

It was proposed by Cllr Bell and seconded by Cllr Northam to grant the application as per the recommendation in the report.

Decision:

A) That the application be granted, subject to the completion of a deed of variation of the legal agreement under section 106 of the Town and Country Planning Act 1990 (as amended) in a form to be agreed by the Legal Services manager to secure the following:

- Amendment to the wording of Schedule 3, Part 16, para. 17.2 to read: *“Not to permit the Occupation of more than 109 dwellings until the completion of the Miles Cross Junction works.”*

B) Refuse permission for the reason set out in the appendix to these minutes if the agreement is not completed by 30th April 2026 or such extended time as agreed in writing by the Service Manager for Development Management and Enforcement.

56. **P/FUL/2025/05407 - 5A Surrey Close, Granby Industrial Estate, Chickerell, DT9 9TY**

The Senior Planning Officer presented the application for the change of use of land for the siting of 34 storage containers and associated works. The site location and plan were shown, identifying the site within the Granby industrial estate.

Members were informed that the land was owned by Dorset Council, lay within the Defined Development Boundary, and formed part of the safeguarded key employment site at the Granby. The site had originally gained permission for use as a car park in 1986. Photographs were shown to illustrate the existing character of the site and the surrounding industrial estate. Various views from around the site were presented, including nearby buildings. It was explained that some negotiation had taken place during the application process and the changes were identified on the site plan.

Plans of the proposed storage containers were shown, along with existing and proposed cycle store plans. The existing and proposed street scenes were also presented, demonstrating that the containers and fencing would be screened by planting.

In considering the planning issues, it was stated that the principle of development was acceptable because the site lay within both the DDB and a designated Key Employment Site, where B8 storage and distribution uses were supported. The scale, design and impact on local character were assessed, and it was noted that the containers would not be visually intrusive and were appropriate to the setting.

The type of fencing proposed, including palisade or similar styles, would be acceptable if set back and screened.

In terms of neighbouring amenity, the nearest residential property was approximately 240 metres away. It was therefore unlikely that workers or residents would experience disturbance and Environmental Protection had raised no concerns. Flood risk and drainage matters were addressed, with surface water flood risk identified on the constraints map; however, it was explained that the proposed use was classified as less vulnerable in flood risk terms, and the development would not materially alter drainage.

In terms of Highways impacts, policy required that development should not be permitted if it would have a severe detrimental impact on road safety or if such impacts could not be reasonably mitigated. Concerns remained regarding visibility splays and access for emergency vehicles. Photographs showed cars parked along Surrey Close to the extent that two vehicles would struggle to pass, and it was suggested that two HGVs meeting on the road would present difficulties. The Senior Planning Officer highlighted that the applicant had provided no information on business hours, no details about a booking system, and insufficient clarity in the submitted swept path analysis, including what vehicle type had been used for the assessment. The planning agent had indicated that HGV movements would be minimal but did not rule them out and suggested that HGVs could turn in the nearby industrial park car park; however, the land wasn't included within the boundaries of the application site. There would also be a loss of parking from the proposed development and an objection had been received from a neighbouring business regarding this loss. Officers concluded that the impact on highway safety was unacceptable and contrary to policy.

In relation to ecology, the Senior Planning Officer referred to Policy ENV2, which required any harm to nature conservation interests to be mitigated or compensated and to Neighbourhood Plan Policy CNP12, which required a biodiversity plan. The applicant had stated that the scheme would cause no ecological harm, but officers advised that photographs showed existing scrub that would need to be cleared, and fencing might not be able to be installed without damaging vegetation. Biodiversity net gain would be required where more than 25 square metres of habitat was lost; officers believed this applied, although the applicant disagreed and had provided no evidence to support their position. Members were advised that biodiversity net gain was a post-permission matter and could not form a reason for refusal. The site also lay within 5 km of the Chesil and the Fleet Special Area of Conservation (SAC).

In presenting the planning balance, it was explained that the proposal was contrary to the adopted development plan. Although the change of use would provide an economic benefit, the uncertainty regarding the impact on nearby businesses arising from the loss of parking and the failure to demonstrate safe highway conditions carried significant weight against any identified benefits.

On behalf of the applicant, Mr Annen addressed the committee. He acknowledged that the principle of development was acceptable and stated that the proposal was also acceptable in terms of scale, design and neighbouring amenity. He noted that the applicant held a long lease from the Council and owned land and a building to

the north, which he argued could be used by HGVs for turning. He stated that HGV deliveries were unlikely as the containers were small and would typically be used by individuals arriving in cars or vans for household or small-business storage. He also suggested that the applicant could carry out routine maintenance to manage overgrown vegetation on the site, without the need for a biodiversity plan.

The following responses were provided by officers in response to members questions:

- A detailed swept path analysis had not been provided by the applicant.
- If there was a change in use of the land to B8, then other types of storage businesses could be operated on site in the future.
- The applicant stated that they owned the land to the north of the site, however this was not included in the application site.
- Permission was granted for the site in 1986 for offices and ancillary parking.

Having had the chance to debate the merits of the application, one member had expressed support for the scheme and noted the benefits of rejuvenating the area and also viewed any potential highways issues as minimal. However, other members expressed concerns about the lack of information for the swept path analysis and loss of parking.

It was proposed by Cllr Northam and seconded by Cllr Christopher that the application be deferred to allow the applicant to submit the relevant information in regards to highways and ecology concerns.

The Development Management Area Manager advised members that the Council could be at risk of non-determination if a decision wasn't made and that there could be costs to the Council involved with that.

The proposal was withdrawn by Cllr Northam in light of the advice given by officers.

It was proposed by Cllr Eysenck and seconded by Cllr Kimber, that the application refused.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

57. P/LBC/2025/05844 - Lyme Regis Harbour, The Cobb, Lyme Regis, DT7 3JJ

Cllr O'Leary left the meeting at 12:08.

The Conservation and Design Officer presented the application to repair the void under The Cobb in Lyme Regis. Site location plans were shown and it was explained that the site relates to Dorset Council owned land. The structure was Grade I listed and within the Lyme Regis Conservation Area.

The committee was shown an aerial photograph of the site, and the officer explained that the structure formed part of The Cobb, a historic defence feature

and the area of the application was thought to date from 18th–19th century repair works. The highlighted area on the plan identified the section where deep voiding had occurred and where repair works were proposed.

Members were advised that the proposal sought to carry out a stopgap repair to stabilise this part of The Cobb while the Lyme Regis Improvement Scheme Phase 5 progressed through its necessary stages. The scaffold required for the work would be weighted down rather than fixed to the structure to avoid any physical impact on the historic fabric.

It was explained that the damaged concrete would be repaired in situ and that the infill of the large void beneath The Cobb would provide localised stabilisation of the structure. Lyme Regis Town Council had indicated support for the application.

It was confirmed that the proposed works would not result in harm to the listed structure and would not harm the character or appearance of the Conservation Area.

Members were supportive of the application and understood the need to carry out the repair works.

It was proposed by Cllr Bell and seconded by Cllr Monks to grant the application.

Decision: That the application be granted subject to the conditions set out in the appendix to these minutes.

58. **P/FUL/2025/02894 - Kika Beach Club, 52-53 The Esplanade, Weymouth, DT4 8DG**

The Planning Officer presented both applications P/FUL/2025/02894 and P/LBC/2025/02899 at the same time as they related to the same premises. The scheme sought the retention of canopies and associated works to the frontage of the Kika Beach Club for use within the business premises.

Members were shown the site, which fronted onto the esplanade and comprised two mid-terrace Grade II listed buildings together with a section of the highway pavement in front. The premises operated as a drinking establishment and restaurant. The site lay within the Defined Development Boundary, the Weymouth Town Centre Conservation Area, and was part of a group of listed buildings.

An external floor plan was displayed, indicating the boundary formed by a timber-clad and metal-framed wall, with pedestrian access directly onto the pavement. The Planning Officer described the fixed polycarbonate canopy and two retractable canopies, under which benches and seating were positioned. The north elevation plans showed the structures in relation to the pavement area. Street-view images illustrated the frames with the canopies retracted. A closer image of the entrance was provided. A photograph dated December 2025 showed the canopies and infill plastic glazing in place, resulting in the complete obscuring

of the ground floor of the listed buildings. A comparison image from October 2009 was shown, illustrating the buildings prior to the installation of any external works.

The Planning Officer outlined the key planning considerations. While the principle of development was acceptable, the design was considered non-traditional and out of keeping with the Georgian architectural character of the area. The structures were judged to be at odds with the defining characteristics of the Conservation Area. It was considered that the works obscured the entire ground floor of the listed buildings and created visual clutter. Although the buildings had remained largely unaltered on their principal elevations, the visual integrity of the listed buildings had been adversely impacted. The proposal was considered to result in less than substantial harm to the setting and significance of the listed buildings, and no clear or convincing justification had been provided. It was noted that any public benefits arising from the outdoor seating could be achieved through temporary, non-permanent seating arrangements.

Officers provided the following responses to members questions:

- The current structure did not have planning permission and it was estimated that it had been installed gradually over the last 4-5 years.
- Establishments along the esplanade had been granted a sitting out licence, which allowed them to use temporary furniture to provide an outside seating area, rather than a permanent structure.

The committee agreed to extend the meeting beyond three hours.

Several members expressed sympathy for the local businesses and emphasised the importance of supporting them, however recognised the status of the Grade II listed buildings and their contribution to the setting and character of Weymouth.

It was proposed by Cllr Eysenck and seconded by Cllr Kimber that the application be refused.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

59. P/LBC/2025/02899 - Kika Beach Club, 52-53 The Esplanade, Weymouth, DT4 8DG

It was proposed by Cllr Eysenck and seconded by Cllr Bolwell that the application be refused.

Decision: That the application be refused for the reasons set out in the appendix to these minutes.

60. P/FUL/2025/01316 - 54-55 The Esplanade, Weymouth, DT4 8DG

The application was withdrawn.

61. P/LBC/2025/01317 - 54-55 The Esplanade, Weymouth, DT4 8DG

This application was withdrawn.

62. **Urgent items**

There were no urgent items.

63. **Exempt Business**

There was no exempt business.

Decision List

Duration of meeting: 10.00 am - 12.54 pm

Chairman

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Application Number:	P/FUL/2022/02899
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Wintergreen Barn Higher Meerhay Farm Access Road Meerhay Dorset DT8 3SB
Proposal:	Continued use of land as a private residential Traveller site for sole use of the applicants and family, including use of the erected barn as a dayroom/workshop/store, 1 mobile home, 1 touring caravan and a mobile van (Revised description/additional information).
Applicant name:	R McGill /T Langton
Case Officer:	Bob Burden
Ward Member(s):	Cllr Monks

1.0 This application was deferred in advance of the April 2025 Southern and Western Area Planning Committee meeting in order to address new National Flood Risk Maps and any implications for the site. That matter has now been considered and so the application is being reported to the Committee for decision.

2.0 Summary of recommendation:

Grant permission subject to conditions.

3.0 Key planning issues

Issue	Conclusion
Principle of development	Permanent planning permission should now be granted.
Traveller status	Applicants are considered to have Traveller status.
Need and site availability	Generally increasing site needs over time and shortage of sites in the Council area.
Caravan/mobile home issue	Main unit of on-site accommodation is considered to meet definition of a caravan.
Effect on visual amenity	“Contained” development, existing and additional landscaping results in a visually acceptable development in the Dorset National Landscape (formerly Area of Outstanding Natural Beauty).
Effect on residential amenity	No dwellings in close proximity - acceptable in residential amenity terms.
Highways	Development exists with appropriate vehicular access and on-site parking.
Flood-risk	Submitted flood risk assessment is acceptable

4.0 Description of Site

- 4.1 The site lies 2km to the north-east of Beaminster on the east side of a lane. It is within a wooded area with clearings and includes a car parking area adjacent to the lane. The scheme includes an existing barn of natural stone and timber with a pitched slate roof. This is used as a dayroom/workshop/store. On the south-east side of this is a green painted caravan used for residential purposes. An awning extends from this with open sides. A sink, communal cooking facilities and a fire-pit are located here. A mobile home-type structure is located immediately north-east of these structures, measuring 14.84 x 5.1m with an internal height of 2.8m. This structure rests on slabs/blocks, with ship-lap timber cladding sides and a corrugated dark grey coloured near-flat roof. The touring caravan historically previously indicated on the plans at the western edge of the frontage car park has now been replaced with a long wheelbase motor-van instead (which is used for accommodation when driven to events).
- 4.2 To the north-west is the access to the site - Meerhay Lane. The residential-related structures are flanked by wooded surrounds, with a stream in a cutting running north-east/south-west close-by. A public footpath crosses the site from the frontage, passing between hedges before ascending to more open land to the south-east.
- 4.3 The area lies in a wooded countryside location with several dwellings in the locality. Opposite - but set back from the lane is Meerhay Cottage. Further to the south-west is Meerhay Manor, and further to the north-east is Higher Meerhay Farm. A bridleway runs along Meerhay Lane and a public footpath passes through the application site.

5.0 Description of Development

- 5.1 The scheme seeks to permanently continue the use of the land as a private residential Traveller site for the applicant's family, including use of the barn as a dayroom/workshop/store, 1 mobile home, 1 touring caravan and a mobile van.

6.0 Relevant Planning History

1/W/05/000620 Part demolition of existing structure. Erection of agricultural store and ancillary rest room in association with Forestry and associated agricultural and woodland products. Refused 25/5/2005.

1/W/06/001969 Use of land for the stationing of a residential mobile home for a period of 3 years. Refused 25/1/2007.

Appeal allowed (after a High Court Challenge) 5/3/2012.

WD/D/15/000305 Variation of conditions 1 and 2 (three year temporary occupancy) of 1/W/06/001969.

Approved (5 year temporary occupancy) 18/6/2015.

WD/D/15/002039 Request for confirmation of compliance with planning condition 7 (landscaping) of WD/D/15/000305

Approved 3/11/16

WD/D/20/000279 Use of land for stationing of a residential mobile home (variation of conditions 2 and 3 of WD/D/15/000305 to allow permanent permission for the duration of use by the occupiers.
Withdrawn.

7.0 List of Constraints

Land Outside defined development boundaries

Neighbourhood Plan Name: Beaminster; Status Designated 11/12/2017

Right of Way: Footpath W21/21; - Distance: 3.02

Right of Way: Footpath W21/22; - Distance: 9.42

Right of Way: Bridleway W21/14; - Distance: 9.09

TPO - (WDDC/758)

EA - Risk of Surface Water Flooding Extent 1 in 1000 - Distance: 0

Dorset National Landscape (Area of Outstanding Natural Beauty): (statutory protection in order to conserve and enhance the natural beauty of their landscapes - National Parks and Access to the Countryside Act of 1949 & Countryside and Rights of Way Act, 2000)

8.0 Consultations

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

8.1 Dorset Council Highways Officer-

The sites vehicular access is gained from a private road and not highway maintained at the public expense. Given the quantum of development the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has NO OBJECTION.

8.2 Dorset Council Gypsy Liaison Officer-

I am writing to you in support of Ruth and Theo Langton's planning application.

I have been employed as the Gypsy and Traveller Liaison Officer for Dorset Council since January 2005.

I have known Ruth and Theo since approximately 2007 when we used to meet up at the Kushti Bok meetings. Ruth was the chair of this local Traveller group. Kushti Bok are an organisation in Dorset who work with Dorset Council, BCP Council and Dorset Police. Kushti Bok provide advice and advocacy for local Travellers. They also help organisations to have a better understanding of Gypsies and Travellers.

In 2012, I worked with Ruth and Kushti Bok to help deliver the Housing Needs Assessment for Dorset County Council. Ruth was able to provide DCC with valuable information about local Traveller's locations that were willing to take part in the survey for the needs assessment.

I visited Wintergreen Barn on the 9th May 2023 and met with Ruth McGill and the planning application agent. Ruth gave me information regarding her Travelling lifestyle in 2022 and for the 2023 festival season. She also showed me some of the jewellery and artwork items they make and sell at the festivals.

In 2022 it was their first proper year back to working after Covid although it was a much quieter year for them. They would have normally gone to Portugal and Spain in the spring like they had done for the previous 5 years before Covid. They have 3 events they attend, 1 in Portugal lasting 2 weeks over Easter where they are part of the festival build, and they get to make and sell their artwork when they are there. They then do 2 more festivals in Spain after that, they are part of the build, running their workshops and selling their wares. Normally they would have stayed there for 2 months but that did not happen in 2022.

In 2022 they went to the following festivals:

Beltaine, Wiltshire, April/May

Craft Skill Share Slough Green, Taunton, May

Shindig Festival Ilminster, 24th May to 30th May from this festival they went straight to

Hedgeucation Festival, Okehampton May /June

Glastonbury Festival, Somerset 19th to 28th June

Land Skills, Gloucester July 17th to 27th

Green Gathering, July /August

Boomtown Fair, Winchester, August

Shambala Festival, Market Harborough, August

At these festivals they ran metal forming workshops where they taught people metal working skills. Alongside the workshops they have a stall to display and sell their hand made artwork. Being on site involves being there early enough to help set up the space. A great deal of work and time went into building the festival environments. After the space was set up they could then utilise the time to carry on making stock to sell. Some of the festivals are back-to-back so it is preferable for them to have everything they need already on the road with them.

In 2023 they had a busier year planned with a few events in France and Spain in the autumn.

It was the same kind of pattern, site crew, running their workshops and selling their hand made jewellery and artwork. At festivals they are always part of the area called "craft areas" where they and others charge a fee to participate in their workshop,

which they carry with them in their van/caravan. The money they earn doing this goes a large way towards their yearly wage.

The festivals they attended in 2023 were:

Beltaine Festival, Salisbury, April 26th to May 1st.

Crafty Camp and Skill Share Taunton 11th to 16th May

Shindig Festival, Ilminster 23rd to 29th May

Hedgeucation Festival, Okehampton 29th May to 6 June

Glastonbury Festival, Somerset 18th to 28 June

Kyberdrop Basingstoke, 5 to 11 July

Land Skills Fair, Gloucestershire, July 16th to 26th

Green Gathering, Gwent 31st July to 7th August

Boomtown Fair, Winchester 7th to 15th August

Shambala Festival, Northamptonshire 22nd to 30th August

They are aiming to keep going with this pattern of events for the foreseeable future. They are not as tied now as the children are older so they will be able to travel more in the future.

Theo and Ruth have been a part of the UK traveling community for over 30 years. They are a creative Traveller family who have made and sold and operated with a sense of belonging to the community around them, both around Beaminster and within the New Traveller community in the UK and Europe.

After my visit Ruth and Theo provided me with a lot of evidence of the festivals that they attended in 2022 and booking evidence as well as letters for 2023.

On the 2nd of July 2024 I received an email where Ruth McGill has provided an updated statement of all the festivals she has attended and is going to attend for work in 2024 which further supports their new age Traveller status.

It is very clear they follow and are a part of the New Age Traveller community and have been for many years. Although they are not ethnic Gypsies, I am more than satisfied they are New Age Travellers and have a lot of friends and support in the New Traveller community.

Gypsy Liaison Officer - Alternative Sites Comments: (1/8/24):

Unfortunately, since you last contacted me about availability on the sites things have now changed. We now may have no vacancies at the Piddlehinton Site as I have

just offered the vacant plots to potential tenants. We are awaiting their deposits for confirmation of acceptance. I also have someone interested in the plot at Ashoaks Park, although this plot is still available at the moment. The plot at Ashoaks Park would accommodate a large static 3 bedroom caravan. This is a larger style plot but it has no utility rooms. The utilities would need to be in the static caravan.

There are no New Age Travellers on the Ashoaks Park site but it is a mixed site of Gypsies with some non Gypsy partners. The Ashoaks Park site is a standard Gypsy Site consisting of 16 plots. Eleven of the plots have utility rooms consisting of a small bathroom and separate utility room. The other 5 plots are similar to the vacant plot.

8.3 Dorset Council Environmental Services –Team Leader - Housing Standards West

Site visit with Planning officer. Met the occupier on site. Two caravans which are occupied for human habitation, one permanently and one on an ad hoc basis.

The occupation of the site is by the family.

The occupiers regard themselves as Travellers and use the site as a base, travelling to festivals and selling their wares.

There is a long wheeled base Mercedes van on site used to take to festivals

The main accommodation has been constructed on site using a timber frame and the two halves are bolted together. It has been designed to be moveable but does not have a metal chassis nor axles. The unit meets the definition of a caravan. The outer covering is timber boarding, a mono-pitch metal covered roof. There is rigid insulation boarding built into the structure.

The site extends to some acres in ownership and the planning application P/FUL/2022/02899 shows a mobile home, touring caravan, long wheel base Mercedes van and a stone walled barn.

The site uses existing spring water from sources higher up on the site to provide piped potable water. An email was sent to Ruth McGill subsequent to the inspection to register the site as a private water supply with a recommendation to have the water quality tested.

Two primary methods are used for disposal of human waste:-

Urine is collected alongside excrement and separately in sealed containers filled with (active) charcoal and lidded.

Faeces is collected in a soil closet and mixed with sawdust sourced from a local industry.

The used charcoal and soil waste is then transferred for secondary treatment either within a composter for solid matter or spread onto land in the case of the charcoal.

The mobile home is served by grey water sewerage in the form of a pit dug within the (predominant) clay subsoil and filled with pea gravel. There is no overflow to the stream.

There is a 12volt electrical system installed on site with four (car) batteries for storage and solar panels for generation. There is no connection to the electricity grid.

Heating is provided by solid fuel stoves and there is an LPG gas bottle for gas fired cooker.

There is an external seating area adjacent to the mobile home and touring caravan with sofas and an open fire with chimney. The area is covered by a canopy.

8.4 Cllr Craig Monks - Ward Member:

- Strongly recommend approval.
- aligns with National Planning Policy Framework.
- Sustainable living solution without impacts on area.
- Traveller family needs established in previous applications.
- Relatively sustainable location.
- Design and landscaping visually acceptable in AONB.
- No significant harm to nearby residential areas.
- Has acceptable vehicular access, on-site parking and highways leading to site are acceptable.
- Article 8 of Human Rights Act relevant; respect for private and family life and home.
- Consider family qualifies for protections afforded by Gypsy and Traveller legislation.
- There are no material considerations that would justify refusal of this application.

8.5 Beaminster Town Council- Recommend approval.

8.6 Representations received

Full copies of the letters of representation are available on the website.

Comments on original submission (2023):

3 letters of objection/comment. The main planning related points include:

- Unsuitable location in the countryside/ Area of Outstanding Natural Beauty (AONB).
- Lacks basic services e.g. electricity, sewerage facilities.
- Lacks suitable access to town along narrow lane/track.-Visual harm to AONB-contrary to National Planning Policy Framework (NPPF).
- Council/previous Inspector have resisted permanent use of site.

- Contrary to National Planning Policy 2015 - strictly limit new traveller development in open countryside.-Inspector allowed appeal - but only for temporary 3 year period.
- Current use is unauthorised.
- Site lacks basic services for permanent residential use; electricity; mains water; sewerage facilities. Site served by an unadopted narrow lane - unsuitable access - contrary to NPPF.
- Landscape Character and Visual Assessment out of date - refers to a different scheme dated 2019.
- Current proposal seeks to intensify the existing unauthorised use of site.
- It should be a consideration that the family should rather be given residential status to use the property as a permanent domestic family dwelling rather than as a multi-use travellers site.

Comments on additional information/corrected site plan (2023):

4 letters of objection/comment. The main planning related points include:

- Disagree with the revised Landscape and Visual Assessment (LVA) conclusion that it would not harm landscape character and AONB.
- Earlier independent assessments concluded the use would be harmful to landscape and scenic beauty.
- Current intensification of use with touring caravan and large mobile home exacerbates visual harm contrary to local and national planning policy.
- Applicants additional information does not overcome concerns over alternative site search and a clean water supply.
- No material change in circumstances or national planning policy justifying the continuation or intensification of this unauthorised use on temporary or permanent basis.
- Concern over potential increased use of spring water by applicant from spring source owner; suggest they seek a permanent water supply instead.
- Lack of basic services for permanent occupation.
- Concern over wildlife/habitat impacts and potential pollution.
- Concern over access to site.

2 additional letters of objection (April 23):

- Narrow lanes/high hedges - large vehicles a danger to walkers and riders.
- Inadequate spring water available.
- Risk of water contamination from sewage.
- Detrimental to countryside.

-20 letters of support (April 23):

- Applicants are integral asset to Beaminster community; passion for environment; live sustainably.
- Makes refreshing change to usual fenced houses.
- Contribute with outdoor education and creative projects.
- It is their land and they should be able to remain.
- Applicants work in harmony with nature and surroundings.
- Buildings sensitively incorporated in landscape.
- Exemplars of how to live a low carbon lifestyle.
- They are clearly New travellers for many years each.
- Willing to support themselves by living on and off the land.

- The site is very unobtrusive.
- Precedent exists for other Travellers obtaining planning permission to live on their land.
- Applicants disseminate environmental, ecological and sustainability knowledge to community land.
- Use a completely sanitary aerobic dry compost system.
- Application is just for this family - not to increase capacity

Further objection letter (April 2024):

- Would be an intensification of existing use of the land due to additional caravan.
- Proposal contrary to development plan and national policy.
- Inadequate evidence that applicants are Travellers in policy terms.
- Dispute that 2015 Planning Policy for Traveller Sites is a material change in circumstances.
- No evidence of diminution of supply of small sites for family group.
- Consider the main “mobile home” unlawful and to be a permanent structure.
- The development is unauthorised, in breach of planning conditions and enforcement action should be taken.
- Other unauthorised structures in site.
- Harmful to countryside and Area of Outstanding Natural Beauty - contrary to policies SUS2, ENV1 and NPPF.
- Lack of evidence of applicants seeking alternative site.
- No caravan site licence obtained.
- Lack of waste storage/collection details, lack of on-site sanitation/amenities-site unsuitable for human habitation.
- Risk of flooding.
- Evidence of other small Traveller sites available.
- Refusal of reasons for agricultural store remain relevant.
- Query clarity of what is actually being proposed.
- Does not include the operational development on the site.
- Inadequate public consultation.
- Should not be given permanent planning permission - should be refused.
- Inadequate landscape and visual assessment.
- Additional strain on public services e.g. emergency, healthcare.
- Would set a harmful precedent.

Further comments on re-described/re-publicised application (August 2024):

27 letters of support/comment:

- The applicants maintain a nomadic lifestyle.
- They have been Travellers for many years.
- Significant contributors to the local community.
- Attend many festivals and conduct workshops and give talks at events.
- Provide environmental training and workshops.
- The development has very little impact on the surrounding area.
- There are no negative visual impacts.
- Restored the old barn and increased biodiversity.
- Lack of suitable alternative nomadic site pitches available.
- Won't cause more traffic, noise or environmental impact.
- Minimal impact on neighbours.
- Have improved the appearance of the site by their occupation and work.

- They manage the woodlands.
- They have a human right to live here.
- Dwelling is very compact.
- Energy efficient; they use timber from their land for heating/hot water; mainly rely on solar energy.
- Site already has access and parking in place.
- Should be granted permission as a standard residential dwelling.
- Content with current use made of private water supply.

6 letters of objection - (three on behalf of one objector)

- In AONB - where presumption against new dwellings outside defined locations.
- In 2012 Appeal Inspector concluded permanent permission not appropriate.
- Query historical Traveller status of applicant.
- Concern council not taken enforcement action.
- This intensifies the number of caravans on site.
- Insufficient evidence of Travelling lifestyle.
- Will have significant effect on residential amenity of neighbouring properties.
- Would set a precedent.
- Now less school dependent - hence less anchored to this site.
- No material change to facts of case to justify permanent site.
- Applicants unwilling to move to 2 gypsy sites where pitches were available.
- Do not consider applicants fall within the Planning Policy for Traveller Sites document (PPTS-updated 2023) definition as bona fide Travellers.
- Do not consider the evidence provided is sufficient to define applicants as gypsies.
- Attending festivals/fairs as described is not evidence of a nomadic habit of life.
- No evidence of what the applicants actually do.
- Disagree that the mobile home on-site can be legally described as a caravan; planning permission is required for their erection.
- Buildings/structures (including other structures not in this application) erected on site without planning permission; applicants have not removed unauthorised structures.
- Unacceptable delay to progress the 2022 application.
- Applicants not made effort to seek alternative sites themselves.
- Lack of evidence they would be rejected from other ethnic group gypsy sites.
- Alternative sites will become available from time to time - applicants should pursue moving accordingly.
- Easier to find a single plot than a group of Traveller plots.
- Applicant owns resources (land) to facilitate funding for seeking alternative site elsewhere.
- Relatively easy dismantling of existing buildings would help increase likelihood of finding a suitable alternative location.
- The scheme is contrary to the Development Plan, national planning policy, is unlawful, should be refused and enforcement action taken.
- Site has few facilities and difficult access.
- Do not consider Penpole Engineering report demonstrates the building is a mobile home.
- The building was constructed from hundreds of pieces and took weeks to build-hence not a mobile home.

-Penpole Report does not show how a truck with a 40 foot trailer (laden with half an accommodation structure) could access site via narrow winding road

Further representation received November 2024:

-Consider agents October letter is erroneous in relation to case law interpretation; every case depends on its own facts.-Consider applicants do not meet traveller definition under PPTS 2023. Regarding the aspect of an economic connection between the travelling to support the applicants livelihood, consider there is no quantitative economic information provided to show this.

-Alternative sites-Inspector in 2012 gave temporary permission, to allow the applicant time to seek an alternative site.

-Mobile home definition-do not dispute applicants view on it being a mobile home, but point is that it has been unlawfully erected on the site with no planning permission for it.

-Inspector found the site unacceptable. Harm is being caused to the National Landscape.

-The unacceptability of this site remains.

-The applicants rejection of designated gypsy/traveller sites and therefore cannot lack of supply cannot be prayed in aid of applicants as they indicate they would not wish to go to them.

-Consider the lack of basic services may affect applicants' health and increase public healthcare costs.

Letters of Objection: 29 April 2025 and Jan 2026)

Consider officer report is flawed.

Consider approving application is wrong in planning policy and planning law.

If members do still consider granting, that it be a 3 to 5 year temporary permission, and that applicants are urged to find alternative site for after that period.

The applicants are using the site in breach of planning control.

Buildings erected on site have intensified residential use.

Buildings are not immune from enforcement.

Consider officers have made inadequate efforts to pursue enforcement action.

Applicants made inadequate efforts to re-locate.

Consider applicants rejection of re-location to gypsy sites means they cannot be treated as gypsies in planning terms, and they should therefore seek any suitable alternative site.

There is no land supply requirement to find land for New Age Travellers.

Should not be allowed to defy planning system if say doesn't suit them.

Should not grant permission without evidence of applicant seeking alternative site.

Consider there is precedent evidence of Traveller commune growing up on and around the site; there are applications for a vegetable growing enterprise with accommodation opposite Meerhay Manor.

Concern over precedent for permanent planning permission.

Do not consider report conclusions outweigh the harm.

Lack of enforcement does not justify approval.

Fails to meet traveller accommodation policy tests.

Should be residential dwelling application assessed on merits against adopted policy.

9.0 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 85 of the Countryside and Rights of Way Act 2000 (CROW) requires relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (now National Landscape).

10.0 Relevant Policies

Development Plan:

West Dorset, Weymouth and Portland Local Plan 2015

INT1 Presumption in favour of sustainable development
ENV1 Landscape, seascape and sites of geological interest
ENV10 Landscape and townscape setting
ENV12 Design and positioning of buildings
ENV16 Amenity
SUS2 Distribution of development
COM7 Creating a safe and efficient transport network
COM 10 Provision of utilities service infrastructure

Material Considerations

National Planning Policy Framework 2025
2 Achieving sustainable development
8 Promoting healthy and safe communities
12 Achieving well-designed and beautiful places
15 Conserving and enhancing the natural environment
16 Conserving and enhancing the built environment

Para 4 - The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.

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, including brown field registers and permission in principle, and work proactively with applicants to secure developments 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.

Planning Policy for Traveller Sites (2024) (PPTS) -relevant sections including:

1 Introduction

Policy B: Planning for traveller sites

Policy C: Sites in rural areas and the countryside

Policy H: Determining planning applications for traveller sites

Glossary: definition of gypsies and travellers

Neighbourhood Plans-

Beaminster Neighbourhood Plan – In preparation – limited weight applied to decision making.

Other material considerations

Design and Sustainable Development Guidelines 2009

WDDC Landscape Character Assessment 2009

The Dorset National Landscape Management Plan 2025-31

Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) October 2022.

Bournemouth, Dorset and Poole Parking Standards

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

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

11.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

Regarding Article 8 this site is the family's home. The loss of the home would be an interference with the occupier's human rights. This needs to be balanced with the wider public interest including the application of the Development Plan.

12.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have "due regard" to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have "regard to" and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

It is not considered that the application would affect the protected characteristics of anyone save for the protected characteristic of age for the applicants' family. The issues relating to the family group are considered below.

13.0 Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Contribution towards local economy from residents living at the site	Not quantified
Non material considerations	
Council Tax	

14.0 Environmental Implications

- 14.1 The units of accommodation are currently in situ on-site such that emissions would not be generated from construction. Some emissions would be generated by domestic heating and cooking fires. Sustainable practices on site include solar panels, compost toilet, water from the stream and no mains electrical usage. The

use of petrol/diesel vehicles would generate some emissions. These points will need to be balanced against the benefit of providing Traveller accommodation in a relatively sustainable location.

15.0 Planning Assessment

Principle of development:

15.1 The adopted West Dorset, Weymouth and Portland Local Plan 2015 states:

“Until a Gypsy and Traveller DPD is finalised, decisions on gypsy and traveller sites will be determined in accordance with national policy and with reference to policies INT1 and SUS2” (5.6.3 of Local Plan).

It should be noted that the Gypsy/Traveller guidance is now intended to be within the emerging Dorset Council Local Plan - currently anticipated in 2027.

15.2 Policy INT1 (Presumption in favour of sustainable development) of the local plan will need to be considered. This policy seeks to improve economic, social and environmental conditions in the area. In the context of this policy the scheme seeks to improve environmental conditions in the area in terms of additional planting and woodland management.

15.3 Policy SUS2 (Distribution of development) allows sites for gypsies, travellers and travelling show-people outside defined development boundaries *“having particular regard to the need for protection of the countryside and environmental constraints”*.

15.4 Policy ENV1 is particularly relevant as it does not permit development that would harm the character, special qualities or natural beauty of National Landscapes; Dorset Area of Outstanding Natural Beauty in this case.

15.5 Policy ENV10 is relevant, including that development proposals should contribute positively to the maintenance and enhancement of local identity and distinctiveness and development will provide for the future retention and protection of trees and other features that contribute to an area’s distinctive character.

15.6 Under the National Planning Policy Framework 2025 para 63 refers to the need to assess the “needs of different groups in the community” including travellers regarding accommodation.

15.7 Government policy includes Planning Policy for Traveller Sites updated December 2024 (PPTS). This states that:

The government’s over-arching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community (para 3).

The government’s aims include that local authorities should make their own assessment of need for the purposes of planning (para 4a) and also includes encouraging local authorities to plan for sites over a reasonable timescale (4c).

Another government aim is to promote more private traveller site provision while recognising that there will always be those travellers who cannot provide their own sites (4e).

and:

To enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure (4j)

For local planning authorities to have due regard to the protection of local amenity and local environment (4k).

These points are commented on in so far as relevant in the remainder of this report. The application relates to existing structures on the site, as described earlier.

15.8 The previous approval on the site was in 2015, approved by the then West Dorset District Council for 5 years. The site is occupied by a family.

15.9 In the context of policy INT1 the scheme seeks to improve environmental conditions in the area in terms of additional planting and woodland management. Similarly, regarding policy SUS2 the woodland management aspect responds to:
“the need for protection of the countryside and environmental constraints” under this policy.

15.10 In the light of the above the development is considered acceptable in principle, subject to relevant development plan policies and material planning considerations.

Traveller Status:

15.11 It is necessary to reach a view on whether the applicants benefit from traveller status in order to establish whether traveller-related policies are applicable.

15.12 Under the Government’s current Planning Policy for Traveller Sites December 2024 (PPTS) gypsies and travellers means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependent’s educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together as such.

15.13 Some representations have raised concerns that the applicants do not satisfy the definition.

15.14 It should be noted that the definition of Gypsy or Traveller for planning purposes has changed over time. The issue has been explored previously in relation to this site.

An Inspector's appeal decision of January 2005 considered this issue. Mr Langton's association with the site started from around 1996 with the site subsequently purchased in 1998. The inspector stated:

Throughout 1998 and during most of 1999 he continued to travel and undertake seasonal work which included hedge-laying, fruit picking and working at festivals in exchange for entrance fee and food and (sometimes) lodgings. For most of these journeys he travelled with a touring caravan which he towed with his car. During the latter part of 2000 and throughout 2001-2004 he continued to travel and undertook temporary and casual work in Oxford, North Scotland, Bristol and the Isles of Scilly as well as attending festivals, taking workshops on chalk carving and working at various jobs on site.

The inspector stated that the applicant:

has lived an itinerant lifestyle residing as a traveller within various caravans and moving from place to place in order to seek paid or some other type of employment. Whilst his earnings have not been substantial the appellants travels have been undertaken with an economic purpose"

On this aspect he concluded:

I take the view that the appellants nomadic lifestyle is such that he could be described as a statutory gypsy.

At that time, the definition of gypsy was of a person of nomadic lifestyle whatever their race or origin but excluding travelling showmen.

15.15 This issue was again considered at an appeal in 2007 when the Inspector's report stated:

Traveller Status:

5. Gypsies and travellers are defined in ODPM Circular 01/2006 as 'Persons of nomadic habit of life, whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently,...'. The site is occupied by the appellants and their two year old son. At the date of the inquiry, the birth of the couple's second child was imminent.

6. The appellants are not of traditional gypsy descent, but as the definition in the Circular explains, gypsy and traveller status is not dependant on ethnic origin, and a nomadic habit of life can be acquired over a period of time. The Courts have held that the word 'nomadic' indicates a sense of purpose for the travelling, and that there should be some recognisable connection between the wandering or travelling and the means whereby the persons concerned make or seek their livelihood (R v South Hams DC, Document 7).

7. I have read that Mr Langton started travelling with a donkey, mule and cart in 1994, but there is no clear evidence of any economic purpose being associated with travel at this time. From 1998 -2002 there are references to work linked to the travelling, and Mr Langton was engaged in hedge-laying, fruit-picking and work at festivals. More details are available from 2003, and a pattern emerges of travelling

from the appeal site to hold craft workshops and undertake other work at festivals in the South-West of England, with casual work, including labouring and farm work in 2003 and 2004. The festival season extends from May to September, and, with his partner, he is away for at least one week in each month of this period.

8. Ms McGill did not give evidence to the inquiry, but I heard that she had spent 3-4 years up to 2000 travelling in this country and abroad. She supported herself during this earlier period of travelling by such activities as busking and jewellery making.

9. In addition to donations at craft workshops and monies earned at the festivals, the appellants also receive income in the form of family tax credit and undertakes casual work from Meerhay during the winter months. However, whilst they do not depend solely on the money which they gain when travelling, it contributes to their income and I am in no doubt that there is an economic purpose to their travelling.

10. The appellants do not travel in a group, although Mr Langton has done in the past. Whilst Neill LJ in R v South Hams DC refers to living and travelling together in cohesive groups being a feature of nomadic peoples, Leggatt LJ, in the same judgement, makes the point that the term 'gypsies' is not expressly confined to those who travel in groups. In my experience, it is not uncommon for gypsies and travellers to find their own sites and travel out from them as individual families. When the appellants do this, they use the smaller touring caravan and leave the larger one at The Wintergreen Barn. During these periods, the caravan which leaves the site serves as their home, and I do not find the appellants' use of caravans at odds with a nomadic habit of life.

11. I am satisfied that travelling undertaken by the appellants in recent years has been associated with their livelihood, and, although they are based at Meerhay for the greater part of the year, I do not regard the extent of travelling currently being undertaken during the festival season as so small as to prevent them coming within the definition in the Circular. In this regard, I note that the Circular refers to changes in traditional patterns of work and it also explains that the gypsy and traveller community has generally become more settled.

12. In assessing whether a nomadic habit of life has been acquired, a key factor is the extent of time over which travelling for economic purposes has taken place. The evidence before me indicates that Mr Langton has followed this lifestyle for almost ten years, and I have no reason to doubt his intention to continue with this pattern of living. Whilst Ms McGill has not travelled for as long a period of time, she is the partner of Mr Langton and from what I have heard and read the couple share the same lifestyle. I have reached the view that their travelling linked to their livelihood is sufficiently well-established to demonstrate that they have acquired a nomadic habit of life. Accordingly I conclude that they are travellers for the purposes of planning policy.

This decision was quashed (but on grounds that did not relate to traveller status) and a new Inspector reconsidering the appeal in 2012, stated:

5. No party advanced any argument that the appellants were not "travellers" for planning purposes. From the details of their recent working and travelling patterns which were supplied to me, I am satisfied that they have this status.

- 15.16 An application to renew a permission on this site in 2015 (WD/D/15/000305) was commented on by the Gypsy and Traveller Liaison Officer at the time who believed Mr Langton was a New Age Traveller and has been for some time but was not

familiar with him. Traveller status was accepted by officers of the Council at that time. It should be noted that 3 separate Inspectors, at different times, each reached this same view.

- 15.17 Moving to the present day, the applicants' agent has supplied the below paragraph summarising their work:

Mr Langton and Ms McGill are artists who earn a living from Travelling to sell their crafts and share their skills. Mostly this is at festivals and other events, including Glastonbury, Shindig, Hedge-u-cation, Boomtown. Their Traveller status has previously been accepted by the LPA and planning Inspectors. The season usually runs from early May until mid September, sometimes longer when the family travel to Spain and Portugal to do similar work early and / or later in the year. When travelling to and working at events they live in their van. Their work involves arriving several days before an event begins to set up their space, running workshops and manning their stall throughout the event, as well as staying after the event has ended to take down their space. Due to their popularity they will often be working for 10 hours a day. Their workshops are always busy and their exhibition and stall of their own works attracts a great deal of curiosity and attention for being unique. The workshops that Mr Langton and Ms McGill offer have evolved over the years, reflecting the growth of their own creative skills. 20 years ago they began running chalk carving workshops and as their children grew older they were able to offer more involved metalworking workshops. These workshops enable families and young people to use tools and make personal pieces whilst being part of vibrant active craft areas.

Festivals Attended for 2025-

Beltaine Gathering, Exmoor 30/04- 05/05/2025

Crafty Camping, Curry Mallet, Somerset, 14/05 - 19/05/2025

Shindig - did not attend as had vehicle issues

Glastonbury festival, Pilton, Somerset, 22/06 - 01/07/2025

Kyberdrop festival, nr Andover, 16/07/- 21/07/2025

Green gathering, Chepstow, 27/07 - 05/08/2025

Boomtown Fair, nr Winchester, 05/08 - 12/08/2025

Shambala Festival, nr Market Harborough, 18/08 -26/08/2025.

Shambala Festival Northampton

Event Timetable 2024-

Beltane Somerset 1 week May

Crafty Camping Somerset 4 days May Shindig Somerset 1 week May

Hedg-u-cation Devon 5 days May / June

Glastonbury Somerset 10 days June / July

Kyberdrop TBC 1 week July

Boomtown Wiltshire 9 days August

Medicine Fest Berkshire 1 week August

Shambala N'hamptonshire 8 days August

Event Timetable 2023-

Beltane Wiltshire April 26th - May 1st

Crafty Camping Somerset May 11th - 16th

Shindig Somerset May 23rd - 29th

Hedg-u-cation Devon May 29th- June 6th

Glastonbury Somerset June 18th - 28th

Kyberdrop Hampshire July 5th - 11th

Land Skills Fair Gloucestershire July 16th - 26th

Green Gathering Gwent July 31st - 7th Aug

Boomtown Wiltshire Aug 7th - 15th

Shambala N'hamptonshire Aug 22nd - 30th

Event Timetable 2022-

Beltane Wiltshire April / May

Crafty Camping Somerset May

Shindig Somerset May 24th - 30th

Hedg-u-cation Devon May / June

Glastonbury Somerset June Land

Skills Fair Gloucestershire July 17th -27th

Green Gathering Gwent July / Aug

Boomtown Wiltshire Aug

- 15.18 Officers have considered the applicants' traveller status for this application. Details of the applicants travel in 2022, 2023 and 2024 have been provided and these details have been shared with the Gypsy Liaison Officer (GLO) who has also visited the site and met with the applicant. The Gypsy Liaison Officer's comments have already been provided in this report. The applicant has now also provided the festivals for 2025 (listed above) and details of events they intend to attend this year which follows a similar pattern to previous years.
- 15.19 The majority of the applicant's travelling is to show and sell items at a variety of fairs/gatherings and/or festivals, including occasionally travelling direct from one to the next.
- 15.20 Previous government policy in the PPTS 2023 includes that in determining whether persons are "gypsies or travellers" for the purposes of planning policy, one of the factors to consider is: Whether they previously led a nomadic habit of life. (Annex 1.2.c) It is clear that the applicants were considered to be travellers at the time of each of the earlier appeals. However, the current definition of Traveller (2024) differs from the previous and no longer includes reference, among other points, to whether they previously led a nomadic habit of life. Previous inspectors found that the applicants were travellers, albeit under earlier definitions in planning policy. The applicants are still travelling with an economic basis underlying the purpose of their travelling.
- 15.21 An objectors April 2025 letter queries the Traveller status in the context of the current PPTS 2024 definition which reads:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependent's educational or health needs or old age have ceased to travel temporarily or permanently, and all other persons with a cultural tradition of nomadism or living in a caravan, but excluding members of an organised group of travelling show people or circus people travelling together as such.

The objector asserts that the applicants have provided no evidence of their income from travelling and that the 2024 definition now requires that to fall within the definition people must have a cultural tradition of nomadism or living in a caravan. The Inspector in the 2007 appeal referenced the applicants travelling for work; *When the appellants (applicants) do this, they use the smaller touring caravan and leave the larger one at the Wintergreen Barn. During these periods, the caravan which leaves the site serves as their home, and I do not find the appellants' use of caravans at odds with a nomadic habit of life.*

- 15.22 Having regard to the earlier appeal decisions, the evidence provided by the applicants to support this application, the comments of the Gypsy Liaison Officer and the comments from the Chair of Kushti Bok (a Gypsy/Traveller Organisation), the

applicants' pattern of travelling now is broadly consistent with that considered at the earlier appeals and continues to have an economic basis underlying the purpose of the travelling. Officers consider that the 2024 definition widens the scope of those who are Gypsies and Travellers rather than, as the objector suggests, narrowing it. As a result, officers consider that the applicants are Travellers within the definition of the current PPTS.

Need and Site Availability:

15.23 The supply of Traveller sites, as with supply of sites for the settled community, varies over time. The 'snap shot' of supply that was recorded in the most recent Gypsy and Traveller Accommodation Assessments (GTAA) is summarised in the table below:

Dorset and Bournemouth, Christchurch & Poole (BCP) Gypsy and Traveller Accommodation Assessment (GTAA) 2022 (Figure 9 'Need for Gypsy and Traveller households in Dorset that met the Planning Definition 2022-2038') (Survey work completed between June 2021 and January 2022)

Council area	Supply position (January 2022)
Dorset Council area	9 pitches (comprising 3 vacant pitches on public or private sites and 6 new pitches)

15.24 Since the surveying was conducted for the 2022 GTAA the Council has also granted planning permission and issued a lawful development certificate for sites which will contribute toward the supply of Traveller pitches:

- Lawful development certificate issued on 13 October 2023 for Wigbeth Farm, Horton (P/CLE/2022/07299) 'to continue use of the land shown edged red on the enclosed location plan as a traveller site with 12 permanent pitches' (This is a private site-full-23/1/26).
- Planning permission granted 31st March 2025 for Dovecote Farm, Child Okeford (P/FUL/2024/03917) for "Change of use of land for siting of 1no. gypsy & traveller pitch & associated works, consisting of 1no. mobile home, 1no. touring caravan & 1no. day room".
- Planning permission granted 5th December 2025 for Rivers Paddocks, Hazelbury Bryan for "Change of use of land for siting of 3no. gypsy & traveller pitches & associated works, consisting of 3no. mobile homes, 3no. touring caravans & 3no. day rooms (retain works already carried out)".
- Planning permission granted 17 January 2025 for 'The Old Piggery Frog Lane Motcombe, Shaftesbury' to 'Continue use of land as a single Gypsy/Traveller pitch comprising 1 No. mobile home, 1 No. day room and associated works'

(P/FUL/2024/05418) (The planning permission supports a continuation of an existing use – there are no available pitches at this site).

15.25 Alongside the applications above which were issued following publication of the 2022 GTAA, the Council has sought renewal of temporary planning applications on its own sites relating to:

- Orchid View, Shaftesbury (planning application reference P/FUL/2022/01761 – the application is currently undetermined. However, had a previous permission and the 8 pitches are fully occupied – 23/1/26)
- Transit site, Piddlehinton (planning application reference P/FUL/2024/00163) (This was a temporary permission which ended 1/10/2024).
- Transit site, Piddlehinton: Current application: P/FUL/2024/07169: permanent retention of Gypsy/Traveller site for 25 caravans (only for use for short periods within 1st April-30th September in each year)

And a 6 pitch extension to the permanent transit site at Piddlehinton remains extant:

- 'Installation of Six new pitches comprising 2 No. Double units and 2 No. Single units' (planning application reference WD/D/19/001187).

It is understood the above permission has been implemented due to minor engineering works, but substantial investment in infrastructure would be needed as the planned enlargement to the existing council site is not complete, there are currently no available pitches through this development, and there is uncertainty around when these pitches could be delivered.

Other sites in Dorset:

Ashoaks Park, near Wareham - permanent site -16 pitches – 1 plot unoccupied (currently reviewing applications with a view to getting occupier in near future) 23/1/26)

Thornicombe, near Blandford: 12 permanent pitches (full 23/1/26).

Piddlehinton Site; permanent site. 1 free plot currently (23/1/26)

Need for Traveller sites in Dorset:

15.26 The baseline data on existing pitches and future supply that feed into the needs assessment in the published 2022 GTAA takes account of the existing Council managed Traveller sites at Orchid View and Piddlehinton, but it does not take account of the lawful development certificate that was issued in October last year (as mentioned above-P/CLE/2022/07299) or the planning permission at Frog Lane Motcombe (P/FUL/2024/05418). The needs assessment from the 2022 GTAA is

summarised below. The assessments may need to be reviewed to take account of the updated planning definition of Travellers in PPTS (December 2024) and changes in the baseline position of Traveller households across Dorset.

Figure 10 of the 2022 GTAA, set out below, outlines the need for Traveller sites (that meet the planning definition for Travellers) between 2022 and 2038.

Years	0-5	6-10	11-15	16-17	Total
	2022-26	2027-31	2032-36	2037-38	
	84	12	12	5	113

15.27 The 2022 GTAA also indicates that a significant proportion of this need (84 pitches out of 113 pitches for Travellers) should be delivered during the first five years of the assessment period (2022 to 2038). The Council has not been able to identify a deliverable 5-year supply of Traveller sites to meet this need.

15.28 There have been changes in circumstances since the 2012 planning appeal and the most recent planning application determined in 2015. Dorset Council was formed and therefore need is now considered across the whole of Dorset and not at a smaller district level as was the case previously, the need for Traveller sites has increased, the Council is not able to identify a 5-year supply of deliverable sites for Travellers in the new council area and work on a DPD to allocate sites for Travellers has not progressed as quickly as originally anticipated. Furthermore, the new planning definition of Traveller (updated in December 2023 and 2024, both of the latest definitions are wider and therefore likely to mean that more people will be treated as Travellers when compared to the 2015 definition) is likely to *increase* the need for pitches for those households which meet the planning definition. The Planning Policy Officer advises that unfortunately he is not able to quantify the level of increase as an update to the 2022 GTAA would be required.

15.29 Notwithstanding the limitations of the 2022 GTAA assessments of need it continues to demonstrate that there is a pressing need for Traveller sites. The planning records show that since the 2022 GTAA was published there has been an insufficient supply of sites to meet these needs. Work on the Dorset Council Local Plan has been delayed (the latest local development scheme suggests that the new plan would be adopted in Winter 2027), and therefore local plan development strategies which could help to support delivery of Traveller sites will not (at the earliest) start to take effect for another 2 - 3 years.

15.30 The Dorset and Bournemouth, Christchurch and Poole (BCP), Gypsy and Traveller Accommodation Assessment (GTAA) October 2022 indicates a marked growth in the need for sites in the Dorset Council area; the latest evidence demonstrates that this need has increased from 102 pitches in 2017 to 184 pitches

in 2022 (an 82 pitch increase in 5 years). None of the predecessor councils allocated sites for Travellers in their Local Plans and work on the jointly prepared Traveller development plan document (DPD) ceased when the councils in Dorset re-organised in April 2019. The supply of sites has been limited to small numbers of pitches and the council is not able to identify a 5-year supply of Traveller sites to meet the area's needs.

15.31 No material weight at this stage can be attached to the emerging strategy presented in the current draft of the new local plan, but it does include a proposed allocation for the Wintergreen Barn Traveller site.

15.32 Under Policy H of the PPTS 2024 para 28 states:

28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise

b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site

15.33 Paragraph 11(d) of the NPPF states that decisions should apply a presumption in favour of sustainable development and sets out the criteria for doing so. That presumption is engaged here given that the Council can not identify a 5-year supply of Traveller sites to meet the area's needs.

15.34 In a letter dated 14 April 2023 an objector contended that:

there is no evidence of a diminution of supply of small sites suitable for single caravan or family group. The need assessment refers to a supply of sites becoming available since June 2015 (i.e. an increase in number) for a sporadic and limited supply of small numbers of unplanned pitches – exactly the type of site which could well be suitable for the applicants if a thorough concerted effort were to be made by them to relocate.’ (Page 5).

Commenting on this, whilst the GTAA does not evidence a loss of small Traveller sites, neither does it identify a large pool of deliverable small Traveller sites. The objector refers to a supply of sites since 2015 however the GTAA in 2022 still indicated a significant number of pitches were needed and showed an increase in the identified need when compared with the previous GTAA of 2017.

15.35 The council planning records of planning permissions for permanent Traveller sites granted since the 2022 GTAA was published shows one certificate application for an existing use of a Traveller site (12 pitches) and 3 planning permissions to support a total of 5 pitches since the 2022 GTAA was published (October 2022). The supply of sites provided through this certificate application and planning permission are only a fraction of the need identified in the GTAA between 2022 and 2026. In order to fully meet the need for sites in the GTAA a further 67 pitches would need to have been delivered between October 2024 and January 2026. In itself, the shortage of sites is considered to carry significant weight in the planning balance even if para 11d) of the NPPF was not engaged.

Alternative Sites:

15.36 The applicants last year indicated when asked:

We are part of a group of new travellers in Dorset and Somerset who keep an eye on any land coming up for sale. We network amongst ourselves and help each other out with viewings etc if someone isn't around to view. I've been to a couple of auctions with friends over the last few years but they all go for crazy money so we never really get a look in.

15.37 In August 2024 the Gypsy Liaison Officer (GLO) gave an update as below:

Unfortunately, since you last contacted me about availability on the sites things have now changed. We now may have no vacancies at the Piddlehinton Site as I have just offered the vacant plots to potential tenants. We are awaiting their deposits for confirmation of acceptance. I also have someone interested in the plot at Ashoaks Park, although this plot is still available at the moment. The plot at Ashoaks Park would accommodate a large static 3 bedroom caravan. This is a larger style plot but it has no utility rooms. The utilities would need to be in the static caravan.

There are no New Age Travellers on the Ashoaks Park site but it is a mixed site of Gypsies with some non Gypsy partners. The Ashoaks Park site is a standard Gypsy Site consisting of 16 plots. Eleven of the plots have utility rooms consisting of a small bathroom and separate utility room. The other 5 plots are similar to the vacant plot.

15.38 On 23/1/26 the following update is applicable:

Wigbeth Farm, Horton - private site 12 pitches – site full.

Council sites:

Orchid View, Shaftesbury-8 pitches all full.

Piddlehinton Camp – 1 free plot currently

Ashoaks Park, Wareham-16 pitches- one plot is unoccupied (reviewing applications with a view to occupation in near future)

Thornicombe -12 permanent pitches all full.

- 15.39 It is clear there is a shortage of readily available serviced sites. The applicant has in later 2024 visited the Piddlehinton and Ashoaks Park Council-owned sites. They, through their agent, have stated their reasons for why they do not consider these sites suitable. Their full (redacted) response is set out below:

Piddlehinton site-

*The pitches on this site are very small with no open space around them. Ms McGill and Mr Langton's children are still living with them and it is important that they are able to stay together as a family unit. Further they need space for making their art to display and sell over the summer months. This site would not be able to provide adequate space for their needs. In addition the site feels marginalised and desolate. One of the pitches had a complete wreck of a static caravan on it that looked like it had been there for a long time. There is razor wire around the site and CCTV cameras which gives the feeling of being separated from the wider community. Ms McGill and Mr Langton, despite travelling a lot have always felt that integration with their local community has been key to not being or feeling marginalised. Furthermore, the residents of the site are predominantly *****Travellers. It is commonly understood that *****Travellers and New Travellers do not really mix or have any cultural similarities which can cause discomfort and unease. From our enquiries, it is understood that this site does not have a good reputation, there are free pitches because Travellers don't want to live there. The ***** , was very clear about this site being fairly problematic, not a happy place, and certainly within the Gypsy Traveller communities people do not want to go there, it is also apparently used more like a transit site. We are also told that there are issues with rats and electrical safety. It is unsurprising that there are pitches available.*

Ashoaks Park, Wareham-

*Although the pitches were larger than at Piddlehinton, only single unit statics are allowed on each pitch which would not be large enough for the family's needs. The site is occupied solely by *****Gypsies. There are no New Traveller families on the site which would make it very hard for the family to integrate. There was only one pitch free here and apparently they are never free for long at this site.*

General notes (applicants' agent)-

Both sites were shockingly different for the family in terms of what they are used to from their Traveller lifestyle. Autonomy of services, cooking on a fire, having compost toilets, being involved in the nature and communities around them, is central to the

family's way of life and simply is not an option on these sites. Autonomy is very important to the family and one of the main reasons why Ms McGill first started travelling. Furthermore, neither of the sites provide enough space on each pitch for the needs of this family. In terms of the location, the family have important infrastructure emotionally, practically, socially and economically around the Dorset Devon border. Importantly, it should also be noted that there is no requirement in planning policy or case law for an applicant to prove that no alternative sites are available: See South Cambridgeshire DC v SSCLG and Julie Brown [2008] EWCA Civ 1010, para 37

15.40 Based on the existing set-up the applicants would require accommodation for up to 5 persons together with sufficient storage and workshop facilities. Without sufficient storage and workshop facilities for their economic activity their livelihood could be in jeopardy or even entirely lost. The applicant points out that:

We use the barn as part workshop part storage for materials- sheets of metal, boxes of leather and feathers and general things we use for our mobile workshop and making art work plus tools and tarps, tables and display items also for the workshop.

These space requirements may not be so readily achievable on a "conventional" caravan pitch. One of the family is currently undertaking part-time work experience locally to the Beaminster locality.

15.41 In terms of cultural differences between travellers and ethnic gypsies, the appeal decision in January 2012 acknowledged that:

the type of accommodation and facilities sought by New Travellers may differ from those usually promoted by gypsies, but the appellants agreed that cultural difficulties are not inevitable or insuperable. Indeed, from my experience whether or not a new family is welcomed on a site depends more on the personalities and attitudes of the individuals than ethnicity. In my view it is not inevitable that the appellants would not be welcomed on another site; indeed Ms McGill works closely with Romany Gypsies (2012) as Chairman of the support organisation Kushti Bok.

Nevertheless, having discussed this issue recently with the Gypsy Liaison Officer it can be the case that tensions can arise between different traveller-type groups. The Inspector's decision in 2005 also found that could be an issue.

15.42 There is clearly a significant shortage of traveller sites in Dorset which is unlikely to be met within the next 12 months. There is just one Council owned New Traveller site but this is currently full (23/1/26) and distant from the applicants' site. Even if there were pitches available at the two Council owned sites visited, the appellants' do not consider them suitable and their position on that is supported by the Gypsy Liaison Officer, albeit inspectors have taken varying views on that in the previous appeals. The applicants do not appear to be actively looking for alternative sites save for through their network and say that those sites which have been for sale are

unaffordable, something which is questioned by objectors. Given para 28 of the PPTS and Para 11d) of the NPPF it is not considered that any lack of search for an alternative site is a material consideration here. However, even if it was a material consideration, despite what may be considered limited active attempts to find alternative sites, the significant shortfall of sites in Dorset and the shortage of pitches at Council owned sites, together with their questionable suitability for the applicants, should be given moderate weight in the planning balance.

Appellant's Personal Circumstances:

15.43 The site is the family's home and whilst their children are now older, they clearly have a need for a settled base. Refusal of the application could therefore result in the loss of the family's home and so be an interference with their rights under article 8 of the European Convention on Human Rights.

15.44 An enforcement notice issued in 2004 remains extant on the site. If this application were to receive permanent planning permission the notice would be overridden by the planning permission and could be withdrawn by the Council.

Mobile home/caravan:

15.45 Representations have been received querying if the main caravan on the site is actually a caravan under the terms of the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 amended by the 2006 Order. Regarding size, the maximum permitted size is 20m x 6.8m x 3.05m (internal height) for a twin unit caravan. The structure in question is 14.84m x 5.1m x 2.8m (internal height). It therefore complies with the permitted dimensions.

15.46 The applicant has also provided a statement from an engineer (Penpole Engineering Ltd) as follows:

The structure does appear to be designed to be split and moved;

- Inside the structure the central primary support beam, running the length of the roof is a double timber section, each side supporting its own rafters, allowing the structure to be separated at this point.*
- The internal finishings to the gable ends are plywood, the plywood again is split at the centre of the structure to allow it to be separated at this point.*
- Some internal walls cross the central boundary, however from evidence of the fixings used, there appears to be double studs to allow separation, following removal of a small part of internal finishings.*
- Externally, cladding and also, it would appear, the steel roof flashings are also split in the centre of the structure.*

- *The floor is also of a design capable of being split, again through its long dimension. Floor joists run between the large sawn timber perimeter beams and a central double joist: a finishing trim covers the joint in the internal wooden floor.*
- *The structure has no permanent foundations, or attachment to the ground, the main timber beams appear to sit freely on levelled paving slabs laid on top of the ground.*

In the opinion of Penpole Engineering Limited that, whilst there would be some preparation work involved if the structure were to be moved, the structure has been designed and constructed such that it can be split into its two constituent parts and is capable of being lifted onto a standard sized articulated lorry trailer with the correct lifting or jacking equipment.

15.47 Representations have been submitted alleging the structure arrived in “hundreds of pieces” rather than two and do not consider a 40 foot articulated trailer could negotiate the tight bends and narrow approach lane, hence taking the view that the structure is not a “caravan”.

15.48 The applicant has responded to this, stating that:

“case law demonstrates that the mobile home does not need to arrive on site in two pieces. The legal requirement is only that the final act of construction must be the joining together of the two sections. Therefore a mobile home can be self-built/constructed in situ and still meet the definition”.

15.49 The Case Officer comments that appeal decisions have found that mobile homes (caravans) do not need to arrive at a site in two pieces. Constructing the two final sections can take place at the site with the final act of assembly being the joining of the two sections. Regarding mobility, the completed structure must be structurally capable of being moved by road (regardless of whether the local road network is suitable for it to be moved) to satisfy the definition of a caravan. The structure must be capable of being lifted as one part to satisfy the “caravan” definition. The applicant has submitted a further report (received January 2025) explaining in detail how a lifting frame can be constructed and positioned to facilitate this. The report was prepared by an experienced Chartered Engineer. Taking all of this into account, the Case Officer considers that the mobile home is within the definition of a caravan.

15.50 Representations have been received alleging intensification has occurred on the site since the 2015 permission. Commenting on this, the change to the layout of the site since the 2015 permission is that the touring caravan on the north-east side of the barn has been replaced by a mobile home (still compliant with the definition of a caravan). The existing touring caravan alongside the south-east gable of the barn remains. A long wheel-base (LWB) Mercedes motor van is now parked further to the west of the barn (which is used for travelling to fairs/festivals). On the intensification query; the re-building of a building on the site to form a workshop might be termed an intensification. However, as explained in below paragraphs, it is not considered to

be an unacceptable intensification and its use has been explicitly accepted by a previous appeal inspector.

15.51 Representations have also suggested other structures which may require planning permission are on the site. Apart from relatively light weight lean-to type elements associated with the workshop building a lack of other more substantive structures is noted, though this is not material to the current application.

The workshop building (background):

15.52 The remains (lower wall sections) of a building in this location were present in the early 2000's. The applicants applied to rebuild this building as an agricultural store/ancillary rest room in 2005 (1/W/05/000620). It was refused based on development plan policies at the time (mainly lack of evidenced business plan and visually detrimental to Area of Outstanding Natural Beauty). At some point some years later (circa 2010-11) a building was constructed here. The appeal decision in 2012 acknowledged this barn's presence and indeed the Inspector acknowledged its presence in condition 5 "No primary residential accommodation shall be formed in the barn". The building was constructed more than 4 years ago. However, it is possible that condition 3 of permission WD/D/15/000305 requires the building to be removed and if so the building would not be immune from enforcement action. As a result the impacts of the building are considered below.

Effect on Dorset National Landscape and Visual Amenity:

15.53 The policy context includes the National Planning Policy Framework (NPPF) 2024, the Planning Policy for Travellers (PPTS) 2024, The Countryside and Rights of Way Act 2000, the adopted West Dorset, Weymouth and Portland Local Plan 2015 and the Dorset National Landscape Management Plan 2026 – 2031.

15.54 The site lies within the Dorset National Landscape (formerly known as AONB) and adjacent to public rights of way. As such the visual impact on the area has to be considered carefully.

15.55 The scheme includes an existing barn of natural stone and timber with a pitched slate roof. This is used as a dayroom/workshop/store. On the south-east side of this is a green painted caravan used for residential purposes. An awning extends from this with open sides. A sink, communal cooking facilities and a fire-pit are located here. A mobile home-type structure is located immediately north-east of these structures, measuring 14.84 x 5.1m with an internal height of 2.8m. This structure rests on slabs/blocks, with ship-lap timber cladding sides and a corrugated dark grey coloured near-flat roof. The touring caravan previously indicated on the plans at the western edge of the frontage car park has now been replaced with a long wheelbase motor-van instead (used for accommodation when driven to events).

15.56 It is clear from historic appeal decisions here that the effect of development on the character and appearance of the Dorset National Landscape has been a significant material planning issue. Over time the applicants have carried out landscaping to help mitigate the site's impact.

15.57 In March 2012 the appeal inspector noted that *“the planting, tidying up and relocating items have improved the site’s appearance.”* And also *“some new low box and yew hedging on the sides of the footpath and near the lane has somewhat improved the situation, but in my view not enough to adequately mitigate the impact”*.

He concluded on the AONB issue:

“I acknowledge that the appellants improvements have reduced the original harm to the AONB, but the development is still readily visible, especially when vegetation is not in leaf. In my view it still compromises the designation of the AONB, in breach of the development plan, although to a lesser extent.”

Condition 6 of the allowed 2012 appeal decision required some landscaping details - which were provided at the time.

15.58 The site is visible from the public bridleway W21/14 passing the site frontage (on Meerhay Lane) and from public footpath W21/21 which runs through the site passing across the parking area, past the barn on its south-west side before being contained between the yew/box hedging for a short distance before exiting south-eastwards into a meadow then eastwards with filtered views back. Footpath W21/12 branches south-eastwards past a manege (the property being more screened by vegetation from here). It lacks visibility from more distant viewpoints due to the wooded context.

15.59 National Planning Policy Framework (NPPF 2024) makes the following reference to National Landscapes in paragraph 189:

“Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.”

In the context of the above the scheme includes planting and landscape management measures which help to enhance the local National Landscape due to more appropriate native species planting and coppice management, together with ecological gains (such as hibernacula).

15.60 The site is subject to a Tree Preservation Order including beech, sycamore, ash and yew. The Tree Officer has advised that the woodland management is acceptable in this context.

15.61 The scheme has also been assessed in relation to para 190 and 191 of the NPPF 2024 regarding major development. Footnote 67 to the NPPF states that *“for the purposes of paragraphs 190 and 191, whether a proposal is ‘major development’ is a matter for the decision maker, taking into account its nature, scale and setting, and*

whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.” The Case Officers judgement is that the nature of the proposal being residential and for one family and on a relatively small and visually contained site, coupled with the case officer’s assessment that the scheme is not considered to have a significant adverse impact on the purposes for which the area has been designated means that the development is not considered to be ‘major development’ for the purposes of paragraphs 190 and 191 of the NPPF.

15.62 Regarding PPTS 2024 this includes guidance on visual aspects: In its Introduction (para 4k) the governments aims include *for local planning authorities to have due regard to the protection of local amenity and the environment.*

Para 26 states:

Local planning authorities should very strictly limit new traveller site development in open countryside that is away from existing settlements or outside areas allocated in the development plan. Local planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure.

Within the considerations under Policy H it goes on to say at para 27:

When considering applications, local planning authorities should attach weight to the following matters:

b) sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness

Representations have included the view that the development is harmful to the National Landscape from the lane and right of way because the workshop and main mobile home structure can be seen from here. In the officer’s assessment, the mobile home structure is largely screened by the timber boundary fence. Whilst the workshop is clearly visible, its small scale, appropriate pitched roof design and traditional materials finish contribute to its visual acceptability adjacent to the lane/bridleway, and apart from the vehicular access to the site, views are filtered by existing tree planting along the lane. The siting of the structures set back from the top bank of the stream passing the site helps foster a sense of openness to the stream channel (which is crossed by the public footpath). Furthermore, the immediate wider environment is positively enhanced by the proposed woodland management which will help enhance the environment. Having regard to the small scale, visual compactness of the scheme coupled with existing and proposed planting and woodland management it is considered that the development reflects the aims of the paragraphs above as quoted and that impacts are consequently regarded as very limited.

15.63 Turning to the Dorset National Landscape Management Plan 2026-31 which is also relevant. Policies within this include:

Policy C1a: Development should seek to conserve and enhance the National Landscape

Policy C2a: Require high-quality landscape assessment and evidence-based planning

Policy C3c: Enable appropriate development that supports adaptation to, and mitigation of climate change.

15.64 The establishment of traditional woodland coppice rotation management is consistent with Policies C1a and C2a above. The scheme would make beneficial contributions to the National Landscape addressed by condition consistent with policy C2a. There are ecological gains from the increased habitat mosaic and hibernaculums proposed which would be consistent with policy C3c.

15.65 Section 85 of the Countryside and Rights of Way Act 2000 (CROW) require relevant authorities (including Local Planning Authorities) to “seek to further the purposes of conserving and enhancing the natural beauty of the area of outstanding natural beauty” (rather than “have regard to...”) in relation to land in an AONB. As mentioned earlier the site is adjacent to two public rights of way; a footpath running past the site crossing the stream, and a bridleway which runs along Meerhay Lane past the site frontage. The landscaping measures include removal of non-native species within the hedgerows. For example, species such as mahonia and sycamore will be removed from the lane-side hedge to the north and replaced by native hedgerow planting. A small orchard will be planted just east of this hedgerow. The now well established relatively high yew/box hedging south of the barn associated with the stream crossing would remain. The woodland areas within the applicants control flanking the bridleway along the lane and south-west of the footpath crossing the stream would be selectively coppiced on a 7-year rotation. In these areas non-native species would be removed with particular emphasis on coppicing hazel stools. These measures mitigate and more than compensate for the limited impacts of the development so that the proposal is considered to enhance the natural beauty of the National Landscape.

15.66 Turning to the adopted West Dorset, Weymouth and Portland Local Plan 2015, Whilst the traveller accommodation-related development sits within relevant policies, there is not a specific policy to encompass direct support for the workshop building. However, assessing the relevant planning issues, in visual terms the small scale, pitched roof design and traditional materials palette are appropriate. In terms of residential amenity there would be no unacceptable overlooking or loss of privacy to neighbours as other residential properties are located at a significant distance from the building. Regarding parking, there is sufficient parking space adjacent to support its use as workshop/dayroom/ancillary building.

15.67 Policy ENV1 includes ensuring development does not harm the character, special qualities or natural beauty of the Dorset Area of Outstanding Natural Beauty (National Landscape). In respect of this application it is considered that the visually contained site size combined with the existing planting including hedging and the proposed planting and woodland management would enhance the National Landscape. The proposals would seek to enhance and restore locally distinctive

landscape features such as the hedging and coppicing which would be consistent with ENV1 ii).

15.68 Policy ENV10 (the landscape and townscape setting) is also relevant to the scheme. The existing and proposed soft landscaping would help to successfully integrate the site with the surrounding area and would be consistent with ENV10 iii). The coppicing would be a traditional feature to enhance local character consistent with ENV10 iv).

15.69 Whilst the small scale of this current application does not require a full Landscape and Visual Impact Assessment the applicant has provided a Landscape Assessment. This does not include photographs to show the site at different times of year. However, the Landscape Officer for the Dorset National Landscape has reviewed the applicants' submitted Landscape Assessment and has visited the site to assess this scheme. The overall conclusion the officer reaches is that they *"consider that the proposal would not result in significant harm to the character and appearance of the AONB. However, I advise that further consideration is given to opportunities to enhance the site through the determination of this application"*.

15.70 Following from the landscape officers comment the applicant has provided further landscape proposals; Tda.2509.05 (rev a) and an accompanying Landscape Specification and Management Plan. This would include native hedgerow enhancement, new orchard planting, box and yew hedging retained, removal of some non-native species and woodland management including some coppicing. This scheme has been referred to the Dorset National Landscape Officer who comments that *"not all of the suggestions I made have been incorporated, However, some of the more important recommendations are included"*. The officer then states:

Whilst there are some suggestions that have not been adopted, the applicant has included proposals to improve the structure of the roadside hedge, will plant a small orchard and, perhaps most significantly, has offered coppice management in the wider woodland. As noted in my earlier advice, our Landscape Character Assessment (LCA) guidance for this area promotes the replanting of hedgerow sections where historical loss has occurred and the planting of new hedgerow trees/enhanced woodland management, particularly coppice woodlands with small-scale planting of broadleaves along valley sides. The LCA guidelines also promote the restoration of orchards which can be broadly extended to supporting the proposed planting.

15.71 Regarding the workshop building (barn) the building is being used as a workshop/dayroom/ancillary facility to the occupation of the site by the family. As such it is clearly linked to the work and travelling activity of the users. The building is of modest scale, of appropriate pitched roof design and uses vernacular external materials. Consequently, it has a rural character and whilst not agricultural in its use, it nevertheless has an appearance suggestive of an agricultural-type use. The

Landscape Officer, National Landscape stated: *in terms of scale and materials there are no significant concerns about the landscape/visual impacts of this building.* Furthermore, the Landscape Officers comments include *“the site is comprised of relatively small-scale elements that do not fundamentally detract from the natural beauty of the area.”*

- 15.72 The submitted landscaping information significantly adds to the overall standard of landscaping which would be achieved relative to this site as part of this application. Whilst it is true to say that the site would still be apparent from public land/public rights of way and a residential presence in this location would be visible, the combination of existing landscaping, proposed landscaping, coupled with the quite tightly visually contained accommodation structures and appropriately designed barn helps to mitigate and also more than compensate for the limited visual impact. Taking into account the National Landscape Officers view, the Case Officer considers the additional planting and proposed landscape management, which can be secured by condition, does seek to further the purposes of conserving and enhancing the natural beauty of the Dorset National Landscape. The limited impacts that arise from the visibility of the site from public land and public rights of way are considered to be outweighed by the enhancements arising from the additional planting and proposed landscape management.

Utilities and Services:

- 15.73 The site is powered by a 12 volt electrical system using battery storage and solar panels for generation. Heating is provided by solid fuel stoves and there is an LPG gas bottle for a gas fired cooker. Regarding water supply the site uses existing spring water from sources higher up on the site to provide piped potable water. Regarding sanitation arrangements liquid waste is processed in lidded containers via active charcoal, and solids via soil closet mixed with sawdust. The used charcoal and soil waste is then transferred for secondary treatment either within a composter for solid matter or spread onto land in the case of the charcoal. The mobile home is served by grey water sewerage in the form of a pit dug within the (predominant) clay subsoil and filled with pea gravel. there is no overflow to the stream. The (former) Team Leader Housing Standards West has visited the site to verify these measures. Surface water drains to the existing adjacent watercourse.
- 15.74 These measures have been communicated to the Environment Agency who have indicated they do not wish to comment on the application. In light of the above the scheme is considered to satisfy local plan policy COM 10 (Provision of utilities service infrastructure).
- 15.75 The applicant has also submitted an application to the Council's Environmental Health Section for a caravan site licence. This cannot be approved unless planning approval is first granted. .

Residential Amenity:

- 15.76 The area lies in a wooded countryside location with several dwellings in the locality. Opposite, but set back from the lane is Meerhay Cottage (this is the nearest

residential property over 40m away to the east). Further to the south-west is Meerhay Manor, and further to the north-east is Higher Meerhay Farm. Due to the significant distances, there is no unacceptable overlooking or loss of privacy issues. Accordingly, the scheme is considered consistent with local plan policy ENV16 (Amenity). It is also consistent with the PPTS aim in point k where local planning authorities should " *have regard to the protection of local amenity and local environment.*"

Flood Risk:

15.77 With the release of new National Flood Risk Maps as part of the National Flood Risk Assessment 2 by the Environment Agency, the maps show annual likelihood of surface water flooding at 1 in 30, 1 in 100 and 1 in 1000 and the latter appears to affect part of this site.

15.78 Accordingly, the applicant has submitted a Flood Risk Assessment dated 17/10/25 which reviews the various origins of potential flood waters. This has been reviewed by the Flood Risk Management Team. In terms of surface water a very small proportion of the site along with short sections of the access road to both the north and south of the site is shown to be at risk of surface water flooding.

15.79 The FRA states:

8.2 It is only the access to the Site that is at risk of flooding. However, there is a Very low chance of the flood depth reaching 60cm in depth and Low to Very low chance of the flood depth reaching 30cm. There is a High to Medium chance of flood waters reaching 20cm, however, this could be traversed with care in emergency by a vehicle, particularly given the short length of road at risk of flooding. It is also noted that the flood depth and flood risk to the access is likely to be overstated as the mapping is unlikely to have accounted for the culvert.

15.80 The Councils Project Engineer has within his comments stated: *The floor level of the residential mobile home is at least 1m above the estimated flood level.* He concludes by saying; *he generally agrees with the conclusions of the FRA. The LLFA do not object to the proposed scope of development.* He does also comment that the LPA may consider a condition regarding flood depth markers along a small section of the access track may be appropriate. Whilst the Councils Project Engineer suggests a planning condition this is not a strongly advised point. The markers would not mitigate any flood risk, rather they would only advise of driving depth so that someone driving along can make a more informed choice about driving through flood waters but there are several short sections of the track that are potentially at risk of flooding and there wouldn't be markers at all of them. It is not considered necessary to condition the provision of flood markers to make the development acceptable and therefore such a condition would not meet the tests that conditions are required to. In the light of the above considerations the scheme is considered to be acceptable in terms of policy ENV5 of the Local Plan.

Highways:

15.81 From Beaminster the site is accessed via Bowgrove Road and then via Meerhay Lane. The lanes leading to the site are relatively narrow lacking footways. There is an existing vehicular access to the site itself together with an ample off-road parking area. The Highways Officer comments that:

The site's vehicular access is gained from a private road and not highway maintained at the public expense. Given the quantum of development the Highway Authority considers that the proposal does not present a material harm to the transport network or to highway safety and consequently has no objection.

15.82 In light of the above it is considered that the scheme is acceptable in highway safety terms and is compliant with local plan policy COM7 (Creating a safe and efficient transport network).

Planning balance:

15.83 Paragraph 3 of the PPTS (2024) states that the Government's overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.

15.84 From the review in this report of planning policy and relevant documents it is clear that the task of identifying suitable sites for gypsies and travellers in the Dorset Council area is difficult and on-going. Dorset Council's area is constrained by an extensive and widespread range of landscape designations including green belt and National Landscape and ecological designations such as SSSI's and European Protected sites, such that potential sites outside such designated areas are likely to be limited. Neither need or supply are static and the level of unmet need for sites is *increasing* over time. A strategy is to be incorporated in the emerging Dorset Council Local Plan, albeit the Local Plan will not be adopted until Winter 2027 at the earliest. Hence the Council cannot currently demonstrate an up-to date 5 year supply of deliverable sites.

15.85 Under Policy H of the PPTS 2024 para 28 states:

28. If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, the provisions in paragraph 11(d) of the National Planning Policy Framework apply. Local planning authorities should consider how they could overcome planning objections to particular proposals using planning conditions or planning obligations including:

a) limiting which parts of a site may be used for any business operations, in order to minimise the visual impact and limit the effect of noise

b) specifying the number of days the site can be occupied by more than the allowed number of caravans (which permits visitors and allows attendance at family or community events)

c) limiting the maximum number of days for which caravans might be permitted to stay on a transit site

15.86 Paragraph 11(d) of the NPPF states that decisions should apply a presumption in favour of sustainable development and sets out the criteria for doing so. In the context of paragraph 11(d) there *are* relevant development plan policies to the scheme which have been considered in this report and are further considered below.

15.87 A letter of objection received in April 2025 disagrees with the weight attached to different material considerations by the officer. However, this is a matter of planning judgement for the Committee. The officer's recommendation takes into account the fact that the Landscape Officer, Dorset National Landscape considers the scheme more appropriate; that the applicants have added to landscaping over the years and that they have submitted a detailed woodland management plan (including ecological enhancements) which will enhance the local area of woodland and hence the National Landscape.

15.88 The site in question has been the subject of several temporary permissions in the past and this traveller family has resided on the site for about 21 years. The planning officer is not aware of any complaints regarding traffic to the Highways Section or to the Environmental Health Section regarding the use of this site over this time.

15.89 Whilst there does not appear to have been recent rigorous efforts by the applicants to find an alternative site the applicant has, at the planning officer's request, been to view two council-owned sites in the wider Central Dorset area. The applicant has explained why they felt these sites were not acceptable. These included community/location and cultural difference reasons and a more sustainable approach to living by the applicants and the GLO has confirmed that the cultural difference concerns can have some substance. The applicants need for workshop facilities and storage is less likely to be found at a "conventional" site. There is no legal or express policy requirement for the applicants to search for an alternative site but the availability (or lack) of available sites for the applicant is a consideration under national policy. That said, the extent of any such search is a material consideration to be weighed in the planning balance.

15.90 Whilst the site is clearly in the countryside it is not in a geographically remote location. The town of Beaminster is about 1.8km away and could be accessed by walking or bicycle, albeit on unlit roads or rights of way, and the town has a good range of services and facilities. Indeed, this was acknowledged in the 2012 appeal decision where the Inspector considered the proposal to be "a sustainable form of traveller development" (Para 24). The granting of planning permission for this site is not considered to set a precedent since the applicants meet the definition of travellers in the PPTS and each application is considered on its own merits, even if it were in the context of another proposal for a traveller site.

15.91 When considering the application against the PPTS 2024 government advice, Policy C: Sites in Rural Areas and the countryside states:

When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community.

And Policy H para 26 states:

LPA's should very strictly limit new traveller development in open countryside that is away from existing settlements or outside areas allocated in the development plan. LPA's should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing an undue pressure on the local infrastructure

The compactness and small scale of this site for use by a single traveller family mean that the proposal is considered to comply with the above policies of the PPTS.

15.92 Policy H of the PPTS gives a number of parameters starting with the point that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

15.93 Policy SUS2 (distribution of development) of the adopted Local Plan allows for gypsy/traveller development outside defined development boundaries, but provided it is strictly controlled, having particular regard to the need for protection of the countryside and environmental constraints. It will be gathered from this report that landscaping improvements are included in this application, and that the site would be strictly controlled in extent by virtue of planning conditions. The particular way this family use the site in a physically contained way, following sustainable lifestyle principles and knowledge of woodland management means it is reasonable to impose a personal use condition.

15.94 Regarding Policy INT1 of the adopted Local Plan, (presumption in favour of sustainable development) this development would contribute environmental improvements through the additional planting and woodland management and contribute towards the social dimension due to the applicant's community work.

15.95 Regarding Policy ENV1 (Landscape, seascape and sites of geological interest) the existing structures- without any mitigation-would cause some limited harm. However, the existing and proposed landscaping would provide beneficial visual mitigation and enhancements to the National Landscape (AONB) and views from public rights of way. The proposed woodland management would also help restore locally distinctive landscape features (including orchard planting and coppicing) consistent with that policy. ENV10 (the landscape and townscape setting) is also relevant as the scheme includes additional planting. The site is relatively compact and visually contained. The proposed landscaping also accords with 27(b) of PPTS Policy H in that: *When considering applications, local planning authorities should attach weight to the following matters: (which include 27b): sites being well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness.*

15.96 The applicants are seeking this application to be for the *permanent* continuation of the site for this traveller family. There have been material changes in circumstances since the last permission in 2015; the level of sites now needed has markedly increased; existing landscaping has further established at the site; additional planting and a landscape management plan are now proposed to enhance the Dorset National Landscape (and which are recommended to be secured by condition); and ecological benefits are also included. Whilst pitches on authorised sites can become available from time to time it is noted the standardised utility provisions, relatively small plot sizes and locations distant from the current location (which is linked to community and work-related connections) do not relate well to the operational needs of this Traveller family.

15.97 Paragraph 25 of the PPTS states that local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- a) the existing level of local provision and need for sites
- b) the availability (or lack) of alternative accommodation for the applicants
- c) other personal circumstances of the applicant.

15.98 As there is no 5 year supply of sites the Development Plan is considered to be out of date so that paragraph 11d of the NPPF is engaged. Having regard to 11d(i) and the consideration of the National Landscape and Flood risk as identified by the NPPF it is considered that these do not provide a reason for refusing the application. Indeed, the development would have only limited localised visual impacts which would be mitigated and more than compensated for by the existing and proposed planting and there would be an enhancement to the National Landscape from the planting, removal of non-native species and the woodland management. The development would not adversely impact on flood risk and has been shown to be safe for its lifetime given floor levels and the potential for limited surface water flooding on the access lane.

15.99 The level of unmet site need carries significant and even if tempered by the applicants limited search for sites it still carries moderate weight. Having said this, the applicants' needs for adequate workshop space to facilitate their livelihood, an important consideration, carries some weight. Whilst there would be very limited localised visual impacts from public rights of way (mitigated by the existing/proposed planting), this is outweighed by the weight that should be attached to the detailed woodland landscape management in enhancing the National Landscape proposed as part of this scheme. The management and enhancement of the adjoining woodland is an important material consideration here.

15.100 In respect of 11d(ii) there are no adverse impacts of granting planning permission that would significantly and demonstrably outweigh the benefits identified in this report. Given the above, it is considered that the proposal is in accordance with the Development Plan as a whole and there are no material considerations indicating

that permission should be refused, so that a permanent permission is acceptable subject to planning conditions.

16.0 Conclusion

- 16.1 For the reasons set out above the site is considered appropriate for a permanent grant of permission subject to planning conditions.

17.0 Recommendation

Grant permission subject to conditions:

1.The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan TDA.2509.03A

Existing and Proposed site Layout TDA.2509.01C

Planting Plan 2015 (received 11/8/2015)

Landscape Plan TDA 2509.04A

Landscape Specification and Management Plan Rev A (January 2024)

Elevations of existing barn TDA.2509.06

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

2. The use hereby permitted shall be carried on only by Mr T Langton and Ms R McGill and their resident dependents only.

Reason: In the interests of protecting the natural beauty of the Dorset National Landscape.

3. Within 4 months of the site ceasing to be permanently occupied by those named in condition 2 above the use hereby permitted shall permanently cease and all residential use shall cease and all caravan/mobile home structures, materials and equipment brought onto the land shown edged red on the approved plan (excepting the natural stone barn), shall be removed and the land restored to its former condition before the development took place in accordance with the scheme and timetable for restoration which shall have first been agreed in writing by the Local Planning Authority.

Reason: In the interests of protecting the natural beauty of the Dorset National Landscape.

4. The development hereby permitted shall be in accordance with layout plan TDA 2509.01C with the main caravan/mobile home structure stationed adjacent to the north-east side of the barn, and the secondary caravan (both used for residential purposes) retained on the south-east side of the barn all within the site area edged red.

Reason: In the interests of helping to minimise the impact on the Dorset National Landscape.

5 The (travelling) touring motor van/or touring caravan shall be parked when not in use in the location indicated on layout plan TDA 2509.01C within the site area edged red.

Reason: In the interests of helping to minimise the impact on the Dorset National Landscape.

6. No more than two caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be used for residential occupancy purposes whilst stationed on the site shown edged red on the approved plan TDA 2509.01C. No additional caravans shall be stationed on the site.

Reason: In the interests of limiting the amount of residential-related development and of helping to minimise the impact on the Dorset National Landscape.

7. The red-lined site area on the approved location plan shall only be used for purposes ancillary to the residential use of the approved main caravan/mobile home structure (adjacent the north-east side of the barn). The barn shall not be used for primary residential accommodation (sleeping accommodation).

Reason: To ensure control over the location and extent of the residential use in the interests of the visual amenity of the Dorset National Landscape.

8. The planting shown on Wintergreen Planting Plan 2015 (received 11/8/2015) shall be permanently retained at the site and any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: In the interests of protecting the Dorset National Landscape.

9. The soft landscaping works shown on Detailed Landscape Proposals Plan TDA.2509.04A must be carried out in full during the first planting season (November to February) following approval of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping shall thereafter be maintained and managed in accordance with the submitted Landscape Specification and Management Plan (Rev A) updated January 2024. Any trees or plants which are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the satisfactory landscape enhancements to the site which lies within the Dorset National Landscape.

10. Every year following the grant of this planning permission annual woodland management operations shall be carried out in accordance with the details show on the Detailed Landscape Proposals Plan TDA.2509.04A and as set out in the Landscape Specification and Management Plan (Rev A) updated January 2024. Prior to the commencement of annual woodland management operations on site, trees to be removed (non-native and dangerous/leaning) are to be clearly marked and agreed for felling with the local planning authority in writing. Replacement tree species for any removed trees, with tree planting measures, are also to be agreed in writing with the local planning authority and undertaken during the first available planting season following tree removal works.

Reason: To ensure the satisfactory landscape enhancements to the site which lies within the Dorset National Landscape.

11. Within 3 months of the date of this permission details of the hibernacula design and timetable for its construction shall have been submitted to and approved in writing by the local planning authority. The hibernacula shall be provided in accordance with approved details. After construction the hibernacula shall be permanently retained thereafter.

Reason: In the interests of enhancing the ecological value of the area.

Informatives:

1. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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. Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to

have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- The application for planning permission was made before 12 February 2024.

Read more about Biodiversity Net Gain at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.

2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.

3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and

(i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or

(ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.

4. The permission which has been granted is for development which is exempt being:

4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:

- i) the application for planning permission was made before 2 April 2024;
- ii) planning permission is granted which has effect before 2 April 2024; or
- iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).

4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

Application Number:	P/FUL/2025/05240
Webpage:	Planning application: P/FUL/2025/05240 - dorsetforyou.com
Site address:	Sidney Gale House Flood Lane Bridport DT6 3QG
Proposal:	Demolish existing building, erection of a new 56-bed reablement centre (Care Home with Nursing) with associated communal and supporting accommodation, landscaped gardens and car park
Applicant name:	Mr Samuel Poole
Case Officer:	James Lytton-Trevers
Ward Member(s):	Cllr D Bolwell; Cllr B Bolwell; Cllr Williams

1. Reason application is going to committee:

- 1.1 The application is brought to committee in accordance with the scheme of delegation as the applicant is Dorset Council and the land to which the application relates is owned by Dorset Council.

2. Summary of recommendation:

- 2.1 Grant planning permission subject to the conditions at section 16 of this report.

3. Key planning issues

Issue	Conclusion
Principle of development	A building in this location, where it would replace a building of the same use, would be acceptable in principle and comply with local plan policies SUS2 and HOUS5.
Character and appearance of the area	The proposal would comply with local plan policies ENV10, ENV11 & ENV12 and Bridport Area NP policies D1 & D8.
Amenity	The proposal would comply with local plan policy ENV16 and Bridport Area NP policy D10.
Heritage	The proposal would comply with local plan policy ENV4.
Biodiversity	The proposal would comply with local plan policy ENV2 and Bridport Area NP policy L2.
Highway safety	The proposal would comply with local plan policies COM2 & COM9 and Bridport Area NP policies AM1 & AM5.

Issue	Conclusion
Trees and landscaping	The proposal would comply with local plan policies ENV2 & ENV9 and Bridport Area NP policies L1, L2 & L5.
Flood risk and drainage	The proposal would comply with local plan policies ENV5 & COM10 and Bridport Area NP policy D5.

4. Description of site

- 4.1 The Sidney Gale House site is located near to Bridport town centre on the eastern side of West Bay Road and immediately north of the junction of West Bay Road and Sea Road (at the roundabout).
- 4.2 The site has a single vehicular and pedestrian access point from Flood Lane to the north, shared with Gordon Court Retirement Living. There are 10 parking spaces available on-site. The building was purpose built and dates from approximately the 1970s. There is a low, stone wall on the site boundary. The land is relatively level, laid mainly to lawn with ornamental trees of varying size and age.
- 4.3 Adjacent to the site is Gordon Court Retirement Living, a purpose built three-storey complex dating from 2023, for independent living for older adults. To the east, on the opposite side of West Bay Road, there are residential buildings, mainly two-storeys dating from the 19th century.
- 4.4 Sidney Gale House is currently not in use. It was last used as a care home for older people. The building is outdated and does not meet modern design standards, particularly in terms of fire safety and privacy. As a result, demolition is proposed to facilitate the proposed replacement building.
- 4.5 The site is in the Dorset National Landscape (Area of Outstanding Natural Beauty) and is not in a Conservation Area.

5. Description of development

- 5.1 The proposal is for demolition of Sidney Gale House and the erection of a purpose built 56 bed facility offering short-term recovery and rehabilitation for older adults post-hospital discharge. The building would comprise of four 2 storey blocks arranged symmetrically and joined by a linking building. Adjacent to the entrance from Flood Lane there would be a new car park with 26 car spaces and a drop-off area. The grounds would be laid to garden with landscaping.
- 5.2 The building would be designed around a homely, non-clinical environment to promote dignity, independence, and well-being. It would be organised into household clusters of 10–12 single ensuite bedrooms, each with communal lounge, dining and kitchen areas. There would be dedicated therapy and reablement spaces, including kitchens and laundry for daily living skills practice. A refuse bin enclosure would be in proximity to the kitchen and laundry entrance.
- 5.3 In particular the proposal would have the following attributes:
Flexible building layout incorporating dementia-friendly design, ceiling hoists, and bariatric provision;
Targeting BREEAM Excellence through passive design, low-energy systems, renewable technologies and design features;

Outdoor access through balconies, gardens, and terraces to support mental and physical health; and,

Council-owned and CQC-registered Care Home with Nursing, operated by Care Dorset or another regulated provider.

5.4 The application is supported by the following documents:

Photographs and photomontages

Sustainability Statement

Design and Access Statement

Preliminary Ecological Appraisal

Reptile Survey

Flood risk assessment & drainage strategy report

Landscape Ecological Management Plan

External lighting statement

Acoustic assessment report

Transport statement

Travel plan

Tree Schedule & tree work

Arboricultural Impact Assessment

Ventilation or Extraction Statement

Statement of Community Involvement

Biodiversity Net Gain Assessment

Geotechnical & Geoenvironmental Interpretative Report

6. Background and relevant planning history

P/PAP/2025/00195 - Decision: RESPONSE ISSUED - Decision Date:
10/06/2025

Proposed development of a new bedded reablement centre in Bridport.

Support given in principle.

7. List of constraints

Dorset National Landscape (Area of Outstanding Natural Beauty AONB)

Special Area of Conservation (SAC) (5km buffer): Sidmouth to West Bay (UK0019864)

Special Area of Conservation (SAC) (5km buffer): Chesil & The Fleet (UK0017076)

Special Area of Conservation (SAC) (5km buffer): Lyme Bay and Torbay (UK0030372)

Site of Special Scientific Interest (SSSI) impact risk zone

Flood Zone 2 (record ID 8810231.0)

Risk of Surface Water Flooding Extent 1 in 30

River Brit climate change

Surface water flooding - 1 in 100 year event plus 20% allowance

Radon

Contaminated Land

8. Consultations

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

Consultees

8.1 **Wessex Water** - No reply

8.2 **Environment Agency** – No reply

8.3 **Dorset Police Architectural Liaison Officer** - No objection

8.4 **Dorset Council Natural Environment Team** - Received the ecology documents for review under the DBAP

8.5 **Dorset Council Highways** – No objection conditional of the following:

Construction traffic management plan to be submitted

Turning/manoeuvring and parking construction

Cycle parking

EV parking bays as submitted

Updated Travel Plan to be submitted.

8.6 **Dorset Council Minerals & Waste Policy** - No objection

8.7 **Dorset Council Waste Team** – No reply

8.8 **Dorset Council Trees** – Objection - The loss of trees and the proposed tree planting.

8.9 **Dorset Council Economic Development and Tourism** – No objection - Job Creation.

8.10 **Dorset Council Flood Risk Management** – No objection conditional of the following:

A detailed surface water scheme and maintenance and management of it.

8.11 **Dorset Council Env. Services – Protection** – No objection conditional of the following:

Noise and odour from the proposed kitchen extract be assessed

Management of dust and noise

8.12 **Dorset Council Building** - No reply

8.13 **Dorset Council Adult social care-Accommodation with support** - No reply

8.14 **Dorset Council Asset & Property** - No reply

8.15 **Dorset Wildlife Trust** - No reply

8.16 **NHS Dorset (Dorset Integrated Care Board) ICB** - No reply

8.17 **Public Health Dorset** - Support

Provision of a facility that will support healthcare delivery by providing short-term respite care for older adults. Recommend further consideration is given to:

The use of greening opportunities

The provision of food growing

EV charging provision for all vehicles

Further exploration of the potential for community use

12 m² of internal, useable floorspace, not including an ensuite bathroom

8.18 **Dorset Fire & Rescue Service** - Building Control requirements to be met to improve safety and reduce property loss in the event of fire.

8.19 **Bridport Ward Members** - 1 in support (Cllr B Bolwell), 2 no reply:

A necessary addition to local facilities for our mainly ageing population.

8.20 **Bothenhampton and Walditch PC** – No reply

8.21 **Bridport Town Council** - Support

Architectural design commended.

Noted that application includes limited car parking spaces for employees and visitors;

The bus services (WB1 and service 7) only run on Wednesday and Saturdays and WB1 is subject to funding.

Representations received

Total - objections	Total - No objections	Total - comments
1	2	0

Petitions objecting	Petitions supporting
0	0

Summary of comments of objections:

Most people had to go further afield to a new home as there is not enough in Bridport which was sad as most of them had lived in Bridport all their lives (the representation stated 'objection' although the comment would not appear so).

Summary of comments of support:

Should demolish the building to enable contractors' vehicles.

Suggest a Nature strip running along Rose Bank and 3 Flood Lane.

6FT High Wooden Fence or metal fencing with hedging along Rose Bank and 3 Flood Lane. To prevent overlooking by the parking and new development.

Staff parking could be a problem.

Street lighting to be soft lighting and dimmed.

Where are the bins going.

Large Tree may affect parking.

Accords with policies.

Will enhance the entrance point to the Town Centre.

It will bring benefits to the local economy, improve the local infrastructure and free-up hospital beds.

It will be an important contribution to a future Bridport Gateway Care Hub Project.

9. 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 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 (formerly known as Areas of Outstanding Natural Beauty) when making any decision which affects such land.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

INT 1 Presumption in favour of sustainable development
ENV 1. Landscape, seascape and sites of geological interest
ENV 2. Wildlife and habitats
ENV4 Heritage assets
ENV 5. Flood risk
ENV 9. Pollution and contaminated land
ENV 10. The landscape and townscape setting
ENV 11. The pattern of streets and spaces
ENV 12. The design and positioning of buildings
ENV 13. Achieving high levels of environmental performance
ENV 16. Amenity
SUS 2. Distribution of development
ECON 1. Provision of employment
HOUS 5. Residential care accommodation
COM 7. Creating a safe and efficient transport network
COM 9. Parking standards in new development
COM 10. The provision of utilities infrastructure

Made Neighbourhood Plans

Bridport Neighbourhood Plan 2020-2036 (made 5/5/2020)

AM1 Promotion of Active Travel Modes

AM5 Connections to sustainable transport

HT2 Public realm

L1 green Corridors, Footpaths, Surrounding Hills & Skylines

L2 Biodiversity

L5 Enhancement of the environment

COB1 Development in the centre of Bridport

D1 Harmonising with the site

D5 Efficient use of land

D8 Contributing to local character

D9 Environmental performance

D10 Mitigation of light pollution

Material considerations

Emerging local plans:

Paragraph 49 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, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

Section 4 'Decision making': Para 39 - 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 11 'Making effective use of land'

Section 12 'Achieving well designed places' This 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 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.

National Planning Practice Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment

Dorset AONB Management Plan 2019-2024 (extended to end of 2025 with the agreement of Dorset Council Cabinet 17/12/2024)

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.

Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

11. Human rights

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

12. 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 parking surface has been gently elevated from road level to create a flush kerb line with the pavement. The approach to the building is well illuminated to support visitors with visual impairments. All internal floors are level, as are the access points to external amenities, including internal lightwells and garden terraces. Household clusters of 10–12 single ensuite bedrooms, each with level access to communal lounge, dining and kitchen areas with dementia-friendly design, ceiling hoists, and bariatric provision and outdoor level access through balconies, gardens, and terraces to support mental and physical health. All household entrances are gathered around the central circulation run, simplifying wayfinding and keeping horizontal travel distances short.

It is not considered that the proposals would prejudice persons with protected characteristics.

13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Long-term employment opportunities for healthcare professionals, administrative staff, and maintenance workers. Increased activity in the area during construction and operation may benefit local businesses, such as suppliers, contractors, and service providers.	To be determined
Non material considerations	
Provision of reablement centre.	NA

14. Planning Assessment

Principle of development

- 14.1 The existing building, which dates from around 1970, is unsuitable for modern requirements for a reablement centre. A reablement centre would fall within the Use Classes Order as a residential institution under class C2. It would be used as a care home, albeit a reablement centre is proposed at this time, to be used for short term stays upon discharge from hospital. A C2 use would comply with policy SUS2 of the local plan, being sited within the settlement. The existing building is of little architectural or historic interest and there is no objection to its demolition, subject to a suitable replacement. The land is previously developed land being land which has been lawfully developed and is or

was occupied by a permanent structure. Paragraph 89 of the NPPF encourages the use of previously developed land, and sites that are physically well-related to existing settlements, where suitable opportunities exist.

- 14.2 A building in this location, where it would replace a building of the same use class as that proposed, would be acceptable in principle and comply with local plan policies SUS2 and HOUS5 subject to further consideration below.

Character and appearance of the area

- 14.3 The proposal is for a building of greater footprint than the existing, but of 2 storeys instead of 3. The design is expressed through essentially four blocks, two of which are L in shape and two of which are rectangular with pitched seamed roofs. The four are joined by a short linking building with a flat roof, but visually would appear to be four distinct buildings rather than one. This would reduce the massing of the development, such that it would not appear excessively bulky. The applicant has taken the opportunity for the building to have a better relationship with the public realm by bringing the building closer to West Bay Road, which is supported. It would have a similar building line and height to Gordon's Court (adjacent) which is acceptable.
- 14.4 Whilst a departure from the more classical Regency buildings opposite and the Regency inspired Gordon's Court development adjacent, there is not an issue with a modernist style. The scale, height, materials and expression of the replacement building would sit harmoniously in its surroundings. This would also be reinforced by the vertical emphasis of the window treatment facing West Bay Road, combined with the treatment of walling which would reflect existing buildings in the vicinity. The brickwork would be a soft red brick in a town where red brick is the norm.
- 14.5 The perimeter treatment would retain the Portland stone dwarf wall and introduce appropriate landscaping including hard surfacing areas. The landscaping would provide a soft edge to the development when seen from the main roads on each side of it. The car parking would be screened from view from these roads by the building.
- 14.6 The proposal, albeit occupying a large site within the town, owing to its containment amongst other similar height buildings, would maintain the landscape character and setting of the designated Dorset National Landscape.
- 14.7 In view of the above, the design of the building would be acceptable and enhance the character and appearance of the area.
- 14.8 The proposal would comply with local plan policies ENV10, ENV11 & ENV12 and Bridport Area NP policies D1 & D8.

Amenity

- 14.9 The separation from Gordon's Court is acceptable to prevent overshadowing, overlooking and overbearing.
- 14.10 The location of the car park is unchanged and unlikely to lead to additional noise or light nuisance to neighbours.
- 14.11 The car park, where it would be closest to Rose Bank and 3 Flood Lane, would retain the 1.2m high stone wall. It is not considered that alternative boundary treatment, such as a

2m fence, would be necessary to safeguard amenity. The wall would obscure car lights from glare and occupants of cars from overlooking.

- 14.12 The external lighting design would be to allow pedestrians to move safely to/from the car park and allow site users to walk around the building perimeter footpath and utilise the terrace areas. The car park & building light would be controlled to comply with all BREEAM requirements. This shall include but not be limited to photocells being used to control the lighting so that no luminaires are left on during daylight hours. All luminaires will be dimmable to allow the required light levels to be set in accordance with requirements at commissioning. In addition, a programmable time schedule will be utilised to set back and reduce the lighting levels between 23.00 – 06.00 in line with Staff shift changes.
- 14.13 Potential noise and odour from the proposed kitchen extract would be assessed in terms of its potential effect on the residents of the proposed development and having regard to appropriate nationally recognised standards and criteria. The Environmental Health Officer does not object to the proposal and considers that this can be dealt with by approval of details by condition.
- 14.14 A construction management plan for the demolition of the existing building would include mitigation of dust and noise and be sought by condition.
- 14.15 The submitted plans clearly differentiate between bedroom and en-suite areas, with floor areas labelled separately. All resident bedrooms are sized at 15 m², excluding en-suite bathrooms, and therefore exceed the referenced 12 m² benchmark.
- 14.16 Food growing (by residents) whilst not specifically identified in the proposals, would be possible given the garden area around the building.
- 14.17 The proposal would comply with local plan policy ENV16 and Bridport Area NP policy D10.

Heritage

- 14.18 The only heritage assets that are identified are those on the opposite side of West Bay Road and in Flood Lane. Those on the opposite side of the road are 48-52 & 62 (even numbers) West Bay Road which are individually or cumulatively grade II listed houses situated behind a grade II listed dwarf wall with railings. 3 Flood Lane is a grade II listed house. The setting of each is derived principally from its relationship with West Bay Road and Flood Lane respectively. None of the listed buildings have a relationship with the application site, which is quite distinct being physically and visually separate. It is not considered that this proposal would lead to harm to their setting.
- 14.19 The proposal would comply with local plan policy ENV4.

Biodiversity

- 14.20 Ecological enhancements would be provided as follows:

Increasing the size of an existing pond on the site;

The biodiversity value of lawn grass to be improved by planting more species (ten or more vascular plant species) and wildflowers;

Where possible, trees would be retained and new trees planted within the site;

Along the perimeter wall to plant native species to create a hedge around the site boundary;

Built-in or attached bird boxes would be used to provide shelter/nesting habitat for species that are reliant upon buildings;

Built-in provisions such as bat tiles, tubes, bricks and boxes would be used;

By improving the grasslands with more species, especially flowering species, naturally invertebrate populations will benefit;

Bee bricks can be used to encourage and support bees within the site.

- 14.21 The enhancements would be secured by condition. Biodiversity Net Gain (BNG) will also be required for this site and conditions are proposed to cover BNG.
- 14.22 The site is within 5km of the Chesil & The Fleet SAC. Within the Chesil and the Fleet catchment Natural England considers that the trampling of habitats and disturbance to species are adversely affecting the primary reasons for the SAC designation. Furthermore, recreational pressure, particularly from dog walkers and water sports during the winter period, is harming the overwintering birds of the SPA. This development is not qualifying development because the accommodation would be used as a care home/reablement centre which is considered would not lead to occupants travelling to and accessing on foot Chesil Beach & The Fleet.
- 14.23 The proposal would comply with local plan policy ENV2 and Bridport Area NP policy L2.

Highway safety

- 14.24 This application is supported by a Transport Statement. This has been accepted by the Highway Authority as being appropriate and robust. It considers the impact of the traffic associated with the proposed development on the local highway.
- 14.25 There will be a condition for a Construction Traffic Management Plan (CTMP) to be submitted. This should consider the impact of the traffic associated with the demolition of the existing building and construction of the proposed development on the local highway network during the construction phase. This would include details of contractor parking during the construction.
- 14.26 A comprehensive Travel Plan has been provided. Until recently the building operated as a care home. It is anticipated that there will be 128 trips per day between 07:00 and 19:00. Between peak hours of 08:00-09:00 and 17:00-18:00 it is anticipated there will be an increase in movements from the previous use by 2.4 and 3.3 trips respectively. A comprehensive breakdown of the parking has been provided. Parking for 26 vehicles have been provided which is lower than guidance, however, this is considered to be acceptable due to the site's location and its links to local transport and retail facilities. There would be adequate staff parking. The site is within walking distance of a large part of the town.
- 14.27 Cycle facilities will be provided. The Travel Plan states that all staff and visitors will be encouraged to use sustainable modes of transport, or car share if possible. A central forum will be provided on the intranet to allow staff to communicate with other staff regarding commuting arrangements.

- 14.28 A detailed swept path analysis has been provided that indicates that a large service vehicle, refuse vehicles and fire tenders can access and manoeuvre within the proposed site.
- 14.29 The proposal would comply with local plan policies COM2 & COM9 and Bridport Area NP policies AM1 & AM5.

Trees & landscaping

- 14.30 The existing trees on the site are a mix of conifer and deciduous trees and in various condition. There is room for improvement with selection of better, more interesting and attractive tree species more suited to a residential environment. The objection from the Tree Officer concerns the loss of some of the trees and unsuitability of some of the replacements.
- 14.31 The arboriculturist survey revealed only medium and low quality trees on the site. The proposal is to retain the best specimens, replacing the remainder with better quality new trees for enhanced acoustic and visual screening.
- 14.32 The existing trees are a prominent and highly visible screen. The proposal would require the loss of most of the trees including all but a few of the mature trees along the A35. There is an effort to retain a small number of pine trees along the front of the development.
- 14.33 The retention of these trees has arisen owing to the Biodiversity Metric assessment confirming a requirement for 4.1 biodiversity units, of which 3.66 relate to tree habitat. Retention of the existing pine trees contributes positively to limiting the overall biodiversity deficit. Indicative analysis demonstrates that removal of the remaining trees in the southern half of the site (as suggested by the Tree Officer) would increase the BNG shortfall from approximately -3.5 units (circa 58%) to -4.29 units (circa 71%). This would materially increase reliance on off-site provision without delivering commensurate ecological benefit.
- 14.34 The landscape plan demonstrates the need for trees throughout the site, but the selected species and the proposed locations would be for potentially large trees which would be better replaced with smaller ones. The proposal presents the opportunity to replace poor trees and provide better suited trees for a garden. Details would be secured by condition.
- 14.35 The proposal would comply with local plan policies ENV2 & ENV9 and Bridport Area NP policies L1, L2 & L5.

Flood risk

Fluvial

- 14.36 The majority of the development site falls within present day Flood Risk Zone 1 (low fluvial flood risk) with a corner in Flood Risk Zone 2. Finished floor levels exceed modelled flood levels, and sustainable drainage systems (SuDS) provide attenuation (~204 m³ storage) with a 1.6 l/s discharge. Nevertheless, there is the potential for part of the site being at flood risk. It is considered that the sequential test in respect of paragraph 175 of the NPPF does need to be applied in this instance.
- 14.37 The Planning Practice Guidance on Flood Risk and Coastal change as updated in 2025 says that a proportionate approach should be taken to applying paragraph 175. It also

says that where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere. With all residential development to be located outside of any area at risk of surface water flooding it is considered that the development satisfies this guidance. However, the Sequential Test is required to be addressed, notwithstanding that only a small part of the site is affected by fluvial flood risk. The sequential test has considered whether there are any reasonably available alternative sites at lower flood risk capable of accommodating a reablement facility of this nature.

- 14.38 There is a clear and growing need for reablement and care provision in West Dorset, driven by demographic change and increasing demand for short-term, intensive support that enables residents to remain independent. The proposal would replace an existing, outdated care facility with a modern reablement centre, representing a qualitative improvement to an established and long-standing care use on the site. The applicant advises that Bridport is the most appropriate and sustainable location to meet this identified need, reflecting its role in serving both its own resident population and the wider rural catchment of West Dorset. A reablement centre must be located within, or in close proximity to, the town centre in order to operate effectively. This ensures access to healthcare facilities, community services and everyday amenities, and allows residents to remain close to family, support networks and familiar surroundings. More peripheral or out-of-centre locations would not meet these operational and resident-focused requirements.
- 14.39 In applying the Sequential Test, consideration has been given to the availability of alternative sites within Bridport. The application site benefits from an established care use, is suitably located, and is available to deliver a modern replacement facility. There are no other reasonably available and suitable sites within Bridport capable of accommodating a reablement centre of this nature.
- 14.40 The Sequential Test therefore concludes that there are no reasonably available alternative sites at lower flood risk that could deliver the proposed development. Any residual flood risk associated with the site is addressed through the mitigation measures set out in the submitted Flood Risk and Drainage Strategy, ensuring the development will be safe for its lifetime and will not increase flood risk elsewhere. The finished floor levels are to be set at 6.75m AOD and this would be secured by a condition.
- 14.41 A suitable evacuation plan has been provided whereby during a flood event safe access for emergency services would be available via a gate to the A35 adjacent to the roundabout. Safe access for pedestrians would also be available via a gate on Flood Lane which leads to a footpath to the A35. This would be secured by condition.

Surface water

- 14.42 Whilst mapping based on the modelled 1-in-30 year and 1-in-100 year rainfall events indicates no predicted surface water flood risk to the actual site, a relatively small area of surface water ponding is predicted at the 1-in-1000 year rainfall event along the eastern edge of the existing buildings. A number of options have been put forward as to how a 1:1000 year event would be dealt with and would be subject to a detailed design. The Flood Risk Manager expects that this flood risk could be designed out of the proposed

scheme with careful consideration of ground levels and a redesigned positive surface water drainage system.

- 14.43 All major development proposals must take due consideration of surface water management and should offer a drainage strategy that does not create or exacerbate off site worsening and should mitigate flood risk to the site. The applicant has provided acceptable details of surface water management which would be secured by conditions.
- 14.44 The site is also within a groundwater susceptibility area, which does not mean that there is necessarily a risk of groundwater flooding. The flood risk management team have not raised any concerns about the implications for groundwater and surface water management will be secured by conditions.
- 14.45 The proposal would comply with local plan policies ENV5 & COM10 and Bridport Area NP policy D5.

15. Summary of issues

- 15.1 The proposal would bring significant public benefit in the provision of care and support for residents in a town centre location where it would have proximity to healthcare facilities, community services and amenities that support daily living as well as near to family, friends, or specific care services. It would secure development of previously developed land in accordance with paragraph 89 of the NPPF.
- 15.2 The proposal would be of an acceptable design, would not be to the detriment of amenity, biodiversity, highway safety, flood risk and other material considerations, subject to conditions. Whilst there would be some tree removal, there would be adequate replacement trees.
- 15.3 The proposal would accord with the policies of the West Dorset, Weymouth & Portland Local Plan (2015) and the Bridport Neighbourhood Plan (2020). It would also comply with the NPPF and there are no material considerations indicating that permission should be refused.

16. Recommendation

- 16.1 Grant, subject to the flowing conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

2252-ST-XX-XX-DR-A-1051 A02 Location plan

2252-ST-XX-XX-DR-A-2150 A02 Demolition plans - site plan

2252-ST-XX-GF-DR-A-2151 A02 Demolition plans - ground floor

2252-ST-XX-01-DR-A-2152 A02 Demolition plans - first floor

2252-ST-XX-02-DR-A-2153 A02 Demolition plans - second floor

2252-ST-XX-RF-DR-A-2154 A01 Demolition plans - roof plan

2252-ST-XX-XX-DR-A-3151 A02 Demolition elevations - north & south elevation

2252-ST-XX-XX-DR-A-3152 A02 Demolition elevations - east & west elevation

2252-ST-XX-XX-DR-A-1251 A02 Proposed site plan

2252-ST-XX-GF-DR-A-2251 A02 Proposed ground floor plan

2252-ST-XX-01-DR-A-2252 A02 Proposed first floor plan

2252-ST-XX-RF-DR-A-2253 A02 Proposed roof plan

2252-ST-XX-XX-DR-A-3251 A02 Proposed elevations - north & south elevation

2252-ST-XX-XX-DR-A-3252 A02 Proposed elevations - east & west elevation

2252-ST-XX-ZZ-DR-A-2235 A02 Proposed gross internal & external area (GIFA & GEFA)

2252-ST-XX-XX-DR-A-3253 A02 Proposed elevations - lightwells

2252-ST-XX-XX-DR-A-4051 A02 Site context sections

2252-ST-XX-XX-DR-A-4251 A02 Proposed sections - typical household section

2252-ST-XX-XX-DR-A-4252 A02 Proposed sections - cut & fill

31886/9003 P01 Vehicle tracking - fire appliance

31886/9002 P01 Vehicle tracking - refuse vehicle

250246-TMA-XX-DR-L-3100 P05 Landscape plan

250246-TMA-XX-DR-L-3101 P05 General arrangement plan

250246-TMA-XX-DR-L-4100 P04 Hard landscape plan

250246-TMA-XX-DR-L-4200 Soft landscape plan

250246-TMA-XX-DR-L-4300 Planting schedule

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

2. 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).

3. Prior to development above damp proof course level, details and samples of all external facing materials for the walls and roofs shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. The soft landscaping works detailed on the approved drawings 250246-TMA-XX-DR-L-4200, excepting for specimen tree planting, details of which and a timetable for planting shall have first been submitted to and approved by the Local Planning Authority prior to development above damp proof course level, must be carried out in full during the first planting season (November to March) following occupation of the development or within a timescale to be agreed in writing with the Local Planning Authority. The soft landscaping and tree planting shall be maintained in accordance with the agreed details and any trees or plants which, within a period of 5 years from the completion of the development, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the satisfactory landscaping of the site and enhance the biodiversity, visual amenity and character of the area.

5. The hard surfacing/paving, walls, fences and other external structures as detailed on approved drawing 250246-TMA-XX-DR-L-3100 P05 shall be completed before the first occupation/use of the building hereby approved.

Reason: To ensure satisfactory landscaping of the site and to enhance the visual amenity and character of the area.

6. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on the approved plans to be retained, shall be fully safeguarded in accordance with BS 5837:2005 (Trees in relation to construction - recommendations) or any other Standard that may be in force at the time that development commences and these safeguarding measures shall be retained for the duration of demolition, construction works and building operations. No unauthorised access or placement of goods, fuels or chemicals, soil or other material shall take place within the tree protection zone(s).

Reason: To ensure that trees and hedges to be retained are adequately protected from damage to health and stability throughout the construction period and in the interests of amenity

7. The development hereby permitted shall be undertaken in accordance with the approved Arboricultural Method Statement 250246-TMA-XX-RP-AP-2700-P02 Dated August 2025 and Tree Protection Plan therein.

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

8. Prior to the installation of the kitchen vent as indicated on the approved plan, a scheme showing precise details (including any means of alleviating and/or filtering fumes and odours) shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented before the development is first occupied or brought into use and shall be permanently retained thereafter.

Reason: To safeguard the character of the locality and in the interests of the appearance of the development.

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

- construction vehicle details (number, size, type and frequency of movement)
- a programme of construction and demolition works and anticipated deliveries

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

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

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

10. Before the development hereby approved is occupied or utilised the turning/manoeuvring and parking shown on Drawing Number 2252-ST-XX-XX-DR-A-1251 Rev A02 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.

11. Before the development is occupied or utilised the cycle parking facilities shown on Drawing Number 2252-ST-XX-XX-DR-A-1251 Rev A02 must have been constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

12. The development shall not be commenced until a Habitat Management and Monitoring Plan (the HMMP) has been prepared in accordance with the approved Biodiversity Gain Plan and submitted to and approved in writing by the Local Planning Authority. The HMMP shall include:

- i) A non-technical summary;
- ii) The roles and responsibilities of the people or organisation(s) delivering the HMMP;

- iii) The planned habitat creation and enhancement works to create or improve habitat to achieve the biodiversity net gain in accordance with the approved Biodiversity Gain Plan and a timetable for implementation;
- iv) The management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of the habitat and enhancement works as set out in the HMMP.
- v) The monitoring methodology and frequency in respect of the created or enhanced habitat to be submitted to the Local Planning Authority.

Thereafter the development shall be carried out, along with the management and monitoring of habitat, in accordance with the approved HMMP.

Reason: In the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

13. Notice in writing shall be given to the Local Planning Authority within one month of the habitat creation and enhancement works as set out in the approved Habitat Management and Monitoring Plan having been completed. The notice shall include a completion report evidencing the completed habitat enhancements.

Reason: In the interests of biodiversity to secure the monitoring and management of significant onsite habitats.

14. The detailed biodiversity mitigation, compensation and enhancement strategy set out within the TMA Landscape Ecological Management Plan 250246-TMA-XX-RP-L-4700-P03 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 measures detailed in the approved Biodiversity Plan have been completed in full, in accordance with any specified timetable, 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, including photographic evidence, in accordance with section F of the approved Biodiversity Plan 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 Biodiversity Plan and 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 and compensate for impacts on ecological receptors, and to provide biodiversity gains.

15. Before the development is occupied or utilised the EV parking bays, and associated infrastructure shown on Drawing Number 250246 -TMA-XX-DR-L-3101 must have been

constructed. Thereafter, these must be maintained, kept free from obstruction and available for the purposes specified.

Reason: To ensure the proper construction of the parking facilities and to encourage the use of sustainable transport modes.

16. Before the development hereby approved is occupied or utilised, an updated Travel Plan must be submitted to and approved in writing by the Planning Authority. Thereafter the development shall operate in accordance with the Travel Plan.

Reason: In order to reduce or mitigate the impacts of the development upon the local highway network and surrounding neighbourhood by reducing reliance on the private car for journeys to and from the site.

17. No development shall take place until a detailed surface water management scheme for the site, based upon the hydrological and hydrogeological context of the development, and including clarification of how surface water is to be managed during construction, and a timetable for implementation has been submitted to, and approved in writing by the local planning authority. The surface water scheme shall be fully implemented in accordance with the submitted details and in accordance with the approved timetable.

Reason: To prevent the increased risk of flooding, to improve and protect water quality, and to improve habitat and amenity.

18. Prior to occupation of the development, details of maintenance & management of both the surface water sustainable drainage scheme and any receiving system shall be submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These shall include a plan for the lifetime of the development, the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

Reason: To ensure future maintenance of the surface water drainage system, and to prevent the increased risk of flooding.

219. A Flood Warning and Evacuation Plan shall be submitted to and approved by the Local Planning Authority and implemented prior to the first occupation of the development hereby approved. The measures in the agreed plan shall thereafter be adhered to for the lifetime of the development hereby approved.

Reason: In the interests of flood resilience and the protection of property and life.

20. The finished floor levels of the building hereby approved shall be 6.75m AOD.

Reason: In the interests of flood resilience and the protection of life.

1. Informative: Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition "(the biodiversity gain condition)" that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed below.

Based on the information available this permission is considered to be one which will require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements listed below are considered to apply.

Read more about Biodiversity Net Gain and Biodiversity Gain Plans at

<https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain> and

<https://www.gov.uk/guidance/submit-a-biodiversity-gain-plan>

2. Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:

- i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
- ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.

3. Informative: The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations Approved Document S: Infrastructure for the charging of electric vehicles.

4. Informative: The applicant is advised that prior to the development being brought into use, it must comply with the requirements of Building Regulations: Approved Document B: To improve safety and reduce property in the event of fire

5. Informative: The applicant is advised to have early discussions with Wessex Water in relation to the possible adoption of SuDS features in order to ensure that the final design of the proposed SuDS features are in line with their design requirements.

6. Informative: National Planning Policy Framework Statement

In accordance with paragraph 39 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.

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Application Number:	P/FUL/2024/05592
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Farnham House, Flat 9 Stile Lane Lyme Regis DT7 3JD
Proposal:	Erect replacement dwelling
Applicant name:	Denise Russell
Case Officer:	Emma Thornett
Ward Member(s):	Cllr Bawden

1. Reason application is going to committee: The officer recommendation is contrary to the objection and representations made by Lyme Regis Town Council.

2. Summary of recommendation:

GRANT, subject to conditions as set out at the end of this report.

3. Key planning issues

Issue	Conclusion
Principle of Development	The principle of a replacement dwelling is considered acceptable in this location.
Design & the Dorset National Landscape	The amendments made since the refused application on the site are considered to result in a proposed development that would integrate into the site and its surroundings. The proposal would not result in an adverse impact on the Dorset National Landscape.
Conservation and Heritage	The proposal would result in less than substantial harm to the heritage assets, the harm would sit at the lower end of less than substantial harm (due to the changes made to the scheme from the previous refusal on the site) the public benefits arising from this proposal would outweigh the identified harm to the Conservation Area.
Impact on Amenity	The proposal would not result in unacceptable impacts on amenity by way of overlooking, overbearing or other noise and disturbance.
Highway Safety	The proposals would not result in an increase in dwellings, and it is not considered that the development would result in harm that would justify the refusal of planning permission.
Ground Stability	Acceptable subject to conditions.
Impact on Trees	Acceptable subject to conditions.

Issue	Conclusion
Flood Risk & Drainage	Acceptable.
Ecology and Biodiversity	Acceptable subject to conditions.

4. Description of site

4.1 The application site comprises an area within the grounds of Farnham House, off of Stile Lane, Lyme Regis. The site is currently occupied by a modest single storey dwelling which is of no particular architectural merit, and which sits within the landscaped grounds of Farnham House, a non-designated heritage asset within the Lyme Regis Conservation Area. There are a number of listed buildings in the vicinity, including Stile House and its walls and properties to the north on Pound Street.

4.2 Farnham house sits in relatively level grounds, with properties to the north and west being on higher ground and land levels falling away steeply to the south and east. Stile Lane itself sits some way below the level of the site, resulting in the site being relatively prominent in the locality.

4.3 There are a number of trees in the vicinity including a protected yew tree to the south west of the existing building.

5. Description of development

5.1 The proposal comprises the demolition of the existing dwelling and the construction of a new two storey dwelling in its place. The proposal is for an 'upside down' house which places the primary living space on the upper floor with bedrooms at the ground floor level, in order to make the most of available views from the site.

5.2 The dwelling would have three double bedrooms all with en-suites. There would be an open plan kitchen, living and dining space with a balcony. The proposed dwelling would be a modern, two storey dwelling, with a flat-roofed design although made to look like a pitched roof when viewing the front elevation (north). The proposed dwelling would be constructed of natural stone, with natural slate roof tiles, with a sedum covered flat roof.

6. Background and relevant planning history

Application Site:

1/W/88/000295 - Decision: GRA - Decision Date: 13/06/1988 - Erect sunhouse and conservatory.

1/D/11/000736 - Decision: GRA - Decision Date: 02/08/2011 - Conservatory, porch & cladding.

P/PAP/2022/00383 - Decision: Response Given - Decision Date: 24/06/2022 - Replacement dwelling.

P/FUL/2022/06377 - Decision: REF - Decision Date: 13/02/2023 - Replacement dwelling – Appeal Dismissed.

P/PAP/2024/00094 - Decision: Response Given - Decision Date: 06/06/2024 - Replacement dwelling.

Neighbouring Properties:

WD/D/16/001862 – Decision: GRA – Decision Date: 21/11/2016 – Demolish existing dwelling & erect replacement dwelling.

P/VOC/2023/06648 – Decision: GRA – Decision Date: 05/01/2024 – Demolition of existing chalet and erection of dwelling – with variation of condition 2 of planning permission WD/D/20/002930 – to amend plans.

7. List of constraints

SUS 2; Land Outside DDBs;

SUS2; Defined Development Boundary; Lyme Regis

ENV 1; Area of Outstanding Natural Beauty (AONB): Dorset;

ENV 4; Conservation Area; LYME REGIS CONSERVATION AREA (revised 01/12/2004)

Grade: II Listed Building: WALL TO STILE HOUSE HOTEL List Entry: 1230567.0; - Distance: 0

Grade: II Listed Building: STILE HOUSE HOTEL List Entry: 1230566.0; - Distance: 9.82

Grade: II Listed Building: SHAMIEN HOTEL List Entry: 1230060.0; - Distance: 11.29

TPO (WDDC/955)

ENV 7; Lyme Regis and Charmouth Slope Instability Zones; Zone 3

ENV 7; Lyme Regis and Charmouth Slope Instability Zones; Zone 2

Right of Way: Footpath W2/12;

South West Water Foul Sewage

Higher Potential ecological network

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

Scheduled Monument: Remains of bridge in cellar of No 2 Bridge Street (List Entry: 1002390.0); - Distance: 364.01

Radon: Class: Class 1: Less than 1%

8. Consultations

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

Consultees

- Lyme Regis Town Council** - *The town council recommends refusal of this application because its general design, scale, bulk and massing, including the height of its roofline, are considered out of keeping with and unsympathetic to its general location and nearby dwellings. The application also fails to address the reasons given for the refusal of a previous application (P/FUL/2022/06377), including on appeal. It is noted that the amount of glazing and balustrading on the seaward elevation may adversely impact on the important views inland from the Cobb. It is further noted that the geotechnical and arboricultural reports submitted with this application appear not to have been updated since the last, refused, application.*
- Dorset Council – Rights of Way** – *I have no objection to the proposed development, as shown in the plans accompanying the application. However, throughout the duration of the development the full width of the public footpath must remain open and available to the public, with no materials or vehicles stored on the route.*

- 3. Dorset Council – Highways** – *The access is a private drive not maintained at highway expense. No unacceptable impact on highway safety was identified. Hence, the Highway Authority has no objection to the proposal.*
- 4. Dorset Council – Building Control** – *No comments.*
- 5. Dorset Council – Coastal Risk Management** – *The applicant has submitted a Geotechnical Appraisal and Ground Stability Assessment Report in support of their application. In principle, I do not disagree with the findings of the report submitted. I understand that the recommendations provided are reasonable and a good way to mitigate any land instability issues. Piled foundations have been recommended and its design should be informed by a site investigation. The report suggests the use of steel-cased bottom-driven piles. I must note that this technique is of percussive nature. Although it may not be as intrusive as other percussive techniques due to its comparable lower energy, the report does not address this aspect. I am unsure whether this technique is suitable for a development located in Zone 3. Building Control would have to be satisfied with the foundation arrangements if/when an application was made for Building Regs approval.*
- I must also note that the report was written in 2022. Since then, the periods of heavy rain have caused significant land instability problems all across the Dorset coast. It may be adequate that the engineer is consulted again and confirm that his findings still stand. As assessment of the suitability of the proposed piling technique in Zone 3 may also be requested. In addition, I would recommend that surface water is disposed to a piped system and not to a soakaway.*
- 6. Dorset Council – Conservation Officer** – *The revised scheme does not address the fundamental concerns expressed by the Local Planning Authority in the refusal of the previous application or those referred to by the Inspector in the subsequent dismissed appeal decision.*
- The current proposed dwelling, by virtue of its height, massing and design, would cause harm to the character and appearance of the Lyme Regis Conservation Area and the significance of the non-designated heritage asset (NDHA) and its setting. As such the application is contrary to the requirements of the 1990 Act and the NPPF.*
- In order to move forward the applicant should return to first principles and pursue a far more modest, recessive and subservient scheme.*
- 7. Dorset Council – Tree Officer** – *Please can you request that the agent supply an amended Arboricultural Impact Assessment and Tree Protection Plan.*
- As an additional precaution a Tree Preservation Order will be served to ensure that all trees worthy of retention are protected.*
- 8. South West Water** – *The applicant should demonstrate to your LPA that prospective surface run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable.*
- Having reviewed the applicant's current information as to proposed surface water disposal for its development (domestic roof and driveway run off only). Please note that discharging to the public combined sewerage network is not an acceptable proposed method of disposal, in the absence of clear evidence to demonstrate why the preferred methods listed within the run-off destination hierarchy have been discounted by the applicant.*

In response to the comments received from both consultees and third parties amended plans were submitted with amendments which included the reduction in length of the building by 30cm, further information on materials and the following elevational changes:

North Elevation:

- Removal of a dormer window

South Elevation:

- Removal of external staircase
- Reduction in glazing at first floor level
- Glazed doors changed to windows at ground floor level
- Addition of a single door

East Elevation:

- Glazing significantly reduced at first floor level
- Three panel (glazed door) reduced to two at ground floor level

West Elevation:

- Additional (single) door added.

An updated Geotechnical Appraisal and Ground Stability Assessment Report and Tree Survey & Arboricultural Impact Assessment were also submitted. The application was then re-consulted on and a further five objections were received for the reasons summarised below:

9. **Lyme Regis Town Council** – *The town council's comments remain the same as before, i.e. The town council recommends refusal of this application because its general design, scale, bulk and massing, including the height of its roofline, are considered out of keeping with and unsympathetic to its general location and nearby dwellings. The application also fails to address the reasons given for the refusal of a previous application (P/FUL/2022/06377), including on appeal. It is noted that the amount of glazing and balustrading on the seaward elevation may adversely impact on the important views inland from the Cobb. It is further noted that the geotechnical and arboricultural reports submitted with this application appear not to have been updated since the last, refused, application' with the added note that the new survey by Mr Chapman has done nothing to allay our concerns about land stability.*
10. **Dorset Council – Building Control** – *Agree with Coastal Risk Management consultation reply that Geotechnical report findings are confirmed as still being relevant. Compliance with Building Regulation B5 in respect of Fire Service operational access and turning should be clearly demonstrated for the Building Regulations submission.*
11. **Dorset Council – Coastal Risk Management** – *Based on the ground stability report, the following should be taken into account: No dig area on the western area of the site due to the yew tree should be noted, and the foundation design on this advice. Borehole data to be provided to show that the actual geology is as described in the ground stability report. Surface water is to be discharged into the local sewer, and no soakaways are to be installed on the site.*
12. **Dorset Council – Highways** – *The Highway Authority has nothing further to add to its previous observation dated 18 November 2024.*

13. Dorset Council – Conservation Officer – *Since the previous response, amendments have been received, which have reduced the scale of the proposed glazing to the south, sea-facing elevation somewhat. However, the scale, massing and form of the proposed building remains largely unaltered and the amendments do not address the fundamental concerns which were outlined in our earlier response. We therefore maintain our previous position that this design would cause harm to the character and appearance of the Lyme Regis Conservation Area and to the significance of Farnham House, a non-designated heritage asset, and its setting.*

We are therefore unable to support this application on heritage grounds.

14. Dorset Council – Tree Officer – *The constraints to this development relate directly to the yew T1, this is a prominent tree within the grounds of the property and considered important for the amenity of the site and the local area.*

The existing dwelling is currently within the RPA of this tree but there are no specific details relating to its construction particularly those relating to construction of the existing base floor. Having assessed the tree, it is accepted that the existing property is not causing harm to the tree.

The proposed development, whilst on plan is utilising a similar footprint to the existing dwelling it is significantly larger in scale, there is no information provided to indicate how the development is to be constructed within the RPA of T1. Is the existing base to be retained? What foundations are to be used? How is the new base to be constructed? There are concerns that the tree canopy may actually be close to or overhanging the new roof line, unfortunately the tree canopy plotted is not as specified in BS:5837, using points compass points NSEW, instead opting for an overall spread that is considered to be less accurate.

The arboricultural information is therefore not considered suitable to support this application, the AIA is not site specific and generic in its content. The lack of appropriate information relating to the overall construction of the dwelling within the trees RPA, with no arboricultural method statement and the lack of a useable tree protection plan makes it not possible to allow the development to proceed within such close proximity to T1.

In response to the Tree Officer's comments an amended Tree Survey & Arboricultural Impact Assessment and Tree Constraints Plan were submitted. The Tree Officer was reconsulted on this further information.

15. Dorset Council – Tree Officer – *The arboricultural information is not considered suitable to support this application, the AIA is not site specific and generic in its content. The lack of appropriate information relating to the overall construction of the dwelling within the trees RPA, with no arboricultural method statement and the lack of a useable tree protection plan makes it not possible to allow the development to proceed within such close proximity to T1.*

Representations received

Six objections were received in response to the proposed development, objecting for the following reasons summarised below:

Design & Heritage

- This new proposal has maintained the same height and ground floor footprint but with a larger upper floor, the mass has actually increased by 30 cubic metres, so the reasons of height and mass still apply but now even more so.

- The overall envelope has a mass of 458m³ compared to the previous 438m³ with the existing building being 248m³.
- Extensive balcony running along the rear elevation which increases the mass further.
- The scale and bulk would relate poorly (due to the increased mass) to the surrounding area leading to the building being an overly dominant feature from Stile Lane, within the Conservation Area and within the open setting of a non-designated heritage asset (NDHA).
- It would not have a subservient or modest visual relationship within the grounds of a non designated heritage asset.
- Farnham House is a non-designated heritage asset, and the harm caused by the previous application was not outweighed by public benefits. This current application has a mass that is greater than the previously rejected plans, the roof height is the same, the design is still incompatible with the area, especially when viewed from the gardens and historic Cobb area.
- The proposed building will be clearly visible from the footpath, public gardens and historic Cobb area.
- A large new glass balcony area has increased visibility and light pollution to historic areas as well as the foot path.
- The proposed height and massing, lead to an overdevelopment of the site, unacceptable damage to a conservation area and NDHA, ground stability concerns and potential damage to the protected tree.
- The proposal extends into the restricted site by almost 4m beyond the existing bungalow.
- Standing at 5.6m the current application is 1.5m higher than the existing bungalow ridge height.
- The proposal would increase the prominence of built form and visible influence within the locality.
- The elevation facing Farnham House and its gardens now has a steep mansard roof, this does little to offset the overshadowing effect created by the much increased mass.
- Overdevelopment of an extremely challenging site of limited size with restricted access.
- Proposal would not sit well in the middle of the Conservation Area, listed villas and the closest NDHA.
- Disruption and harm to the local environment.
- The large increase in glazing and the new large glazed and lit balcony will increase light pollution and will be highly visible from the historic gardens and Cobb in addition to the immediate footpath below and surrounding buildings.
- The current design is even less subtle and unassuming than those submitted previously on the site.
- Even more of a dominant feature from Stile Lane and lower ground to the South and East of the site.
- It is not a sympathetic build consistent with local environmental and topographical landscape in which it will sit.

- A like for like replacement in terms of bulk, scale and mass would likely be much more acceptable but this proposal is far beyond what anyone could consider a reasonable replacement.

Trees

- The application includes the same Tree Survey & Arboriculture Impact Assessment from 2022 with no revisions, clarifications or mitigations.
- The ground works, piling and ground beam at the north end will all be through the root network of a particularly impressive Yew tree which is subject of a TPO.
- The mass of the proposed dwelling would be overbearing on the tree and would interfere with future branch growth as we deprive parts of the tree from enjoying its current level of light and water.
- The sustainability statement also states that a rainwater harvesting tank is to be installed for irrigation purposes, this tank would either be installed in the root zone or adjacent to the already cracked retaining wall.

Ground Stability

- Concerns around the issue of ground stability again the application includes old non revised geo technical reports. No exploration has been done on the actual site.
- The ground in this area is known to be unstable. Stile Lane footpath has moved considerably over the years and is cracked and slipping in places.
- The proposed increased loads on the ground, along with percussive piling, rainwater harvesting tanks and stormwater attenuation/soakaway construction give rise to very grave concerns regarding ground stability and survival of the retaining wall onto the footpath below.

Neighbouring Amenity

- The gardens of Farnham House are relatively private, but the windows on the north side would look directly onto them.
- View to the sea and coastline beyond would be substantially altered by the proposed rebuild.
- Strongly object to the inclusion of an air source heat pump based on the noise pollution it would generate for all the residents in the vicinity.
- Existing residents of Farnham House will have their views of the coastline restricted by the increased size of the proposed dwelling.
- Large plant and machinery operating in an area in close proximity to Farnham House could easily cause issues with the Farnham House building.
- The proposal would negatively affect the enjoyment of the gardens that can be used by residents of other flats as well as the privacy enjoyed at present.
- The sustainability statement includes the provision of solar panels on the roof and these are not detailed on the plans of the proposed building.

In response to the comments received from both consultees and third parties amended plans were submitted with amendments which included the reduction in length of the building by 30cm, further information on materials and the following elevational changes:

North Elevation:

- Removal of a dormer window

South Elevation:

- Removal of external staircase
- Reduction in glazing at first floor level
- Glazed doors changed to windows at ground floor level
- Addition of a single door

East Elevation:

- Glazing significantly reduced at first floor level
- Three panel (glazed door) reduced to two at ground floor level

West Elevation:

- Additional (single) door added.

An updated Geotechnical Appraisal and Ground Stability Assessment Report and Tree Survey & Arboricultural Impact Assessment were also submitted. The application was then re-consulted on and a further five objections were received for the reasons summarised below:

Design and Heritage

- Height and depth of the building remain the same and a mere 30cm has been shaved off the overall length. This cannot be constructed as a more modest, recessive or subservient scheme.
- Amendments do not come close to satisfying the conservation officer's advice relating to the requirement for the proposed dwelling to be of a more modest nature in keeping with its surroundings and setting.
- Replacement with a large 2 storey flat topped box of greater mass with a further balcony projection to the south elevation, will not sit well in the middle of a Conservation Area, listed villas and the closest NDHA and represents an attempt to completely overdevelop an extremely challenging site of limited size and access.
- Proposed structure is way too large for the small site, which has limited access and significant land erosion issues.
- Piling and ground beams will further increase the height of the proposed dwelling, therefore further exacerbating the concerns regarding the imposing mass of the proposed dwelling.
- All concerns regarding massing and overbearing nature of the development have not been addressed and remain.

Trees

- Deep piling under the tree canopy – no consideration to arboricultural report. Clearly not a co-ordinated approach, putting the Yew tree at serious risk.

- The new tree report fails to take into account or mention protection of the sweet chestnut as detailed in the response from the tree officer.
- Arboricultural report makes no reference to the small tree currently growing within the footprint of the proposed dwelling.
- Arboricultural report details a construction area, how are these going to be used and protected to prevent soil compaction.

Ground Stability

- Is there a surface water connection available or is this just going to add additional load to the combined drainage.

Other Matters

- No dimensions given for the height of the proposed dwelling. This is undoubtedly deliberate as the revised foundation of pile and ground beam will raise it further.
- The site plan is not a true reflection of the site constraints, close to impossible task of accessing the site for construction.
- No assessment of whether emergency vehicles can access the site either during or post construction.

A further Tree Survey and Arboricultural Impact Assessment was submitted and in response to that document one further third-party response objecting to the application was received for the following reasons summarised below:

- No new information has been provided, in fact there is less information than the previous version V3.
- The method of construction raises a further issue in that the height of the final building will be significantly higher than plans suggest as this method raises the base of the building above ground level and therefore further into the tree canopy.
- The photograph on the report is from 2022, we would question why such an old photograph of the tree has been used.

9. 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 Planning (Listed Buildings and Conservation Areas) 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 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.

Section 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 (formerly known as Areas of Outstanding Natural Beauty) when making any decision which affects such land.

10. Relevant policies

Development plan

In this case the development plan comprises:

Local Plan Adopted West Dorset and Weymouth & Portland Local Plan:

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

- INT1: Presumption in favour of sustainable development
- ENV1: Landscape, seascape & sites of other geological interest
- ENV2: Wildlife and habitats
- ENV4: Heritage assets
- ENV7: Coastal erosion & land instability
- ENV10: The landscape and townscape setting
- ENV12: The design and positioning of buildings
- ENV16: Amenity
- SUS2: Distribution of development
- SUS3: Adaptation and re-use of buildings outside defined development boundaries
- COM7: Creating a safe & efficient transport network
- COM9: Parking provision
- COM10: The Provision of utilities services infrastructure

Bournemouth, Dorset & Poole Waste Plan 2019

- Policy 22 - Waste from new developments

Material considerations

Emerging local plans:

Paragraph 49 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, with further consultation between 18 Aug – 31 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded very limited weight in decision making.

Local Nature Recovery Strategy

National Planning Policy Framework 2024 (as amended 2025)

Paragraph 11 sets out the presumption in favour of sustainable 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 specific NPPF policies protecting areas or assets provide a strong reason for refusal and/or any adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole, with particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes.

Other relevant NPPF sections include:

- Section 4 'Decision making': Para 39 - 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' This 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 places' This 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 15 'Conserving and Enhancing the Natural Environment'- In National Landscapes (formerly known as Areas of Outstanding Natural Beauty), paragraph 189 requires great weight to be given to conserving and enhancing the landscape and scenic beauty. Decisions in Heritage Coast areas should be consistent with the special character of the area and the importance of its conservation (para 191). Paragraphs 192-195 set out how biodiversity is to be protected and encourage net gains for biodiversity.
- Section 16 'Conserving and Enhancing the Historic Environment'- Paragraph 212 says that 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. The effect of an application on the significance of non-designated heritage assets should also be taken into account (para 216).

Other material considerations

National Planning Practice Guidance

All of Dorset:

Dorset AONB Landscape Character Assessment

The Dorset National Landscape Management Plan 2026-31

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.

Supplementary Planning Documents/Guidance For West Dorset area:

WDDC Design & Sustainable Development Planning Guidelines (2009)

Landscape Character Assessment February 2009 (West Dorset)

Conservation Area Appraisals:

Lyme Regis adopted October 2010

Housing land supply

Dorset Council is unable to demonstrate a 5-year housing supply as required by National Policy. In addition, the strategies for meeting housing needs in the adopted local plans are not designed to deliver the housing need under the Government's standard method and therefore, in accordance with NPPF footnote 8, the housing policies within the adopted Development Plan(s) are out of date and the presumption in favour of sustainable development applies. The emerging Dorset Local Plan is not sufficiently progressed and can be afforded very limited weight in decision making.

Housing Delivery Test (HDT)

The latest HDT results (2023 measurement) show that enough homes have been delivered within the local plan area to demonstrate 106% of the target.

11. Human rights

Article 6 - right to a fair trial.

Article 8 - right to respect for private and family life and home.

The first protocol of Article 1 protection of property.

This recommendation is based on adopted development plan policies, the application of which does not prejudice the human rights of the applicant or any third party.

12. 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 by considering the merits of this planning

application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. In this case it is not considered that the proposals would prejudice persons with protected characteristics.

13. Public Benefits

The proposals would provide a number of financial and non-financial benefits, including public benefits. These are summarised in the table below:

What	Amount / value
Material considerations	
Contribution towards local economy during construction	Not quantified
Non material considerations	
CIL	

14. Planning Assessment

Planning History

14.1 Planning permission (P/FUL/2022/06377) was refused on the site, the proposed development was for the demolition of the existing dwelling and the construction of a new two storey dwelling in its place. The design of the building would be such that the upper floor would over sail the ground floor on the northern side. It adopted a contemporary design approach with a flat roof and use of full height glazing to the southern and eastern elevations. It comprised a mix of render and natural stone on the ground floor with cladding to the upper floor and sedum roof. The application was refused for the following three reasons:

- 1. The proposal, by way of its inappropriate bulk, scale and mass, together with lack of landscaping to integrate it into the site would fail to maintain or enhance local distinctiveness or be informed by the character of the site and surroundings. The building's scale and bulk would relate poorly to the surrounding area leading to the building being experienced as an overly dominant feature from Stile Lane and lower ground to the south and east of the site. The proposal would therefore be contrary to policies ENV10 and ENV12 of the West Dorset, Weymouth and Portland Local Plan 2015 and paragraph 130 of the National Planning Policy Framework (2021).*
- 2. The scale, design, form and massing of the proposal fails to reflect the sensitivities and constraints of the location and would result in less than substantial harm to the Lyme Regis Conservation Area and the setting of neighbouring listed buildings and non-designated heritage assets. This harm is not outweighed by any public benefits and therefore the proposal is contrary to policy ENV4 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraphs 202 and 203 of the National Planning Policy Framework (2021).*
- 3. The application has not been supported by a sufficient level of information to demonstrate that the development could be carried out without causing harm to neighbouring protected trees, including from the construction of the building itself and from related activities. It is also considered that, owing to the size of the building and its proximity to the protected tree, that the development is likely to give rise to future pressure to prune or remove the protected Yew (T3) in a way which would otherwise be unacceptable. The proposal is*

therefore contrary to policy ENV10 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraph 131 of the National Planning Policy Framework (2021).

14.2 The refusal was subsequently appealed (Appeal Ref: APP/D1265/W/23/3319201). The appeal was dismissed. The key findings of the Inspector are summarised below:

- The appeal site is visible from the listed buildings, particularly Stile House. However, there would be a sufficient degree of visual separation due to both distance and intervening built form from the appeal site to not be read in conjunction with their historic open settings, thereby resulting in the proposal having a neutral impact on the significance of the listed buildings.*
- Whilst it has been put to me that the proposal would result in a modest increase in height of 1.44m, the two-storey flat roof design would have greater massing than the existing dwelling and increase the prominence of built form and visible influence within the locality. I accept that from longer distance views from the south, the proposal would be seen in glimpse views as a continuation of built form along the ridge line, with the contemporary appearance blending comfortably with the adjacent recent development.*
- However, in combination with the proximity to Stile Lane, the contemporary architecture and massing, the proposal would draw the eye from nearby views, visually detracting from and diminishing the spacious setting of the NDHA. It would also therefore fail to maintain or enhance the distinctive characteristics and appearance of the area, in so doing adversely harming rather than positively contributing to the character and appearance of the CA.*
- While there is a lack of detailed foundation design, given the conclusions of the AIA and AMS, I see no reason why, subject to the imposition of an appropriate planning condition, the proposal could not be constructed in a manner that would protect the Yew tree, or indeed other nearby trees. Furthermore, while I note the additional height of the proposal, the roof design is such that there would be no direct conflict. Given the existing overhanging relationship of the canopy and existing building, I see no reason why there would be additional pressure from future occupiers for pruning, over and above that of the occupiers of the existing building.*
- As the significance of the CA is linked to its character and appearance, for the reasons previously given, there would be harm to the significance of the CA, the degree of which I find to be less than substantial. Furthermore, taking into account the effect of the proposal on the setting of the NDHA, the proposal would also result in modest harm to the significance of the NDHA.*
- Accordingly, I find that there are insufficient public benefits arising from this proposal to outweigh the identified harm to the CA.*
- Consequently, while I find the proposal would have a neutral effect on the listed buildings, the proposal would have a harmful effect on the character and appearance of the area, including the CA and the setting of the NDHA.*

Principle of Development

14.3 The site is located within the defined development boundary (DDB) of Lyme Regis and therefore the principle of the development, which comprises the replacement of an existing dwellinghouse is considered to be acceptable in accordance with the provisions of policy SUS2 of the local plan, subject to compliance with other relevant policies.

Design

14.4 The existing dwelling is a modest single storey dwelling which is of no particular architectural merit. The proposed dwelling would be a modern, two storey dwelling with a flat-roofed design although made to look like a pitched roof when viewing the front elevation (north). The proposed dwelling would be constructed of natural stone, with natural slate roof tiles, with a sedum covered flat roof. Amendments were made during the course of the application which included the reduction in the length of the proposed dwelling by 30cm, the removal of a dormer window, the removal of the external staircase, glazed doors changed to window at ground floor level on the south elevation and overall a vast reduction in the amount of glazing included in the scheme.

14.5 The amendments to the scheme since the previous refusal and as part of the current application mean that the front elevation which would be the prominent elevation from Stile Lane would appear as a one and a half storey dwelling with two dormer windows. Previously it was considered that the scheme by way of its inappropriate bulk, scale and mass, together with lack of landscaping to integrate into the site would fail to maintain or enhance local distinctives or be informed by the character of the site and its surroundings. It was also considered that the proposed dwelling would be experienced as an overly dominant feature from Stile Lane. The use of dormer windows, natural stone and slate on this front elevation is considered to tie into the features on Farnham House. The change in the roof design from the previously refused top heavy, bulky flat roof to a pitched roof at the front is considered to result in the proposed dwelling not being overly dominate or imposing in the street scene thus resulting in a scheme that would with appropriate landscaping, which would be secured by condition, would integrate into the site and its surroundings. The dwelling is however considered to be at the maximum size the site could accommodate and therefore a condition would be placed on any approval granted to prevent any further enlargements under permitted development rights. As such the proposal is considered to comply with policies ENV10 and ENV12 of the West Dorset, Weymouth & Portland Local Plan.

14.6 The application site is located within the Dorset National Landscape (formerly known as the area of outstanding natural beauty). The proposed development involves the erection of a replacement dwelling, the proposed dwelling would be larger in height than the existing however it would be viewed in the context of the existing built development of the surrounding properties and the built development of Lyme Regis and as such is not considered to result in harm to the Dorset National Landscape and would comply with policy ENV 1 of the West Dorset, Weymouth & Portland Local Plan.

Conservation and Heritage

14.7 The application site is situated on the west side of Stile Lane. The site lies within the Lyme Regis Conservation Area and abuts Lyme Regis's historic pleasure gardens, Langmoor Gardens. The application site is approximately 17m east of Farnham House – an impressive stone building considered to be a non-designated heritage asset (NDHA). It sits to the southern edge of the unenclosed area east of the house, which originally formed part of the garden of Farnham House. The NDHA forms a grouping of properties which contain a number of designated heritage assets including the Grade II listed Stile House (and associated wall), the Lawn and Buena Vista (the listed buildings) to the north of the site.

14.8 The Senior Conservation & Design Officer was consulted as part of this application. The Conservation Officer concluded that the revised scheme as submitted as part of this application and subsequently amended as part of this application, did *not address the fundamental concerns and we therefore maintain our previous position that this design would cause harm to the character and appearance of the Lyme Regis Conservation Area and to the significance of*

Farnham House, a non-designated heritage assets, and its setting. The Senior Conservation & Design Officer had previously categorised the level of harm as less than substantial.

14.9 As part of the previous appeal decision on the site (Appeal Ref: APP/D1265/W/23/3319201) the Inspector considered that the site is visible from the listed buildings, particularly Stile House. However, there would be *a sufficient degree of visual separation due to both distance and intervening built form from the site to not be read in conjunction with their historic open settings, thereby resulting in the proposal having a neutral impact on the significance of the listed buildings.* This relationship would not be altered as part of this current application and therefore the current scheme is still considered to result in no harm to the significance of the listed buildings.

14.10 Third party concerns have been raised as part of this application regarding concerns about views of the proposed development from longer distance views from the Cobb (located to the south). The Inspector as part of the previous appeal accepted that *from longer distance views from the south, the proposal would be seen in glimpsed views as a continuation of built form along the ridge line, with the contemporary appearance blending comfortably with the adjacent recent development.* This is still considered to be the case with the current scheme.

14.11 The Inspector when considering the existing dwelling set out that due to the *modest scale, low height and unimposing appearance of the existing dwelling, combined with being within the historic boundary wall, the existing building maintains a subservient visual relationship as a modest building within the spacious grounds of the NDHA.* However, the proposed replacement dwelling with a two-storey flat roof design would have *greater massing than the existing dwelling and increase the prominence of built form and visible influence within the locality. In combination with the proximity to Stile Lane, the contemporary architecture and massing, the proposal would draw the eye from nearby views, visually distracting from and diminishing the spacious setting of the NDHA. It would also therefore fail to maintain or enhance the distinctive characteristics and appearance of the area, in so doing adversely harming rather than positively contributing to the character and appearance of the CA.*

14.12 The current scheme with the use of natural stone and slate, the introduction of two small dormer windows and the appearance of a pitched roof from the front elevation results in a scheme that looks to reflect the architecture of Farnham House. It is considered that the changes to the scheme (from the previously refused application) especially those to the front elevation mean that the current proposal would to a limited extent diminish the setting of the NDHA and the CA through the change to that setting (the erection of the replacement dwelling) resulting in less than substantial harm to the heritage assets. The proposal would be viewed alongside the mixed characters of what has already been approved adjacent to the site and the NDHA. Planning permission was granted under WD/D/16/001862 at Flat 8, Farnham House to demolish existing dwelling & erect replacement dwelling. The approved dwelling is of a contemporary approach with a rendered finish to the ground floor with timber boarding above with an external first floor balcony and spiral staircase to reach the mainly walled rooftop terrace. As part of that application, it was considered that whilst the design is clearly quite different to the imposing traditional Victorian House, it is nevertheless considered an interesting and creative design on this elevated position. Planning permission was granted under P/VOC/2023/06648 at St Gildas Lodge for the demolition of existing chalet and erection of dwelling – with variation of condition 2 of planning permission WD/D/20/002930 – to amend plans. The approved dwelling again of contemporary design, is two storey which is partially subterranean with a flat roof and the use of cladding and flint stonework.

14.13 Given the above the proposal is considered to result in less than substantial harm to the Lyme Regis Conservation Area and given the existing mixed characters in the very local vicinity

this is considered to be at the lower end of less than substantial. Para 215 of the NPPF states that *where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal*. The proposed development is for a replacement dwelling on the site, the supporting text to the application sets out that the existing building has reached the end of its useful life, showing signs of damp and structural cracking. Its replacement with the proposed scheme would result in a dwelling with modern efficiencies that would comply with current building regulations including energy efficiency rates. Therefore, in this case as the harm would sit at the lower end of less than substantial harm (due to the changes made to the scheme from the previous refusal on the site) the public benefits arising from this proposal would outweigh the identified harm to the Conservation Area.

14.14 In relation to the NDHA, para 216 of the NPPF states that *in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset*. Given all of the above the proposed development is also considered to result in less than substantial harm to the NDHA at the lower end. The public benefits that are considered to outweigh that harm are as set out in para 14.13.

14.15 Given all of the above, the proposed development is considered to be acceptable in relation to the impact on designed and non-designated heritage assets and is considered to comply with policy ENV 4 of the West Dorset, Weymouth & Portland Local Plan and Section 16 of the NPPF.

Impact on Amenity

14.16 The building has been designed to direct its principal outlook towards the south and east meaning that there would not be significant opportunities for harmful overlooking given the lack of development to the south and east of the site. While there would be some views towards the gardens of Farnham House, these gardens are generally open with visibility from Stile Lane so there would be a limited impact on privacy as a result. Two small roof lights are proposed for the west elevations, views would be obtainable from the balcony but this is set back from the end (west) elevation with views directed towards the coast. A condition would be placed on any approval granted to prevent the creation of new openings in the west elevation under permitted development. It is not considered that the scale of the proposal would give rise to an overbearing impact upon neighbours. It is therefore concluded that the proposal would not harm the amenity of neighbours and would accord with policy ENV 16 of the West Dorset, Weymouth & Portland Local Plan.

14.17 Policy ENV 12 of the Local Plan states that 'New housing should meet and where possible exceed appropriate minimum space standards'. The proposed dwelling would exceed the national space standards for a 3-bed dwelling. The proposal is also considered to be acceptable in relation to the amenity of future occupiers.

14.18 Third party concerns were also raised regarding the impact of the proposed development on views of the sea and coastline from the neighbouring residents of Farnham House however this is not considered to be a material planning consideration. The Sustainability Statement submitted as part of the application including the inclusion of an air source heat pump and solar panels. Third party concerns were raised regarding possible noise pollution for residents in the vicinity. Neither of these elements were detailed on the plans for the scheme. Clarification was sought from the planning agent whether these elements were to be included as part of this application, and they are not and therefore will not be considered. These elements may be revisited in the future if permission is granted for the dwelling under permitted development.

14.19 Third party concerns were also raised regarding the height of the building and the impact of foundation design on the height of the proposed building. The height of the proposed dwelling can be concluded from the submitted plans including the difference between the existing and proposed. However, for the avoidance of doubt a condition would be placed on any approval granted for the finished floor levels to be submitted to and agreed in writing by the Local Planning Authority.

Highway Safety

14.20 The replacement dwelling would be accessed via the existing access off Stile Lane. Stile Lane is narrow, but it is established as an existing access for this site and other dwellings. There would not be an increase in the number of dwellings. Highways raised no objection to the proposal and set out that the access is a private drive not maintained at highway expense. Given all of the above it is not therefore considered that the proposal would result in a net harm to highway safety and would comply with policy COM 7 of the West Dorset, Weymouth & Portland Local Plan.

Ground Stability

14.21 The application site is located within the Lyme Regis and Charmouth Slope Instability Zone 3. A Geotechnical Appraisal and Ground Stability Assessment Report was submitted as part of the application. The Coastal Risk Management team were consulted on the application who noted that the report was written in 2022 and since then periods of heavy rain have caused significant land instability problems across the Dorset Coast. It was considered that the appointed engineer (by the applicant) be consulted again to see if the findings still stand given the time that had passed. In response to the comments received a Geotechnical Appraisal and Ground Stability Assessment Report dated March 2025 was submitted. The additional report concluded that *the proposed development is unlikely to affect the stability of the site or surrounding area, either in the short-term during construction, or in the long-term once completed*. However, it did state that *boreholes will be required to confirm the nature and depth of the materials at the site location in order that a piled foundation can be designed*. The Coastal Risk Management team were re-consulted and considered that borehole data should be provided to show that the actual geology is as described in the ground stability report and that surface water is to be discharged into a piped system and not to a soakaway. Given the above, a pre-commencement condition would be placed on any approval granted for the provision of borehole data and an updated Geotechnical Appraisal and Ground Stability Assessment Report based on that data including the proposed foundation design to be submitted to and agreed by the Local Planning Authority. Accordingly, the proposal complies with policy ENV 7 of the West Dorset, Weymouth & Portland Local Plan.

Impact on Trees

14.22 The site is located in close proximity to a number of protected trees, both within and without the site. The closest tree is a protected Yew, within whose crown spread the existing building sits. Third party concerns have also been raised regarding the potential impact on the Yew tree by the development. While the application has been supported by an Arboricultural impact appraisal, this has been reviewed by the Tree officer who has advised that it does not contain sufficient detail to give confidence that the tree would be adequately protected both during construction and into the future. As part of the previously refused application P/FUL/2022/06377 concerns were also detailed about long term pressures for future removal of the tree or pruning which might not otherwise be supported. The tree sits to the southwest of the building and, being a Yew, has dense, evergreen foliage which would have potential to block afternoon and evening light to the building, particularly in winter months.

14.23 As part of the previously refused application P/FUL/2022/06377, one of the reasons for refusal read as follows:

The application has not been supported by a sufficient level of information to demonstrate that the development could be carried out without causing harm to neighbouring protected trees, including from the construction of the building itself and from related activities. It is also considered that, owing to the size of the building and its proximity to the protected tree, that the development is likely to give rise to future pressure to prune or remove the protected Yew (T3) in a way which would otherwise be unacceptable. The proposal is therefore contrary to policy ENV10 of the West Dorset Weymouth and Portland Local Plan 2015 and paragraph 131 of the National Planning Policy Framework (2021).

As part of the subsequent appeal (Appeal Ref: APP/D1265/W/23/3319201) the impact on the yew tree was considered. The Inspector considered at para 16 that *while there is a lack of detailed foundation design, given the conclusions of the AIA and AMS, I see no reason why, subject to the imposition of an appropriate planning condition, the proposal could not be constructed in a manner that would protect the Yew tree, or indeed other nearby trees. Furthermore, while I note the additional height of the proposal, the roof design is such that there would be no direct conflict. Given the existing overhand relationship of the canopy and existing building, I see no reason why there would be additional pressure from future occupiers for pruning, over and above that of the occupiers of the existing building.*

14.24 The scheme has been amended since the previous application and appeal were considered. However, the Inspector's conclusions are considered to still apply to the current scheme, and the protection of the Yew tree and other nearby trees could be ensured through the imposition of a condition. As detailed in para 13.21 of this report a pre-commencement condition is also required for borehole data and an updated Geotechnical Appraisal and Ground Stability Assessment Report based on that date including the proposed foundation design to be submitted. Any foundation design/construction method used for this site would need to be suitable in relation to tree protection and land stability. Confirmation was requested from the planning agent and applicant that they consider a construction method for the scheme was possible that would be acceptable to both tree protection and land stability to which they agreed. Therefore, on any approval granted, a condition would be imposed to combine the relevant information for the two issues to ensure any construction method is suitable for both.

Flood Risk & Drainage

14.25 The application site is located within flood zone one and is not considered to be at risk from surface water or groundwater flooding. The proposed development is for the erection of a replacement dwelling. South West Water were consulted on the application and set out that the applicant should demonstrate that surface water run-off will discharge as high up the hierarchy of drainage options as is reasonably practicable. However, in this case the application site is located within the Lyme Regis and Charmouth Slope Instability Zone 3 and the Coastal Risk Management advise that given this surface water is to be discharged into the local sewer, and no soakaways are to be installed on the site.

Ecology and Biodiversity

14.26 The proposal would involve the demolition of the existing dwelling on the site. A Preliminary Roost Assessment (PRA) was submitted as part of the application. The report concluded that the building to be demolished has no negligible value for roosting bats. The report includes recommendations and proposed enhancements including the provision of a bat box and a general-purpose nest box for birds and therefore a condition would be placed on any approval granted for

the development to be carried out in accordance with the recommendation and enhancements detailed in the PRA.

14.27 The proposal is for a replacement dwelling on a similar footprint of the existing dwelling. The proposed development is considered to fall below the threshold for Biodiversity Net Gain as the development would not impact a priority habitat and would impact less than 25 square metres of on-site habitat. Given the above the proposal accords with policy ENV 2 of the West Dorset, Weymouth & Portland Local Plan.

Other Matters

14.28 Third party concerns were raised regarding whether emergency vehicles can access the site either during or post construction. Building Control were consulted on the application and commented that compliance with Building Regulation B5 in respect of Fire Service operational access and turning should be clearly demonstrated for the Building Regulations submission. The proposal is for the erection of a replacement dwelling, with no alterations to the access arrangements to the property therefore there is no worsening of the current situation. As part of the construction of the new dwelling internal improvements could be made in relation to fire safety as part of buildings regulations.

15. Environmental implications

14.1 There would be additional CO2 emissions as a result of the construction of the proposed dwelling and through embodied energy within building materials. The building would however be constructed to current building regulations and associated energy efficiency requirements.

16. Conclusion

15.1 The application site is located within the Lyme Regis DDB and is for the replacement of an existing dwelling and is therefore considered acceptable in principle.

15.2 Whilst there is an objection from the Conservation Officer, the amendments to the proposed development since the previously refused application P/FUL/2022/06377 and during the course of this application are considered to result in development that would sit at the lower end of less than substantial harm to the Lyme Regis CA and the NDHA where the public benefit of a new dwelling built to current building regulations are considered to outweigh the harm caused.

15.3 Matters of amenity, trees, ground stability, flood risk & drainage and ecology & biodiversity would be appropriately controlled via planning condition.

15.4 It is considered that the proposed development accords with the policies of the development plan as a whole and there are no material considerations indicating that permission should be refused.

17. Recommendation

Grant, subject to the following conditions (and their reasons):

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Proposed Site and Location Plans – drawing number A04 P3

Proposed Plans and Elevations – drawing number A02 P4

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

2. 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).

3. Prior to development above damp-proof course level, details (including colour photographs) of all external facing materials for the wall(s) and roof(s) shall have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall proceed in accordance with such materials as have been agreed.

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

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking and re-enacting that order with or without modification), no additional window(s) or other opening(s) permitted by Class A of Schedule 2 Part 1 of the 2015 order shall be constructed in the Western elevation of the building hereby approved.

Reason: To prevent unacceptable impacts upon the amenity of neighbouring residents.

5. Prior to commencement of the development approved details of the finished floor level(s) of all the building hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. Such levels shall be relative to an ordnance datum or such other fixed feature as may be agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

6. Prior to development above damp-proof course level, a soft landscaping and planting scheme shall be submitted to, and approved in writing, by the Local Planning Authority. The approved scheme shall be implemented in full during the planting season November - March following commencement of the development or within a timescale to be agreed in writing with the Local Planning Authority. The scheme shall include provision for the maintenance and replacement as necessary of the trees and shrubs for a period of not less than 5 years.

Reason: In the interest of visual amenity.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) (with or without modification) no enlargement(s) of the dwellinghouse hereby approved, permitted by Class A and Class B of Schedule 2 Part 1 of the 2015 Order, shall be erected or constructed.

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

8. Prior to commencement of development an updated Geotechnical Appraisal and Ground Stability Assessment shall be submitted and agreed in writing by the Local Planning Authority, the

report shall include borehole data from the site showing the geology. The borehole data collected and the requirement to protect the Yew tree shall inform the chosen construction method and foundation design of the development hereby approved which shall be set out in the report. Thereafter, the development shall be carried out in accordance with the agreed construction method for the site.

Reason: In the interests of ground stability and the protection of the Yew Tree.

9. All surface water from the development hereby approved shall be discharged to a piped drainage system and not to a soakaway.

Reason: In the interests of ground stability.

10. Prior to the commencement of any development hereby approved an updated Arboricultural Method Statement and Tree Protection Plans shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include details of how the existing trees are to be protected and managed before, during and after development and shall include information on traffic flows, phased works and construction practices near trees. The development shall thereafter accord with the approved Statement.

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

11. Prior to the commencement of development (including ground clearance, tree works, demolition or construction) a pre-commencement site meeting shall be held on site and attended by the Local Planning Authority (LPA) Tree Officer, the developers appointed Arboricultural Consultant and Site Manager/Foreman to discuss details of working procedures and agree either the precise position of the approved tree protection measures to be installed or that all tree protection measures have been installed in accordance with the approved tree protection plan. The development shall thereafter be carried out in accordance with the approved details or any variation as may subsequently be agreed in writing by the Local Planning Authority.

Reason: Required prior to the commencement of development in order that the Local Planning Authority may be satisfied that the protected Yew Tree to be retained will not be damaged during development works and to ensure that, as far as is possible, the work is carried out in accordance with the approved details.

12. The development shall be carried out in accordance with the recommendations of the Preliminary Roost Assessment, produced by Arbtech (survey date: 14/10/2024), the enhancements as detailed in the report shall be carried out within 6 months of the date of this permission or in accordance with a timetable to be first agreed in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

Informatives:

1. Informative: National Planning Policy Framework

In accordance with paragraph 39 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. Informative: Community Infrastructure Levy

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.

3. Informative: Land Instability

This site lies within an area where there is evidence of unstable land. The responsibility and subsequent liability for safe development and secure occupancy of the site rests with the developer and/or landowner.

4. Informative: Rights of Way

The safe free passage of the public on all rights of way must not be obstructed at any time. If the public are unlikely to be able to exercise their public rights on a right of way, then a Temporary Path Closure Order must be obtained. This can be applied for through Rights of Way at Dorset Council see <https://www.dorsetcouncil.gov.uk/w/changing-the-definitive-map>, but the application must be completed and returned at least thirteen weeks before the intended closure date. It should be noted that there is a fee applicable to this application. This application and legal order must be confirmed before any works obstructing the path are commenced.

Any damage to the surface of the footpath attributable to the development must be repaired to Dorset Council's specification, in accordance with Section 59 of the Highways Act 1980 by the applicant.

5. Informative: Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for development of land in England is deemed to have been granted subject to the condition (biodiversity gain condition) that development may not begin unless:

- (a) a Biodiversity Gain Plan has been submitted to the planning authority, and
- (b) the planning authority has approved the plan.

The planning authority, for the purposes of determining whether to approve a Biodiversity Gain Plan, if one is required in respect of this permission would be Dorset Council.

There are statutory exemptions and transitional arrangements which mean that the biodiversity gain condition does not always apply. These are listed in full in a subsequent informative below.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements are considered to apply.

- Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and
 - ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

Read more about Biodiversity Net Gain at <https://www.dorsetcouncil.gov.uk/w/biodiversity-net-gain>

6. Informative: Statutory Exemptions and Transitional Arrangements in respect of the Biodiversity Gain Plan

1. The application for planning permission was made before 12 February 2024.
2. The planning permission relates to development to which section 73A of the Town and Country Planning Act 1990 (planning permission for development already carried out) applies.
3. The planning permission was granted on an application made under section 73 of the Town and Country Planning Act 1990 and
 - (i) the original planning permission to which the section 73 planning permission relates* was granted before 12 February 2024; or
 - (ii) the application for the original planning permission* to which the section 73 planning permission relates was made before 12 February 2024.
4. The permission which has been granted is for development which is exempt being:
 - 4.1 Development which is not 'major development' (within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015) where:
 - i) the application for planning permission was made before 2 April 2024;
 - ii) planning permission is granted which has effect before 2 April 2024; or
 - iii) planning permission is granted on an application made under section 73 of the Town and Country Planning Act 1990 where the original permission to which the section 73 permission relates* was exempt by virtue of (i) or (ii).
 - 4.2 Development below the de minimis threshold, meaning development which:
 - i) does not impact an onsite priority habitat (a habitat specified in a list published under section 41 of the Natural Environment and Rural Communities Act 2006); and

ii) impacts less than 25 square metres of onsite habitat that has biodiversity value greater than zero and less than 5 metres in length of onsite linear habitat (as defined in the statutory metric).

4.3 Development which is subject of a householder application within the meaning of article 2(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015. A “householder application” means an application for planning permission for development for an existing dwellinghouse, or development within the curtilage of such a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse which is not an application for change of use or an application to change the number of dwellings in a building.

4.4 Development of a biodiversity gain site, meaning development which is undertaken solely or mainly for the purpose of fulfilling, in whole or in part, the Biodiversity Gain Planning condition which applies in relation to another development, (no account is to be taken of any facility for the public to access or to use the site for educational or recreational purposes, if that access or use is permitted without the payment of a fee).

4.5 Self and Custom Build Development, meaning development which:

- i) consists of no more than 9 dwellings;
- ii) is carried out on a site which has an area no larger than 0.5 hectares; and
- iii) consists exclusively of dwellings which are self-build or custom housebuilding (as defined in section 1(A1) of the Self-build and Custom Housebuilding Act 2015).

4.6 Development forming part of, or ancillary to, the high speed railway transport network (High Speed 2) comprising connections between all or any of the places or parts of the transport network specified in section 1(2) of the High Speed Rail (Preparation) Act 2013.

* “original planning permission means the permission to which the section 73 planning permission relates” means a planning permission which is the first in a sequence of two or more planning permissions, where the second and any subsequent planning permissions are section 73 planning permissions.