



Northern Area Planning Committee

Date: Tuesday, 4 August 2026
Time: 10.00 am
Venue: Stour Hall - The Exchange, Old Market Hill, Sturminster Newton, DT10 1FH

Members (Quorum: 6)

Richard Crabb (Chair), Carl Woode (Vice-Chair), Alex Brenton, Barrie Cooper, Les Fry, Sherry Jespersen, Carole Jones, Rory Major, Val Potheary, Belinda Ridout and Steve Murcer.

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

For more information about this agenda please contact Democratic & Governance Services
Meeting Contact: 01305 224877 - john.miles@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 interests 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

To confirm the minutes of the meeting held on 30 June 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 31st July 2026.

5. **P/OUT/2025/06076, LAND OFF MANSTON ROAD, STURMINSTER NEWTON, DT10 1AF.** 5- 41

Erection of up to 50 no. dwellings, including provision of public open space, drainage & ancillary works (outline application to determine access only).

6. **P/FUL/2025/05229, PLEYDELLS FARM, LOWER STREET OKEFORD FITZPAINE, DORSET, DT11 0RQ.** 43- 75

Erection of 19no. dwellings & amenity space with access from Lower Street.

7. **P/MPO/2026/01652, WEST OF SHAFTESBURY ROAD AT, LAND SOUTH OF GILLINGHAM, SHAFTESBURY ROAD, GILLINGHAM.** 77- 87

Modification of S106 Deed of Variation dated 2nd April 2024 to remove Clause 2.8 under Schedule 2 which reads 'no more than 30% of the Intermediate Units shall be Discounted Market Units'.

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 x of schedule 12 A to the Local Government Act 1972 (as amended). The public and the press will be asked to leave the meeting whilst the item of business is considered.

There are no exempt items scheduled for this meeting.

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Application Number:	P/OUT/2025/06076
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Land off Manston Road Sturminster Newton DT10 1AF
Proposal:	Erection of up to 50 no. dwellings, including provision of public open space, drainage & ancillary works (outline application to determine access only)
Applicant name:	Mr Jeremy Campling
Case Officer:	Rob McDonald
Ward Member(s):	Cllr Jones

1. Reason application is going to committee:

- 1.1 The application is being considered by the Northern Area Planning Committee as it is a major planning application with an officer recommendation that is contrary to comments made by Sturminster Newton Town Council.

2. Summary of recommendation:

- 2.1 To delegate authority to the Service Manager for Development Management and Enforcement or the Development Management Northern Area Manager to either:

A) GRANT planning permission following completion of a S106 Planning Obligation to secure:

- Affordable housing on site
- NHS infrastructure financial contribution
- Education (secondary and SEN provision) financial contribution
- Pre-school provision financial contribution
- Community, leisure and sports facilities financial contribution
- Allotments financial contribution
- Informal open space on site
- Informal open space maintenance financial contribution
- Destination play facilities financial contribution
- LAP/LEAP on site
- LAP/LEAP maintenance financial contribution
- Formal outdoor sports facilities financial contribution
- Formal outdoor sports facilities maintenance financial contribution
- Public rights of way and Trailway financial contribution
- Library financial contribution
- Bus and sustainable transport financial contribution
- General monitoring fee

and subject to the following conditions:

- Reserved Matters time limits
- Approved plans

- Surface water management and drainage designs – pre commencement and preoccupation
- Foul drainage – pre commencement
- Construction Traffic Management Plan (CTMP) – pre-commencement
- Arboricultural Method Statement – pre commencement
- Construction Environmental Management Plan (CEMP) – pre-commencement
- Vehicle crossing construction – pre-construction of dwellings and internal estate roads
- Footway connecting site to recreation ground – Grampian style pre-occupation
- Cycle parking details – pre-occupation
- Finalised EclA – pre-occupation
- Visibility splays – compliance condition
- Unexpected potential land contamination

and an informative stipulating that a finalised Habitat Management and Monitoring Plan (HMMP) should be submitted to ensure the statutory 'Biodiversity Gain Plan condition' can be satisfied.

or B) Refuse permission for the reasons set out below if the s106 agreement is not completed by 17 September 2026 or such extended time as agreed by the Service Manager for Development Management and Enforcement or the Development Management Northern Area Manager.

Reason for refusal: In the absence of a legally binding mechanism to ensure the delivery of affordable housing and grey, green and social infrastructure the proposal is contrary to Policies 8, 13, 14 and 15 of the North Dorset Local Plan Part 1.

3. Key planning issues

Issue	Conclusion
Principle of development – Housing land supply	At present the Council cannot demonstrate a five year housing land supply, with the figure of 2.53 years supply, indicating a serious level of housing need (including affordable housing need). As such, the NPPF 'tilted balance' and presumption in favour of sustainable development is engaged.
Principle of development – Location of development	Location of the site conflicts with the spatial strategy policies. However, it adjoins the settlement boundary for one of the four main towns within the Local Plan area and is within reasonable walking/cycling distance to day-to-day services and facilities throughout the town.
Local character and landscape impact	The density of the proposed development would be appropriate for an edge of settlement location, make an efficient use of land and not result in any harmful overdevelopment. The Council's Landscape Officer considers that the adverse visual effects of the development could be mitigated and would not be significant enough to warrant an objection.

Issue	Conclusion
Flood risks and drainage	The proposed development can demonstrate appropriate surface water management and could be made safe for its lifetime without potentially increasing flood risk elsewhere.
Heritage impact	The proposed development would result in no harm to the setting of any of the designated heritage assets within proximity of the site, thereby preserving their significance.
Highway and transport safety	The proposed vehicular access points into the site and Manston Road pedestrian crossings would be acceptable and not result in any severe impacts in terms of highway safety.
Biodiversity and ecology	Impact in terms of biodiversity and protected trees can either be avoided or suitably mitigated.
Residential amenity	The impact on neighbouring amenity could be designed to not cause any adverse impacts.
Impact on agricultural land	The development would not result in the loss of any best and most versatile agricultural land.
Affordable housing and infrastructure contributions	A policy-compliant provision of affordable housing has been proposed and can be secured by legal agreement. Similarly, planning obligations/contributions necessary to make the development acceptable have been agreed and can be secured by legal agreement.

4. Description of site

- 4.1 The 3.69ha site lies on the east side of Manston Road, outside of the settlement boundary of Sturminster Newton, but adjoining it. The application site would comprise two parcels of agricultural land and dropping down in levels by some 20m to the tree-lined meandering riverbank of Chivrick's Brook. The red line of the site excludes the adjacent fluvial flood zones 2 and 3. A strip of land running north to south through the middle of the site has been identified as being susceptible to groundwater flooding. The SE corner of the site includes two [Black] Poplar trees that are now protected by a Tree Preservation Order (TPO) (Ref: TPO/2025/0090). The western and southern boundaries of the site, as well as the mutual boundary between the two parcels within the site, are formed of mixed species hedgerows. The existing northern boundary of the site is lined with post and wire fencing. The site has an existing access opposite 21 Manston Road which would continue to be used as the 'primary route' serving the development. Public footpath N53/7 runs through the site and close to the southern boundary, before crossing an existing bridge over Chivrick's Brook.
- 4.2 The site does not contain any designated heritage assets, nor are there any within the immediate vicinity of the site. Both Fiddleford Manor (a grade I listed building and Scheduled Monument (SM)) and Fiddleford Mill (a grade II listed building) are around 1km to the south east of the site. The hillfort of Hambledon Hill, another SM, is some 5km to the south east.

4.3 The site has a rural, pastoral agricultural character and is within the North Dorset Limestone Ridges landscape character area. The Clay Vale landscape character type lies on the east side of the brook. The boundary of the Dorset National Landscape (AONB) lies some 4.3km to the south east, with Hambledon Hill a prominent topographic feature, albeit not from within the site itself. The North Dorset Trailway passes within 600m to the south. Piddles Wood SSSI lies some 1.1km to the south of the site.

4.4 The site is adjoined by a detached residential building to the north west “Little Shillings” and a detached dwelling “Tuscans” to the south west. Existing post-war dwellings line the western side of Manston Road.

5. Description of development

5.1 The application seeks outline planning permission to erect up to 50 dwellings, including the provision of public open space, drainage and ancillary works.

5.2 The access points into the site is the only matter to be considered at this outline stage. In this respect, the existing access into the site would be retained and serve as the ‘primary route’ serving the scheme. A secondary access off of Manston Road would be formed at the northern tip.

5.3 Indicative plans have been submitted to illustrate a potential layout and internal road configuration. It should be reiterated that the layout shown would not form part of an approval at this stage, should permission be granted.

5.4 With the exception of the bisecting hedgerow opening to accommodate the estate road, other existing trees in and around the site would be retained.

6. Background and relevant planning history

2/1978/0854 - Decision: REF - Decision Date: 27/12/1978

Use land for erection of 10 No. dwellings and garages, form new access

2/1995/0559 - Decision: REF - Decision Date: 10/11/1995

Develop land for residential purposes

2/1995/0760 - Decision: REF - Decision Date: 04/01/1996

Develop land by erection of 10 no. dwellings, form vehicular access

P/OUT/2023/01678 - Decision: REF - Decision Date: 19/02/2024

Erection of up to 52no. dwellings & associated works (outline application to determine access only)

P/OUT/2023/01678 - Dismissed at appeal - 17/01/2025

Erection of up to 52no. dwellings & associated works (outline application to determine access only)

7. List of constraints

- Outside settlement boundary
- Adjacent to Flood Zones 2 and 3
- Risk of Surface Water Flooding Extent 1 in 30
- Risk of Groundwater Emergence; Groundwater levels are either at or very near (within 0.025m of) the ground surface.; Within this zone there is a risk of groundwater flooding to both surface and subsurface assets. Groundwater may emerge at significant rates and has the capacity to flow overland and/or pond within any topographic low spots.;
- Site of Special Scientific Interest (SSSI) impact risk zone
- Public Right of Way (PROW): Footpath N53/7

8. Consultations

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

Cllr Jones (Ward Member)

No formal response received within the consultation period.

Sturminster Newton Town Council

Objection:

- The site lies outside the settlement boundary of Sturminster Newton. Site is not allocated in the current or emerging development plans.
- The Sturminster Newton Neighbourhood Plan (2016–2031) explicitly identifies land east of Manston Road as unsuitable for development due to its topography, landscape sensitivity, and visibility. The site occupies a prominent, sloping valley-side hillside forming part of the rural setting of Sturminster Newton and Chivrick's Brook. Development east of Manston Road would breach the strong town–countryside edge identified in both the Local Plan evidence base and Neighbourhood Plan.
- The application remains highly visible from Hambledon Hill, the North Dorset Trailway and multiple public rights of way.
- The revised LVIA does not materially reduce the harm identified in the 2023 refusal and appeal documentation. The proposal continues to cause significant adverse landscape and visual effects.
- No up-to-date Dorset Council traffic or speed survey for Manston Road.
- Proposed access is positioned directly opposite private driveways, which creates conflict and turning risks.
- Local observations highlight restricted visibility due to the road gradient, vertical alignment and boundary vegetation.
- Flood risks - parts of the site lie within or adjacent to Flood Zones 2 and 3 and the site is known to experience groundwater flood susceptibility.
- Foul drainage strategy requires pumping sewage uphill from the development to the Wessex Water network. Pumped systems are energy-dependent, vulnerable to mechanical failure, and pose pollution and public health risks if they fail.
- Loss of hedgerow and associated ecology.
- Rural character experienced and amenity value along the public right of way crossing site would be affected by housing, lighting and hard surfacing.
- Geotechnical and slope stability assessments required given the topography of the site.
- Not enough smaller houses or affordable rent proposed – does not align with local housing needs.
- Limited safe pedestrian access into town – car reliant.

Manston Parish Council (neighbouring Parish)

No response received at time of determination.

Hammoon Parish Council (neighbouring Parish)

No response received at time of determination.

Hinton St Mary Parish Council (neighbouring Parish)

No response received at time of determination.

Okeford Fitzpaine Parish Council (neighbouring Parish)

No response received at time of determination.

Natural England

No response received at time of determination.

Environment Agency

No objections subject to conditions re. FRA, landscape management plan, water efficiency, CEMP.

Highway Authority

No objections:

The existing agricultural access onto Manston Road (B3091) is to be upgraded to a simple priority junction. Visibility splays will be provided that accord with the guidance provided by Manual for Streets (MfS) and Manual for Streets 2 (MfS2), allowing for the 85th percentile approach vehicle speeds that were provided by an automated traffic count (ATC) provided by Dorset Council. Swept path analyses confirm that the new junction can be safely used by large service vehicles.

A secondary access is proposed at the north-west corner of the site, which will serve up to five dwellings. This access will also be provided with the appropriate visibility splays.

Both new accesses will provide safe uncontrolled crossing points on Manston Road.

The application is supported by a Transport Assessment (TA) that considers the likely highway impact of a development of up to 50 dwellings.

The TRICS assessment predicts that the development is expected to generate approximately 24 and 27 additional vehicular trips in the AM and PM peaks respectively. This is less than one additional trip every two minutes. Allowing for distribution of this traffic onto the local highway network, it is predicted that in the peak hour periods the proposed development would be likely to generate approximately 15 additional trips through the town centre, or on average less than one trip every four minutes.

The proposal is also supported by a Framework Travel Plan which will seek to facilitate the use of sustainable modes of travel.

The Highway Authority considers that the submitted Transport Assessment is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 115 and 116 of the National Planning Policy Framework (NPPF) - December 2024.

Conditions recommended re. estate road construction, junction completion, cycle parking, visibility splays, highway widening and footway improvements, CTMP.

Additional comments received 30 June 2026

As noted in the Transport Assessment, the site is located near to the North Dorset Trailway, which provides an off-road walking and cycling path to Blandford Forum and Speitsbury to the south-west of Sturminster Newtown, and forms part of the National Cycle Network. The Trailway is identified in the Active Travel Plan for Dorset as a priority route for improvement, as such a contribution should be sought towards ongoing improvements to the Trailway, both to encourage local journeys for access to local amenities and facilities, between the development into Sturminster Minister, as well as for inter-urban journeys to/from Blandford Forum as the nearest main centre.

Similarly, with regards to the bus, the Transport Assessment identifies the nearest pair of bus stops, it would be preferable to have them both improved to access to/from the development by sustainable means of transport. Currently served by the CR4 (Yeovil – Blandford Forum, First), the bus stops are Manston Road, (NaPTAN ref: dorapgam) and The Sheppards Yard, (NaPTAN ref: dorapgat). Both bus stops would benefit from improvements, including RTI (real-time information), Kassel Kerb, (to enable level access), clear ways and bus stop cages. Costs and design specification can be provided from the Dorset Travel team if required.

Further, as part of a submitted Travel Plan for the development, that consideration be given to the provision of bus passes/travel vouchers for new residents to encourage travel by sustainable modes, further information can be provided from the Dorset Travel Team if required.

Lead Local Flood Authority

Initial holding objection withdrawn following submission of further information. No objection subject to conditions re. detailed surface water management scheme and its maintenance and management.

Dorset Council – Landscape Officer

No objection:

The proposals would develop a site in a countryside setting beyond the defined edge of the settlement, and in so doing they would erode the current clearly defined eastern edge of the settlement, and result in the intrusion of built development down the undeveloped slope and into the valley.

However, the adverse landscape effects of development would not be significant enough to warrant an objection and that the adverse visual impacts of the development could be mitigated. Therefore, the proposed development does not conflict with NPPF Paragraphs 187 and 189, North Dorset Local Plan Policy 4, or Sturminster Newtown Neighbourhood Plan Policy 2.

Dorset Council – Natural Environment Team

Initial comments 29 December 2025

- EclA is acceptable.
- Hedgerows around and through the site are Priority Habitat – 30m would be lost to accommodate access point, but there would be an overall increase in quantum of native hedgerow within the site – so impact not objectionable. However, NPPF para 193 hierarchy needs consideration.
- Hedgerow through the site is also important for bats.
- Ecological parameter plan needs to be provided for the buffers and then conditioned.
- Conditions recommended re. lighting, CEMP, EclA, badger survey.
- 10% BNG cannot be achieved on site. improvements should be made to retain existing habitats, then enhance existing and create new habitats.

Further comments 10 April 2026 following additional information provided

- Ecological Parameters Plan submitted is acceptable and should be conditioned.
- Given that the onsite net change in area habitat units is only fractionally below 10%, I would hope that small changes can be made within the reserved matters application to achieve onsite delivery of BNG. BNG cannot form a reason for refusal.
- Conditions recommended again.

Dorset Council – Building Control

No response received at time of determination.

Dorset Council – Environmental Health

- Contaminated land consultants will be able to provide comments on this. Apply unexpected contamination condition.
- No adverse comments on Odour report.
- Applicant needs to demonstrate that there will be no adverse noise affect upon new residents from the existing noise climate adjacent to a busy road. A suitable and sufficient noise assessment needs to be undertaken taking into consideration noise from traffic. The

assessment should inform a scheme for protecting the proposed dwellings and amenity spaces (garden area) from the external noise climate if necessary.

- Noise report also required for air source heat pump effects at reserved matters stage.
- Demolition and construction method statement condition recommended.

Dorset Council – Housing Enabling Team

- As of November 2025 there are 95 households on the Housing Register that have a local connection to Sturminster Newton, and a further 162 households have listed Sturminster Newton as a preferred area to live.
- Scheme is welcomed to meet local housing needs and address wider need across county.
- The scheme includes five two-bedroom flats over garages (FOG) properties, and we support their inclusion, provided all homes meet the NDSS as indicated in the plans.
- In terms of housing mix, 12 of the 50 dwellings are two-bedroom properties, and there are no one-bedroom homes. This means only 24% of the homes are one- or two-bedroom, compared to the Local Plan's starting point of 60%. The majority are three- and four-bedroom properties, suggesting the scheme is weighted towards meeting the needs of families rather than couples or individuals. The inclusion of some one bedroom homes would be welcomed, and we would also hope that some of the 14 four-bedroom properties will be made available for affordable rent, as larger affordable rented homes are often in short supply.
- Overall, the scheme offers a generous level of affordable housing, meets space standards, and aligns well with identified local and wider housing needs. We support the application and encourage consideration of the mix to ensure a balanced community. While the application does not currently provide details of the tenure mix, we would expect this to comply with Policy 8 of the North Dorset Local Plan, which requires a minimum of 70% of affordable units to be for affordable rent.

CASE OFFICER NOTE: The final mix and size of dwellings could be considered and agreed at the reserved matters stage.

Dorset Council – CIL and Planning Agreements

In order to make development acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1.

Affordable Housing	40% On Site Provision
NHS Infrastructure Contribution	£722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system
Education (Secondary)	£4,077.03 per dwelling towards secondary school improvements which support the needs of the development.
	Reflecting current Government advice in the Dept for Education – Securing Developer Contributions for Education Guidance August 2023
Education – SEN Provision	£1,487.62 per dwelling.
	Reflecting current Government advice in the Dept for Education - Securing Developer Contributions for Education Guidance August 2023
Pre-School Provision Contribution	£190.50 per dwelling.

Reflecting current Government advice in the Dept for Education -
Securing Developer Contributions for Education Guidance August
2023

Community, Leisure and Sports Facilities Contribution	£2,006.97 per dwelling. Towards a project to create a youth hub for children and teenagers at Ricketts Lane Recreation Ground
Allotments Contribution	£308.16 per dwelling
LAP/LEAP	Onsite provision. Fields in Trust Guidance recommends on site provision of a LAP or LEAP for this scale of development
LAP/LEAP Maintenance Contribution	£359.36 per dwelling - if transferred to Sturminster Newton Town Council or Dorset Council
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling - only if being transferred to Sturminster Newton Town Council or Dorset Council
Destination Play Facilities	£967.52 per dwelling towards play provision and improvements at Rixon and/or Rickets Lane Recreation Grounds
Destination Play Facilities Maintenance	£359.36 per dwelling. Towards the maintenance of play facilities which will serve the development at Rixon and/or Rickets Lane Recreation Grounds
Formal Outdoor Sports Facilities Contribution	£1,318.80 per dwelling towards sports facilities in Sturminster Newton
Formal Outdoor Sports Facilities Maintenance Contribution	£128.73 per dwelling towards the maintenance of sports facilities in Sturminster Newton
Rights of Way & Trailway	ROW - £27,000 total: £19,000 - improvements to 5 bridges along footpath N45/18£8,000 - footpath N53/7 resurfacing of a 170-metre section Trailway - £6,000 for surfacing contribution
Library Contribution	£75 per dwelling – towards additional equipment and stock at Sturminster Newton Library
Bus and Sustainable Transport Contribution	£1,200 to provide 2 new bus stops close to the development entrance at approx. £600 each
Indicative S106 Monitoring Fee	Number of Obligations Total fee - £835 x 11 = £9,185

Dorset Council – Public Transport

No response received at time of determination.

Dorset Waste Team

No comments received at time of determination.

Dorset Council – Tree Officer

Whilst I appreciate that this application is Outline for the gaining of access only, I do have concerns regarding the impact of the final proposal on wildlife and existing trees, hedging and ground flora meaning that the site will of course be irrevocably changed. In light of this I have deemed it expedient to protect 2x Poplar spp. Shown as T1 and T2 on the Tree Survey supplied as they are considered important in the context of the site and are highly visible and prominent in the landscape. These two trees are now protected by TPO reference TPO/2025/0090. Regrettably many of the ash trees on site are to some extent colonised with Ash dieback and this therefore increases the importance of these 2 Poplar trees as they add maturity and visual amenity to the site.

This application requires the removal or translocation of a section of hedgerow to facilitate the access road onto the field / development and to create the visibility splay. Further detail is needed to show how these hedges are to be managed going forward and the methodology for any translocation.

Full and final Arboricultural Impacts and Method Statement and Tree Protection Plan to be conditioned if approved.

Further comments received 15 July 2026

I have looked at the Forestry Commission guidance which gives general information about Black Poplar trees (which mention the size/spread of the trees); along with other sources of tree species information I agree that Black poplars can achieve mature heights in excess of 20m and it could be that their roots could extend (laterally) twice the height of the tree, possibly more in riverine situations/conditions.

I note the academic paper from a study in Italy regarding the underground riparian features of root systems on the Black Poplar trees studied in which it states that the trees have “a very complex root structure”. I have not been able to trace any documentary evidence for Black Poplar tree roots *extending 40 metres*.

Perhaps the 40m figure came from estimating the height of the trees in the proposed development site (20m) and doubling it.

With regards tree protection conditions and the outline application under consideration the following conditions should be applied:-

Tree Condition 1:-

Prior to the commencement of the development hereby approved (including demolition, material storage and all preparatory work), a scheme for the protection of the retained trees, in accordance with BS 5837:2012 (as amended), including a draft Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority (LPA). The TPP and AMS shall include:

- Location and installation of services/utilities/ drainage.
- Methods of demolition within the root protection area (RPA) of retained trees (as defined in BS 5837: 2012).
- Details of construction within or impacting the RPA of retained trees.
- A specification for protective fencing during demolition and construction phases and a scaled plan showing its alignment.
- A draft scaled Tree Protection Plan (TPP) showing protection measures and identifying prohibited construction activities within RPAs – i.e. the ‘Construction Exclusion Zone’

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

Tree Condition 2:-

Prior to the commencement of any development hereby approved (including any preparatory works of ground clearance, tree works, or demolition) the following measures shall be carried out:

- a) A site meeting shall take place between the Local Planning Authority's (LPA's) Tree Officer, the appointed Arboricultural Consultant and Site Manager to assess the potential impact of the development upon the Black Poplar trees just beyond the south east corner of the site, and the outcomes of the meeting shall thereafter be agreed in writing by the LPA;
- b) An Arboricultural Supervision and Monitoring Statement, which has been informed by the agreed outcomes of the site meeting, has been submitted to and agreed in writing by the LPA.
- c) Under arboricultural supervision (to be audited), small trial trenches/excavation, dug by hand, shall take place at selected positions within the application site proximal to and 15 metres from the base of the Black Poplar trees to determine any presence/absence of tree roots to inform the design layout of the site.

The development shall, thereafter, be carried out in accordance with the approved Arboricultural Supervision and Monitoring Statement.

Reason: To ensure that the development proceeds in accordance with the approved arboricultural details and that appropriate protective measures are implemented before any works commence.

Wessex Water

No response received at time of determination.

Ramblers Association

If Footpath N53/7, to the south of the development, is beyond the site boundary then we suggest that a link to the path be created directly from the site.

We are aware that there is no footway on the eastern side of Manston Road which is subject to fast moving traffic. Safe crossing points are therefore essential for walkers and cyclists travelling into the village from the new estate.

Dorset Police Architectural Liaison

No response received at time of determination.

Dorset & Wiltshire Fire and Rescue

Development would need to be built to meet current Building Regulations requirements.

WPA Consultants

The reporting indicates low risk on the assessment of potential contaminant linkages but recommends soil sampling. This should be targeted to probable sources of contamination and the processes of investigation and risk assessment need to be formalised under contaminated land planning conditions. A process of remediation may be necessary and a watching brief for currently unknown issues must be in place.

Education Officer

No comments received at time of determination.

Rights of Way Officer

No objection subject to relevant information and actions within letter.

Dorset Council – Urban Design

Support subject to conditions:

- The site measures 3.39 hectares (ha) and at 50 dwellings this equates to a gross density of 14 dwellings per hectares (dph) which is considered low density. As stated in the Design & Access Statement (DAS), the developable area is 1.55 ha which would equate to a net density of 32dph. Manston Road is characterised by linear development with large plots and deep gardens.

- A pedestrian link to the existing PROW (N53/7) should be explicitly shown on the Illustrative Masterplan.
- The layout within the Illustrative Masterplan is predicated on cul-de-sac development which is shown to incorporate several streets that terminate without a turning head (as highlighted on the annotated plan below). While this is a point of detail, it is important to consider how the layout could better facilitate strong internal permeability to promote active travel.
- The secondary vehicular access point that is proposed would commit the development to creating a private driveway. This private driveway is indicatively shown on the Illustrative Masterplan without pedestrian connections to the rest of the proposed development. This arrangement would reinforce a car-centric approach to the development.
- Illustrative masterplan shows good natural surveillance of public open space areas but this could be improved at reserved matters stage.
- The indicative plans show a layout including only tandem or garage parking. It is not recommended to incorporate this quantum of tandem / garage parking at a detailed stage of design.
- Several plots within the illustrative proposals would not be afforded private amenity space, owing to the use of FOGs. Where private amenity space is shown, it appears disproportionate to the size of the associated dwelling.
- The indicative accommodation schedule as currently proposed would not provide a housing mix of the supported position. The total indicative mix is weighted towards larger dwellings (3b & 4b) with less than 25% of the total mix being proposed as 1b / 2b properties. Assuming a total of 20 affordable dwellings (equating to 40% of the total mix), if the 2B dwellings were exclusively affordable dwellings then this would equal 60% of the affordable housing mix which would meet the supported position within Policy 7 for affordable housing. However, this scenario would leave the open market mix at 0% two-bedroom properties which deviates from the supported position.

CASE OFFICER NOTE: These are all matters that can and should be resolved and finalised at the reserved matters application stage, should the outline be approved.

Economic Development and Tourism

No concerns and objections.

Dorset Council – Libraries

No comments received at time of determination.

Dorset Council – Public Health Dorset

No comments received at time of determination.

Dorset Wildlife Trust

No comments received at time of determination.

NHS Dorset

No comments received at time of determination.

Full comments are available on the Council's website.

Representations received

Total - objections	Total - No objections	Total - comments
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21	0	0
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Summary of comments of objections:

- Outside settlement boundary of town, conflicts with spatial strategy - could set a precedent for other development.
- Flood risks and drainage issues on site – groundwater and surface water.
- Drainage scheme impact on Chivrick's Brook.
- Highway safety – pedestrians crossing Manston Rd, positioning of access and crossing points, visibility splays, walking routes, increased traffic movements, existing speed limit exceedances.
- Lack of infrastructure in the town to cope with additional population.
- No social rent units provided.
- Landscape and visual impact cannot be mitigated, even with tree screening.
- Impact on biodiversity – bats, owls, otters, hedgerows.
- Ground stability.
- Sewerage system – pumping uphill.
- Noise and disruption during construction phase.

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 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:

Adopted North Dorset Local Plan:

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

Policy 1 – Presumption in Favour of Sustainable Development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 5 – The Historic Environment

Policy 6 – Housing Distribution

Policy 7 – Delivering Homes

Policy 8 – Affordable Housing

Policy 13 – Grey Infrastructure
Policy 14 – Social Infrastructure
Policy 15 – Green Infrastructure
Policy 20 – The Countryside
Policy 23 – Parking
Policy 24 – Design
Policy 25 – Amenity

Bournemouth, Christchurch, Poole and Dorset Minerals Sites Plan 2019

Policy MS-8: Preventing Land-Use Conflict

Bournemouth, Dorset & Poole Minerals Strategy (2014)

Policy SG1 - Mineral Safeguarding Area
Policy SG2 - Mineral Consultation Area
Policy SG3 - Safeguarding of mineral sites and facilities

Bournemouth, Dorset & Poole Waste Plan 2019

Policy 22 - Waste from new developments

Sturminster Newton Neighbourhood Plans 2019

Policy 2 – Important views and landscape sensitivity
Policy 6 – Trees in the landscape
Policy 7 – Housing numbers and locations
Policy 11 – Open space and recreation provision and standards in new development
Policy 12 – Delivering a safe and convenient travel network
Policy 14 – Rural recreational trails
Policy 31 – Rixon and Eastern Fringe character

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

The Dorset Local Nature Recovery Strategy identifies local priorities for nature recovery and maps areas where action would be most beneficial. In planning decisions it is a material consideration, helping to ensure that development supports biodiversity enhancement and aligns with Dorset's agreed priorities for nature recovery.

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 8 'Promoting healthy and safe communities'
- Section 9 'Promoting sustainable transport'
- 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).

National Planning Practice Guidance

Other material considerations

Sturminster Newton Town Design Statement SPD (2008)

National Character Areas (NCA) Profile: 133 Blackmore Vale and Vale of Wardour (NE539)

Local Development Framework: North Dorset Landscape Character Assessment (as amended) (2008)

North Dorset Strategic Landscape and Heritage Study (October 2019)

Cranborne Chase AONB Management Plan 2019-2024

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 and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty.

Whilst the application site is not located in line with the spatial strategy of the Local Plan, access from the site to the town's facilities would be served by lit footways on the opposite side of Manston Road. As an outline application there is uncertainty with regards to whether the levels through the site and the crossing point at Manston Road would prove to be impractical or undesirable for those with protected characteristics, however it is also acceptable that these are unlikely to be insurmountable.

Officers have considered the requirement of the duty, and it is considered that the proposal would be unlikely give rise to specific impacts on 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
<u>Material considerations</u>	
Housing	A total of up to 50 dwellings.
Affordable housing	Up to 20 of the dwellings.
Public open space	A proportion of the site, including potential play area space.
Financial contributions to education (inc. SEN)	£5,564.65 per dwelling
Financial contributions to healthcare	£722 per dwelling
Financial contributions to pre-schools	£190.50 per dwelling
Financial contributions to Community, Leisure and Sports Facilities	£2,006.97 per dwelling
Financial contributions to Formal Outdoor Sports Facilities Contribution (inc. maintenance)	£1,447.53 per dwelling
Financial contributions to play spaces (inc. on site LAP and off site maintenance)	£1,686.24 per dwelling
Financial contributions to Informal open space maintenance	£1,278.80 per dwelling
Financial contributions to rights of way	£27,000
Financial contributions to libraries	£75 per dwelling
Financial contribution to bus and sustainable transport	£1,200
Employment during construction phase	The proposal would support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Spending in the local economy by future occupiers	The proposal would support the local economy and provide housing required to support the long-term economic growth in the area, with new residents spending on goods and services as they move in.
<u>Non material considerations</u>	
Council Tax	According to appropriate charging bands/property value.
New Homes Bonus	A proportion of the allocation.

14. Planning Assessment

14.1 The main planning considerations for this application are considered to relate to:

- Principle of development - Housing land supply
- Principle of development - Location of development
- Local character and landscape impact
- Flood risks and drainage
- Heritage impact
- Highway and transport safety
- Biodiversity and ecology
- Impact on protected trees
- Residential amenity
- Impact on agricultural land
- Affordable housing and infrastructure contributions

Principle of development - Housing land supply

- 14.2 At the time the application was submitted the Council had an Annual Position Statement (APS) that confirmed that the whole Dorset Council area could demonstrate a housing land supply of 5.02 years. However, in accordance with the Planning Inspectorate's report, the Council were only able to rely on this position until 31 October 2025. The latest version of the NPPF (published December 2024 and updated February 2025) removed provision for local authorities to produce an APS to confirm their housing land supply.
- 14.3 In response to the expiration of the APS the Council published its latest 5 year housing land supply position statement in October 2025, with the latest housing requirement and local housing need, using the standard methodology set out in the NPPF and planning practice guidance (PPG). As per the position statement, the latest local housing need figure for the Dorset Council area is calculated to be 3,246 dwellings per annum for 1 April 2025 using the standard method. Over five years, this need is 17,040 dwellings, including a 5% buffer. However, the Council can only demonstrate a deliverable housing supply of 8,639 dwellings for the 2025-2030 period, which is equivalent to 2.53 years supply.
- 14.4 Thus, whilst the Council still benefits from a result of 106% in the 2023 Housing Delivery Test measurement (published December 2024), it is unable to demonstrate a deliverable housing land supply of 5 years. 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 North Dorset Local Plan Part 1 are out of date. This means that the tilted balance and presumption in favour of sustainable development applies in decision-making. The case officer's balancing exercise in this context is set out later in the 'Planning Balance' section of this report.

Principle of development - Location of development

Spatial strategy

- 14.5 The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. The North Dorset Local Plan Part 1 ('Local Plan') establishes the Council's approach to the distribution of development, including housing, across the district. Policy 2 of the Local Plan seeks to focus growth, including the vast majority of housing, mainly towards the four main towns of Blandford, Gillingham, Shaftesbury and Sturminster Newton. Lower tier

settlements such as Stalbridge and the 18 larger villages should focus on growth to meet local (rather than strategic) needs. Settlement boundaries have been retained by saved policy 1.7 of the 2003 North Dorset District-Wide Local Plan. Beyond the settlement boundaries of the main towns and villages, countryside development plan policies apply to strictly control new development.

- 14.6 Policy 19 of the Local Plan sets out that at least 395 new dwellings should be built in Sturminster Newton over the plan period of 2011-2031 to meet local needs, and this will be met through “infilling and redevelopment within the settlement boundary, including the redevelopment of land in and around the Station Road area...” The Sturminster Newton Neighbourhood Plan (SNNP) indicates that across the whole parish of Sturminster Newton this be increased to a minimum of 457 new dwellings.
- 14.7 Policy 7 of the SNNP makes it clear that “New dwellings should be located within the settlement boundary, on allocated sites or delivered through the conversion of existing buildings” and that “Green field sites outside the settlement boundary should not be released.”
- 14.8 Policy 20 of the Local Plan applies to all development outside of the settlement boundaries and states that development will only be permitted where it is a type appropriate for the countryside or can be demonstrated that there is an overriding need for it to be located in the countryside. The supporting text to Policy 20 suggests that ‘overriding need’ relates to development that requires a countryside location rather than addressing generic needs for housing that are unable to be met within settlements.
- 14.9 Although adjoining the boundary, the application site is located on a greenfield site outside of the settlement boundary of Sturminster Newton. The proposed development would not represent a type of development that would be appropriate in the countryside or otherwise have a demonstrable overriding need for a countryside location.
- 14.10 The proposed development would therefore be in conflict with Policies 2, 19 and 20 of the Local Plan, as well as Policy 7 of the SNNP, and not supported in principle, unless other material considerations indicate otherwise. One such material consideration is the NPPF. Given the housing land supply situation, the ‘tilted balance’ and presumption in favour of sustainable development under paragraph 11d is engaged.
- 14.11 The Inspector in the previous application stated that Policy 6 of the Local Plan was not relevant to the matter of spatial strategy “as it simply identifies the housing distribution in the district” and therefore weighs neither for nor against the proposal.

Accessibility to local services and facilities

- 14.12 The matter of the site’s proximity to local services and facilities was not raised as a concern during the previous application or by the Inspector in making their decision at appeal. The Inspector rightly recognised that, adjoining the eastern boundary of the town, the site is within 800m of a convenience store and 1.2km to the town centre, doctors, schools and a leisure centre. It is also within close walking distance to bus stops along Manston Road. The Inspector therefore accepted that future occupiers would have relatively easy access to a range of goods and services which could be sought by sustainable travel means. The topography of the site was, however, raised as a concern, with the downhill sloping site potentially discouraging some future occupiers from leaving the site by foot or cycle, thereby reducing the accessibility credentials of the site. Although not stated by the Inspector, this disadvantage would be felt most notably by those with protected characteristics. Accordingly, the Inspector afforded the accessibility of the site a ‘modest’ extent of weight in favour of the proposed development. It is possible that some challenges

with the sloping topography across the site could be designed to minimise overtly steep pedestrian routes at the more detailed reserved matters stage.

- 14.13 Despite lying outside of the settlement boundary and in conflict with spatial strategy, future occupiers of the proposed development would be able to access the full range of services and facilities available within one of the 'four main towns' in the North Dorset Local Plan area. As such, the location of the development would not be unsuitable for housing.

Local character and landscape impact

- 14.14 During the previous appeal on site it was agreed between all parties, including the Inspector, that there is a distinction to be made between impact on landscape, which should be treated as a resource, and impact on visual amenity, which is the effect on people observing the development in places where the development can be viewed, such as villages, roads, public rights of way and individual dwellings. The Inspector also commented on how the proposal would affect the existing settlement pattern.
- 14.15 Quantum of development and density was not raised as a concern with the previous application and it would remain around an acceptable 14dph. This would not be inappropriate for an edge of town location and is comparable with the Land off Elm Close approved allocated site.
- 14.16 As set out in their latest LVIA, the applicant's proposed mitigation and enhancement measures for the scheme includes the retention and planting of vegetation and hedgerows, orientated buildings to face outwards, and setting development back from the public footpaths.
- 14.17 Comparing the illustrative masterplan submitted for the current application with the amended equivalent plan that was submitted with and considered as part of the dismissed appeal, the indicative scheme is almost identical. The only material difference appears to be a slight change of building positions/orientation and road layout in the SE corner of the site. The proposed mitigatory planting appears to be repeated from the appeal scheme.

Site context and policy

- 14.18 The SNNP recognises that, as a result of its underlying landform, the river and its floodplain, and its historic pattern of growth, Sturminster Newton has limited future development potential that would be considered 'sustainable'." Policy 7 of the SNNP reiterates that new dwellings should be located within the settlement boundary and that no green field sites outside of it should be released for housing development.
- 14.19 Policy 2 of the SNNP highlights that "Development should not be supported if it would adversely affect views from Hambledon Hill, the main approach roads to the town, or the routes and spaces identified in Maps 3 and 9." The routes and spaces identified in the numbered Maps include the public footpath that crosses the site (N53/7) and the North Dorset Trailway to the south (N53/93).
- 14.20 Policy 31 of the SNNP captures the character and pattern of development of the local area known as Rixon and Eastern Fringe, within which the application site lies. Of pertinence to the application site, it highlights that "Manston Road, which runs along a ridge, provides quite a strong demarcation between town and country, with little development on its eastern side, where the land slopes down and is clearly visible from the wider landscape. The main exception to this is Sturminster Storage and the adjoining dwellings. Land east of Manston Road is considered unsuitable for further development, particularly because the topography makes it difficult for landscaping to soften the visual impact of building in extensive wider

views.” The main part of the policy also states that “the development on the ridgeline along Manson Road (including the eastern end of Rixon Hill) is particularly sensitive in wider views.”

- 14.21 The Sturminster Newton Town Design Statement SPD, which is a material consideration, also highlights the clear distinction between the town and the countryside formed by the Manston Road, as well as the importance of the footpath network to the east, the visual intrusion of existing development along the Manston Road on views from the countryside and the design guidelines which state that development should not adversely affect important views from the countryside. Design guideline D6 states that “Development should not adversely affect important views of the countryside”. Design Guideline L1 states that “any new development adjoining or close to rural edges of the town should be planned and designed to create a sensitive transition between Town and Country”. Design Guideline L3 states that “hard and soft landscape should be provided where appropriate to enable development to integrate successfully into the local environment”.
- 14.22 Whilst Policy 8 of the SNNP revised the settlement boundary of the town to include the existing buildings at Sturminster Storage on the east side of Manston Road, it did not extend it to include any other land east of Manston Road. There is a housing allocation in this part of the town ‘Land off Elm Close’ which is a comparatively well contained site within wider views. It was granted full planning permission for 98 dwellings, open space, allotments and associated infrastructure in August 2021 (Ref: 2/2019/1801/FUL).

Settlement pattern

- 14.23 The Inspector, in dismissing the previous application, noted that the site would not infill a plot that is between existing built form and is not surrounded by the settlement boundary on three sides. Existing development to the north and south of the site is sporadic and would not bracket the site, having comparatively shallow plot depths. The scheme would also not be perceived as ‘rounding off’ or completing the adjacent settlement.
- 14.24 By developing on the sloping eastern side of Manston Road the previous refusal considered the proposal would be at odds with the spatial pattern of development within the Rixon and Eastern Fringe area and wider town. In visual terms, the development would represent an obvious breakage of the strong demarcation between town and country character and form a harmful encroachment into the open, rural, sloping countryside and Chivrick’s Brook floodplain.
- 14.25 On this point, the Inspector stated that “[the scheme] would intrude into the open countryside in a manner discordant with the existing settlement pattern.” This effect would remain the case with the current application. The proposal would still involve major residential development intruding into the open countryside and on the slope on the east side of Manston Road. This clearly would be at odds with the existing pattern of development in the Rixon and Eastern Fringe local area of the town.

Landscape character

- 14.26 The site lies within the ‘North Dorset Limestone Ridges’ within the North Dorset Landscape Character Assessment (‘NDCA’). The mapping and boundaries of the landscape character areas in the NDCA correspond with the ‘Dorset Landscape Character Types’, with the site lying within the ‘Limestone Hills’ landscape type in this respect. The ‘Clay Vale’ landscape character type forms the land on the east side of the site beyond the brook. A key characteristic of the Limestone Hills character type is distinctive settlement patterns either along ridges or on the side slopes of ridges. Map regression of the town area reveals that, historically, development in Sturminster Newton has focused on its plateau position within

the landscape, generally staying above the 65m contour line and avoiding development down the eastern slopes. Therefore, officers previously considered that development down the eastern slopes, in addition to the plateau, would not be characteristic for the Limestone Hills landscape type and would be harmful to landscape character.

- 14.27 However, the Inspector for the previous application recognised that, whilst the town is primarily a plateau settlement it also has development on slopes on parts of the southern and western sides, demonstrating recognisable characteristics of both plateau and 'hanging' settlements that lie within the Limestone Hills. This is accepted by both the applicant and the Council's Landscape Officer. Therefore, notwithstanding the spatial context set out in Policy 31 of the SNNP, an argument could be made that development on more slopes around the town would not be uncharacteristic in the Limestone Hills.
- 14.28 Notwithstanding this, the Inspector considered that the site lies within an area of transition between two character type areas (which has not been disputed by the applicant) and makes more of a positive contribution to the adjacent Clay Vale landscape character type insofar as being part of the slope, below the Limestone Hills ridgeline and visually connected to the adjacent valley as an arable parcel of land.
- 14.29 There is no dispute that the edge of the settlement along Manston Road, which comprises visually intrusive existing housing, forms a hard boundary with the site and marks a clear change in character. As the Inspector reiterated in their decision, the connected range of fields that comprise the eastern sloping edge of the town are largely interrupted by built form and form a significant undeveloped feature within the wider landscape from views to the east and SE. The site and its adjacent fields therefore make an important positive contribution to the local landscape character.
- 14.30 The applicant's latest LVIA submitted with the current application asserts that "the nature of the development proposed is not uncharacteristic within the receiving landscape" and that "overall, it is considered that the Proposed Development will not result in unacceptable effects on landscape and visual receptors as the development preserves the characteristic attributes of the landscape and responds positively to the Sturminster Newton Settlement."
- 14.31 The Inspector for the previous application did not agree with the appellant that further development would ameliorate the negative effects of existing development. The Inspector considered that proposed development would intrude into the clearly defined character of the eastern slopes of the settlement have a moderate adverse impact on the landscape character of the appeal site and a substantial adverse impact on the wider landscape character of the area.
- 14.32 The Inspector agreed with the appellant that the proposal "would soften the urban edge of Manston Road" but that this gain would be limited and that the harm found to landscape character would not be outweighed by mitigation in the form of segregated development blocks and green space/planting.
- 14.33 Under s85(1) of the Countryside and Rights of Way Act 2000 (as amended) it is a statutory duty for the LPA, in exercising or performing any function in relation to, or so as to affect, a National Landscape (NL) to seek to further the purpose of conserving and enhancing the natural beauty of the NL. In decision-making this duty includes development that affects the setting of a NL. This duty needs to be considered in tandem with paragraph 189 of the NPPF, which states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Landscapes (which have the highest status of protection in relation to these issues). The same paragraph adds that development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. Whilst the proposed development would inevitably result

in a degree of adverse impact on the landscape character of the site and localised landscape context, given the c5km separation and intervening vegetation and built form, it remains accepted that the proposed development would not adversely affect the landscape character and setting of the Cranborne Chase National Landscape. The NL would therefore be conserved and enhanced as a result of the development.

- 14.34 In terms of landscape character impact, the Inspector concluded that the previously proposed development would conflict with the established character and an intrusion of built form that would erode the eastern edge of the settlement, cause significant landscape harm, erode the character of the Rixon and Eastern Fringe character area that mitigation would be unable to address. This is not disputed by the Council's Landscape Officer. However, the Landscape Officer also considers that, as currently proposed, the adverse landscape effects of development would not be significant enough to warrant an objection. Ultimately, the Landscape Officer is satisfied that the illustrative masterplan and submitted AVRs, the latter of which is new material information, demonstrate that the adverse visual effects of the development could be mitigated within a reasonable time frame and, therefore, the proposal would not conflict with Policy 4 of the Local Plan, Policy 2 of the SNNP and paragraphs 187 and 189 of the NPPF.

Visual effects

- 14.35 In the context of Policy 2 of the SNNP, Manston Road forms one of the main approach roads into the town and a route identified in Map 9 includes the section of footpath N53/7 that crosses the site. At the time of the previous application officers considered that the immediate adverse visual effect resulting from an obvious breakage of the strong demarcation between town and country character and encroachment into the open, rural, sloping countryside would be most apparent from these two key immediate viewpoints.
- 14.36 From the entrance to the site itself along Manston Road, the open and uninterrupted Clay Vale and pasture panoramic landscape can be appreciated, with Hambledon Hill forming a prominent landscape feature further in the distance. This was agreed by the Inspector. At the time of the appeal officers considered that, with a well-maintained hedgerow along the east side of Manston Road, the landscape to the east of the site remains appreciative. The Inspector, on the other hand, considered that the roadside hedgerows would largely limit views into and through the site, with motorists experiencing only brief glimpses of the site and passing pedestrians and cyclists taking in longer views only at the entrance and in gaps through the hedging.
- 14.37 As with the previous application, the illustrative masterplan of the proposal indicates that most of the roadside hedgerow would be retained, leaving views from Manston Road once again largely unchanged. Illustrative cross section drawings submitted with the appeal demonstrated that, due to the slope, the hedging would screen most development from pedestrian eye level along Manston Road, with only the roofs of housing closest to the highway being visible. The only exception to this would be at the proposed entrance points where receptors would see a substantial magnitude of change, consisting of both buildings and roads. This would remain the case with the current proposal. These views would be localised only and would take in only parts of the scheme. The Inspector deemed this to amount to only a moderate harmful visual effect, rather than significant.
- 14.38 The SNNP highlights that land on the east side of Manston Road would be unsuitable for further development because the topography would make it difficult for landscaping to soften the visual impact of building in extensive wider views. Owing to the elevated position of the site relative to the river valley flood plain, close and middle distant views of the site are possible from footpaths to the north east (N45/19), east (N45/18) and south east.

- 14.39 These views were also recognised by the Inspector for the previous application. The Inspector acknowledged that, whilst existing field boundary screening provides several layers of screening, some views from public footpath N45/19 provide largely open and unscreened views of most of the site and its neighbouring sloping landform. However, from here, the Inspector accepted that a scheme that sought mitigation through a reduced number of dwellings (52 units down to 50 units) and additional linear planting through the site, based on the indicative layout, would “diffuse views of housing and soften views” and reduce the visual impact of the development to minor adverse only.
- 14.40 The Inspector also accepted that, given the separation and intervening existing vegetation, views from the Trailway are relatively filtered, where the site is a small part of a far wider view. As such, there would only be a minor adverse visual impact from here.
- 14.41 It was agreed at the time of the appeal that receptors of ‘Map 9 route’ public footpath N53/7 passing through the southern section of the site would experience an immediate landscape that would be largely dominated by new buildings, roadways and associated equipment. The Council’s position at the time of the previous application was that the magnitude of change from this footpath would be major to moderate adverse. However, the Inspector disagreed, stating in their decision that “the retention of the existing hedge through the site, and the proposed addition [sic] planting, would prevent many views of the proposed development across the total site... the proposed development has been shown on the indicative plan to be set away from the pathway by a significant distance, diminishing its visual impact... the overall effect of development on users of the PRow would be moderate rather than major adverse.”
- 14.42 In terms of visual impact, the Inspector concluded that due to the combination of landform, existing screening, the ability to separate proposed housing on the site with areas of green space and landscape mitigation, the identified moderate adverse visual effects would be localised only and not therefore cause a significant adverse visual effect. The moderate degree of impact would not present a clear reason to refuse the proposal on visual amenity grounds from views along the main approach roads and the routes identified in the SNNP maps.
- 14.43 Based on the information submitted with the current application, which includes a new LVIA and Accurate Visual Representations (AVRs), the Council’s Landscape Officer agrees that the proposed development would be unlikely to cause a significant adverse visual effect given the mitigation proposed and evidenced by AVRs of the proposed development.
- 14.44 As such, there are no landscape or visual objections to the proposed development of the site and officers consider the proposal would comply with Policy 4 of the Local Plan, Policy 2 of the SNNP and paragraphs 187 and 189 of the NPPF.

Flood risks and drainage

- 14.45 As highlighted earlier in the report, the red line application site area for the current proposal excludes the fluvial flood zones 2 and 3 associated with adjacent Chivrick’s Brook. The latest mapping data indicates no surface water flood risks are present on site or would be in the future with climate change. However, as with the previous application, there would remain a strip of land running north to south through the middle of the site that has been identified as being susceptible to groundwater flooding.
- 14.46 During the course of the previous appeal the Council accepted that evidence provided by the applicant, which showed that groundwater was not encountered until at least 1.4m below ground level, indicated that risks from groundwater flooding are low in reality.

- 14.47 Given there would be no high or medium flood risks from all sources on the site now and or in the future, it follows that the flood risk sequential test set out in national and local policy does not need to be applied in this instance.
- 14.48 As with the previous scheme, two above ground attenuation basins are proposed as part of the drainage strategy. Groundwater monitoring conducted in August 2021 and results of infiltration testing is enough to rule out infiltration (soakaways) as a viable means of disposal of surface water runoff. Winter groundwater monitoring would have only been required had infiltration proven viable and to prove that a 1m separation could be achieved between observed groundwater levels and the base of basins. The surface water drainage layout is also the same as the previous application and remains acceptable. The proposed strategy would attenuate surface water runoff and discharge to Chivrick's Brook in accordance with the third tier of the drainage hierarchy. Flows generated within the northern and southern extents of the site would be directed into a series of lined SuDS features (wet ponds or seasonally dry basins). Permeable paving within all private driveways and parking areas would also be proposed. These areas must only drain their direct footprint, with runoff from adjacent properties and garages to be positively drained towards the lined attenuation basins.
- 14.49 The proposed drainage strategy has been considered by the LLFA who have withdrawn any previous holding objections raised. The standard conditions regarding a finalised drainage scheme are recommended and can be imposed. Accordingly, the proposed development would not avoid areas at risk of flooding from all sources and incorporate a suitable drainage strategy to ensure compliance with Policy 3 of the Local Plan.
- 14.50 Some concerns have been raised through third party representations regarding the stability of the land, given the geology and groundwater characteristics. The Geotechnical and Geo-environmental Assessment submitted with the application indicates that traditional strip/shallow trench fill foundations are expected to be appropriate in the western part of the site. Through the central and eastern parts of the site, ground conditions are marginal in terms of shallow / trench fill foundation suitability. As such it is recommended in the assessment that alternative foundation solutions should be sought, such as traditional piling. Further investigation is recommended once layouts have been finalised through the reserved matters stage. Thus, the assessment indicates that solutions are workable and that these may ultimately affect the final quantum and layout of the development at the reserved matters stage.
- 14.51 As per the previously application, the proposed foul drainage strategy would involve the site draining via a gravity sewer into a pumping station towards the southern boundary. The final positioning of the pumping station would need to ensure it does not obstruct public footpath N53/7. A rising main would then provide a pumped connection up to the closest Wessex Water foul sewer on Manston Road. The FRA submitted with the application confirms there is capacity to receive a pumped connection. The point of connection to the public network would be via application and agreement with Wessex Water. This information is sufficient to demonstrate compliance with Policy 13 of the Local Plan.

Heritage impact

- 14.52 The previously refused application concluded that the development would cause no harm to any designated heritage assets within proximity of the site.
- 14.53 The Inspector, in making his decision, effectively agreed, concluding that there would be a negligible effect on the setting of grade I listed building and Scheduled Monument Fiddleford Manor & Mill House and grade II listed building Fiddleford Mill due given the separation and intervening plant screening. Similarly, the Inspector also concluded that the

proposed development would not adversely affect the setting of Hambledon Hill as a hillfort as it would not impede the understanding of the monument's topographical importance and not affect its relationship with other local hillforts, thus preserving its significance.

- 14.54 As such, having once again concluded that the proposed development would result in no harm to designated heritage assets it is not necessary to engage paragraph 215 of the NPPF. Having had regard to s66 and of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that no harm would be caused to the significance of any heritage assets. Thus, impacts would be acceptable and in accordance with Policy 5 of the Local Plan and section 16 of the NPPF.

Highway and transport safety

- 14.55 As mentioned, access is the only 'matter' to be considered at this stage and the applicant has confirmed that it is only the access points into the site that are to be considered and not also the internal roads as shown on the illustrative masterplan.
- 14.56 It is worth pointing out that the Inspector, in dismissing the appeal for the previous application on site, made no specific comments on highway safety matters.
- 14.57 The existing access into the site would be upgraded to serve as the 'primary route' serving the scheme. A secondary access off of Manston Road would be formed at the northern tip, indicatively shown to serve potentially up to 5 dwellings. The access points would be positioned in exactly the same points along Manston Road as previously proposed and accepted. The indicative layout, including internal roads, is also shown to be almost identical to the previous iteration considered as part of the appeal.
- 14.58 As with the previous application, the HA have again accepted that visibility splays for both accesses would meet with the guidance provided by Manual for Streets and Manual for Streets 2, allowing for the 85th percentile approach vehicle speeds. The 85th percentile speeds from the most recent ATC survey (June 2025) indicate that speeds have reduced relative to the June 2022 survey for the previous application. Notwithstanding the lower 85th percentile speeds, the applicants have retained the same visibility splays as previous accepted (and based on the higher speeds). Concern has been raised through third party representations regarding driveways opposite the access points. This is only the case for the primary access point, which utilises an existing access so is not a new scenario in this respect. Nonetheless, this is not an unusual situation and, for the sake of highway safety, vehicles would already be expected to enter and exit any existing driveways in a forward gear. No highway safety issues have been highlighted by the HA in this respect.
- 14.59 Swept path analysis confirms that the new junction could be safely navigated by large service vehicles. Both new accesses would provide safe uncontrolled crossing points on Manston Road.
- 14.60 The application is again supported by a Transport Assessment (TA) that considers the likely highway impact of a development of up to 50 dwellings. Findings within the latest TA align with the previous application. The TRICS assessment predicts that the development is expected to generate approximately 24 and 27 additional vehicular trips in the AM and PM peaks respectively i.e. less than one additional trip every two minutes. Allowing for distribution of traffic onto the local highway network, it is predicted that in the peak hour periods the proposed development would be likely to generate approximately 15 additional trips through the town centre, or on average less than one trip every four minutes.
- 14.61 Once again, uncontrolled crossings are proposed by the access points, enabling connection to the existing pavement along the west side of Manston Road and, thereafter, links through

to Rixon recreation ground and active travel routes into the town centre. Details of the crossings can be secured by condition to ensure they are suitable for all users, including those with protected characteristics. A direct link with public footpath N53/7 passing through the site would also, in effect, form a third option for connecting to Manston Road. No objections or safety concerns have been raised by the HA in respect of the pedestrian crossing points.

- 14.62 The proposal is also supported by a Framework Travel Plan which would seek to facilitate the use of sustainable modes of travel. As noted in the TA, the site is located near to the North Dorset Trailway, which provides an off-road walking and cycling path to Blandford Forum and forms part of the National Cycle Network. The Trailway is identified in the Active Travel Plan for Dorset as a priority route for improvement. As such a contribution is sought towards ongoing improvements to the Trailway, both to encourage local journeys for access to local amenities and facilities and for journeys to/from Blandford Forum as one of the other main towns. Similarly, the TA also identifies the nearest bus stops. These should be improved to access to/from the development by sustainable means of transport. Currently served by the CR4 (Yeovil – Blandford Forum, First), the bus stops are Manston Road and The Sheppards Yard. Both bus stops would benefit from improvements, including RTI (real-time information), Kassel Kerb, (to enable level access), clear ways and bus stop cages. The TA indicates that a full Travel Plan would be produced and this can be conditioned accordingly.
- 14.63 With these points in mind, the HA has advised that the submitted highway-related information is satisfactory and robust and that the residual cumulative impact of the development would not be 'severe' when consideration is given to paragraphs 114 and 115 of the NPPF. A number of conditions have been recommended.

Biodiversity and ecology

Impact on habitats and biodiversity

- 14.64 To support the application the applicant has submitted an Ecological Impact Assessment (EclA), Ecology Parameters Plan, Ecology Note and information relating to Biodiversity Net Gain (BNG). On this occasion the applicant has not opted to follow the Council's Dorset Biodiversity Appraisal Protocol (DBAP). However, it is acknowledged that the DBAP is not a mandatory process in the planning application.
- 14.65 The information submitted has nonetheless been assessed by NET and is considered to accurately assess the ecological baseline and ecological receptors relevant to the application and is acceptable. NET recommend the requirements and mitigation within the documentation be conditioned to ensure implementation at the reserved matters stage.
- 14.66 The hedgerows, comprising native species, forming the southern and western boundaries, as well as transecting the site, were identified through the previously refused application as being Priority Habitat/Habitats of Principle Importance. Sections 40 and 41 of the Natural Environment and Rural Communities (NERC) Act 2006 impose a legal duty to local authorities to identify and conserve Habitats of Principle Importance and publish a list of such habitats and species, meaning that they are a material consideration within the planning process. Bat activity surveys of the site also show the central hedgerow to be of importance to foraging and commuting bats, with the EclA describing use by Myotis bat species and Greater Horseshoe bats, albeit this species was recorded on just one night.
- 14.67 The proposal would result in the loss of some 30m of Priority Habitat hedgerow, to form the access to the site from Manston Road and access to dwellings in the southern field within the site. However, as NET point out, in the absence of a specific policy within the Local

Plan protecting Priority Habitats, and bearing in mind that development would increase the quantum of native hedgerow within the site, the impact would not be considered significant enough to require an objection specifically on the grounds of loss of priority habitat.

- 14.68 The EclA captures suggested mitigation and enhancement measures and these include protective fencing, buffers, sensitive lighting, the implementation of bat boxes, bird boxes, hedgehog holes, bee bricks, an attenuation basin, grassland planting, hedgerow replacement planting and other native planting.
- 14.69 As detailed further in the next section of this report, Black Poplar trees have been identified in the SE corner of the site and these are recognised as 'Priority Species' under the Local Natural Recovery Strategy (LNRS). The LNRS does not confer any protection to this as a species, rather it guides activities to ensure that they remain or return to Dorset. Black Poplar fall under the 'conservation translocation' section, which would support the deliberate movement and release of Black Poplar into the wild for conservation purposes. As such, there is a potential opportunity for further Black Poplar trees to be translocated to the riverside edge of the site to further enhance the natural environment.
- 14.70 The proposal would therefore comply with Policy 4 of the Local Plan and paragraph 193(a) of the NPPF which require, amongst other matters, that significant harm should be avoided or mitigated (and compensated for as a last resort).

BNG

- 14.71 The Biodiversity Metric submitted indicates that 9% gain can be achieved on site, based on the indicative layout. NET have commented that, given that the on site net change in area habitat units is only fractionally below 10%, it is accepted that small changes could be made at the reserved matters stage to achieve on site delivery of BNG.
- 14.72 A Habitat Management and Monitoring Plan (HMMP) would need to be submitted to satisfy the statutory Biodiversity Gain Plan condition. For major applications this is usually secured by a post-decision legal agreement as associated monitoring fees over the 30 year period need to be calculated.

Impact on protected trees

- 14.73 The applicant's Arboricultural Impact Assessment sets out how retained trees and hedgerows in and around the site would be protected during the course of construction works and thereafter. A 'Tree Constraints Plan' identifies the location of the two protected [Black] Poplar trees, their root protection area (RPA) and the extent of protective measures around these.
- 14.74 Just prior to the completion of this report, third party representation was received asserting that not only are there three (not two) Poplar species trees in this location but that these are Black Poplars, a rare species (c7000 nationally). One of the trees is said to be female, of which there are only 600 known nationally. The representation refers to an academic paper from Italy regarding the underground riparian features of root systems on Black Poplars, finding that these trees can have a very complex root structure. The representation opines that Black Poplar root structures could extend to up to 40m, but no documentary evidence has been submitted to verify this.
- 14.75 Nonetheless, given the potential impact on the RPA of these protected trees could affect the final drainage layout and possibly some built development within the SE corner of the scheme when devised at the reserved matters stage, it is considered appropriate to impose the conditions recommended by the Tree Officer. This includes a finalised Arboricultural

Method Statement and Tree Protection Plan, as well as the necessity for a meeting between respective arboricultural specialists and hand dug excavations 15m from the Black Poplars to determine the presence or absence of any tree roots. Ultimately, whilst the outcome of these conditions may potentially affect the finalised layout of the scheme, it is unlikely to do so significantly and the layout of the proposal is a reserved matter and not part of the consideration at this point. Therefore, it is accepted that a solution could be reached which can ensure that the protected trees would not be adversely affected in accordance with Policy 24 of the Local Plan.

Residential amenity

- 14.76 As the application is once again in outline form the full extent of impact upon amenity cannot be fully realised until the reserved matter stage(s) when scale and layout would be considered. The scale and layout of the scheme would need to carefully consider the impact upon the properties of Little Shillings and Tuscans to the north and south of the site, as well as the houses lining the west side of Manston Road. It is likely that a scheme could be devised to ensure that overbearingness, loss of outlook, loss of light and loss of privacy could be avoided.
- 14.77 Similarly, the scheme would also need to consider such impacts between the dwellings forming the proposed development itself.
- 14.78 An issue that could affect housing on site is the presence of the Sturminster Newton Sewage Treatment Works some 350m to the south. However an Odour Assessment submitted with the previous application demonstrated that the risk of an odour complaint being received by Wessex Water from future residents of the proposed development would be low.
- 14.79 Overall, it is upheld that the impact upon neighbouring amenity would be unlikely to be considered significantly harmful to warrant a reason for refusal. The proposal would therefore comply with Policy 25 of the Local Plan.

Impact on agricultural land

- 14.80 Policy 4 of the Local Plan states that the Council will seek to protect the best and most versatile agricultural land from development. As both Policy 4 and Annex 2 in the NPPF confirm, 'best and most versatile agricultural land' is land in grades 1, 2 and 3a of the Agricultural Land Classification (ALC). Policy 4 also states that the Council will only approve development which would result in its permanent loss where:
- the site has been allocated for development in either the Local Plan or a neighbourhood plan; or
 - it can be demonstrated that the social or economic benefits of the proposal outweigh the value of the land; or
 - there is no appropriate alternative site, including previously developed sites or sites of lower agricultural value; or
 - the proposal is small in scale, to support the diversification of an existing agricultural business.
- 14.81 The applicant has not provided a detailed assessment of the ALC across the site. However, according to the Natural England 1:250,000 scale Agricultural Land Classification Map for the south west region (2010), the site would appear to be identified as Grade 4 'Poor' land and, therefore, not best and most versatile agricultural land.

14.82 As such, the proposed development would not result in the permanent loss of the best and most versatile agricultural land.

Affordable housing and infrastructure contributions

- 14.83 Policy 8 of the Local Plan sets out the Council's approach to the provision of affordable housing and seeks 25% affordable housing if within the settlement boundary of Sturminster Newton and any urban extensions to these towns. Elsewhere in the district, 40% affordable housing would be sought. As the scheme would not fall within the settlement boundary or comprise an allocated urban extension to it, the larger 40% 'elsewhere' figure would be required in this case. The applicant indicates in their Planning Statement that the 40% policy compliant provision would be provided on site, with what they equate to be up to 20 dwellings as affordable housing. The affordable houses would need to be made of an acceptable mix, as per Policy 7 of the Local Plan.
- 14.84 Some representations have raised concerns that no affordable rent units would be provided as part of the development, although not signposted to where this is stated in any of the application documentation. As per the previous application, the intention is to provide policy compliant tenure split, including affordable rent, and this can be negotiated via the legal agreement.
- 14.85 In addition to affordable housing and to ensure the development is acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green and social infrastructure through onsite and off-site obligations, as required by Policies 13 (Grey Infrastructure), 14 (Social Infrastructure) and 15 (Green Infrastructure).
- 14.86 On site and off site obligations and financial contributions required to make the proposed development acceptable are set out in the s106 & CIL Officer's consultation response earlier in this report. A legal agreement has been drafted to secure these obligations to make the development acceptable in planning terms in compliance with Policies 13, 14 and 15 of the Local Plan.

15. Environmental implications

- 15.1 In May 2019, Dorset Council declared a Climate Emergency and there is a heightened expectation that the planning department will secure reductions in the carbon footprint of developments.
- 15.2 The applicant has submitted an 'Energy, Sustainability and EV Strategy' which sets out how the proposed development would respond to the requirements of Policy 3 of the Local Plan.
- 15.3 The strategy details how sustainable design and construction would be addressed, including reducing energy consumption and carbon emissions, minimising waste and increasing recycling, conserving water resources, incorporating green infrastructure and sustainable drainage, minimising pollution, maximising the use of sustainable materials and adaptation to Climate Change. As the application is for outline planning permission, the full details of design and construction are not set out in the strategy but are suggested to guide future technical design matters at the reserved matters stage.
- 15.4 To reduce energy demand passive design measures including: making the most of sunlight and daylight; prevention of overheating; natural cooling; thermal performance; enhanced U-values and air tightness improvements would be prioritised.
- 15.5 The final orientation of buildings would also consider the benefit of heat and light from the sun. Additional savings can also be made through the fixtures and fittings within dwellings. Solar panels and air source heat pumps are likely to be incorporated into the development to reduce the dependency on natural non-renewables. As recommended by the

Environment Agency in their consultation response, it is also intended to implement water efficiency measures to ensure that the standard for water stressed locations of 110 litres per person per day is met.

- 15.6 Each dwelling will be provided with an EV charging point adjacent to a parking space and within the curtilage of the dwelling (where possible). This will be in accordance with Infrastructure for charging electric vehicles: Approved Document S.
- 15.7 The location of the site is accessible by foot or cycle to local services and facilities within the town, reducing reliance on combustion engine motor vehicles and supporting the sustainability credentials of the scheme.

16. Summary of issues and the planning balance

- 16.1 The site adjoins but lies outside of the settlement boundary of Sturminster Newton and is therefore in the countryside. The site is not allocated for housing development in either the adopted Local Plan or more recent Sturminster Newton Neighbourhood Plan. The proposal is not a type of development listed within Policy 20 of the Local Plan that would be appropriate in the countryside and it has not otherwise been demonstrated that there is an overriding need for the development to be in the countryside. As such, the proposed development would be contrary to the spatial strategy Policies 2, 6, 19 and 20 in the Local Plan, as well as Policy 7 of the SNNP, and, thus, not supported in principle unless other material considerations indicate otherwise.
- 16.2 Key material considerations in this respect are the Council's current housing land supply position and the NPPF.
- 16.3 At present the Council cannot demonstrate a five-year housing land supply, with the figure of 2.53 years supply indicating a serious level of housing need (that includes an affordable housing need). There is no up to date spatial strategy that responds to this position and a new Dorset Council wide local plan is not forecast to be adopted imminently. Going forward, Sturminster Newton, as one of the smaller towns, would be expected to accommodate smaller-scale expansion.
- 16.4 With a lack of five-year housing land supply, paragraph 11(d) of the NPPF dictates that the policies which are most important for determining the application (Policies 2, 6, 19 and 20) should be considered out-of-date.
- 16.5 The consequences of this are that the NPPF's tilted balance is engaged and planning permission should be granted unless:
 - (i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
 - (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 16.6 Criterion (i) are the "footnote 7" reasons detailed in the NPPF. As detailed in the report, there would be no strong reasons to refuse the proposed development under this limb of paragraph 11d.
- 16.7 With no strong reasons found to refuse planning permission under paragraph 11d(i) of the NPPF, it follows that paragraph 11d(ii) is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The same paragraph states that particular regard must be given to key policies for

directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

- 16.8 The SNNP became part of the development plan in March 2019, more than five years ago. As such, paragraph 14 of the NPPF is not engaged for this application.
- 16.9 In terms of benefits, the proposed development would provide a positive contribution towards the Council's much needed housing land supply. This would include a policy compliant provision of affordable housing. Although the location of the site would be in conflict with the spatial strategy it is within walking distance of a range of services and facilities found within one of the four main towns within the Local Plan area. New pedestrian crossing points would connect to existing lit, paved footways into the town centre. The additional housing and associated spend from future occupiers would also support the existing services and facilities. Given the Council's serious housing land supply shortage and direction of travel of the emerging Dorset Council Local Plan seeking to provide small-scale expansion of Sturminster Newton, the harm from conflict with spatial strategy policies carries only limited weight in the balance. The delivery of new market and affordable dwellings outweighs this harm and significantly weighs in favour of the proposal.
- 16.10 Additional public benefits, as set out in section 13 of the report, include the provision of on-site public open space and play space, financial contributions towards infrastructure, economic benefits from construction jobs, supply chain, local expenditure, Council Tax receipts and NHB are all affordable moderate weight in favour of the proposal.
- 16.11 The density of the proposed development would be appropriate for an edge of settlement location, make an efficient use of land and not result in any harmful overdevelopment. This weighs in favour of the proposal.
- 16.12 The Council's Landscape Officer considers that the information submitted with the current application demonstrates that the adverse visual effects of the development could be mitigated within a reasonable time frame and would not be significant enough to warrant an objection. As such, the proposal would comply with Policy 4 of the Local Plan, Policy 2 of the SNNP and paragraphs 187 and 189 of the NPPF. This also weighs in favour of the proposal.
- 16.13 The proposed development would result in no harm to the setting of any of the designated heritage assets within proximity of the site, thereby preserving their significance. Subject to conditions, the proposed development can demonstrate appropriate surface water management and could be made safe for its lifetime without potentially increasing flood risk elsewhere. The proposed vehicular access points into the site and Manston Road pedestrian crossings would be acceptable and not result in any severe impacts in terms of highway safety. Significant harm to biodiversity and protected trees can either be avoided or suitably mitigated. The impact on neighbouring amenity could be designed to not cause any adverse impacts. The development would not result in the loss of any best and most versatile agricultural land. The statutory requirement of BNG could, in principle, be secured by condition and/or legal agreement. These points provide neutral benefits, affording limited weight in the balance.
- 16.14 The proposal would conflict with the spatial strategy and thus not in accordance with the comprehensive strategy for housing development set out in the Local Plan. As such, the proposal would conflict with the development plan as a whole. However, given the Council's five-year housing land supply position, only very limited weight can be given to the conflict with spatial strategy Policies 2, 6 and 20 of the Local Plan. However, there are strong material considerations, including the provision of much needed market and affordable

housing, which justify a decision other than in accordance with the development plan.

16.15 Taking the above points and the material consideration of paragraph 11d of the NPPF into account, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies of the NPPF as a whole. As such the proposed development benefits from the NPPF's presumption in favour of sustainable development and is recommended for approval, subject to conditions and completion of the s106 agreement.

17. Recommendation

To delegate authority to the Service Manager for Development Management and Enforcement or the Development Management Northern Area Manager to either:

A) GRANT planning permission following completion of a S106 Planning Obligation to secure:

- Affordable housing on site
- NHS infrastructure financial contribution
- Education (secondary and SEN provision) financial contribution
- Pre-school provision financial contribution
- Community, leisure and sports facilities financial contribution
- Allotments financial contribution
- Informal open space on site
- Informal open space maintenance financial contribution
- Destination play facilities financial contribution
- LAP/LEAP on site
- LAP/LEAP maintenance financial contribution
- Formal outdoor sports facilities financial contribution
- Formal outdoor sports facilities maintenance financial contribution
- Public rights of way and Trailway financial contribution
- Library financial contribution
- Bus and sustainable transport financial contribution
- General monitoring fee

and subject to the following conditions:

1. Approval of the details of the layout, scale, appearance and landscaping (hereinafter "the Reserved Matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Such development shall be carried out as approved.

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

2. Application for the approval of the Reserved Matters shall be made to the Local Planning Authority before the expiration of three years from the date of this outline permission.

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

3. The development hereby permitted shall be begun before the expiration of two years from the date of final approval of the Reserved Matters or, in the case of approval on different dated, the final approval of the last Reserved Matter to be approved.

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

4. The development hereby permitted shall be carried out strictly and only in accordance with the approved drawings and details forming the approved application:

Location Plan - 250606 L 01 01 Rev B

Proposed Site Access Arrangements – Primary Access Junction – 01-PHL-1001 Rev F

Proposed Site Access Arrangements – Secondary Access Junction – 01-PHL-1002 Rev D

Ecological Parameters Plan – 1201 P01

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

5. Prior to the commencement of any development hereby approved 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 how tree protection measures may affect the surface water scheme, must have 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 before the development is completed.

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

6. Notwithstanding the information shown on the plans approved by this application, prior to the commencement of any development hereby approved precise details of the access must have been submitted to and agreed in writing by the Local Planning Authority.

Reason: To ensure safe access into and out of the site.

7. Prior to the commencement of any development hereby approved a Construction Traffic Management Plan (CTMP) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved CTMP.

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

8. Prior to the commencement of any development hereby approved a Construction Environment Management Plan (CEMP) must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved CEMP.

Reason: To prevent pollution of the water environment.

9. Prior to the commencement of any development hereby approved (including demolition, material storage and all preparatory work), a scheme for the protection of the retained trees (including the 3 Black Poplars), in accordance with BS 5837:2012 (as amended), including a scaled Tree Protection Plan (TPP) and an Arboricultural Method Statement (AMS) shall be submitted to and approved in writing by the Local Planning Authority. The TPP and AMS shall include:

a) Location and installation of services/utilities/drainage.

b) Methods of demolition if within the root protection area (RPA) of retained trees (as defined in BS 5837: 2012).

c) Details of all storage areas and/or construction within or impacting the RPA of retained trees.

d) A specification for protective fencing during demolition and construction phases and a scaled plan showing its alignment.

e) Methods to improve rooting environments for retained and proposed trees and landscaping.

f) Details and methodologies of any removal or translocation of hedgerows to facilitate access points into the site and visibility splays and details of how these hedges would be managed in the future.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality.

10. Prior to the commencement of any development hereby approved (including any preparatory works of ground clearance, tree works, or demolition) the following measures shall be carried out:

a) A site meeting shall take place between the Local Planning Authority's (LPA's) Tree Officer, the appointed Arboricultural Consultant and Site Manager to assess the potential impact of the development upon the Black Poplar trees just beyond the south east corner of the site, and the outcomes of the meeting shall thereafter be agreed in writing by the LPA; and

b) An Arboricultural Supervision and Monitoring Statement, which has been informed by the agreed outcomes of the site meeting, has been submitted to and agreed in writing by the LPA.

c) Under arboricultural supervision (to be audited), small trial trenches/excavation, dug by hand, shall take place at selected positions within the application site proximal to and 15 metres from the base of the Black Poplar trees to determine any presence/absence of tree roots to inform the design layout of the site.

The development shall, thereafter, be carried out in accordance with the approved Arboricultural Supervision and Monitoring Statement.

Reason: To ensure that the development proceeds in accordance with the approved arboricultural details and that appropriate protective measures are implemented before any works commence.

11. Prior to the commencement of construction of any dwellings hereby approved, the first 15.00 metres of the proposed access roads, including the junction with the existing public highway, must be completed to at least binder course level.

Reason: To ensure that a suitably surfaced and constructed access to the site is provided that prevents loose material being dragged and/or deposited onto the adjacent carriageway causing a safety hazard.

12. Prior to the first occupation of any dwellings hereby approved, the following works must have been constructed to the specification of the Local Planning Authority:

The highway widening and footway improvements shown on drawing number 01-PHL-1001 Rev F and 01-PHL-1002 Rev D (or similar scheme to be agreed in writing with the Local Planning Authority).

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

13. Prior to first occupation of any dwellings hereby approved details of maintenance and management of both the surface water sustainable drainage scheme and any receiving system must have been 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 should 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 development.

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

14. Prior to first occupation of any dwellings hereby approved a Travel Plan must be submitted to and approved in writing by the Local Planning Authority. The Travel Plan must include:

- Targets for sustainable travel arrangements.
- Effective measures for the on-going monitoring of the Travel Plan.
- A commitment to delivering the Travel Plan objectives for a period of at least five years from first occupation of the development.
- Effective mechanisms to achieve the objectives of the Travel Plan by the occupiers of the development

Thereafter, the development must be implemented in accordance with the approved 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.

15. Prior to the first occupation of any dwellings hereby approved, a scheme showing precise details of cycle parking facilities must be submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of each dwelling hereby approved, the approved cycle parking facilities for the dwelling must be constructed and, thereafter, must be maintained for the lifetime of the development for the purpose specified.

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

16. Prior to the first occupation of any dwellings hereby approved, the visibility splay areas as shown on Drawing Numbers 01-PHL-1001 Rev F and 01-PHL-1002 Rev D must be cleared/excavated to a level not exceeding 0.60 metres above the relative level of the adjacent carriageway. The splay areas must, thereafter, be maintained and kept free from all obstructions.

Reason: To ensure that a vehicle can see or be seen when exiting the access.

17. Prior to the first occupation of any dwellings hereby approved, a scheme for water efficiency must be submitted to and approved in writing by the Local Planning Authority. The scheme should demonstrate a standard of a maximum of 110 litres per person per day is applied for all residential development. Thereafter, the approved scheme shall be implemented in accordance with the agreed details.

Reason: To meet the demands of climate change.

18. The development hereby approved must be carried out in accordance with the Flood Risk Assessment Rev H (dated 13 February 2026), including the proposed flood risk mitigation and foul drainage strategy. These measures shall be fully implemented and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants, to not increase flood risk elsewhere and to ensure the development does pose an unacceptable risk to the water environment.

19. The Ecological Impact Assessment (Ref: NPA 30170 0400), dated 24/11/2025, must be implemented in full in accordance with the specified timetable in the approved Assessment. Thereafter, the approved mitigation and enhancement measures shall be retained and maintained for the lifetime of the development.

Reason: To ensure impacts upon designated wildlife sites, nature conservation interests and biodiversity are satisfactorily mitigated.

20. In the event that contamination is found at any time when carrying out the development hereby permitted that was not previously identified, it must be reported in writing immediately to the Local Planning Authority along with a timetable for remediation. An investigation, risk assessment and remediation strategy shall be submitted to and approved by the Local Planning Authority and implemented in accordance with the approved timetable. Following completion of measures

identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of future and neighbouring occupiers and to protect the water environment and other sensitive receptors.

and an informative stipulating that a finalised Habitat Management and Monitoring Plan (HMMP) should be submitted to ensure the statutory 'Biodiversity Gain Plan condition' can be satisfied.

or B) Refuse permission for the reasons set out below if the s106 agreement is not completed by 17 September 2026 or such extended time as agreed by the Service Manager for Development Management and Enforcement or the Development Management Northern Area Manager.

Reason for refusal: In the absence of a legally binding mechanism to ensure the delivery of affordable housing and grey, green and social infrastructure the proposal is contrary to Policies 8, 13, 14 and 15 of the North Dorset Local Plan Part 1.

Written agreement to the pre-commencement condition(s) was received from the applicant on 8 July 2026 and 13 July 2026.

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Application Number:	P/FUL/2025/05229
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	Pleydells Farm Lower Street Okeford Fitzpaine DT11 0RQ
Proposal:	Erection of 19no. dwellings & amenity space with access from Lower Street
Applicant name:	P & J Okeford Fitzpaine Ltd and Mr C Norton
Case Officer:	Kirsten Williams
Ward Member(s):	Cllr Murcer

1. Reason application is going to committee:

The application is being considered by the Northern Area Planning Committee as it is a major planning application with an officer recommendation that is contrary to comments made by Okeford Fitzpaine Parish Council.

2. Summary of recommendation:

Grant planning permission subject to conditions as set out at the end of this report and the completion of a Section 106 Planning Obligation under Section 106 of the Town and Country Planning Act 1990 (S106 agreement) to secure affordable housing and financial contributions.

3. Key planning issues

Issue	Conclusion
Principle of development	Principle deemed to be acceptable.
Affordable housing	Affordable home provision meets policy requirement for affordable homes of 40% (36.8% provided on site in addition to a 3.2% offsite contribution)
Layout, Scale, design and housing mix	Layout, scale and design is broadly in accordance with local policy. Housing mix proposed suitably addressed the local need.
Impact on heritage assets	No harm to designated heritage assets.
Landscape impact	Proposal would conserve the setting of the landscape and scenic beauty of the Dorset National Landscape.
Impact on neighbouring amenity	Residential amenity to neighbouring developments would be sufficiently protected.
Highway and transport safety	Proposed development would not result in unacceptable impact on highway safety.

Issue	Conclusion
Surface water and foul drainage	The proposed sustainable surface water drainage scheme is considered acceptable in principle. Details of proposed foul drainage are required to be secured via a suitably worded condition.
Biodiversity and ecology	Acceptable mitigation and enhancement measures have been proposed and could be secured via a suitably worded condition.
Infrastructure contributions	A unilateral undertaking has been drafted and being progressed to secure the necessary obligations.
Environmental implications	Measures have been incorporated into proposals to support sustainable construction methods and the long term sustainability of the development.

4. Description of site

The site is approximately 0.72ha in size and is located at the south western edge of Okeford Fitzpaine. It is located wholly outside of the settlement boundary of the village.

The site itself forms part of an agricultural field associated with the now redundant Pleydells Farm. The access is via Lower Street. In terms of topography the site is broadly flat but with a subtle drop towards the south. Hedgerows line the western boundary. The proposed southern extent of the site would not follow an existing field boundary line and is currently open and part of the wider field. The new development at Old Dairy lies immediately to the east of the site. Public footpath N48/25 passes within 30m of the site to the south and allows clear view towards it.

Okeford Fitzpaine is a rural village, which is surrounded by farmland. The south east corner of the village lies within the Dorset National Landscape (AONB), some 115m to the east of the site at closest points. The historic core of the village contains various listed and unlisted buildings and is designated as a conservation area; the western boundary of Old Dairy forms the extent of the latter relative to the site. There has been additional development in the 20th and 21st century around the outside of the centre of the village, including Old Dairy immediately to the east.

5. Description of development

The application seeks full planning permission for the erection of 19 dwellings, form amenity space, with access.

The development would be accessed via an upgraded vehicular access onto Lower Street and a continuation of the estate road serving the extant scheme for 27 dwellings (Ref: P/FUL/2021/01931). The latest proposal therefore somewhat relies on the extant permission being built out and effectively represents 'phase 2' of the redevelopment of the farm.

The proposed dwellings would attempt to repeat the traditional form and style and largely two storey nature of the extant 27 dwelling scheme, with a similar palette of materials

proposed. Two bungalows are proposed in the south west corner of the site. The amenity space i.e. informal open space area would run with the western boundary of the site.

6. Background and relevant planning history

2/2018/0125/OUT Decision: GRA Decision Date: 16/04/2019

Demolish existing farm buildings and develop land by the erection of 27 No. dwellings with associated parking, access and landscaping (Outline application with all matters reserved).

P/NMA/2020/00223 Decision: GRA Decision Date: 17/02/2021

Non material amendment against planning application 2/2018/0125/out to allow amendments to approved plans to alter visibility splays.

P/FUL/2021/01931 Decision: GRA Decision Date: 07/03/2023

Demolish existing farm buildings and Erect 27 No. dwellings, form vehicular access, parking and landscaping.

P/FUL/2023/04809 Decision: Refused Decision Date: 11/03/2024

Erect 19 No. dwellings, form amenity space, create vehicular access and 43 No. parking spaces.

APP/D1265/W/24/3346463 Decision: Dismissed Decision Date: 19/03/2025

Erect 19 No. dwellings, form amenity space, create vehicular access and 43 No. parking spaces.

7. List of constraints

Setting of Okeford Fitzpaine Conservation Area

Setting of Dorset National Landscape (AONB)

Setting of Grade II listed buildings

SSSI impact risk zone

8. Consultations

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

Consultees

9. Dorset Council - Highways – No Objection

The application is supported by the submission of a Transport Assessment (TA) that considers the likely impact of all development traffic upon the highway network.

Predicted Traffic generation for 19 units in the AM and PM peak traffic flows have been established using TRICS (Trip Rate Information Computer System). The proposed development could generate up to 10 vehicular movements in the AM peak and 10 vehicular movements in the PM peak, with a daily predicted traffic flow of around 103 vehicles.

The relocated access provides visibility splays of 2.4 x 30.3m to the east, and 2.4m x 34.3m to the west. Such splays are commensurate with speeds of 25-30mph respectively,

as per the guidance within Manual for Streets, and provides a significant improvement over the existing arrangement. The Highway Authority finds this acceptable.

The conclusion reached by the TA, which is accepted by the Highway Authority, is that the proposed development will not result in material or unacceptable impact upon the highway network.

To sum up, the Highway Authority considers that the submitted Transport Assessment is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be "severe" when consideration is given to paragraphs 115 and 116 of the National Planning Policy Framework (NPPF) - December 2024.

10. Okeford Fitzpaine Parish Council - OBJECT

A previous application P/FUL/2023/04809 was refused by Dorset Council and then went to appeal Secretary of State (Planning Inspectorate) the refusal was upheld.

Planning permission was given in 2018 & 2023 for 27 houses at Pleydells Farm. The 19 houses will be an added extension to that original site. Access will pass through (a newly constructed vehicle access) & in front of the original 27 houses. Therefore, a total of 46 new properties on the proposed site.

The proposed development would be outside of the village's settlement boundary and therefore development of the open countryside, a loss of agricultural land and wildlife habitat.

The site itself is not sited within the boundary of the Okeford Fitzpaine conservation area, but the access via Lower Street is. Construction traffic will have a significant impact on Lower Street and the surrounding conservation area.

The proposed development will be situated within close proximity to a number of listed buildings on Lower Street.

This development is a disproportional increase in housing with regards to our existing village infrastructure. The Village shop is vulnerable as it is currently for sale. The village school has now closed.

Since the last application was submitted no improvements have been suggested or submitted with regards to the Highway issues that were highlighted. There is a real concern for pedestrian and road safety at the proposed junction with Lower Street. Parked cars from residents and pub visitors parking will all affect visibility. There will be an increase of traffic in the area due to poor public transport service. There are limited employment opportunities within the village itself. There will be pressure created on parking within the village centre.

The capacity of the existing drainage and sewage systems will be stretched. In the previous refusal surface water run-off and foul drainage issues were highlighted. A flood/drainage report is currently underway, but the results are not yet known.

There is a lack of demonstrated local housing need – houses are still unsold on the most recent development in the village – Shillingstone Fields. This development has empty houses that are allocated for social housing but are still not occupied.

Noise, light, and visual intrusion will impact on nearby residents.

Okeford Fitzpaine Parish Council would like to OBJECT to the proposed 19 houses for the above reasons.

[Case Officer note: Dorset Councils Housing Enabling team has confirmed that the properties referred to on the Shillingstone Fields development have not been left vacant

due to a lack of housing need, but rather as a consequence of the developer's insolvency and the resulting delays in completing the homes.]

11. Dorset Council - Conservation Officers

The proposed scheme has been assessed, in relation to impacts on special architectural/historical significance, and, due to proximity, the Okeford Fitzpaine Conservation Area, and are addressed further below.

Proposals broadly comprise the erection of 19 No. dwellings, the formation of amenity space and the provision for vehicular access and 43 No. parking spaces. The scheme is considered an increase in extent to application P/Ful/2021/01931 and, therefore, conservation officer comments, previously submitted for Pleydells Farm, are considered relevant to the assessment of application P/FUL/2023/04809. Therefore, predicated on the unique context of the application site, we maintain no derivation from the original provision of comments which conclude a response of no harm.

12. Dorset Council - Trees (North West Weymouth)

Please note that my comments are limited to existing trees and hedgerows. I am not commenting on strategic landscaping, views, or proposed new planting, which I defer to my Landscape Architect colleagues.

The site is largely devoid of tree cover, but there are several native hedgerows around the perimeter, particularly along the western boundary. These hedgerows could be readily incorporated into the design and will continue to provide amenity value and important wildlife corridors.

I could not find details on how these hedgerows will be protected during the development period. I recommend that their retention and protection be secured in accordance with BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations. This can be achieved through the imposition of standard planning conditions.

Recommendations

Conditions required;

LAD 11 Tree & Hedgerow protection – pre commencement

LAD13 Boundary Treatment

13. Dorset Council - Housing Enabling Team

To be policy compliant, this site would need to deliver 40% of the new homes as affordable, and the developers are proposing 36.8% as affordable. It would be acceptable for the 3.2% (0.6 of a home) to be provided to Dorset Council by way of a commuted sum payment, to be used towards other affordable housing projects in the area. This sum has been calculated as £42,514. Of the 7 affordable homes to be delivered onsite, 5 are designated for rent and two for intermediate tenure, in accordance with policy requirements.

All proposed homes, both affordable and market, are either 2- or 3-bedroom properties. It would benefit the local community if the scheme could include at least one 1-bedroom or one 4-bedroom home, to better reflect identified local housing needs. There is a particularly high demand for 1-bedroom properties in the area. The affordable housing should be proportionate to the scale and mix of the market housing, well-integrated within the development, and designed to the same high standard. This will help ensure a

balanced and 'tenure neutral' community, where no tenure is disadvantaged. The affordable homes should be secured via a Section 106 agreement.

14. Dorset Council - Economic Development and Tourism

We maintain that this application will have the following Economic Impacts.

- The addition of 19 dwellings will help address local housing needs, supporting population growth and workforce retention. Greater housing availability can attract young families and professionals, strengthening the local economy.
- The development will provide a short-term boost in employment for construction, suppliers, and associated trades. Local contractors and businesses may benefit from procurement opportunities.
- New residents will contribute to local retail, hospitality, and service sectors.
- In addition, the inclusion of amenity space enhances quality of life, making the area more appealing to residents and investors.
- It also supports health and wellbeing, indirectly benefiting productivity and economic resilience.
- The Local Authority will benefit from increased council tax revenue.

15. Dorset Council - Flood Risk Management

Published flood mapping indicates that the site is outside of the mapped fluvial flood extents, and therefore the flood risk from fluvial flooding is considered to be very low. The flood mapping also indicates that the site is outside of the mapped surface water flood extents. Therefore, the flood risk from surface water flooding is considered to be very low. The risk of groundwater emergence mapping indicates that the site is in an area of low risk of groundwater emergence. I consider that the proposed development is compatible with the flood risk.

Flood risk from the development

It is welcome that an open basin for the temporary storage of surface water runoff is proposed. The report and conceptual calculations adopt a QBAR rate of 6.5l/s/ha. This rate is within a typical range of rates that have been calculated for areas within Dorset. The rate appears to have been based on basic catchment descriptors. The method is appropriate for the conceptual design. For the detailed design it will be expected that catchment descriptors for the catchments will be obtained from the FEH website and included in the surface water drainage strategy report.

An attenuation basin is proposed. Infiltration testing on the adjacent site indicates that disposal of surface water via infiltration is not viable. Therefore, the proposed method of an attenuated discharge is acceptable. The basin size appears appropriate at this stage of the conceptual design.

Due to current topography and ground cover, surface water runoff across the site will essentially drain from the site as sheet flow. Discharge to the drainage channel to the West of the site will be spread out along the length of the channel. The proposed drainage strategy will collect surface water runoff from the site and concentrate the discharge of it to a single point at the outfall. The location of the proposed outfall is directly upstream from an un-surveyed section of the channel. At the request of the LLFA the applicant provided

photographic evidence that the channel, at this location, is in a fit state to take a concentrated flow.

Significant updates to the National Standards for SuDS were released in late June 2025. An updated surface water management design was drafted at the request of the LLFA to incorporate permeable surfaces to parking spaces. It is considered that this change satisfactorily aligns the proposal with the June 2025 standards.

The LLFA are satisfied that the proposed drainage scheme is suitable and have recommended conditions to secure the detailed surface water scheme prior to commencement and the maintenance and management of the surface water scheme prior to occupation.

16. Dorset Council – Environmental Services – Protection

Recommend conditions and or modifications (set out below)

Contaminated Land

In addition to any comments made by the Council's contaminated land consultants, please apply the unexpected, contaminated land condition to any permission given.

Noise

The Sustainability Statement (point 9.6) indicates an Air Source Heat Pump (ASHP) will be installed at each property.

Allowing multiple air source heat pumps in proximity introduces the potential for adverse noise impacts. The cumulative noise emissions from several heat pumps could create an unacceptable acoustic environment for residents if not properly assessed and controlled.

It is recommended that the applicant be required to provide a written noise report, produced by a competent and suitably qualified acoustic consultant, ideally with experience of assessing noise from multiple ASHP installations at new multi – dwelling residential developments.

The noise report should assess the effects on the following receptors:

- Existing nearby dwellings
- Proposed new dwellings

The noise assessment should have close regard to the acoustic characteristics of the ASHPs used. Unless otherwise justified, it should assume a 'worst case scenario' in terms of noise emitted.

The noise assessment should have regard to appropriate standards and criteria, with justification for their selection. It should also closely reflect the principles found in Planning practice Guidance: Noise.

The noise report should state anticipated levels at receptors without mitigation, detail any mitigation measures considered necessary, and state anticipated levels at receptors with said mitigation measures in place.

Any noise report produced will be carefully and reasonably evaluated for robustness, including criteria and methodologies selected, and validity of conclusions drawn.

Construction Management

Due to the close vicinity of existing residential dwellings Environmental Health recommend a condition for a construction method statement to be agreed with the local authority prior to development of the site should planning permission be granted, to manage any possible adverse effects associated with the development. This should include no bonfires, protection of nearby receptors from dust arising from construction and vehicle movements

and storage of waste materials prior to removal from site. The recommended construction method statement should contain operating times of construction and other mitigation measures to reduce noise during the build.

17. Dorset Council - Section 106

In order to make development acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green & social infrastructure as set out in Policies 13, 14 and 15 of the LPP1.

Affordable Housing	40% On Site Provision
NHS Infrastructure Contribution	£722 per dwelling to support infrastructure for Primary, Secondary and Community care within the NHS system
Education (Primary & Secondary)	£6,094.34 per dwelling towards primary and secondary school improvements which support the needs of the development. Reflecting current Government advice in the Dept for Education – Securing Developer Contributions for Education Guidance August 2023
Education – SEN Provision	£1,487.62 per dwelling. Reflecting current Government advice in the Dept for Education - Securing Developer Contributions for Education Guidance August 2023
Pre-School Provision Contribution	£190.50 per dwelling. Reflecting current Government advice in the Dept for Education - Securing Developer Contributions for Education Guidance August 2023
Community, Leisure and Sports Facilities Contribution	£2,006.97 per dwelling. Towards improvements to the pavilion at the recreation ground to provide a hub for community use and indoor and outdoor recreational activities, which will serve the development.
Rights of Way	£1,520 4x stiles to gates £1,137.50 footpath N48/66 to village hall surfacing enhancement
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling - only if being transferred to Parish Council
Destination Play Facilities	£967.52 per dwelling towards play provision and improvements at Bowey Play Area and or Castle Lane Recreation Area.

Destination Play Facilities Maintenance	£359.36 per dwelling. Towards the maintenance of play facilities which will serve the development.
Formal Outdoor Sports Facilities Contribution	£1,318.80 per dwelling towards sports facilities in Okeford Fitzpaine or local area which will serve the development.
Formal Outdoor Sports Facilities Maintenance Contribution	£128.73 per dwelling towards the maintenance of sports facilities in Okeford Fitzpaine or local area which will serve the development.
Library Contribution	£75 per dwelling – towards additional equipment and stock at Sturminster Newton Library, which will serve the residents of the development.
Bus and Sustainable Transport Contribution	£600 – to provide a pole, flag and timetable case for a bus stop in the village centre, close to the proposed development.
Indicative S106 Monitoring Fee	Number of obligations grouped by infrastructure type -10. Total fee - £835 x 10 = £8,350

18. Historic England

In this case we are not offering advice. This should not be interpreted as comment on the merits of the application.

We suggest that you seek the views of your specialist conservation and archaeological advisers. You may also find it helpful to refer to our published advice at <https://historicengland.org.uk/advice/find/>

19. Dorset Council - Public Transport

We will be seeking a small amount of s106 to improve bus stop infrastructure in the village, for the nearest bus stops about 110metres away from site.

Representations received

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

20. Summary of comments:

One representation has been received, making comments (concerns) on the application. The material planning considerations raised are:

- Concerns regarding the impact of extra vehicles using the entrance off Lower Street.

- Limited visibility pulling out from the entrance to the site, especially looking west where the listed building of Yeatmans blocks the view of oncoming vehicles.
- The road is often used by visitors to the pub and looking east can also become a problem with parked cars.

21. 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.

22. Relevant policies

North Dorset Local Plan Part 1 (2016)

Policy 1 – Presumption in Favour of Sustainable Development

Policy 2 – Core Spatial Strategy

Policy 3 – Climate Change

Policy 4 – The Natural Environment

Policy 5 – The Historic Environment

Policy 6 – Housing Distribution

Policy 7 – Delivering Homes

Policy 8 – Affordable Housing

Policy 13 – Grey Infrastructure

Policy 14 – Social Infrastructure

Policy 15 – Green Infrastructure

Policy 20 – The Countryside

Policy 23 – Parking

Policy 24 – Design

Policy 25 – Amenity

Policy 1.7 - Development within Settlement Boundaries

Material considerations

Emerging Dorset Council Local Plan:

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 Options consultation took place between January and March 2021. A further consultation took place between 18 Aug – 13 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 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 6 'Building a strong, competitive economy', paragraphs 88 and 89 'Supporting a prosperous rural economy' promotes the sustainable growth and expansion of all types of business and enterprise in rural areas, through conversion of existing buildings, the erection of well-designed new buildings, and supports sustainable tourism and leisure developments where identified needs are not met by existing rural service centres.

- Section 11 'Making effective use of land'
- Section 12 'Achieving well designed places' 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).

23. Other material considerations

- Dismissed appeal on refused application P/FUL/2023/04809, Phase 2 - Erect 19 No. dwellings, form amenity space, create vehicular access and 43 No. parking spaces.
- Dorset AONB Management Plan 2019-2024
- Technical housing standards - Nationally described space standards

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.

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.

24. 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.

25. 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.

Access from the Lower Street entrance of the site to the available facilities within the village would, however, comprise pavements. Footways have been incorporated into the layout within the proposed development itself which helps to minimise any potential disadvantage to some people with protected characteristics.

26. Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

27. 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	
Affordable Housing	7 No. Affordable homes, of which 5 proposed as affordable rent and 2 shared ownership (policy compliant).
Quantum of greenspace	0.25 Hectare

What	Amount / value
Spending in local economy by residents of proposed dwellings	The proposal will support the local economy, providing housing required to support the long-term economic growth in the area with new residents spending on goods and services as they move in.
Employment created during construction phase	The proposal will support local jobs in the construction sector and will bring about 'added value' in the local area through associated spending and economic activity.
Non material considerations	
Contributions to Council Tax Revenue	According to the appropriate charging bands.

28. Planning Assessment

Please note that this assessment refers to appeal decision for P/FUL/2023/04809 as this is a material consideration when assessing this application. The proposal submitted in this application is largely in line with that assessed for P/FUL/2023/04809 but with the reason for dismissal of the appeal being addressed through this application via an updated affordable housing scheme.

The main considerations for this application are considered to relate to:

- Principle of development;
- Affordable housing;
- Layout, scale, design and housing mix;
- Impact on heritage assets;
- Landscape impact;
- Impact on neighbouring amenity;
- Highway and transport safety;
- Surface water and foul drainage;
- Biodiversity and ecology;
- Infrastructure contributions;
- Environmental implications.

29. Principle of development

The officers report for the previous application P/FUL/2023/04809 concluded that the proposal was in conflict with the local and national development strategy.

The statutory basis for decision taking in planning is that determinations must be made in accordance with the development plan unless material considerations indicate otherwise. Policy 2 of the North Dorset District Local Plan (NDLP) Part 1 sets out the spatial strategy for North Dorset and this identifies the four main market towns: Blandford, Gillingham,

Shaftesbury and Sturminster Newton as the focus for future development, in recognition of their population and service provision. Below this, Stalbridge and 18 larger villages are identified based on population, range of services and proximity to services, together with consideration of local issues, as being able to accommodate a degree of growth to meet local and essential needs. Okeford Fitzpaine is identified as one of the 'larger villages' in the Local Plan. Outside of the settlement boundaries of the 4 main towns and larger villages areas, countryside policies apply. Development within the Countryside is to be strictly controlled unless it is required to enable essential rural needs to be met.

Policy 6 of the Local Plan sets out that at least 825 new dwellings should be built in the countryside over the plan period of 2011-2031 to meet local needs. The figure has been increased by more recent housing needs assessments. This figure is not a cap and has already been exceeded, with the Council anticipating that more than 1800 homes would be delivered in the countryside by the end of the current plan period. The Local Plan is clear that focus is on meeting local and essential needs, rather than strategic needs, to meet the Policy 6 figure.

This 'phase 2' site differs relative to the extant permission insofar as it does not immediately adjoin to the settlement boundary of Okeford Fitzpaine. It clearly lies beyond it and, in policy terms, the site is within the 'countryside' where development would normally be strictly controlled, unless it is required to enable essential rural needs to be met.

Housing land supply

At the time of the Appeal decision on P/FUL/2023/04809 Dorset Council' housing land supply was 5.02 years. As a result in accordance with footnote 8 of the NPPF, the 'tilted balance' and presumption in favour of sustainable development was not engaged and full weight could be attributed to the Local Plan spatial strategy policies (2, 6 and 20) which explicitly indicate that planning permission should not be granted for the type of proposed development in this location.

However, at the time the current application was submitted changes to the housing requirement have been implemented. The Council published its latest 5 year housing land supply position statement in October 2025, with the latest housing requirement and local housing need, using the standard methodology set out in the NPPF and planning practice guidance (PPG). As per the position statement, the latest local housing need figure for the Dorset Council area is calculated to be 3,246 dwellings per annum for 1 April 2025 using the standard method. Over five years, this need is 17,040 dwellings, including a 5% buffer. However, the Council can only demonstrate a deliverable housing supply of 8,639 dwellings for the 2025-2030 period, which is equivalent to 2.53 years supply.

Thus the Council is unable to demonstrate a deliverable housing land supply of 5 years. 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 North Dorset Local Plan are out of date. This means that the tilted balance and presumption in favour of sustainable development now applies in decision-making. The case officer's balancing exercise in this context is set out later in the 'Planning Balance' section of this report.

Appeal decision on P/FUL/2023/04809

When assessed by the Planning Inspectorate during the appeal on the previous application the inspector noted that:

‘the properties would not be isolated homes in the countryside in the context of the Framework given the proximity to existing properties and phase 1... Okeford Fitzpaine is identified as one of the larger villages in the Local Plan and the appeal site would lead on from the adjacent one.’

Notwithstanding this, the inspector concluded that the proposed development would be in conflict with Policies 2, 6 and 20 of the Local Plan and not supported in principle, unless other material considerations indicate otherwise. One such consideration is the NPPF and level of housing land supply. At the time of the appeal Dorset Council had a 5 year housing land supply so the policies in the local plan could be relied upon. However, given the current housing land supply situation, resulting in the engagement of the ‘tilted balance’ and presumption in favour of sustainable development under paragraph 11d the weight we can attribute to the local plan policies has significantly reduced.

It is therefore relevant to determine whether the proposal is considered to be sustainable development. Paragraph 83 of the NPPF recognises that “To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities...”. It goes on to say that “Where there are groups of smaller settlements, development in one village may support services in a village nearby.”

When assessed by the Planning Inspectorate during the appeal on the previous application the inspector noted that:

“while not having education or health facilities, there are some services and facilities in the village that are only a relatively short distance from the appeal site. To access these, pedestrians and cyclists would need, in places, to travel along narrow roads or where footways are limited or absent. This would be more difficult for those with more limited mobility.

Notwithstanding this, at the time of my site visit, which I appreciate is only a snapshot in time, I saw people accessing facilities and the bus stop which would provide access to a wider range of settlements, by foot over a similar distance to that residents of the appeal scheme would. The amount and speed of traffic was relatively low and did not make walking or cycling uninviting. As such, while at times of darkness and inclement weather the use of private vehicles would be more likely, future occupiers would have reasonable access to services and facilities by other modes of transport.”

In conclusion, when assessed against Policies 2, 6 and 20 of the Local Plan, the context we are now assessing this application has since changed due to the engagement of the ‘tilted balance’ and presumption in favour of sustainable development. When assessed against the NPPF it is considered that in this instance the proposal does constitute sustainable development and is therefore in accordance with para. 83 of the NPPF.

30. Affordable housing

Policy 8 of the North Dorset Local Plan (NDLP) (affordable housing) states that outside the main towns and villages, 40% of the total number of dwellings are to be affordable with a presumption that it will be provided on-site.

It is proposed to deliver 36.8% affordable housing onsite, equating to 7 of the 19 dwellings proposed. Dorset Councils Housing Enabling Team has confirmed that it would be acceptable for the remaining 3.2% (0.6 of a home) to be provided by way of a commuted sum payment, to be used towards other affordable housing projects in the area. This sum has been calculated as £42,514 and can be secured with a S106 agreement.

Of the 7 affordable homes to be delivered onsite, 5 are designated for rent and two for intermediate tenure, which is in accordance with policy which requires 70-85% to be provided as affordable rent and the remaining 15-30% as intermediate housing.

Proposed Housing mix

In terms of housing mix, Policy 7 of the Local Plan states that in the period to 2031, the Council will support the delivery of “about 40% of market housing in North Dorset as one or two bedroom properties and about 60% of market housing as three or more bedroom properties.” The opposite is applicable for affordable housing (60% as one/ two bedroom properties; 40% as three or more bedroom properties). These proportions are the starting point. A different mix may be permitted if it can be soundly justified by local circumstances or viability considerations. The proposal we are considering as part of this application constitutes the following housing mix:

Tenure	2 bed	3 bed
Market	33%	67%
Affordable	85%	15%

Appeal decision on P/FUL/2023/04809

At the previous appeal the inspector considered the proposed housing mix as one of the main issues of the appeal. The appeal proposal constituted the following housing mix:

Tenure	2 bed	3 bed
Market	33%	67%
Affordable	29%	71%

The inspector considered that:

“There would be a considerable over provision of three-bedroom affordable units from that specified in Policy 7. There are a far greater number on the waiting list across the Council area for three-bedroom affordable homes than the scheme would provide. Nonetheless, the overall proportion of this need is far closer to the policy mix than is proposed and no specific local needs housing survey has been carried out to justify the deviation from the policy standards.

The initial consultation response from the Housing Enabling Officer indicated that there had been a considerably higher number of bids for a three-bedroom property on the register. However, that reply, and their response of May 2024 also indicates a high level of interest in the 2-bedroom units and a greater number of these being needed in terms of local connection. Within the parish, the scheme would provide more three-bedroom affordable homes than there is a local connection need for. It has not been shown that local circumstances or viability justify moving away from the desired mix.

As such, the proposed development would not provide an appropriate housing mix. It would be contrary to Policy 7 of the Local Plan where it requires an appropriate housing mix unless justified.”

When compared to the housing mix considered at appeal the current proposal directly addresses this item by providing significantly less 3 bed affordable homes and more 2 bed

affordable homes. DC Housing Enabling have noted that all proposed homes, both affordable and market, are either 2- or 3-bedroom properties and that it would benefit the local community if the scheme could include at least one 1-bedroom or one 4-bedroom home, to better reflect identified local housing needs as there is a particularly high demand for 1-bedroom properties in the area. However, the significant increase in 2-bedroom affordable properties from the appeal scheme does correct the housing mix to more closely reflect the local need for smaller affordable homes and is therefore considered on balance to be acceptable.

It is worth noting that all of the proposed affordable homes meet or exceed the areas outlined in the Nationally Described Space Standard, which will help to safeguard the quality of living conditions for future residents.

Dorset Councils Housing Register represents those waiting for affordable rented properties and prioritises households with a local connection, before cascading to surrounding parishes and then the wider Dorset Council area, ensuring local needs are met while maintaining flexibility to address wider housing demand. It is worth noting that households seeking shared ownership properties or low cost home ownership options are no longer listed on the housing register. There are currently 22 local connection households on the register which have Okeford Fitzpaine listed as a location where they would like to live, and a further 51 households from surrounding parishes. These statistics demonstrate that there is a real need for affordable rented properties in Okeford Fitzpaine, and the 5 affordable rented properties proposed as part of the scheme would contribute to meeting that need.

In conclusion, the overall affordable housing provision in conjunction with a commuted sum to cover the 0.6 home shortfall meets the policy requirement for affordable homes. The proposed housing mix of affordable homes was one of the two reasons for dismissal of the previous appeal. The applicant has directly addressed this by increasing the amount of 2-bed affordable homes and decreasing the number of 3-bed homes in this application, thus better meeting the local need for a greater number of smaller affordable homes. The proposal is therefore considered to be in accordance with policy 7 of the NDLP.

31. Layout, scale, design and housing mix

Policy 24 of the Local Plan stipulates that development should be designed to improve the character and quality of the area within which it is located and respond to the local context. Relevant design principles and standards are set out in Figures 10.1, 10.2 and 10.3 of the Local Plan. Paragraph 135 of the 2023 NPPF reflects many of these principles and standards and sets out its own criteria for ensuring development would create high quality, beautiful and sustainable buildings and places.

As with the adjacent extant permission for 27 dwellings, this phase of the development would similarly consist of a mix of detached, semi-detached and terraced homes, each with its own parking and private garden. The buildings will be arranged on the site in a fairly informal arrangement, with most dwellings addressing the street frontages (and some also the open space areas), in order to respect the character of the village core. The layout also includes a larger informal open space area against the western boundary, which would also provide a soft landscaping buffer with the adjoining agricultural fields. The area could accommodate further informal, natural play equipment to complement the small provision within the extant scheme.

Within the village, the local context includes houses with wide frontages and relatively shallow depths that sit towards the front of their plots. Smaller semi-detached properties

include dormers that serve the upper floor and cut through the eaves, as seen in the houses on Higher Street and the successful new build versions that form the frontage of the Old Dairy scheme to the east of the site. Materials at the latter include brick, render, stone and flint and brick banded properties. Along Lower Street, just west of the site entrance, development includes bungalows and semi-detached housing which are poorer in terms of their quality and presence within the street scene. Within the village core, the architectural quality of the more historic buildings is high, with strong characteristics typical of North Dorset villages, including brick and stone built cottages with thatched and tiled roofs sitting tightly on the back edge of the pavement.

Appeal decision on P/FUL/2023/04809

The layout submitted for the previous application P/FUL/2023/04809 formed one of the reasons for refusal. The refusal reason stated:

“The layout of the scheme, in its current form, is not acceptable by virtue of the incohesive arrangements of Plots 28-31 and Plots 32-34, including some of the parking areas for these plots. In addition, the design of the internal road does not prioritise pedestrians over vehicles. The majority of dwellings would access directly onto the carriageway with no refuge areas for pedestrians, especially those with protected characteristics, can avoid vehicles if required. The layout of the development as submitted would also not make provision for required 2m wide footways and 5m wide carriageways. Parking provision is awkward and, in some instances, would partly obstruct the carriageway...In the absence of any amended plans to address these issues, it is considered that the proposal, in its current form, is unacceptable in terms of design, layout and housing mix and does not comply with Policies 7 and 24 of the North Dorset Local Plan Part 1 2016, as well as paragraphs 60, 96, 131, 135 of the National Planning Policy Framework 2023.”

When considered by the Planning Inspectorate at appeal the inspector did not uphold the refusal layout of Layout. He considered that the incohesive arrangements of plots 28-31 “would not be discordant with the pattern of development nearby.” And that “the forward position of plots 28-29 would largely screen the not significant amount of frontage parking in the streetscene and prevent it being dominant”. In terms of the parking areas, the inspector considered that “The parking spaces themselves would be overlooked from the properties behind and the street. Means of enclosure could also be conditioned to prevent the parking spaces being prominent in the streetscene”. The point of access from the homes being directly onto the carriageway the inspector considered “There are no separate footways for large parts of the internal road. However, the use of different materials would delineate spaces such as the shared surface for the roads and footways to make them more legible and clearly defined. This would make them more attractive and easier to use.”

The layout proposed in the current application closely follows that which was previously considered and deemed by the Inspector at appeal to be in accordance with the design and character protection aims of Policies 7 and 24 of the Local Plan. During the course of the current application an amended site plan has been submitted to address officer concerns cited above over pedestrian safety on the previous layout. Changes made include the addition of dedicated footways added between units 35-38, 44-45 and the road in lieu of the small front gardens. A pavement has also been added to the western side of the estate road running N/S. This change results in a dedicated and safe route for pedestrians walking through the site, with 2m wide footways and 5m wide carriageways as required. The parking layout has been amended and no longer partially obstructs the carriageway. As such it is considered that the proposed layout is in line with *Policies 7 and*

Housing mix

In terms of housing mix, Policy 7 of the Local Plan states that in the period to 2031, the Council will support the delivery of “about 40% of market housing in North Dorset as one or two bedroom properties and about 60% of market housing as three or more bedroom properties.” The opposite is applicable for affordable housing (60% as one/two bedroom properties; 40% as three or more bedroom properties). These proportions are the starting point. A different mix may be permitted if it can be soundly justified by local circumstances or viability considerations.

One of the reasons the previous appeal on P/FUL/2023/04809 was dismissed centred on the affordable housing mix, which did not comply with the policy requirement and no justification was provided for this. The affordable housing provision included 29% 2 bed and 71% 3 bed units. The current application has addressed this by amending the mix and significantly increased the number of 2 bed affordable homes, therefore addressing the local need for more smaller affordable homes. The proposed housing mix for the scheme proposed in the current application would comprise:

Market Housing:

- 4No. (33%) two bedroom open market houses;
- 8No. (67%) three bedroom open market houses;

Affordable Housing:

- 6No. (85%) two bedroom affordable houses;
- 1No. (15%) three bedroom affordable house.

The mix of market housing does not strictly comply with the starting point mix as set out in Policy 7 of the Local Plan. For the scheme to more closely align with the policy there should be 1 additional two bedroom open market in place of a three bedroom house. The affordable unit mix is more heavily weighted towards 2 bed affordable homes than identified in policy. However, there is a high level of interest in 2-bedroom affordable units and a greater number of these are needed in terms of local connection. The scheme suitably addresses this need.

The affordable homes proposed are all located to the north of the estate road. The properties are all type A, B or C, none of which are replicated in the market provision of homes in the scheme. In terms of appearance the materials and architectural details used are replicated across the affordable and market house types and therefore regardless of the affordable homes being poorly dispersed through the site, it is considered that the appearance of the homes ensures they would be ‘tenure neutral’ and contribute to a balanced community.

As such, it is considered that the proposed development would provide an appropriate housing mix and it complies with Policy 7 of the NDLP.

32. Impact on heritage assets

As with the extant scheme for 27 dwellings, the proposed development also has the potential to affect the settings of the following designated heritage assets:

- Okeford Fitzpaine Conservation Area
- Yeatmans (Grade II listed building)
- Langstone Farmhouse (Grade II listed building)

- Darknoll Farmhouse (Grade II listed building)
- Squirrel Cottage & Woodpecker Cottage (Grade II listed building)
- Pleydells Farmhouse (Grade II listed building)

The impact on heritage assets was considered at the previous appeal. The inspector made the following considerations:

“There are several listed buildings in the village near the site. Their significance, is in part, derived from the traditional materials and design of the buildings and their position along the historic routes leading from the village core. The significance of the Okeford Fitzpaine Conservation Area is in part from the layout around the village core along with the traditional and historic properties in that area.”

“The immediate setting of these heritage assets includes their position addressing the roads at the centre of the village and relationship with the more historic elements of the built form. This contributes to their significance. The wider area, including the appeal site, does not contribute to their significance as it comprises a more varied and wide-ranging built form in terms of scale, layout and materials. Given this and that the scheme would assimilate into the newer development at the edge of the village, the significance of the heritage assets would be preserved.”

The current application has been consulted upon with the Council’s Conservation Officer, who considered that there would remain no harm to the significance of all these assets as a result of the cumulative development.

Having concluded that the proposed development would result in no harm to designated heritage assets it is not necessary to engage paragraphs 207 or 208 of the NPPF. Having had regard to s66 and s72 and of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that no harm would be caused to the significance of any designated heritage assets. Thus, impacts would be acceptable and in accordance with Policy 5 of the Local Plan and section 16 of the revised NPPF.

33. Landscape impact

To the north of the site is the historic ribbon development along Lower Street; to the east is a mixture of historic housing and modern housing on land previously forming part of Pleydell’s Farm. Beyond this housing is the historic centre of the village. To the south and west of the site is open pasture rising up Okeford Hill from where the site can be viewed within the context of the village. The Dorset National Landscape encompasses Okeford Hill and an area of the village between Pound Lane and Higher Street, though the site itself is not within the NL.

The site is located in the South Blackmore Rolling Vale Landscape Character Area where fields are characteristically bound by thick hedgerows. It is also within 435m of the North Dorset Escarpment (Okeford Hill), which is within the Dorset National Landscape. Planning guidelines in the NL Landscape Character Assessment indicate that new housing development within the setting of the scarp should be small scale and complement the form and character of the historic settlement pattern. Extension toward the scarp should be carefully controlled and should incorporate appropriate native planting to help assimilate it into the landscape. Development that encroaches on the scarp should be strongly resisted.

Although visible from Okeford Hill, there is some separation between the site and the Dorset National Landscape (NL) and the proposed development would not have any greater effect on views out of the Dorset National Landscape (NL) than the adjacent

development on views out of the NL. The scheme is relatively small scale and of appropriate form and character. It would be seen with other modern development at the edge of the settlement. As such, it is accepted that the proposed development seeks to conserve and enhance the natural beauty of the Dorset National Landscape in accordance with paragraph 189 of the revised NPPF.

At the previous appeal the inspector considered that “There is some separation between the appeal site and the Dorset National Landscape (NL). The scheme is relatively small scale and of appropriate form and character. It would be seen with other modern development at the edge of the settlement. As such, it would conserve the landscape and scenic beauty of the NL.”

It is therefore considered that the proposed development satisfactorily complies with the requirements of paragraphs 135, 136, 187 and 189 of the NPPF and of Policies 4 and 15 of the North Dorset Local Plan.

34. Impact on neighbouring amenity

This second phase of the development is such that it would not adjoin to any existing residential properties, unlike the first phase. Thus, the impact upon these, including those residing in Old Dairy i.e. the new development to the east of the site, would be acceptable.

Consideration is required for how the second phase may affect dwellings to be constructed as part of the first phase. The layout and orientation of buildings indicate that mutual relationships between dwellings would be acceptable, should the development have been constructed as one whole scheme.

Therefore, it is accepted that residential amenity can be sufficiently protected in accordance with Policy 25 of The Local Plan.

35. Highway and transport safety

The officer who assessed the previous application P/FUL/2023/04809 concluded that there was no indication that there would be a severe residual cumulative impact on the road network as a result of the development to warrant a reason for refusal under paragraph 115 of the revised NPPF. However, it was considered that the layout of the scheme would present some problematic highway safety repercussions and accentuate the unacceptability of the development layout. These concerns included:

- parts of the scheme lack a required 2m wide footway and further sections of the site have a carriageway with an inadequate width.
- Concern a refuse vehicle would not be able to freely traverse the site in the event of casual parking on the estate roads.
- The layout would not promote ease of movement through promoted accessibility and the needs of the mobility or sensory impaired.

As such, at that time the Highway Authority advised that the layout would not be safe and suitable for use by all road users as it would not comply with the Authority's adopted road requirements. It was considered that the proposed layout of the development would not put people before traffic; it would have an unacceptable impact on highway safety and not comply with paragraph 115 of the NPPF and Policy 24 of the Local Plan.

At appeal on the previous application P/FUL/2023/04809 the inspector considered the effect of the proposed development on highway safety. In relation to service margins and footways, the inspector identified that *“there would be space to accommodate service margins at the edge of the open space without any significant loss of it. This and any crossings could be covered by condition were the appeal to be allowed.”* In relation to access for refuse vehicles, he considered there to be *“no reason why vehicles would block the path of refuse vehicles at the site.”* In relation to ease of movement and safety across the site the inspector noted there was *“no compelling evidence that the use of a shared surface in itself raises highways safety concerns”* and *“The shared areas would be sufficient to allow cars to pass pedestrians and the use of materials, subject to condition, would assist in differentiating between areas.”* The inspector concluded that *“while elements may not meet adoptable standards, they would not cause harm to highway safety or to road users”* and therefore *“the proposed development would not harm highway safety. It would accord with Policy 24 of the Local Plan”*

In light of the inspector’s assessment at appeal and changes to the layout including the addition of dedicated footways, which are material considerations to the current application, DC Highways have confirmed that the proposed development will not result in material or unacceptable impact upon the highway network. The Highway Authority considers that the submitted Transport Assessment is satisfactory and robust and that the residual cumulative impact of the development cannot be thought to be “severe” when consideration is given to paragraphs 115 and 116 of the NPPF (December 2024.)

36. Surface water and foul drainage

When considered during the original application, the proposed surface water drainage strategy was deemed to be unsatisfactory and therefore constituted one of the reasons for refusal, as follows:

“The location of the proposed attenuation basin has not been incorporated into the development site to substantiate the surface water drainage strategy. The proposed drainage strategy fails to identify acceptable exceedance flow routes from the basin to demonstrate where surface water can be directed, should the designed system fail or exceed capacity, and that there would be no increase in flood risk to adjacent residential properties. It therefore cannot be satisfied that the proposed new development would avoid risk of flooding from all sources or seek to mitigate it appropriately. The proposed development would therefore be contrary to Policy 3 and 13 of the Local Plan, as well as paragraphs 173 and 175 of the National Planning Policy Framework 2023.”

At appeal the inspector considered that there was *“no compelling evidence that a suitable drainage scheme is unachievable”* and noted that *“the Lead Local Flood Authority have not raised concerns over the concept or principles of the drainage scheme.”* In terms of the location of the proposed attenuation basin the inspector concluded that regardless of being outside of the red line boundary, *“the land parcel where the basin was proposed is within the control of the appellant.”* The Inspector therefore concluded that in the absence of evidence to suggest that the proposed basin method was unsuitable, *“conditions could be imposed for further details of it, its future maintenance and management as well as exceedance flow routes”* and *“the proposed development would not cause increased flood risk”*.

The Lead Local Flood Authority (LLFA) have been consulted on the current application, as required for major development applications. The LLFA have recognised that flood risks to the development are low by virtue of the fact the site lies in flood zone 1, beyond any high or medium surface water flood risk areas, and not within any groundwater susceptibility zones.

In terms of flood risks from the development, the LLFA have confirmed that the principle of above ground attenuation basin, and the proposed size of it, would be acceptable. The depth and gradient of slope proposed at this stage are designed in accordance with the 'CIRIA Health and safety principles for SuDS'. The LLFA have recommended pre-commencement conditions on any approval to secure the detailed surface water management scheme for the site and details of maintenance and management of the surface water sustainable drainage scheme.

37. Biodiversity and ecology

To support the application the applicants have submitted an Ecological Assessment, as well as a Biodiversity Plan (BP) in accordance with local protocol, owing to the site exceeding 0.1ha in area. The applicant has also submitted a Biodiversity net gain base line and proposal. They confirm in the BP that the site is composed of Modified Grassland, which receives regular applications of fertiliser and has relatively low ecological. The loss of the grassland is proposed to be mitigated by enhancing the buffer area to the west and by tree planting to provide a Biodiversity Net Gain on site.

The BP captures suggested mitigation and enhancement measures and identifies that 160m of hedgerow would be affected insofar as it would be translocated. The BP includes the methodology of this and also includes details of changes to the grassland on site, as well as measures including hedgehog access, bat crevice features, sparrow nest boxes, integrated swift boxes and bee bricks. Enhancement measures are also proposed, including the planting of 40m of native hedgerow along the southern boundary and trees within the site.

The BP has not been signed by the Council's Natural Environment Team and issued with an accompanying Certificate of Approval to certify that the measures are acceptable to the Council. As such, it would be a necessity for a condition to be imposed to require a final version of the BP to be submitted.

38. Infrastructure contributions

In addition to affordable housing and to ensure the development is acceptable in planning terms, applications for major housing development are expected to maintain and enhance the level of grey, green and social infrastructure through on-site and off-site obligations, as required by Policies 13 (Grey Infrastructure), 14 (Social Infrastructure) and 15 (Green Infrastructure).

In this case the following on-site and off-site contributions would be required:

Affordable Housing	36.8% On Site Provision Commutated sum payment of £42,514 to offset the remaining 3.2% (0.6 of a home).
NHS Contribution	£772 per dwelling to support infrastructure for primary, secondary and community care within the NHS system.
Education (Primary & Secondary)	£6094.34 per dwelling
Education (SEN Provision)	£1487.62 per dwelling

Pre-School Provision Contribution	£190.50 per dwelling
Community, Leisure and Sports Facilities Contribution	£2,006.97 per dwelling towards improvements to the pavilion at the recreation ground to provide a hub for community use and indoor and outdoor recreational activities, which will serve the development.
Rights of Way	£1,520 4x stiles to gates £1,137.50 footpath N48/66 to village hall surfacing enhancement
Informal Open Space Maintenance Contribution	£1,278.80 per dwelling only if being transferred to PC
Destination Play Facilities	£967.52 per dwelling towards play provision and improvements at Bowey Play Area and or Castle Lane Recreation Area
Destination Play Facilities Maintenance	£359.36 per dwelling towards play provision and improvements at Bowey Play Area and or Castle Lane Recreation Area
Formal Outdoor Sports Facilities Contribution	£1,318.80 per dwelling towards sports facilities in Okeford Fitzpaine or local area which will serve the development
Formal Outdoor Sports Facilities Maintenance Contribution	£128.73 per dwelling towards the maintenance of sports facilities in Okeford Fitzpaine or local area which will serve the development
Library Contribution	£75 per dwelling towards additional equipment and stock at Sturminster Newton Library
Bus and Sustainable Transport Contribution	£600 to provide a pole, flag and timetable case for a bus stop in the village centre, close to the proposed development
Indicative S106 Monitoring Fee	Number of obligations grouped by infrastructure type -10. Total fee - £835 x 10 = £8,350

These will form the Heads of Terms for a legal agreement to secure the necessary financial contributions, in addition to the onsite affordable housing provision. A Unilateral Undertaking has been drafted and is in the process of being agreed. This will need to be completed and signed before any approval could be processed.

39. Environmental implications

A sustainability statement has been submitted with the application. This confirms the following measures proposed to ensure the development proposed is sustainable:

- Utilisation of a nationwide timber procurement policy and use of materials with a lesser environmental impact.
- Eco-sanitaryware and flow restriction devices to be included in the construction of every property.
- Implementation of sustainable surface water drainage systems integrated with green infrastructure to enhance biodiversity within the development.
- A site waste management plan will operate at the construction site.
- Energy efficiency measures will be included in the construction specification of every home.
- Incorporation of air source heat pumps throughout the development to offer low carbon heating solutions, achieving a minimum 50% reduction in accordance with building regulations.

It is considered that these measures will contribute to sustainable construction methods and the long-term sustainability of the development and is in accordance with the policy 3 of the NDLP and Para 167 of the NPPF (Nov 2024).

40. Summary of issues and the planning balance

The site is located outside of the settlement boundary of Okeford Fitzpaine and therefore in the countryside for the sake of planning policy. The proposal is not a type of development listed within Policy 20 of the Local Plan that would be appropriate in the countryside and it has not otherwise been demonstrated that there is an overriding need for the development to be in the countryside. As such, the proposed development would be contrary to the spatial strategy Policies 2, 6 and 20 in the Local Plan and, thus, not supported in principle unless other material considerations indicate otherwise.

Key material considerations in this respect are the Council's current housing land supply position, the NPPF and the appeal decision on the previous application P/FUL/2023/04809.

At present the Council cannot demonstrate a five-year housing land supply, with the figure of 2.53 years supply indicating a serious level of housing need (that includes an affordable housing need). There is no up to date spatial strategy that responds to this position, and a new Dorset Council wide local plan is not forecast to be adopted imminently. Going forward, it is expected that the larger villages will be required to accommodate the housing need.

With a lack of five-year housing land supply, paragraph 11(d) of the NPPF dictates that the policies which are most important for determining the application (Policies 2, 6 and 20) should be considered out-of-date.

The consequences of this are that the NPPF's tilted balance is engaged, and planning permission should be granted unless:

(i) the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or

(ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Criterion (i) are the “footnote 7” reasons detailed in the NPPF. The relevant ‘Footnote 7’ policies in this instance would be those that are related to designated heritage assets and land designated as a National Landscape. With no strong reasons found to refuse planning permission under paragraph 11d(i) of the NPPF, it follows that paragraph 11d(ii) is engaged, whereby planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The same paragraph states that particular regard must be given to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

The proposal would contribute to the supply of housing in the area in a location with reasonable access to services and facilities. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. Contributions and other facilities secured in the planning obligation could be used by the wider public such as the open space. However, they would primarily be to offset and prevent harm from the proposed scheme. Therefore, any such benefits would be small.

There would also be environmental, economic and social benefits associated with the build and occupation of the dwellings and contribution to the local and wider economy. Nonetheless, given the scale of the scheme the benefits would be small as would those in relation to biodiversity. The lack of harm from the main issues I found acceptable would be a neutral factor.

The delivery of new market and affordable dwellings on the edge of a sustainable larger village significantly weighs in favour of the proposal.

The density of the proposed development would be comparable and characteristic with other development within the village, including those on the village edges. As such, the proposed amount of the development would make an efficient use of land and not result in any harmful overdevelopment.

With the imposition of conditions to control materials and landscape, the design and visual impact of the development would be acceptable and not provide a significant and demonstrable adverse impact. This weighs in favour of the proposal.

Subject to conditions, the proposed development can demonstrate appropriate surface water management and could be made safe for its lifetime without potentially increasing flood risk elsewhere. The proposed vehicular access point into the site and internal estate roads and footways would be acceptable and not result in any severe impacts in terms of highway safety. Significant harm to biodiversity and protected trees can either be avoided or suitably mitigated. The impact on neighbouring amenity has been designed to not cause any adverse impacts. The development would not result in the loss of any best and most versatile agricultural land. The statutory requirement of BNG could, in principle, be secured by condition and/or legal agreement. These points provide neutral benefits, affording limited weight in the balance.

The proposal would conflict with the spatial strategy and thus not in accordance with the comprehensive strategy for housing development set out in the Local Plan. As

such, the proposal would conflict with the development plan as a whole. However, given the Councils five-year housing land supply position, only very limited weight can be given to the conflict with spatial strategy Policies 2, 6 and 20 of the Local Plan. However, there are strong material considerations, including the provision of market and affordable housing, which justify a decision other than in accordance with the development plan.

Taking all of the above points and the material consideration of paragraph 11d of the NPPF into account, there are no adverse impacts that would significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies of the NPPF as a whole. As such the proposed development benefits from the NPPF's presumption in favour of sustainable development and is recommended for approval, subject to conditions and completion of the legal agreement

41. Recommendation: To delegate authority to the Service Manager for Development Management and Enforcement or the Development Management Northern Area Manager to:

A) **GRANT** planning permission following completion of a S106 Planning Obligation to secure:

- Affordable housing on site
- Contribution towards other affordable housing projects in the area,
- NHS infrastructure financial contribution,
- Education financial contribution,
- Pre-school financial contribution,
- Community facilities financial contribution,
- Leisure and Sports Facilities financial contribution,
- Rights of Way financial contribution,
- Informal Open Space Maintenance financial contribution,
- Destination Play Facilities financial contribution
- Destination Play Facilities Maintenance financial contribution,
- Formal Outdoor Sports Facilities financial contribution
- Formal Outdoor Sports Facilities Maintenance financial contribution,
- Library and Bus and Sustainable Transport financial contribution.

and subject to the following conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: This condition is required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

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

5842-WLA-2ZZ-XX-DR-A-0010 Location plan & block plan
5842-WLA-2ZZ-XX-DR-A-0111 11 Proposed site layout plan
5842-WLA-208-XX-DR-A-1008 Type A floor plans & roof plan
5842-WLA-211-ZZ-DR-A-1009 Type A elevations
5842-WLA-210-XX-DR-A-1010 Type B/C floor plans & roof plan

5842-WLA-211-ZZ-DR-A-1011 Type B/C elevations
 5842-WLA-220-XX-DR-A-1020 Type C floor plans
 5842-WLA-220-ZZ-DR-A-1021 Type C front & rear elevations
 5842-WLA-220-ZZ-DR-A-1022 Type C elevations & roof plan
 5842-WLA-204-XX-DR-A-1030 Type D floor plans & roof plan
 5842-WLA-204-XX-DR-A-1031 Type D elevations sheet 1
 5842-WLA-204-XX-DR-A-1032 Type D elevations sheet 2
 5842-WLA-205-XX-DR-A-1040 Type E floor plans & roof plan
 5842-WLA-205-XX-DR-A-1041 Type E elevations
 5842-WLA-206-XX-DR-A-1050 Type F floor plans & elevations
 5842-WLA-207-XX-DR-A-1060 Type G floor plans & elevations
 5842-WLA-208-XX-DR-A-1070 Type H floor plans & elevations
 5842-WLA-209-XX-DR-A-1080 Type J floor plans & elevations
 5842-WLA-210-XX-DR-A-1090 Type K floor plans & roof plan
 5842-WLA-211-ZZ-DR-A-1091 Type K elevations
 5842-WLA-2ZZ-XX-DR-A-1100 Triple garage floor plans & elevations
 5842-WLA-2ZZ-XX-DR-A-1101 Single garage floor plans & elevations

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

3. Prior to the commencement of development, a detailed surface water management scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall
 - (a) be based upon the site specific hydrological and hydrogeological context of the development
 - (b) incorporate sustainable drainage principles in accordance with the current DEFRA non-statutory technical standards for Sustainable Drainage Systems (SuDS)
 - (c) demonstrate that surface water will be managed during construction and for the lifetime of the development without increasing flood risk on or offsite and
 - (d) include details of future maintenance and management arrangements.
 The approved scheme shall be implemented in full prior to first occupation and thereafter maintained in accordance with the approved details.

Reason: To prevent the increased risk of flooding and to protect water quality and to take into account current national standards for SuDS.

4. Prior to the occupation of the development details of maintenance and management of the surface water sustainable drainage scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme should have regard to the guidance set out in the current DEFRA national standards Sustainable Drainage Systems (SuDS). The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. These should 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 the future maintenance of the surface water drainage system, and to prevent the increased risk of flooding and to take into account current national standards for SuDS.

5. Prior to the commencement of any works on site, a detailed foul drainage scheme shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development must be carried out in accordance with the agreed details prior to occupation or use of any dwelling hereby permitted.

Reason: To prevent flood risks and effluent issues on and off the site.

6. Prior to the commencement of any development above damp proof course details and samples of all external facing building 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 the approved materials.

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

7. Prior to the commencement of any development above damp course level, a soft landscaping and planting scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the hedgerow translocation along the western and southern boundaries of the site. The approved scheme shall be implemented in full during the first 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 10 years.

Reason: In the interest of visual amenity.

8. Prior to the commencement of any development above damp course level, full details of hard landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, where appropriate: proposed finished levels or contours, means of enclosure, boundary walls and fences to the site, car parking layout, other vehicular and pedestrian access and circulation areas, hard surfacing materials, minor artefacts and structures (eg; furniture, play equipment, signs, lighting, refuse or other storage units, proposed and existing functional services above and below ground (eg; drainage, power, communication cables, pipelines, etc, indicating lines, manholes, supports etc), retained historic landscape features and proposals for their restoration where relevant. Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure the provision of amenity afforded by appropriate landscape design and maintenance of existing and/or new landscape features.

9. Prior to commencement of the development hereby approved a final Biodiversity Plan must be submitted to and approved in writing by the Local Planning Authority. Thereafter, the Biodiversity Plan must be implemented in full in accordance with the specified timescales in the Plan and the approved requirements and recommendations shall be retained and maintained for the lifetime of the development.

Reason: To mitigate and enhance biodiversity and ecology, including protected species.

10. Prior to commencement of development hereby approved a Construction Traffic Management Plan and programme of works must be submitted to and approved in writing by the Local Planning Authority. The Plan shall include construction vehicle details (number, size, type and frequency of movement), vehicular routes, delivery hours and contractors' arrangements (compound, storage, parking, turning, surfacing, drainage and wheel wash facilities). The development shall thereafter be carried out strictly in accordance with the approved Construction Traffic Management Plan.

Reason: In the interests of road safety.

11. Prior to any commencement of the development a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP should demonstrate mitigation strategies to be used on site during development and shall include details of the following:
- Measures to control the emission of dust, dirt and smoke during construction, together with a scheme to control noise and vibration during the construction phase of the development;
 - Measures to protect all retained and newly created hedgerows and trees with an appropriate buffer for the duration of the construction period in line with BS 5827:2012; and
 - Avoidance measures in relation to the potential presence of nesting birds, badgers, hedgehogs, dormice and reptiles for the duration of the construction period. The approved CEMP shall be adhered to throughout the construction period for the development.

Reason: To protect the local environment and amenity of the area.

12. Prior to the commencement of any development hereby approved, all existing trees and hedges shown on approved plan 5842-WLA-2ZZ-XX-DR-A-0111 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 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.

13. Prior to occupation of any dwelling hereby permitted, the car parking areas (and any turning space required to be provided) shall be laid out and surfaced in accordance with details to be submitted to and agreed in writing by the Local Planning Authority. These parking facilities shall be retained permanently thereafter for that purpose.

Reason: To ensure provision of adequate parking facilities in the interest of highway safety.

14. Before the development is occupied or utilised the access, geometric highway layout, turning and parking areas shown on Drawing Number 5842-WLA-2ZZ-XX-DR-A-0111 (Revision 11) must be constructed, unless otherwise agreed in writing by the Planning

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

Reason: To ensure the proper and appropriate development of the site.

15. Prior to first occupation of any dwelling hereby approved a scheme showing cycle parking facilities must be submitted to and approved in writing by the Local Planning Authority. Thereafter, these areas 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. No external lighting, including street lighting, shall be installed on site until details of the lighting scheme have been submitted to and agreed in writing by the Local Planning Authority. Thereafter any lighting scheme shall be installed, operated and maintained in accordance with the agreed details.

Reason: To protect the rural character of the area and to avoid nuisance to adjoining properties.

17. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be submitted to and approved by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the living conditions of future and neighbouring occupiers and to protect the water environment and other sensitive receptors.

18. Before installation of any air source heat pumps or similar equipment, a noise report from a suitably qualified/experienced person shall be submitted to and agreed in writing by the Local Planning Authority. The written report shall follow the BS4142:2014 format and contain details of background sound measurements at times when the plant is likely to be in operation, against the operational plant sound level(s). The report shall predict the likely impact upon sensitive receptors in the area and all calculations, assumptions and standards applied shall be clearly shown. Where appropriate, the report shall set out appropriate measures to provide mitigation to prevent loss of amenity and prevent creeping background noise levels. The agreed mitigation measure shall be fully implemented and permanently retained thereafter.

Reason: In order to protect the living conditions of future occupiers of residential properties.

Informative Notes:

1. In addition to this permission, the vehicle crossing serving this proposal (that is, the area of highway

land between the nearside carriageway edge and the site's road boundary) must be constructed to

the specification of the Highway Authority in order to comply with Section 184 of the Highways Act

1980. The applicant should contact Dorset Highways by telephone at 01305 221020, by email at

dorsethighways@dorsetcouncil.gov.uk, or in writing at Dorset Highways, Dorset Council, County Hall, Dorchester, DT1 1XJ, before the commencement of any works on or adjacent to the public

highway.

2. The applicant is advised that, notwithstanding this consent, if it is intended that the highway layout be offered for public adoption under Section 38 of the Highways Act 1980, the applicant should contact Dorset Council's Development team. They can be reached by telephone at 01305 225401, by email at customerservices@dorsetcouncil.gov.uk, or in writing at Development team, Dorset Highways, Environment and the Economy, Dorset Council, County Hall, Dorchester, DT1 1XJ.

3. Electric vehicle charging points

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

Agenda Item 7

Application Number:	P/MPO/2026/01652
Webpage:	https://planning.dorsetcouncil.gov.uk/
Site address:	West Of Shaftesbury Road At Land South Of Gillingham Shaftesbury Road Gillingham
Proposal:	Modification of S106 Deed of Variation dated 2nd April 2024 to remove Clause 2.8 under Schedule 2 which reads 'no more than 30% of the Intermediate Units shall be Discounted Market Units'
Applicant name:	Miss Rachel Ballam
Case Officer:	Kirsten Williams
Ward Member(s):	Cllr. Val Potheary, Cllr. Belinda Ridout, Cllr. Carl Woode

1. Reason application is going to committee:

It is proposed to reduce the number of shared ownership properties and increase the number of discount market units allowed through the legal agreement.

2. Summary of recommendation:

2.1 GRANT the modification of the agreement.

3. Reason for recommendation:

- Para 11 of the National Planning Policy Framework (NPPF) sets out that permission should be granted for sustainable development unless specific policies in the NPPF indicate otherwise.
- There is not considered to be any significant reduction in community benefits.
- There are no material considerations which would warrant refusal of this application.

4. Key planning issues

Issue	Conclusion
Affordable Housing	All reasonable efforts have been made to secure a Registered Provider for Phase 3 but due to market conditions that has not been successful. The proposal to alter the S106 to remove the 30% cap on the intermediate unit portion (50%) of the required affordable housing and allow for additional Discount Market Units is considered an acceptable alternative as it ensures the total affordable provision is still provided, including the required portion of affordable rented units.

5. Description of site

- 5.1 The existing Deed of Variation covers the Ham Farm development, which benefits from Outline planning permission (2/2018/0036/OUT) for up to 961 dwellings and a new local centre (please see Section 7 planning history below).

- 5.2 The application site is the Gillingham Southern Extension Strategic Site Allocation as set out in the North Dorset Local Plan (Policy 21). Gillingham is located to the north of the county. It is recognised as one of the main towns in North Dorset and serves a wide catchment of surrounding villages and settlements.
- 5.3 The application site is specifically identified as part of 'Land to the South of Ham' under Policy 21 and is located to the southeast of Gillingham town, to the immediate south of Ham and the St Mary the Virgin Primary School. It comprises an area of open fields, divided by a series of mature trees and hedgerows.
- 5.4 The site has undulating topography and has a high point in the northwest of the site which falls away gradually in all directions to the site boundaries.
- 5.5 The site will have access from both New Road (B3092) to the west and Shaftesbury Road (B3081) to the east, via the Principal Street which has been granted separate planning permission (2/2020/0379/FUL) and is at the final stages of full completion.

6. Description of development

The site currently has Reserved Matters consent for 3 of 5 proposed phases.

Phase 1 provides a show home / sales area of 34 dwellings, in addition to 108 dwellings, including a total of 15 No. discount market units.

Phase 2 provides a total of 280 dwellings, including a total of 140 No. affordable homes with a 50/50 split between shared ownership and affordable rented tenures.

Phase 3 provides a total of 155 dwellings and currently provides a total of 31 No. affordable homes with a 30/70 split between shared ownership and affordable rented tenures.

7. Background and relevant planning history

2/2018/0036/OUT - Develop land by construction of an urban extension to the south of Gillingham between Shaftesbury Road (B3081) and New Road (B3092).

The urban extension would comprise up to 961 dwellings. Up to 2,642 sq. m. in a new local centre providing retail, community, health and leisure uses, new and enhanced pedestrian/cycle routes, open spaces, roads, car parking and vehicular access. To include all ancillary works and associated infrastructure (Outline application to determine access only).

Decision: Granted Decision Date: 09/09/2021

2/2020/0379/FUL - Construction of a Principal Street, associated access, landscaping and infrastructure works at land to the East of New Road (B3092), Gillingham.

Decision: Granted Decision Date: 18/11/2020

P/RES/2023/00628 - Construct loop road and associated drainage to facilitate future reserved matters applications in line with grant of Outline Planning Permission No. 2/2018/0036/OUT.

Decision: Granted Decision Date: 08/03/2024

P/FUL/2022/07873 - Installation of a Sewage Pumping Station (SPS)

Decision: Granted Decision Date: 20/04/2024

[East of Junction between B3092 and Cole Street Lane]

P/RES/2023/02376 - Erect 34 No. dwellings (including show homes / sales area) and associated infrastructure including formal and informal public open space, following the grant of Outline Planning Permission No. 2/2018/0036/OUT. (Reserved Matters application to determine access, appearance, landscaping, layout and scale).

Decision: Granted Decision Date: 23/11/2023

[Ham Farm "Phase 1a" Reserved Matters application]

P/RES/2022/04960 - Erection of 108 dwellings and associated infrastructure including informal and formal public open space pursuant, (reserved matters application to determine access, appearance, landscaping, layout and scale) following the grant of outline planning permission 2/2018/0036/OUT.

Decision: Granted Decision Date: 05/07/2024

[Ham Farm "Phase 1b" Reserved Matters application]

P/RES/2022/07898 - Erection of 280 dwellings and associated parking, landscaping and infrastructure (reserved matters application to determine appearance, landscaping, layout and scale) following grant of outline planning permission 2/2018/0036/OUT).

Decision: Granted Decision Date: 04/06/2024

[Ham Farm "Phase 2" Reserved Matters application]

P/RES/2023/05868 - Erection of 155 dwellings and associated infrastructure - including informal and formal public open space. (Reserved matters application to determine access, appearance, landscaping, layout and scale following the grant of Outline planning permission 2/2018/0036/OUT).

Decision: Granted Decision Date: 11/12/2024

[Ham Farm "Phase 3" Reserved Matters application]

P/VOC/2025/01541 - Erection of 155 dwellings and associated infrastructure - including informal and formal public open space (with variation of conditions 2, 4 & 7 of planning permission P/RES/2023/05868 - to amend approved plans)

Decision: Granted Decision Date: 12/06/2025

[Ham Farm "Phase 3" Variation of Conditions application]

8. List of constraints

Agricultural Land Grade: 3/4 and Low likelihood of Best and Most Versatile (BMV) agricultural land

Public Rights of Way - Route Code: N64/35 (Footpath)

Public Rights of Way - Route Code: N64/78 (Footpath)

Public Rights of Way - Route Code: N62/1 (Footpath)

Public Rights of Way - Route Code: N64/33 (Footpath)

Public Rights of Way - Route Code: N64/34 (Footpath)

TPO/2022/0063

EA - Risk of Surface Water Flooding

9. Consultations

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

Consultees

9.1 Gillingham Town Council

Gillingham Town Council objects to application no. P/MPO/2026/01652 as councillors remain unconvinced that all reasonable avenues for achieving the originally approved affordable housing mix have been fully explored. Evidence within the applicant's tendering report indicates that several Registered Providers (RPs) sought further time or clarification, suggesting the opportunity may not have been adequately marketed or pursued.

Furthermore, approving the removal of the affordable housing clause risks undermining the supply of homes for those in greatest local need, particularly affordable rented units, and could set an undesirable precedent for future S106 modifications.

The Council strongly urges that:

- The site be re-marketed to Registered Providers;
- Further engagement be undertaken to address concerns and timing issues raised by RPs; and
- All potential options, including negotiation and scheme adjustments, are thoroughly exhausted before any Deed of Variation is considered.

Officer Note: To clarify, there is no change to the S106 requirement for Affordable Rented Units which are still required to be delivered as per the original agreement. The change proposed removes the cap of 30% on the shared ownership units (which are half of the required affordable housing mix) which can be delivered as discount market units.

9.2 Dorset Council - Housing Enabling Team

The Housing Enabling Team supports the modification of the Section 106 Deed of Variation, because the overall amount of affordable housing being delivered across the whole site will not be affected by this change.

Having reviewed the applicant's submission and tendering evidence, we remain satisfied that a robust approach has been taken to identify a suitable Registered Provider to deliver the affordable housing on this phase. The applicant has approached all potentially suitable Registered Providers and provided adequate opportunities for engagement. We acknowledge that some of the units do not meet the NDSS requirements which has limited interest from one potentially suitable Registered Provider, but the responses overall do reflect current market conditions and pressures within the Registered Provider sector.

In light of the absence of a Registered Provider partner for this parcel, the proposal to deliver affordable housing as Discount Market Units (DMU) is considered an acceptable alternative. These units still fall within the definition of affordable housing and will make a

meaningful contribution to meeting local needs, albeit serving a different segment of the community compared to affordable rented tenure.

Importantly, this needs to be considered in the wider context of the Ham Farm scheme as a whole. The development is over-delivering affordable housing on another phase which helps to ensure that the overall objectives of the S106 agreement continue to be met and that provision for those in greatest need is not undermined.

On this basis, we are confident that reasonable avenues to secure a Registered Provider for this phase have been fully explored, and that the proposed approach represents a pragmatic solution in the current market.

[Case officer note: With reference to over delivery of affordable housing on another phase the Housing Enabling team is referring to Phase 2 which is delivering 36% affordable housing, which is significantly higher than the 25% requirement across the site].

9.3 Dorset Council - Section 106

No objection subject to the Housing Team supporting this proposed modification.

Representations received

Total - objections	Total - No objections	Total - comments
0	0	0

10. Duties

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

11. Relevant policies

Development Plan

The North Dorset Local Plan Part 1 (LPP1) was adopted by North Dorset District Council (NDDC) on 15 January 2016. It, along with policies retained from the 2003 North Dorset District-Wide Local Plan, 1 and the 'made' Gillingham Neighbourhood Plan, form the development plan for North Dorset. Planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

Relevant applicable policies in the LPP1 are as follows:

Policy 1: Presumption in Favour of Sustainable Development

Policy 2: Core Spatial Strategy

Policy 6: Housing Distribution

Policy 7: Delivering Homes

Policy 8: Affordable Housing

Policy 14: Social Infrastructure

Policy 17: Gillingham

Policy 21: Gillingham Strategic Site Allocation

Neighbourhood Plan

The Gillingham Neighbourhood Plan was ‘made’ on 27 July 2018 and forms part of the Development Plan for the town. The neighbourhood plan does not allocate housing sites, nor does it have a specific affordable housing policy.

Other Material Considerations

National Planning Policy Framework 2025

Paragraph 11 sets out the presumption in favour of sustainable development. Development plan proposals that accord with the development plan should be approved without delay. Where the development plan is absent, silent or relevant policies are out-of-date then permission should be granted unless 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:

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes

Emerging Dorset Council Local Plan:

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 Options consultation took place between January and March 2021 with further consultation between 18 Aug – 13 October 2025. Being at a very early stage of preparation, the relevant policies in the draft plan should be accorded no weight in decision making.

National Planning Practice Guidance

All of Dorset:

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.

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 no 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.

12. Human rights

Article 6 - right to a fair trial.

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

The first protocol of Article 1 protection of property.

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

13. Public Sector Equalities Duty

13.1 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.

13.2 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.

13.3 The application site is located in line with the spatial strategy of the local plan, which seeks to locate development close to services. Occupiers of the dwellings would have access to open space and to health and other facilities that are contained within the town.

13.4 The proposed change in affordable home tenure will not result in any disadvantage to people due to their protected characteristics. While there is no specific provision for lifetime homes or accommodation specifically for those with protected characteristics, the form of tenure proposed will provide housing and associated infrastructure to ensure the needs of people with disabilities or mobility impairments or pushing buggies are met. This will be through access to accommodation being subject to the requisite standards applied by the Building Regulations and the County Highway Authority (where applicable).

13.5 Officers have considered the requirement of the duty, and it is not considered that the proposal would give rise to specific impacts on persons with protected characteristics.

14. 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	
Affordable housing	The S106 requires 25% affordable housing across the whole site with a 50/50 split between affordable rented and shared ownership units. The following provision has been approved via Reserved Matters Applications on the site to date: Phase 1: 116 dwellings, of which 15No. Discount market units (13% affordable) Phase 2: 280 dwellings, of which 50No. Affordable rent & 50No. Shared Ownership (35% affordable) Phase 3: 155 dwellings, of which 22No. Affordable rent & 9No. Shared Ownership (20% affordable) The approved RM's overall affordable provision amounts to 26% of the dwellings, which is in line with the requirements of the S106.

15. Planning Assessment

15.1 The application site gained outline permission 2/2018/0036/OUT in September 2021 for the construction of up to 961 dwellings. The S106 on the outline consent sets out a schedule outlining the requirements for affordable housing provision on the site.

S106 Obligations:

- Minimum of 10% of the dwellings on the first phase shall be delivered as affordable housing.
- The proportion of affordable housing to be delivered on subsequent phases is to be determined in accordance with the 'Revised Viability Appraisal' at Part 2 of the schedule.
- 50/50 split in Affordable housing provision between Affordable rented units and Intermediate Units.
- No more than 30% of the Intermediate units shall be Discount Market Units.

Note, "Intermediate Units" is defined in the S106 as: '*Affordable Housing provided by way of Shared Ownership Units, Discount Market Units or such other forms of Affordable Housing as may be agreed in writing with the Council*'

15.2 A Deed of Variation P/MPO/2022/05586 was further approved in April 2024 which altered the affordable housing requirements. The consented amendment made the following changes to the agreement:

- Removed the requirement for a viability assessment for each phase of development.
- Committed the developer to a site wide policy compliant 25% affordable housing provision.

15.3 Phase 3 Affordable Housing

In response to the S106 obligations outlined above the consented Phase 3 scheme includes 20% affordable housing provision which contributes toward the site wide total of 25% across the wider site. The affordable housing provision is broken down as per the table below:

Dwelling Type	Size (sqft)	Size (sqm)	Affordable Rent	Shared Ownership	Total
1-bed flat	472	43.9	3	0	3
1-bed maisonette	435	40.4	2	1	3
1-bed maisonette	519	48.2	2	1	3
2-bed flat	655	60.9	3	0	3
2-bed flat	692	64.3	3	0	3
2-bed house	841	78.1	2	1	3
3-bed house	929	86.3	6	3	9
3-bed house	957	88.9	0	2	2
4-bed house	1103	102.5	1	1	2
			22	9	31

15.4 In October 2025 the applicant sought offers from the following 13 Registered Providers who have existing Affordable Housing (AH) stock:

- Abri
- Aster
- Blue Pine Living
- Bournemouth Churches Housing Association
- East Boro Housing Trust
- Hastoe
- HSPG
- LiveWest
- Magna Housing Group
- SNG (Sovereign Network Group)
- Stonewater
- Willow Tree Housing Partnership
- Zen Housing

15.5 DC Housing Enabling requested that the following further two Registered Providers were approached in November 2025:

- Places for People
- Legal & General Homes

15.6 Out of the 15 Registered Providers approached one offer was received. The applicant has confirmed that the offer received was not commercially viable as the offer level was at less than cost to build, and the deposit amount below acceptable terms.

15.7 Of the remaining 14 Registered Providers (RP), 9 confirmed that they would not be interested in the opportunity for the reasons set out below:

- RP is not seeking s106 opportunities at present
- RP is not seeking s106 opportunities at present
- RP does not develop in Dorset
- Opportunity is too large, and the location is too far out
- Opportunity is too large, not considered to be rural, and dwelling sizes don't meet NDSS
- Opportunity is too large and doesn't fit the RP's programme
- Opportunity does not fit the RP's timing and programme requirements for s106 opportunities
- Opportunity does not meet the RP's Homes and Place standard
- Opportunity is too small and delivery timescales do not fit the RP's programme requirements

The applicant has contacted the remaining Registered Providers several times for a response, but they have not yet received a reply.

15.8 The applicant therefore proposes in the application to modify the S106 to remove Clause 2.8 under Schedule 2 which reads 'no more than 30% of the Intermediate Units shall be Discounted Market Units'. If approved this change would enable the applicant to change any number of the Intermediate Units to Discount Market. It is noted that the Intermediate Units are of 50% of the total affordable homes to be provided on the site, and the remaining 50% of units would still need to be provided as Affordable Rent through a Registered Provider.

15.9 In considering the proposed variation to the legal agreement and in order to understand the full context it is worth noting the current market conditions and broader pressures within the Registered Provider sector. There has been a lack of interest in affordable housing delivered by way of S106 agreements on sites such as this by Registered Providers which has been ongoing for many months and is not showing any signs of easing. The issue is complex but in summary Registered Provider's either have a full development programme, are focussing on their Homes England grant funding programme (which does not support grant funding within S106 sites unless additionality can be included) or pausing development activity to focus spending on other priorities such as repairs and maintenance and de-carbonisation of existing stock. Potential solutions are being discussed by the Home Builders Federation, Registered Provider's, local government representatives, Homes England and the Ministry of Housing, Communities and Local Government but solutions have not yet been established and implemented.

15.10 The applicant notes that:

'The issues we are experiencing are national issues which are significantly impacting the ability of all developers to deliver affordable housing, as already encountered on Phase 1 of the same development. This has prompted new government advice, issued in January 2026, on how to "unlock uncontracted S106 homes and ensure they are available for families that need them". The guidance note encourages local planning authorities to "take advantage of existing planning flexibilities to renegotiate S106 agreements and allow the tenure of homes", seeking "Discount Market tenures in the first instance" and aiming to confirm their decisions "as quickly as possible".'

- 15.11 Dorset Councils (DC) Housing Enabling Team advises that they support the modification of the Section 106 Deed of Variation, because the overall amount of affordable housing being delivered across the whole site will not be affected by this change.
- 15.12 They are satisfied that a robust approach has been taken to identify a suitable Registered Provider to deliver the affordable housing on phase 3 and that the applicant has approached all potentially suitable Registered Providers and provided adequate opportunities for engagement. They agree that the responses reflect current market conditions and pressures within the Registered Provider sector.
- 15.13 In light of the absence of a Registered Provider partner for this parcel, the proposal to deliver affordable housing as Discount Market Units (DMU) is considered an acceptable alternative. These units still fall within the definition of affordable housing and will make a meaningful contribution to meeting local needs, albeit serving a different segment of the community compared to affordable rented tenure. Whilst the proposed tenure is different from the North Dorset Local Plan policy requirement, and what was secured in the outline consent and subsequent modification, it represents the most affordable housing that is realistically achievable.
- 15.14 Importantly, this needs to be considered in the wider context of the Ham Farm scheme as a whole. The development is over-delivering affordable housing on phase 2, which is being build out by a registered provider so by nature will not be faced with the same hurdle of having to secure an external Registered Provider. Phase 2 can therefore be relied upon to secure a significant proportion of the required Affordable provision which helps to ensure that the overall objectives of the S106 agreement continue to be met and that provision for those in greatest need is not undermined.
- 15.15 DC Housing Enabling are confident that reasonable avenues to secure a Registered Provider for this phase have been fully explored, and that the proposed approach represents a pragmatic solution in the current market.

16. Conclusion

The case officer concludes that the proposed Deed of Variation would be acceptable as although the removal of Clause 2.8 under Schedule 2 may potentially result in a reduction in the number of shared ownership units provided, the overall amount of affordable housing being delivered across the whole site will not be affected by this change. The proposal to deliver affordable housing as Discount Market Units (DMU) is considered an acceptable alternative. The current market conditions and broader pressures within the Registered Provider sector have resulted in repeated occurrence of this scenario across the country, prompting government to issue an updated guidance note in March 2026 'Policy statement: a roadmap for Section 106 delivery in England' advising to *"take advantage of existing planning flexibilities to renegotiate S106 agreements and allow the tenure of homes", seeking "Discounted Market tenures in the first instance"*.

17. Recommendation

To **grant** the proposed modification to the Section 106 agreement dated 3rd September 2021.

Recommendation: Approve the modification of the agreement.

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